

**RECORDED AT THE REQUEST OF, AND
AFTER RECORDING, RETURN TO:**

Contra Costa County
Public Works Department
Engineering Services Division
Records Section
255 Glacier Drive
Martinez, CA 94553

APN: 199-370-004

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

GRANT DEED OF DEVELOPMENT RIGHTS
(Creek Structure Setback Area)

This Grant Deed of Development Rights is made by and between the Grantor, Frances E. Farr, Successor Trustee of The Farr Family Trust, under agreement dated (UAD) February 15, 2000, and her successors and assigns ("Grantor"), and the Grantee, Contra Costa County, a political subdivision of the State of California, and its successors and assigns ("County").

RECITALS

- A. The County has conditionally approved an application to subdivide an approximately 102.22-acre parcel located at 18320 Bollinger Canyon Road in an unincorporated area near San Ramon, in the County of Contra Costa, State of California, into two agricultural lots, subject to conditions.
- B. The subdivision property referenced in Recital A is owned by the Grantor.
- C. Three tributaries of Bollinger Creek traverse portions of the subdivision property. Some segments of these tributaries are unimproved earth channels.
- D. Under County Ordinance Code sections 914-14.012, subdivision (a) ["Section 914-14.012(a)"] and 914-14.014, no permanent structures other than drainage structures may be constructed within, under or over any structure setback area of an unimproved earth channel located in a subdivision. Section 914-14.012(a) also requires the development rights for the portion of a lot within a structure setback area of an unimproved earth channel to be offered for dedication to the County.

- E. In accordance with Section 914-14.012(a), a condition of approval of the subdivision referenced in Recital A requires development rights for the portion of the subdivision property within the structure setback area to be conveyed to the County by grant deed. The structure setback area of unimproved earth channels is defined by Section 914-14.012, subdivisions (b) and (c), of the County Ordinance Code.
- F. The three areas described in Exhibit A (collectively, the “Property”) constitute the structure setback area described in the above-referenced condition of approval. Exhibit A is attached hereto and incorporated herein by this reference.
- G. Grantor desires to evidence her intent and ensure that the obligations specified herein are covenants, conditions and restrictions that run with the land and are for the benefit of the County.

NOW, THEREFORE, for good and valuable consideration, including but not limited to the agreements contained herein, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby grants to the County, and its successors and assigns, on the terms and conditions set forth below, all the Development Rights within, on, and over the Property.

1. **Recitals.** The recitals are intended to be and shall be part of this Grant Deed.
2. **Development Rights.** “Development Rights” are defined to mean and refer to the right to construct permanent structures on all or any portion of the Property.
3. **Negative Easement.** This Grant Deed of Development Rights is in the form of a negative easement, which shall run with the Property and shall bind the Grantor and any future owners of all or any portion of the Property. This Grant Deed is an agreement in writing affecting the title or possession of the Property.
4. **Development Restrictions.** Except for drainage structures, Grantor shall not construct permanent structures on any portion of the Property, and Grantor agrees that except for permits for construction of drainage structures, no building permits or other permits shall be issued for the purpose of constructing permanent structures on any portion of the Property. Grantor hereby waives and relinquish any rights they might otherwise have to such permits.
5. **Covenants Running With Land.** This Grant Deed shall be binding on the parties hereto and the provisions hereof shall be covenants running with the land and shall inure to the benefit of and be binding on the heirs, successors and assigns of the Grantor and the County, all of the Property and all other parties having or acquiring any right, title or interest in any part of the Property.
6. **Remedies.** If Grantor violates any of the provisions hereof, the County shall be entitled to all rights and remedies available at law or in equity, including without limitation, an order enjoining the activity in violation hereof and an order requiring the removal of the improvements constructed in violation hereof. In addition, the County shall be entitled to an award

of all expenses incurred by the County in pursuing such violation(s), including costs, interest, attorney's fees and other litigation expenses.

IN WITNESS WHEREOF, this Grant Deed of Development Rights is signed and executed this _____ day of _____, 2021.

GRANTEE

GRANTOR

CONTRA COSTA COUNTY

FRANCES E. FARR, SUCCESSOR TRUSTEE,
THE FARR FAMILY TRUST, UAD FEBRUARY
15, 2000

By: _____
Chair, Board of Supervisors

Frances E. Farr

Attest: Monica Nino, Clerk of the Board of
Supervisors and County Administrator

[Note: All Property Owner signatures must be notarized.]

