

RECORDING REQUESTED BY, AND
WHEN RECORDED MAIL TO:

Contra Costa County
Contra Costa County Public Works Department
Attention: County Watershed Program
255 Glacier Drive
Martinez, CA 94553

APN: 015-170-027

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

**GRANT DEED OF DEVELOPMENT RIGHTS
(Deferral of Drainage Facilities)**

This Grant Deed of Development Rights is made by and between the Grantors, Philip P. and Karla P. Storrer, 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 June 7, 2010, the Contra Costa County Zoning Administrator conditionally approved an application by the Grantors for a vesting tentative map to subdivide a 40.64-acre parcel located at 4251 Orwood Road, Brentwood, in the County of Contra Costa, California, into four parcels, with a five-acre designated remainder. The subdivision will be referred as Minor Subdivision (MS) 05-0008. The four parcels shown on the MS05-0008 vesting tentative map are depicted and described as Parcels A, B, C and D in Exhibit 1 attached hereto and will be referred to collectively as the "Property."
- B. Condition of Approval (COA) #44 of MS05-0008 requires the Grantors to incorporate integrated management practices (IMPs) or best management practices (BMPs) to the maximum extent practicable into the design of the subdivision, implement them and provide for their perpetual operation and maintenance, pursuant to County's Stormwater Management and Discharge Control Ordinance and other requirements. COA #45 requires the Grantors to submit to the Contra Costa County Public Works Department (Public Works) a final certified Stormwater Control Plan for the review and approval of Public Works.
- C. On December 21, 2011, Grantors submitted to Public Works a final Stormwater Control Plan for MS05-0008, prepared by Cunha Engineering, Inc., dated December 21, 2011. This December 21, 2011, final Stormwater Control Plan for MS05-0008, as approved by Public Works, will be referred to as the "Stormwater Control Plan."

- D. The Stormwater Control Plan describes permanent stormwater management facilities and appurtenant design features to be located and constructed on the Property (collectively "Stormwater Facilities"). The Stormwater Control Plan identifies both BMPs and IMPs, including drainage bioretention areas on each parcel of MS05-0008.
- E. County Ordinance Code section 94-4.409 authorizes a subdivider of a minor subdivision to defer the installation of drainage facilities through a grant deed of development rights if the findings set forth in County Ordinance Code section 92-6.002 are made by the County advisory agency. The Stormwater Facilities are drainage facilities.
- F. On June 3, 2014, Grantors submitted an application to defer the installation of the Stormwater Facilities under County Ordinance section 94-4.409, which permits the subdivider of a minor subdivision to convey development rights to the County in lieu of installing drainage facilities if the advisory agency makes specified findings. On December 15, 2014, the County Zoning Administrator made the required findings and thereby authorized the deferral of installation of the Stormwater Facilities through this Grant Deed of Development Rights.
- G. Grantors desire to evidence their intent, and to insure that the obligations specified herein are covenants, conditions, and restrictions that run with the land and are for the benefit of 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 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 divide, develop, or install or construct improvements on, all or any portion of the Property.
3. **Negative Easement.** This Grant Deed is in the form of a negative easement, which shall run with said Property and shall bind the Grantors and any future owners of all or any portion of said Property. This Grant Deed is an agreement in writing affecting the title or possession of the Property.
4. **Development Restrictions.** Except as provided herein, Grantors shall not divide, develop, install or construct improvements on, or alter the surface of, all or any portion of the Property, and Grantors agree that no building permits or other permits, including mobile home and grading permits, shall be issued for such purpose. Grantors hereby waive and relinquish any rights they might otherwise have to such permits.

- 4.1 **Plans and Specifications; County Approval.** Any and all improvements proposed for the Property will be performed as directed by County. Grantor shall cause plans and specifications for improvements to be prepared by competent persons legally qualified to do the work and to submit said improvement plans and specifications to County for approval prior to commencement of any work, and shall pay any County improvement plan review and inspection fee. The work shall be done in accordance with County standards in effect at the time improvement plans are submitted for approval, or upon annexation of the Property to any city, in accordance with the applicable city standards. Grantors agree to commence and complete the work within the time specified by County.
- 4.2 **Development of Property.** Subject to Grantors first obtaining all necessary permits and approvals from County, and if the improvement plans approved by County so allow, Grantors may install on the Property all or any portion of the Stormwater Facilities referenced in Recital D. All other development activity on the Property is prohibited.
- 4.3 **Termination of Development Restrictions.** Upon the written request of the Grantors, the Public Works Director will submit a recommendation to the Contra Costa County Board of Supervisors to reconvey development rights to the Grantors if:
- 4.3.1 All of the Stormwater Facilities have been installed on the Property to the satisfaction of the Public Works Director or the installation of the Stormwater Facilities have been assured under Section 94-4.404 of the County Ordinance Code; and
- 4.3.2 Grantors have executed and submitted to the Public Works Director an Amended Covenant Running with the Land, Stormwater Management Facilities Operation and Maintenance Agreement, and Right of Entry in a form that is acceptable to the Public Works Director and substantially in the form attached as Exhibit 2.

