

Portions of APNS: 159-250-018, -019, -022
Gonsalves & Santucci, Inc.
Lower Walnut Creek Restoration Project

TEMPORARY CONSTRUCTION EASEMENT (SITE 1 & 2 FLOATING CONSTRUCTION & ACCESS)

For and in consideration of the benefits to be derived by the undersigned by the establishment and maintenance of the official channel hereinafter referred to, and for other valuable consideration, the undersigned, **GONSALVES & SANTUCCI, INC.**, a California corporation, hereby grants to **CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT**, a flood control district, organized under the laws of the State of California, Temporary Construction Easements (TCES) for staging, construction incidentals and access purposes to expire on June 30, 2022 or completion of construction of the Lower Walnut Creek Restoration Project (Project), whichever occurs first, over and across, under and through the real property situated in the unincorporated area of the, County of Contra Costa, State of California, described in Exhibits "A" and "A-1" and shown on Exhibits "B" and "B-1" attached hereto.

The location of said easements may be relocated from time to time by such route mutually agreed upon by the parties thereto.

The easement herein granted shall include the right to enter upon said land with personnel, vehicles and equipment, to remove all trees and vegetation thereon that interfere with the purpose for which the easement herein is granted for the construction of embankments, fencing, protection works, and appurtenant structures by said GRANTEE, its officers, agents, and employees, and by persons under contract with it and their employees for flood control purposes. Also included is the right to install, maintain or remove landscaping and other environmental improvements. It is understood and agreed that District will leave the premises in a clean and orderly condition and will remove all embankments, fencing, protection works and appurtenant structures upon the expiration of the Temporary Construction Easements.


Site 1 and Site 2 Temporary Construction Easements along with the Temporary Access Easements will be for a period of seventeen months, to commence on February 1, 2021 and terminate June 30, 2022.

To the extent permitted by law, and except as otherwise provided herein, the District shall indemnify, defend, and save harmless Grantor, its officers, employees, and agents from and against any and all costs, losses, damages, liabilities, expenses (including reasonable attorneys' fees and costs of defense), claims, and demands of whatever character, (collectively, "Liabilities") to the extent that the Liabilities arise from or are connected with the negligence or willful misconduct of the District, its officers, employees, contractors, or agents while occupying and using said easements for the Project under this TCES.

TO HAVE AND TO HOLD, together with the right to do all things necessary to be done for the purpose of confining flood and drainage waters of said stream and its tributaries within said right of way.

THIS indenture and all of the covenants herein contained shall inure to the benefit of and be binding upon the heirs, successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, this Temporary Construction Easement is signed and executed this 5th day of April, 2021.


Name: JOE SOSTAK
Title: VICE PRESIDENT


Name: Holly Bertucci
Title: CFO - V.P.

Sites 1 and 2 Temporary Construction Easements
Gonsalves & Santucci Inc.
Portion of APN 159-250-019

EXHIBIT "A"

Real property located in an unincorporated area of the County of Contra Costa, State of California, being a portion of Section 15, Township 2 North, Range 2 West, Mount Diablo Meridian, also being a portion of the property described as Parcel 2 in the Certificate of Compliance for Lot Line Adjustment LLA 01-0032, recorded March 6, 2003 in Recorder's Series number 2003-0104328, Contra Costa County records, described as follows:

Site 1 (200'X200') Temporary Construction Easement

A temporary construction easement (TCE) for construction purposes and incidents related thereto, upon, in, over and across the property described below for a period of seventeen months, to commence on February 1, 2021 and terminate on June 30, 2022.

Commencing at the north corner of said Parcel 2 (2003-0104328); thence, along the east line of said Parcel 2, south 3°32'45" east for a distance of 225.54 feet to the beginning of a tangent curve, concave to the east, having a radius of 10,660.00 feet; thence continuing along said east line of Parcel 2, along said curve through a central angle of 5°39'57" for an arc distance of 1054.14 feet; thence continuing along said east line of Parcel 2 south 9°12'42" east for a distance of 403.42; thence continuing along said east line of Parcel 2 south 14°51'46" east for a distance of 77.31 feet; thence leaving said east line of Parcel 2 south 80°51'17" west for a distance of 166.57 feet to the Point of Beginning; thence south 80°51'17" west for a distance of 200.00 feet; thence north 09°08'43" west for a distance of 200.00 feet; thence north 80°51'17" east for a distance of 200.00 feet; thence south 09°08'43" east for a distance of 200.00 feet to the point of beginning.

Containing 40,000 square feet (0.918 acres), more or less

Site 2 (100'X200') Temporary Construction Easement

A temporary construction easement (TCE) for construction purposes and incidents related thereto, upon, in, over and across the property described below for a period of seventeen months, to commence on February 1, 2021 and terminate on June 30, 2022.

