

**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: 205-020-015

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 Grantors, Jeffrey C. Wiedemann and Nancy A. Wiedemann, trustees of The Wiedemann Trust dated June 4, 1993, and any amendments thereto, and their successors and assigns ("Grantors"), and the Grantee, Contra Costa County, a political subdivision of the State of California, and its successors and assigns ("County").

RECITALS

- A. On March 7, 2022, the Contra Costa County Zoning Administrator conditionally approved an application (CDMS21-00015) to subdivide an approximately 172.61-acre parcel, located at 6989 Highland Road in an unincorporated area near Pleasanton, in the County of Contra Costa, State of California, into two agricultural lots.
- B. The subdivision property referenced in Recital A is owned by the Grantors.
- C. A tributary of Tassajara Creek, an unimproved earth channel, traverses the southern portion of the subdivision property, and will be referred to as the "Creek."
- 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), Condition of Approval #60 of CDMS21-00015 requires development rights for the portion of the subdivision property within

the structure setback area of the Creek to be conveyed to the County by grant deed. The structure setback area of unimproved earth channels is defined by Section 914-14.012, subdivision (b) and (c), of the County Ordinance Code.

- F. The area described in Exhibit A and depicted in Exhibit B (the "Property") constitute the structure setback area described in the above-referenced condition of approval. Exhibits A and B are attached hereto and incorporated herein by this reference.
- G. Grantors desire to evidence their 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, Grantors hereby grant 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 Grantors 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, Grantors shall not construct permanent structures on any portion of the Property, and Grantors agree that no building permits or other permits shall be issued for the purpose of constructing such permanent structures on any portion of the Property. Grantors hereby waive 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 Grantors and 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 Grantors violate 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 _____, 20____.

GRANTEE

CONTRA COSTA COUNTY

By: _____
Chair, Board of Supervisors

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

By: _____
Deputy

Approved as to form:

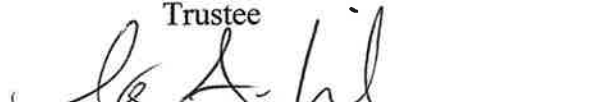
Mary Ann McNett Mason
County Counsel

By: _____
Deputy County Counsel

GRANTOR

JEFFREY C. WIEDEMANN AND NANCY A. WIEDEMANN, TRUSTEES OF THE WIEDEMANN TRUST DATED JUNE 4, 1993, AND ANY AMENDMENTS THERETO


Jeffrey C. Wiedemann
Trustee


Nancy A. Wiedemann
Trustee

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

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

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EXHIBIT 'A'

**RESTRICTED DEVELOPMENT PARCEL(CREEK STRUCTURE SETBACK)
LEGAL DESCRIPTION**

THAT CERTAIN REAL PROPERTY SITUATED IN SECTION 11, TOWNSHIP 2 SOUTH, RANGE 1 EAST, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN THAT CERTIFICATE OF COMPLIANCE RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, ON JANUARY 6, 2000 RECORDER'S DOCUMENT NUMBER 2000-0106886-00, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING ON THE CENTER LINE OF THAT CERTAIN FORTY FOOT WIDE COUNTY ROAD KNOWN AS HIGHLAND ROAD AT HL-19 AS DELINEATED IN THE COUNTY PRECISE TRAVERSE H.P.2 4-59 ROAD NUMBER 6311 DATED 02-03-1977 AND PROCEEDING THENCE ALONG THE CENTERLINE OF SAID HIGHLAND ROAD NORTH 32° 01' 00" WEST, 228.25 FEET TO THE **POINT OF BEGINNING**; THENCE LEAVING SAID CENTERLINE OF HIGHLAND ROAD AND PROCEEDING THENCE SOUTH 79° 55' 43" EAST, 26.87 FEET; THENCE SOUTH 67° 48' 37" EAST, 343.91 FEET; THENCE SOUTH 78° 21' 50" EAST, 167.68 FEET; THENCE NORTH 78° 04' 14" EAST, 252.87 FEET; THENCE NORTH 86° 13' 20" EAST, 125.69 FEET; THENCE SOUTH 58° 34' 44" EAST, 147.69 FEET; THENCE SOUTH 70° 03' 12" EAST, 365.70 FEET; THENCE SOUTH 72° 41' 17" EAST, 329.70 FEET; THENCE NORTH 62° 26' 48" EAST, 79.40 FEET TO THE EASTERLY LINE OF SAID PARCEL; THENCE ALONG THE EASTERLY AND SOUTHERLY LINE OF SAID PARCEL SOUTH 17° 39' 18" WEST, 162.63 FEET; THENCE NORTH 78° 16' 12" WEST, 382.00 FEET; THENCE NORTH 62° 49' 12" WEST, 467.00 FEET; THENCE NORTH 89° 47' 12" WEST, 174.00 FEET; THENCE SOUTH 78° 00' 48" WEST, 238.00 FEET; THENCE NORTH 86° 02' 12" WEST, 178.00 FEET; THENCE NORTH 49° 14' 12" WEST, 160.60 FEET; THENCE SOUTH 81° 46' 48" WEST, 81.50 FEET TO THE CENTERLINE OF SAID HIGHLAND ROAD; THENCE ALONG THE CENTERLINE OF SAID HIGHLAND ROAD NORTH 32° 01' 00" WEST, 210.21 FEET TO THE **POINT OF BEGINNING**.