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, County, and all of the Property and all other parties having or acquiring and right, title, or interest in any part of the real property encumbered by the easement described herein.

6. **Remedies.** Should Grantors violate any of the provisions hereof, 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, County shall be entitled to an award of all expenses incurred by County in pursuing such violation(s), including costs, interest, attorney's fees, and other litigation expenses.

IN WITNESS THEREOF, this Grant Deed of Development Rights is signed and executed as of the latest date set forth below.

NOTICE TO POTENTIAL PURCHASERS:

The construction and installation of the Stormwater Facilities on the Property by successors or assigns of the Grantors may require access rights over multiple parcels.

GRANTEE

CONTRA COSTA COUNTY

By: _____

Chair, Board of Supervisors

Date: _____

Feb. 7, 2017

Attest: David J. Twa, Clerk of the Board of Supervisors and County Administrator

By: _____

Deputy

Approved as to Form:

Sharon L. Anderson
County Counsel

By: _____

Deputy County Counsel

Exhibit 1: Legal Descriptions and Plats

Exhibit 2: Amended Covenant Running with the Land, Stormwater Management Facilities Operation and Maintenance Agreement, and Right of Entry

H:\Public Works\WatershedProgram\GDDR.Storrer.11.15.16.docx

GRANTORS

PHILIP P. AND KARLA P. STORRER

By: _____

Philip P. Storrer

Date: _____

01-06-2017

By: _____

Karla P. Storrer

Date: _____

1-6-17

[Note: All signatures of Grantors must be notarized.]

ACKNOWLEDGMENT

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 January 6, 2017, before me, Ronald J Enos,

Notary Public, personally appeared Philip P. Storrer and Karla P. Storrer

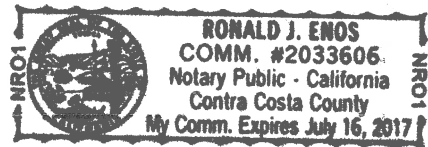
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) 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.

Ronald J Enos

Signature of Notary Public



(SEAL)

EXHIBIT 1

(Legal Descriptions and Plats)

EXHIBIT A

(PARCEL A MS 05-0008)

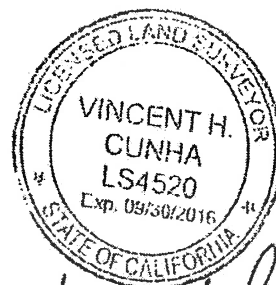
THAT CERTAIN PARCEL OF LAND SITUATED WITHIN THE UNINCORPORATED PORTION OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 14, TOWNSHIP 1 NORTH, RANGE 3 EAST, MOUNT DIABLO BASE AND MERIDIAN, AND BEING A PORTION OF THE PROPERTY DESCRIBED IN THE GRANT DEED TO PHILIP P. STORRER et. al, RECORDED APRIL 22, 2004 AS DOCUMENT NO. 2004-0143627-00.

COMMENCING AT A POINT AT THE NORTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND DESIGNATED AS "KNIGHTSEN ELEMENTARY SCHOOL DISTRICT" ON RECORD OF SURVEY "RS 3319" RECORDED IN BOOK 140 OF LICENSED SURVEYORS MAPS AT PAGE 19, CONTRA COSTA COUNTY, SAID POINT BEING ALSO ON THE CENTERLINE OF BIXLER ROAD, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THENCE SOUTH $89^{\circ}03'22''$ EAST (TAKEN FOR THE PURPOSE OF THIS DESCRIPTION) 20.00 FEET, TO THE TRUE POINT OF BEGINNING; THENCE NORTH $00^{\circ}57'52''$ EAST 638.51 FEET; THENCE SOUTH $85^{\circ}17'03''$ EAST 371.43 FEET; THENCE SOUTH $00^{\circ}57'52''$ WEST 614.08 FEET; THENCE NORTH $89^{\circ}03'22''$ WEST 370.63 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.33 ACRES, MORE OR LESS.



Vincent H. Cunha
6.13.16

SCALE: 1"=200'

BIXLER ROAD
CENTERLINE

P.O.C.
20.0'

T.P.O.B.