By: _____
Deputy

Approved as to form:

Mary Ann McNett Mason
County Counsel

By: _____
Deputy County Counsel

Attachments: Exhibit A (Legal Description)
Exhibit B (Plat)
Acknowledgment

EXHIBIT "A"
LEGAL DESCRIPTION
Grant Deed of Development Rights
Portions of Parcel "B" MS 72-76 (47 PM 33)

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, BEING PORTIONS OF PARCEL "B" AS SAID PARCEL IS SHOWN AND SO DESIGNATED ON THAT CERTAIN MINOR SUBDIVISION MAP ENTITLED MS 72-76 FILED AUGUST 31, 1976, IN BOOK 47 OF PARCEL MAPS AT 33 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1:

COMMENCING AT THE MOST SOUTHWESTERLY CORNER OF SAID PARCEL "B" (47 PM 33), SAID POINT BEING A POINT ON THE WESTERLY LINE OF SAID PARCEL "B" AT THE SOUTHERLY TERMINUS OF THAT CERTAIN COURSE TAKEN AS NORTH 01° 16' 07" EAST 2,058.15 FEET; THENCE, LEAVING SAID WESTERLY LINE SOUTH 86° 02' 08" EAST 755.51 FEET TO THE **TO THE POINT OF BEGINNING** OF THE FOLLOWING DESCRIBED REAL PROPERTY; THENCE, CONTINUING ALONG THE WESTERLY, NORTHERLY, EASTERLY AND SOUTHERLY LINES OF SAID PARCEL THE FOLLOWING TWENTY-SIX (26) COURSES:

1. NORTH 10° 49' 14" EAST 88.62 FEET
2. NORTH 00° 27' 16" EAST 100.18 FEET
3. NORTH 04° 41' 39" EAST 105.76 FEET
4. NORTH 06° 50' 14" EAST 101.75 FEET
5. NORTH 28° 14' 08" EAST 120.62 FEET
6. NORTH 19° 22' 45" EAST 89.18 FEET
7. NORTH 13° 41' 17" EAST 84.19 FEET
8. NORTH 50° 15' 29" EAST 83.63 FEET
9. NORTH 73° 14' 54" WEST 58.87 FEET
10. NORTH 67° 28' 19" WEST 60.98 FEET
11. NORTH 27° 41' 05" WEST 140.58 FEET
12. NORTH 60° 12' 09" EAST 161.90 FEET
13. SOUTH 33° 45' 24" EAST 83.13 FEET
14. SOUTH 56° 14' 36" WEST 76.58 FEET
15. SOUTH 58° 18' 30" EAST 57.20 FEET
16. SOUTH 35° 04' 08" EAST 97.14 FEET
17. SOUTH 14° 56' 11" EAST 61.16 FEET
18. SOUTH 19° 24' 58" WEST 65.27 FEET
19. SOUTH 29° 02' 57" WEST 111.70 FEET
20. SOUTH 24° 27' 11" WEST 98.74 FEET
21. SOUTH 13° 12' 17" WEST 58.14 FEET
22. SOUTH 23° 00' 22" WEST 101.64 FEET
23. SOUTH 06° 44' 20" WEST 94.51 FEET
24. SOUTH 04° 40' 08" EAST 100.04 FEET
25. SOUTH 08° 01' 47" WEST 109.62 FEET
26. NORTH 78° 47' 40" WEST 87.94 FEET

TO THE POINT OF BEGINNING.

CONTAINING 2,399 SQUARE FEET OR 2.223 ACRES, MORE OR LESS.

PARCEL 2:

COMMENCING AT A POINT ON THE EASTERLY LINE OF SAID PARCEL "B" (47 PM 33), SAID POINT BEING ON THE NORTHERLY TERMINUS OF THAT CERTAIN COURSE TAKEN AS NORTH 01° 12' 57" EAST 891.99 FEET; THENCE, LEAVING SAID EASTERLY LINE NORTH 37° 31' 18" WEST 284.84 **TO THE POINT OF BEGINNING** OF THE FOLLOWING DESCRIBED REAL PROPERTY; THENCE, CONTINUING ALONG THE SOUTHERLY, WESTERLY, NORTHERLY AND EASTERLY LINES OF SAID PARCEL THE FOLLOWING EIGHT (8) COURSES:

1. NORTH 49° 26' 48" WEST 95.78 FEET
2. NORTH 35° 42' 48" EAST 50.61 FEET
3. NORTH 51° 51' 42" EAST 89.43 FEET
4. SOUTH 34° 44' 44" EAST 48.09 FEET
5. SOUTH 34° 39' 43" EAST 55.15 FEET
6. SOUTH 55° 22' 53" WEST 28.00 FEET
7. SOUTH 33° 44' 36" WEST 36.37 FEET
8. SOUTH 57° 07' 24" WEST 50.77 FEET

TO THE POINT OF BEGINNING.