SAID RESTRICTED DEVELOPMENT PARCEL CONTAINS 4.75 ACRES, MORE OR LESS.

A PORTION OF APN 205-020-015.

BASIS OF BEARINGS TAKEN BETWEEN FOUND MONUMENTS HL-17 AND HL-19 IN HIGHLAND ROAD AS DELINEATED IN THE COUNTY PRECISE TRAVERSE H.P.2 4-59 ROAD NUMBER 6311 DATED 02-03-1977. BEARING TAKEN AS NORTH 48° 59' 51" WEST.

ATTACHED HERETO IS A PLAT ENTITLED EXHIBIT 'B' AND BY THIS REFERENCE IS
MADE PART HEREOF FOR INFORMATIONAL PURPOSES ONLY.

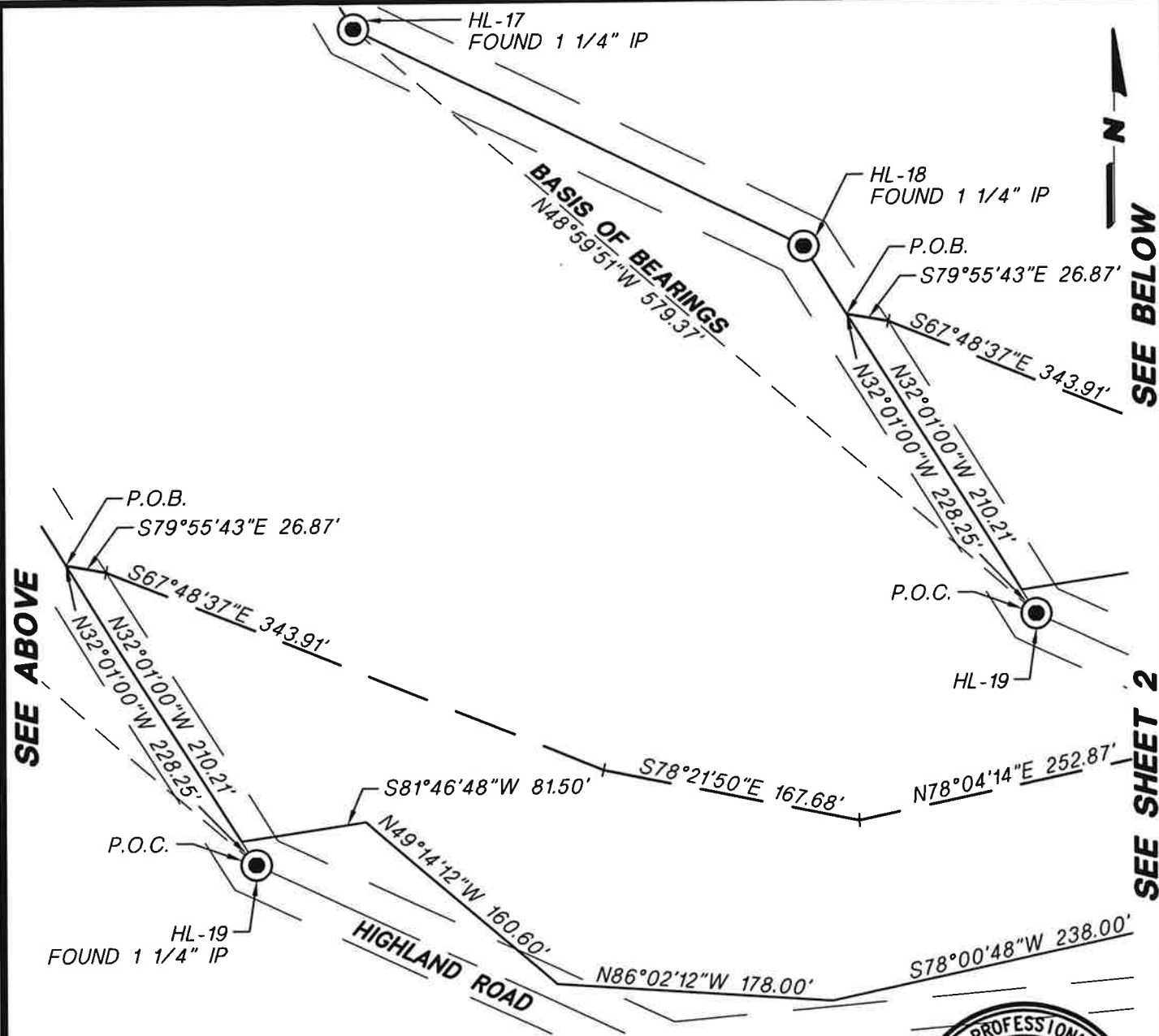


Mark E. Woods 10-26-2021
MARK E. WOODS DATED
R.C.E. 29851

SEE ABOVE

SEE BELOW

SEE SHEET 2

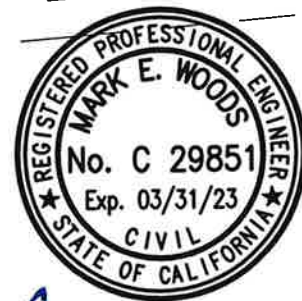


LEGEND:

P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT

BASIS OF BEARINGS:

TAKEN BETWEEN FOUND MONUMENTS HL-17 AND HL-19
IN HIGHLAND ROAD AS DELINEATED IN THE COUNTY
PRECISE TRAVERSE H.P.2 4-59, ROAD NO. 6311 DATED
02-03-1977. BEARING TAKEN AS N48°59'51"W.



Mark E. Woods 10-26-2021
MARK E. WOODS DATE
R.C.E. 29851

DATE: 10-26-2021

SCALE: 1"=100'