Commencing at the northeast corner of previously described Site 1 Temporary Construction Easement; thence north 09°08'43" west for a distance of 364.84 feet; thence north 08°12'54" west for a distance of 249.10 feet to the Point of Beginning; thence south 84°44'53" west for a distance of 100.00 feet; thence north 05°15'07" west for a distance

of 200.00 feet; thence north $84^{\circ}44'53''$ east for a distance of 100.00 feet; thence south $05^{\circ}15'07''$ east for a distance of 200.00 feet to the point of beginning.

Containing 20,000 square feet (0.459 acres), more or less

Exhibit "B", a plat is attached hereto, and by this reference, made a part hereof.

The location of said easements (Site 1 and Site 2) within said Parcel 2 may be relocated from time to time in a manner as mutually agreed upon by the parties hereto, consistent with being the same dimensions and being contiguous to the western boundary of the permanent drainage easement (FCPID 5249) as shown on the attached Exhibit "B".

This real property description has been prepared by me or under my direction, in conformance with the Professional Land Surveyors Act.

Signature: _____

James A. Stein

Licensed Land Surveyor
Contra Costa County Public Works Department

Date: _____

11/23/2020



EXHIBIT "B"

PLAT TO ACCOMPANY EXHIBIT "A"

Pacheco Creek
Contra Costa County
Flood Control and Water
Conservation District
8060 O.R. 567 Parcel 18C
APN 159-250-XXX

P.O.C.
Walnut Creek
Contra Costa County Flood
Control and Water
Conservation District
8060 O.R. 567 Parcel 15B
APN 159-260-XXX



83° 22' 45" E
225.64'

N84° 44' 53" E
100.00'

Site 2 Temporary
Easement Area
(100' X 200')

N8° 16' 07" W
200.00'

S84° 44' 53" W
100.00'

N8° 12' 54" W
249.10'

Parcel Two
of LLA 01-0032
2003-104328
APN 159-250-019

N8° 08' 43" W
384.84'

N80° 51' 17" E
200.00'

Site 1 Temporary
Easement Area
(200' X 200')

N8° 08' 43" W
200.00'

S80° 51' 17" W
200.00'

L=1054.14'
Δ=5° 39' 57"
R=10660.00'

S5° 16' 07" E
200.00'

P.O.B. Site 2
Temporary
Easement

Permanent Drainage
Easement
FCPID 5249

S8° 12' 42" E 403.42'

S8° 08' 43" E
200.00'

S14° 51' 48" E
77.31'

S80° 51' 17" W
188.57'

P.O.B. Site 1
Temporary Easement

Temporary Construction Easements Sites

Instr. _____ Recorded _____

Series # _____



Contra Costa County
Public Works Department
255 Glacier Drive
Martinez, CA 94553

SCALE: 1"=250' DATE: 10/18/2020

DRAWN BY: BD DRAWING NO. _____

CHECKED BY: JS

**Temporary Construction Access Easements
Gonsalves & Santucci Inc.
Portion of APN 159-250-018, 159-250-019 and 159-250-022**

EXHIBIT "A-1"

Real property located in an unincorporated area of the County of Contra Costa, State of California, being a portion of Section 15, Township 2 North, Range 2 West, Mount Diablo Meridian, also being a portion of the property described as Parcel 1 in the Certificate of Compliance for Lot Line Adjustment LLA 01-0032, recorded March 6, 2003 in Recorder's Series Number 2003-0104329, a portion of Parcel 2 in the Certificate of Compliance for Lot Line Adjustment LLA 01-0032, recorded March 6, 2003 in Recorder's Series Number 2003-0104328 and a portion of that parcel described in the Grant Deed from LandBank Baker, L.L.C. to Gonsalves & Santucci, Inc. recorded July 2, 2002 in Recorder's Series Number 2002-0232100, Contra Costa County records, described as follows:

Temporary Construction Access Easements

Temporary construction easements (TCE), having a minimum width of 24.00 feet, to provide ingress and egress for construction related activities to the Contra Costa County Flood Control and Water Conservation Districts' Temporary Construction Easement Site 1 and Temporary Construction Easement Site 2, from the Permanent Access Easement located at Point of Access #1 as designated in the attached Exhibit B for a period of seventeen months, to commence on February 1, 2021 and terminate on June 30, 2022.

The location of said easements to follow over and across those portions of existing and proposed roadways within said Parcel 1, said Parcel 2 and said Parcel (2002-232100) as they have currently been constructed, are currently proposed for construction, the approximate location thereof shown on attached Exhibit B, or as they may be relocated from time to time by such other route mutually agreed upon by the parties hereto.

Containing 132,333 square feet (3.038 acres), more or less

Exhibit "B", a plat is attached hereto, and by this reference, made a part hereof.

This real property description has been prepared by me or under my direction, in conformance with the Professional Land Surveyors Act.

Signature: _____

Licensed Land Surveyor
Contra Costa County Public Works Department



Date: _____

1/6/2021

EXHIBIT "B-1"

PLAT TO ACCOMPANY EXHIBIT "A-1"