CONTAINING 13,257 SQUARE FEET OR 0.304 ACRES. MORE OR LESS.

PARCEL 3:

COMMENCING AT A POINT ON THE SOUTHERLY LINE OF SAID PARCEL "B" (47 PM 33), SAID POINT BEING A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF BOLLINGER CANYON ROAD AT THE WESTERLY TERMINUS OF THAT CERTAIN COURSE TAKEN AS NORTH 66° 42' 20" WEST 242.42 FEET; THENCE, FROM SAID POINT ALONG THE SOUTHERLY LINE OF SAID PARCEL "B" SOUTH 66° 42' 20" EAST 151.23 FEET **TO THE POINT OF BEGINNING** OF THE FOLLOWING DESCRIBED REAL PROPERTY; THENCE, LEAVING SAID SOUTHERLY LINE AND CONTINUING ALONG THE WESTERLY, NORTHERLY, EASTERLY AND SOUTHERLY LINES OF SAID PARCEL THE FOLLOWING SIX (6) COURSES:

1. NORTH 10° 42' 26" EAST 0.09 FEET
2. NORTH 05° 11' 26" WEST 35.53 FEET
3. SOUTH 83° 20' 49" EAST 108.75 FEET
4. SOUTH 25° 24' 14" WEST 26.45 FEET
5. SOUTH 25° 29' 01" EAST 40.79 FEET
6. NORTH 79° 03' 21" WEST 42.79 FEET

TO POINT ON THE SOUTHERLY LINE OF SAID PARCEL "B" (47 PM 33); THENCE CONTINUING ALONG SAID SOUTHERLY LINE NORTH 66° 42' 20" WEST 75.13 FEET **TO THE POINT OF BEGINNING.**

CONTAINING 5,074 SQUARE FEET OR 0.116 ACRES, MORE OR LESS.

ALL AS SHOWN ON EXHIBIT "B", ATTACHED HERETO AND MADE A PART THEREOF.

ALL BEARINGS CONTAINED HEREON ARE BASED UPON THE LINE BETWEEN TWO FOUND MONUMENTS ON BOLLINGER CANYON ROAD PER CONTRA COSTA COUNTY RIGHT OF WAY RECORD MAP "RW-2842-B-59", DATED NOVEMBER 1959, ON FILE WITH THE PUBLIC WORKS DEPARTMENT OF CONTRA COSTA COUNTY TAKEN AS NORTH 35°50' 57" WEST.

