

JUN 3 - 1985

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RECORDED AT REQUEST
FOUNDERS TITLE COMPANY

RECORDED AT THE REQUEST OF:

AT 8 O'CLOCK J.M.
CONTRA COSTA COUNTY RECORDS
FEE \$ J.R. OLSSON
OFFICE COUNTY RECORDER

WHEN RECORDED RETURN TO:

VAN VOORHIS & SKAGGS
Post Office Box V
Walnut Creek, California 94596-1270

Phn. #203-080-029, 203-040-031, 203-731-008
#203-731-019, 203-440-005, 220-110-033,
220-110-034 & 220-120-001

GRANT DEED

EX-123478 928

For valuable consideration, receipt of which is hereby acknowledged, BLACKHAWK CORPORATION, a Delaware Corporation (hereinafter referred to as "Grantor"), hereby grants to the COUNTY OF CONTRA COSTA, a Political subdivision of the State of California (hereinafter referred to as "County") and its governmental successors, the future "Development Rights," as hereinafter defined in those certain parcels of real property situate in the County of Contra Costa, State of California, more particularly described as follows:

Parcels D, E, F and G as shown upon the Map of Subdivision 6432 recorded in the Office of the Recorder of Contra Costa County on December 19, 1984, in Book 286 of Maps at Pages 7-20 et seq.

"Development Rights" are defined as the right to approve or disapprove any proposed construction, development or improvement which would substantially and materially change the nature of the "current proposed use" of said real property. The "current proposed use" of said real property and

lands adjacent thereto, is shown, in part, on said maps and is described, in part, in the Final Development Plan in County Application 3055-79 approved by the San Ramon Valley Area Planning Commission of the County of Contra Costa on December 21, 1979, and includes the following:

- a. trails, walkways and paths and associated improvements;
- b. private roads and driveways;
- c. landscaped areas including irrigation facilities;
- d. entrance gate and gatehouse;
- e. fencing and walls;
- f. street lights;
- g. utilities and utility facilities and installations including, but not limited to, sanitary sewers; natural gas mains, laterals and services; water mains, laterals and services; water tanks, pumps, and associated equipment, facilities and improvements; and telephone and cable television facilities;
- h. storm drains; culverts; pipes; drainage facilities; systems and patterns; and retention ponds for the collection, control, discharge or storage of storm and surface waters;
- i. all reasonable and necessary incidents to any of the foregoing including improvements necessary to provide access thereto;

EX: 1734276 923

- j. golf courses, including, but not limited to, greens, fairways, rough, ponds, and associated landscaping, and clubhouses, including, but not limited to, restaurants, bars, pro shops and parking;
- k. such other facilities as may be deemed desirable by the owner of said real property, from time to time, exclusively for the maintenance and preservation of said real property and/or the recreational and leisure activities of the owners, members, residents and users of the real property shown on said maps and owned by Blackhawk Corporation and any and all planning, design and landscaping incident thereto.

BOOK 1734276 930

If any lands subject to this Grant of Development Rights shall be subject to a lot line adjustment, new tentative map, final map, parcel map or certificate of compliance in lieu of any such map all as provided under the Subdivision Map Act (Government Code Sections 66410 et. seq.) and, as a result of such adjustment or resubdivision a portion of such lands are added to any privately owned parcel or site or become a privately owned parcel or site, the rights and easements granted hereby shall be extinguished with respect to such portion and the permitted uses thereof shall be Private Area or Private Recreational Area as defined in and

permitted by that certain Declaration of Covenants, Conditions and Restrictions executed by Grantor on October 5, 1979, and recorded in the Official Records, Office of the County Recorder of Contra Costa County on October 10, 1979, in Book 9570 of Contra Costa County Records at Pages 472 et seq., as amended by documents recorded on October 23, 1979, December 21, 1979, December 9, 1981, and July 20, 1984, in Book 9588 at Pages 445 et seq., in Book 9669 at Pages 450 et seq., as Series 81-159572 and Series 84-100893, respectively, of said Records.

The "Development Rights" are, and shall be a form of negative easement in gross (but not a reciprocal negative easement) over all of the real property particularly described above, which shall burden such particularly described real property and shall bind the current owner and any future owner or owners of all or any portion of the real property particularly described above. In the event of County's (or its successor's) disapproval of proposed construction covered by the conveyance of "Development Rights" herein, said proposed construction shall not be performed. County, or its successor, may condition its approval of any proposed construction upon the prior or subsequent performance of such conditions as County, or its successor, may deem appropriate.

Any owner or owners of all or any portion of the real property particularly described above desiring to develop



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any improvement requiring the approval of County, or its successor, shall submit to the County Board of Supervisors, or the governing body of its successor, a written proposal describing the nature, extent and location of such improvement. County, or its successor, shall have sixty (60) days from receipt of such proposal in which to approve or disapprove the proposal. Failure by County, or its successor, to approve or disapprove within said time shall be conclusively deemed to be approval of such proposal.

REC-1234216 932

Dated this 20th day of December, 1984.

BLACKHAWK CORPORATION, a
Delaware corporation

By: 
Its Executive Vice President
Attest: 
Its Secretary

BSS:lj-A:1
DERD5/6