N00°57'52"E 638.51'

PARCEL
'A'
GROSS 232,126 SF
GROSS 5.33 Ac

S85°17'03"E
371.43'(T)

S00°57'52"W
614.08'

PARCEL
'B'
217,633 SF
5.00 Ac

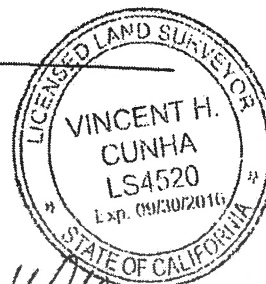
PARCEL
'C'
226,581 SF
5.20 Ac

370.63'
N89°03'22"W

361.42'

S89°03'22"E 20.00

KNIGHTSEN ELEMENTARY SCHOOL
2007-0132220-00
140 LSM 19



[Signature] 6.13.16

CUNHA ENGINEERING, INC.

701 BELMONT WAY, STE. A
PINOLE, CALIFORNIA 94564
(510) 741-8280

EXHIBIT B
PARCEL A
MS 05-0008

BYRON

CALIFORNIA

SHEET

1 OF 1

JOB No.
204042

EXHIBIT A

(PARCEL B MS 05-0008)

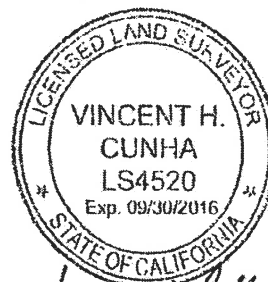
THAT CERTAIN PARCEL OF LAND SITUATED WITHIN THE UNINCORPORATED PORTION OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

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THENCE SOUTH 89°03'22" EAST (TAKEN FOR THE PURPOSE OF THIS DESCRIPTION) 390.63 FEET, TO THE TRUE POINT OF BEGINNING; THENCE NORTH 0°57'52" EAST 614.08 FEET; THENCE SOUTH 85°17'03" EAST 362.19 FEET; THENCE SOUTH 00°57'52" WEST 590.25 FEET; THENCE NORTH 89°03'22" WEST 361.42 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.00 ACRES, MORE OR LESS.



Vincent H. Cunha

6.13.16

SCALE: 1"=200'

BIXLER ROAD
CENTERLINE

20.0'
P.O.C.

PARCEL
'A'
GROSS 232,126 SF
GROSS 5.33 Ac

N00°57'52"E

614.08'

PARCEL
'B'
217,633 SF
5.00 Ac

S85°17'03"E
362.19'

S00°57'52"W

590.25'

PARCEL
'C'
226,581 SF
5.20 Ac

370.63'

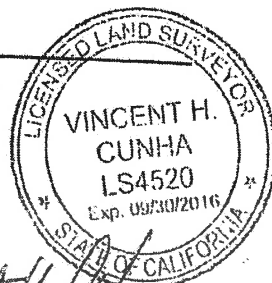
T.P.O.B.

361.42'

N89°03'22"W

S89°03'22"E 20.00

KNIGHTSEN ELEMENTARY SCHOOL
2007-0132220-00
140 LSM 19



[Signature] 6.13.16

CUNHA ENGINEERING, INC.
701 BELMONT WAY, STE. A
PINOLE, CALIFORNIA 94504
(510) 741-8290

EXHIBIT B
PARCEL B
MS 05-0008

BYRON

CALIFORNIA

SHEET
1 OF 1
JOB No.
204042

EXHIBIT A

(PARCEL C MS 05-0008)