END OF DESCRIPTION



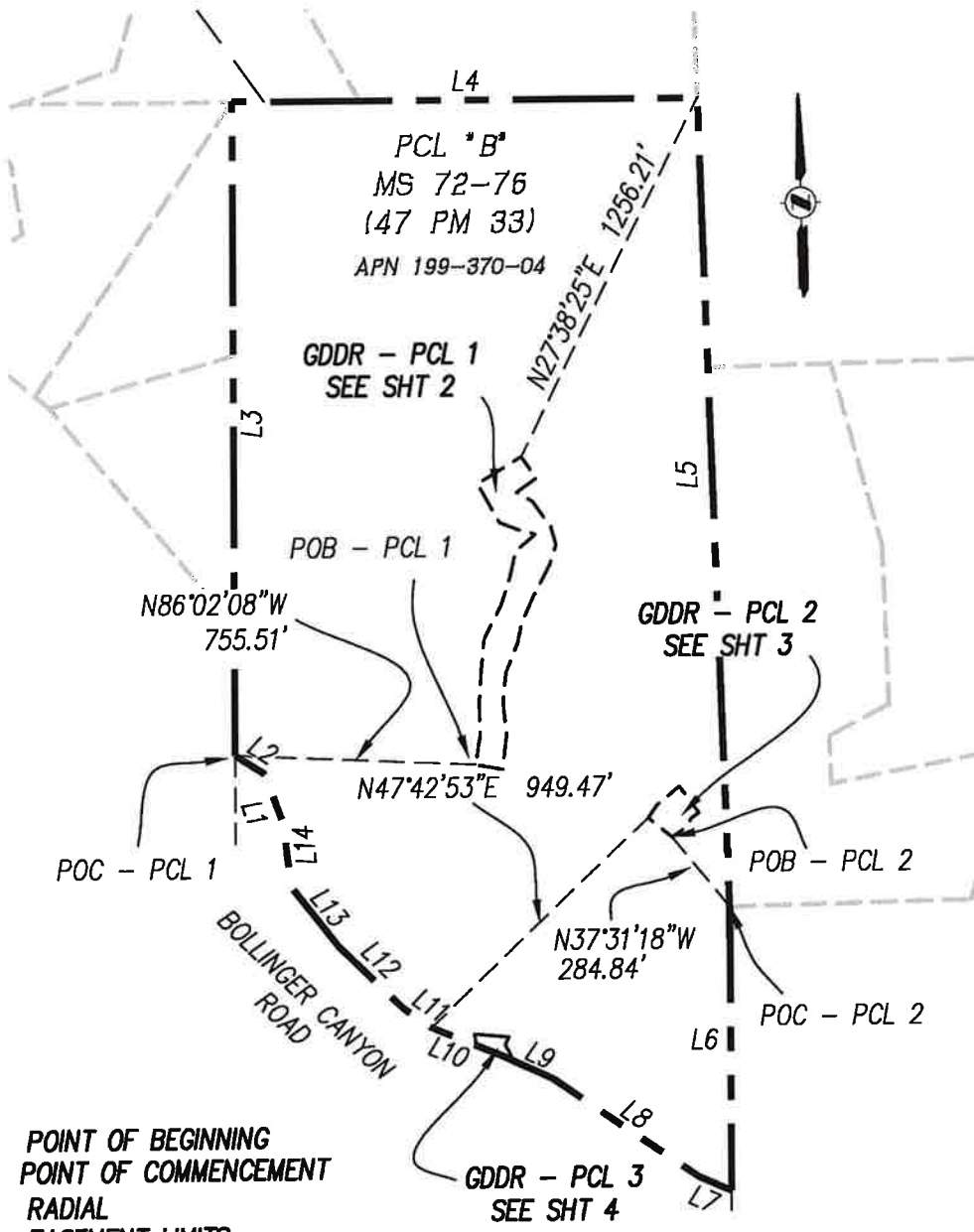
PREPARED BY: Michael E. Milani 11-16-2021
DATE

MICHAEL E. MILANI
L.S. 5311 EXPIRES 12/31/23

THIS DESCRIPTION HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT.

PORTIONS OF APN 199-370-004

EXHIBIT "B"

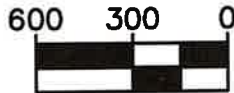


LEGEND

- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- (R) RADIAL
- EASEMENT LIMITS
- BOUNDARY LINE



GRANT DEED OF DEVELOPMENT RIGHTS AREA



SCALE: 1"=600'

NOTES:

1. FOR LINE TABLE SEE SHEET 5

**PLAT TO ACCOMPANY LEGAL DESCRIPTION
GRANT DEED OF DEVELOPMENT RIGHTS**

PORTIONS OF PARCEL "B" - MS 72-76 (47 PM 33)

CONTRA COSTA COUNTY - CALIFORNIA



Planners - Engineers - Surveyors
2655 Stanwell Drive, Suite 105
Concord CA 94520
Phone: (925) 674-9082
Fax: (925) 674-9279



Michael E. Milani 11-16-21
FOR MILANI & ASSOCIATES DATE
MICHAEL E. MILANI
LS 5311 EXP. 12/31/23

DATE: NOVEMBER 2021

SCALE: AS SHOWN

SHEET 1 OF 5 SHEETS

EXHIBIT "B"

PCL "B"
(47 PM 33)

GDDR - PCL 1
2.22 ACRES

PCL "B"
(47 PM 33)

N86°02'08"W
755.51'

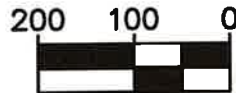
POB - GDDR - PCL 1

LEGEND

- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- (R) RADIAL
- EASEMENT LIMITS
- - - BOUNDARY LINE



GRANT DEED OF DEVELOPMENT RIGHTS AREA



SCALE: 1"=200'

NOTES:

1. FOR LINE TABLE SEE SHEET 5

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PORTIONS OF PARCEL "B" - MS 72-76 (47 PM 33)