SHEET

1

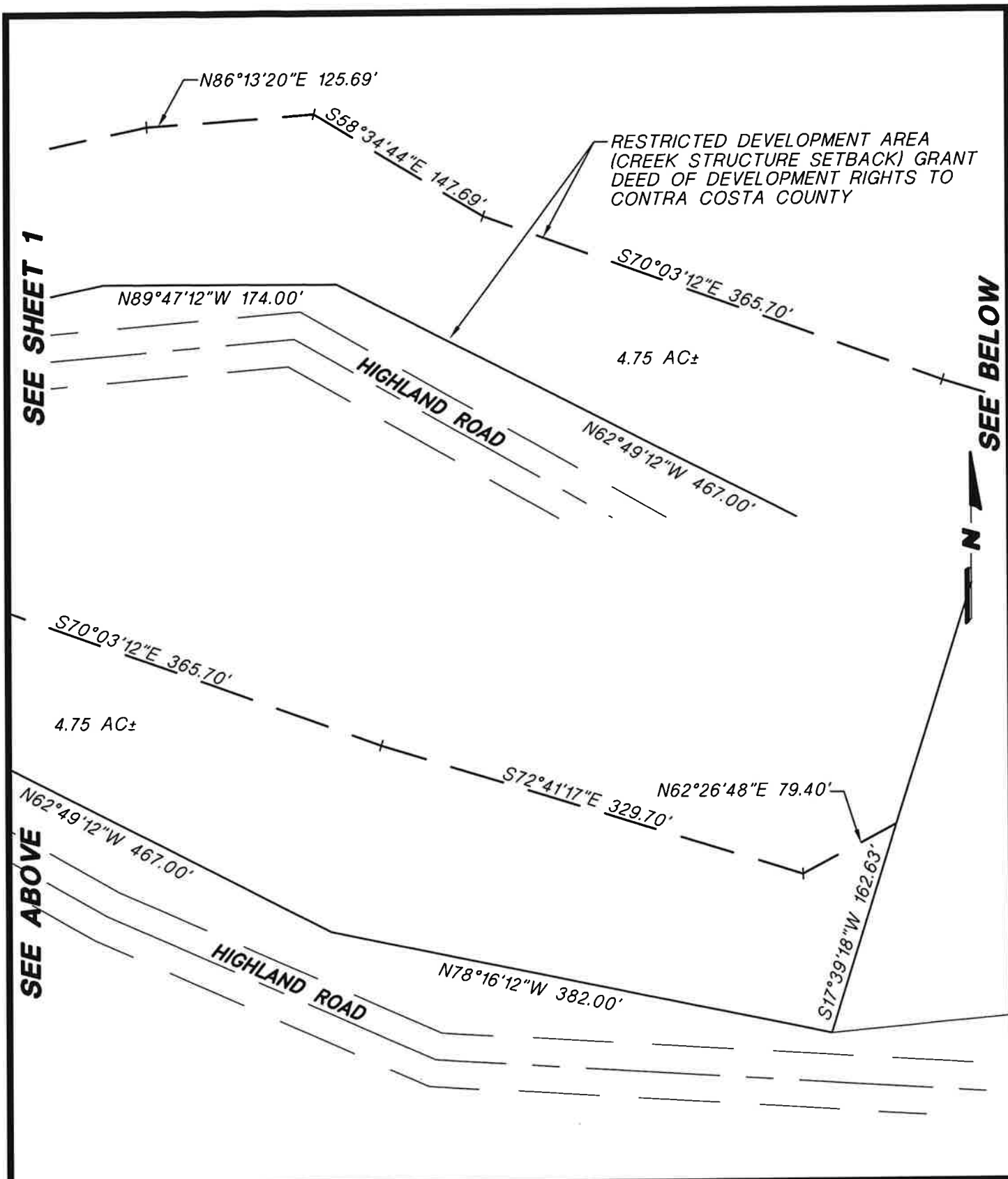
OF 2 SHEETS

PROJ. NO. 19022-20

EXHIBIT 'B'
PLAT TO ACCOMPANY LEGAL DESCRIPTION
RESTRICTED DEVELOPMENT AREA
APN 205-020-015

CONTRA COSTA COUNTY, CALIFORNIA

P/A Design Resources, Inc.
Planning • Engineering • Surveying
3021 Citrus Circle, Suite 150
Walnut Creek, California 94598-2635 TEL (925) 210-9300



DATE: 10-26-2021

SCALE: 1"=100'

SHEET

2

OF 2 SHEETS

PROJ. NO. 19022-20

EXHIBIT 'B'
PLAT TO ACCOMPANY LEGAL DESCRIPTION
RESTRICTED DEVELOPMENT AREA
APN 205-020-015

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CALIFORNIA ACKNOWLEDGMENT CERTIFICATE

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State Of: **California**

County Of: **Contra Costa**

On April 20, 2022 before me, **Haresh M. Rajani**, Notary Public, personally appeared, Jeffrey C. Niedemann and Nancy A. Niedemann who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that she/he/they executed the same in her/his/their authorized capacity(ies), and that by her/his/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.


Signature: **Haresh M. Rajani**



Seal

Title of Document: Grant Deed of Development Rights

Total Number of Pages including Attachment: _____

Notary Commission Expiration Date: Dec. 8th, 2025

Notary Commission Number: 2385029