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Michael E. Milani 11-16-21
FOR MILANI & ASSOCIATES DATE
MICHAEL E. MILANI
LS 5311 EXP. 12/31/23

DATE: NOVEMBER 2021

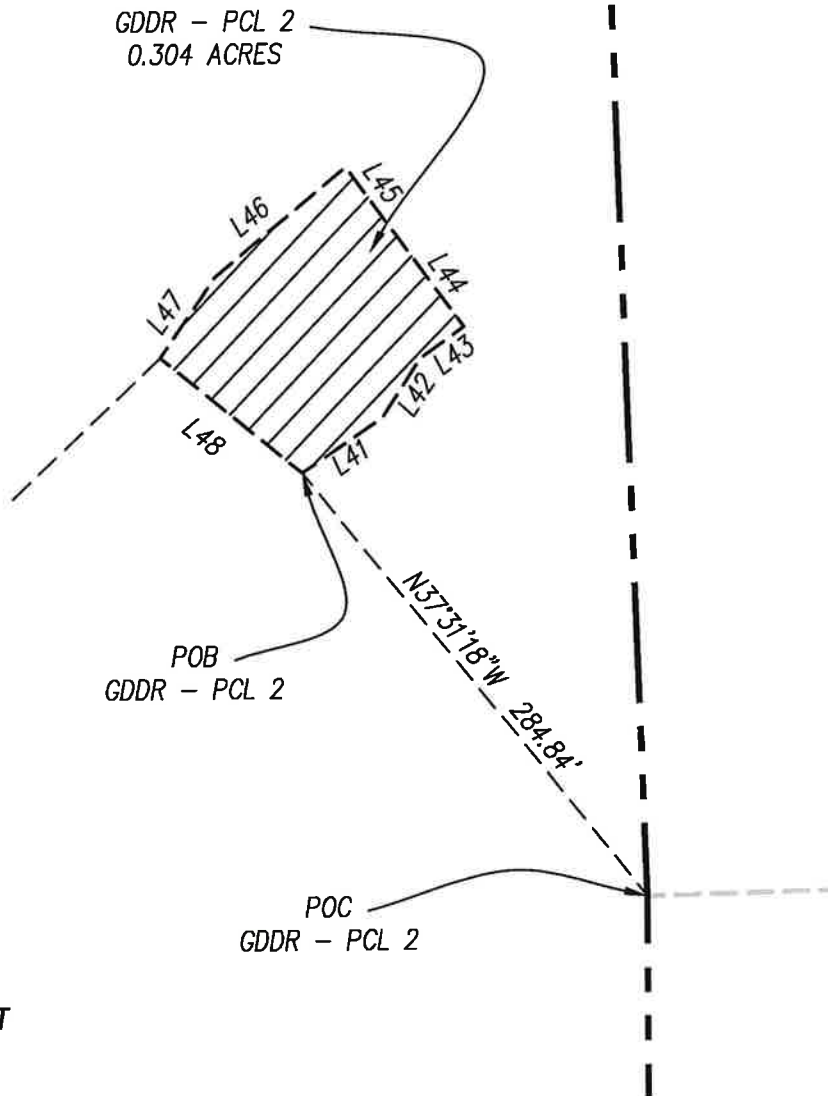
SCALE: AS SHOWN

SHEET 2 OF 5 SHEETS

EXHIBIT "B"


PCL 'B'
(47 PM 33)

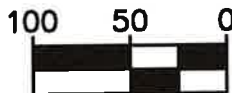
GDDR - PCL 2
0.304 ACRES



LEGEND

- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- (R) RADIAL
- EASEMENT LIMITS
- BOUNDARY LINE

 GRANT DEED OF DEVELOPMENT RIGHTS AREA



SCALE: 1"=100'

NOTES:

1. FOR LINE TABLE SEE SHEET 5

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FOR MILANI & ASSOCIATES DATE
MICHAEL E. MILANI
LS 5311 EXP. 12/31/23

DATE: NOVEMBER 2021

SCALE: AS SHOWN

SHEET 3 OF 5 SHEETS

EXHIBIT "B"



PCL "B"
(47 PM 33)

PCL "B"
(47 PM 33)

PCL "B"
(47 PM 33)

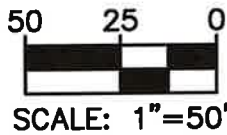
POC - GDDR - PCL3

GDDR - PCL3
0.116 ACRES

POB - GDDR - PCL3

N66°42'20"W 151.23' (TIE)
BOLLINGER CANYON ROAD
(PUBLIC)

N66°42'20"W
16.05' (TIE)



LEGEND

- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- (R) RADIAL
- EASEMENT LIMITS
- BOUNDARY LINE

GRANT DEED OF DEVELOPMENT RIGHTS AREA

NOTES:

1. FOR LINE TABLE SEE SHEET 5

**PLAT TO ACCOMPANY LEGAL DESCRIPTION
GRANT DEED OF DEVELOPMENT RIGHTS**

PORTIONS OF PARCEL "B" - MS 72-76 (47 PM 33)

CONTRA COSTA COUNTY - CALIFORNIA



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Michael E. Milani 11-16-21
FOR MILANI & ASSOCIATES DATE
MICHAEL E. MILANI
LS 5311 EXP. 12/31/23

DATE: NOVEMBER 2021

SCALE: AS SHOWN

SHEET 4 OF 5 SHEETS

EXHIBIT "B"

| LINE TABLE | | |
|------------|-------------|----------|
| NO. | BEARING | LENGTH |
| L1 | N19°12'00"W | 170.88' |
| L2 | N56°17'30"W | 109.18' |
| L3 | N01°16'07"E | 2058.15' |
| L4 | N88°43'43"W | 1462.84' |
| L5 | N00°43'27"W | 2550.61' |
| L6 | N01°12'57"E | 891.99' |
| L7 | N65°20'35"W | 108.41' |
| L8 | N54°15'25"W | 552.45' |
| L9 | N64°13'40"W | 177.87' |
| L10 | N66°42'20"W | 242.42' |
| L11 | N53°57'40"W | 106.82' |
| L12 | N44°24'55"W | 278.24' |
| L13 | N36°45'15"W | 245.63' |
| L14 | N04°49'15"W | 196.20' |
| L15 | N23°00'22"E | 101.64' |
| L16 | N06°44'20"E | 94.51' |
| L17 | N04°40'08"W | 100.04' |
| L18 | N08°01'47"E | 109.62' |
| L19 | N78°47'40"W | 87.94' |
| L20 | N10°49'14"E | 88.62' |
| L21 | N00°27'16"E | 100.18' |
| L22 | N04°41'39"E | 105.76' |
| L23 | N06°50'14"E | 101.75' |
| L24 | N28°14'08"E | 120.62' |
| L25 | N19°22'45"E | 89.18' |
| L26 | N13°41'17"E | 84.19' |
| L27 | N50°15'29"E | 83.63' |

| LINE TABLE | | |
|------------|-------------|---------|
| NO. | BEARING | LENGTH |
| L28 | N73°14'54"W | 58.87' |
| L29 | N67°28'19"W | 60.98' |
| L30 | N27°41'05"W | 140.58' |
| L31 | N60°12'09"E | 161.90' |
| L32 | N33°45'24"W | 83.13' |
| L33 | N56°14'36"E | 76.58' |
| L34 | N58°18'30"W | 57.20' |
| L35 | N35°04'08"W | 97.14' |
| L36 | N14°56'11"W | 61.16' |
| L37 | N19°24'58"E | 65.27' |
| L38 | N29°02'57"E | 111.70' |
| L39 | N24°27'11"E | 98.74' |
| L40 | N13°12'17"E | 58.14' |
| L41 | N57°07'24"E | 50.77' |
| L42 | N33°44'36"E | 36.37' |
| L43 | N55°22'53"E | 28.00' |
| L44 | N34°39'43"W | 55.15' |
| L45 | N34°44'44"W | 48.09' |
| L46 | N51°51'42"E | 89.43' |
| L47 | N35°42'48"E | 50.61' |
| L48 | N49°26'48"W | 95.78' |
| L49 | N05°11'26"W | 35.53' |
| L50 | N83°20'49"W | 108.75' |
| L51 | N25°24'14"E | 26.45' |
| L52 | N25°29'01"W | 40.79' |
| L53 | N79°03'21"W | 42.79' |
| L54 | N66°42'20"W | 75.13' |
| L55 | N10°42'26"E | 0.09' |

BEARING TABLE

**PLAT TO ACCOMPANY LEGAL DESCRIPTION
GRANT DEED OF DEVELOPMENT RIGHTS**
PORTIONS OF PARCEL "B" - MS 72-76 (47 PM 33)

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MICHAEL E. MILANI
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DATE: NOVEMBER 2021

SCALE: AS SHOWN

SHEET 5 OF 5 SHEETS