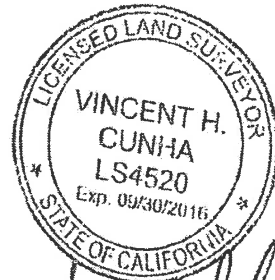
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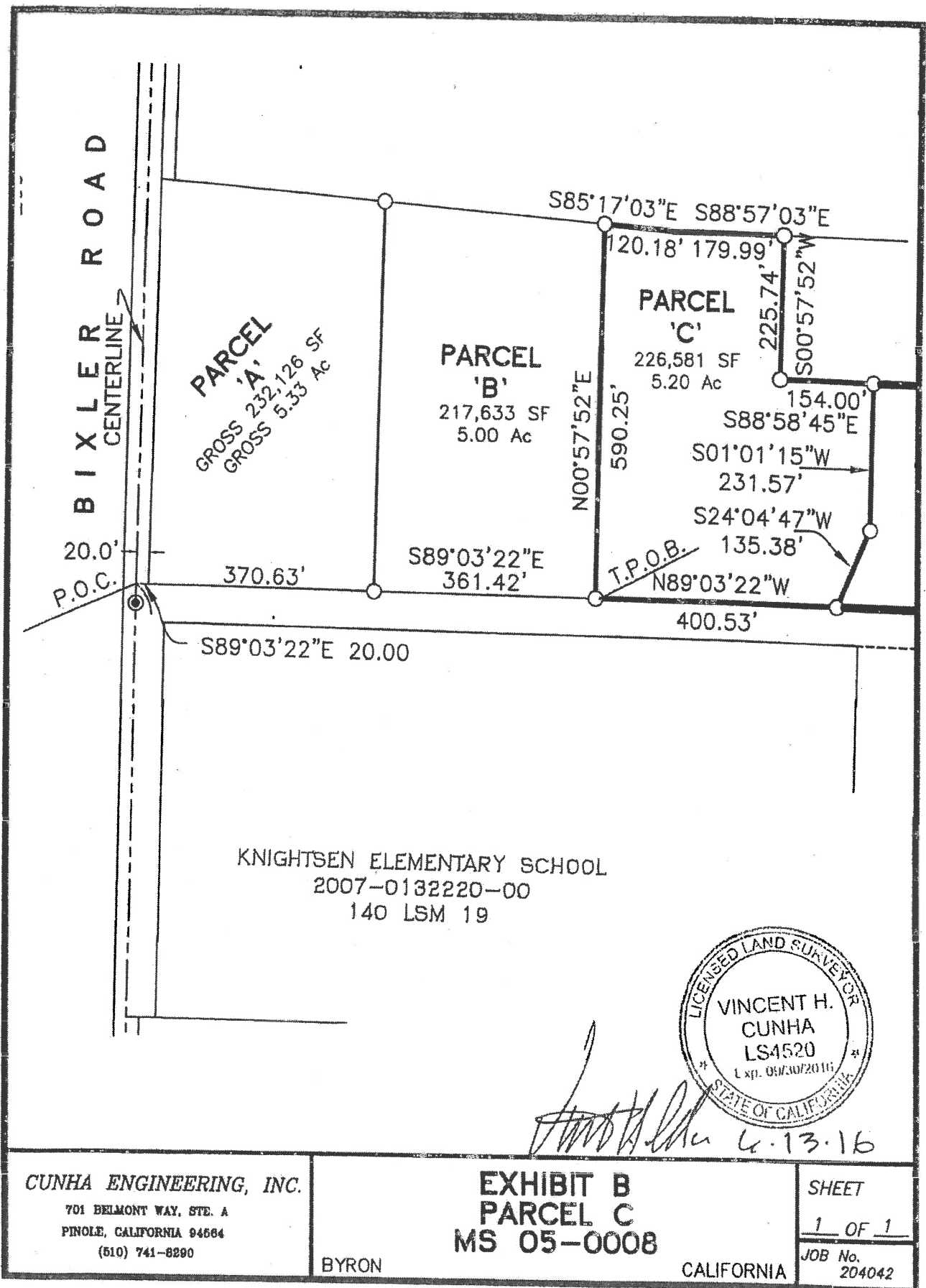
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THENCE SOUTH 89°03'22" EAST (TAKEN FOR THE PURPOSE OF THIS DESCRIPTION) 752.05 FEET, TO THE TRUE POINT OF BEGINNING; THENCE NORTH 00°57'52" EAST 590.25 FEET; THENCE SOUTH 85°17'03" EAST 120.18 FEET; THENCE SOUTH 88°57'03" EAST 179.99 FEET; THENCE SOUTH 00°57'52" WEST 225.74 FEET; THENCE SOUTH 88°58'45" EAST 154.00 FEET; THENCE SOUTH 1°01'15" WEST 231.57 FEET; THENCE SOUTH 24°04'47" WEST 135.38 FEET; THENCE NORTH 89°03'22" WEST 400.53 FEET, TO THE POINT OF BEGINNING.

CONTAINING 5.20 ACRES, MORE OR LESS.



[Handwritten signature]
6-13-16



CUNHA ENGINEERING, INC.

701 BELMONT WAY, STE. A
PINOLE, CALIFORNIA 94664
(510) 741-8290

BYRON

EXHIBIT B
PARCEL C
MS 05-0008

CALIFORNIA

SHEET

1 OF 1

JOB No.
204042

EXHIBIT A

(PARCEL D MS 05-0008)

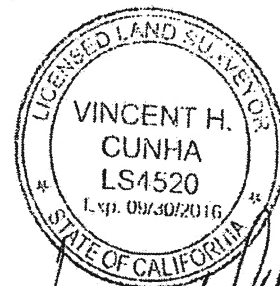
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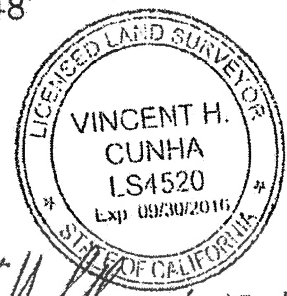
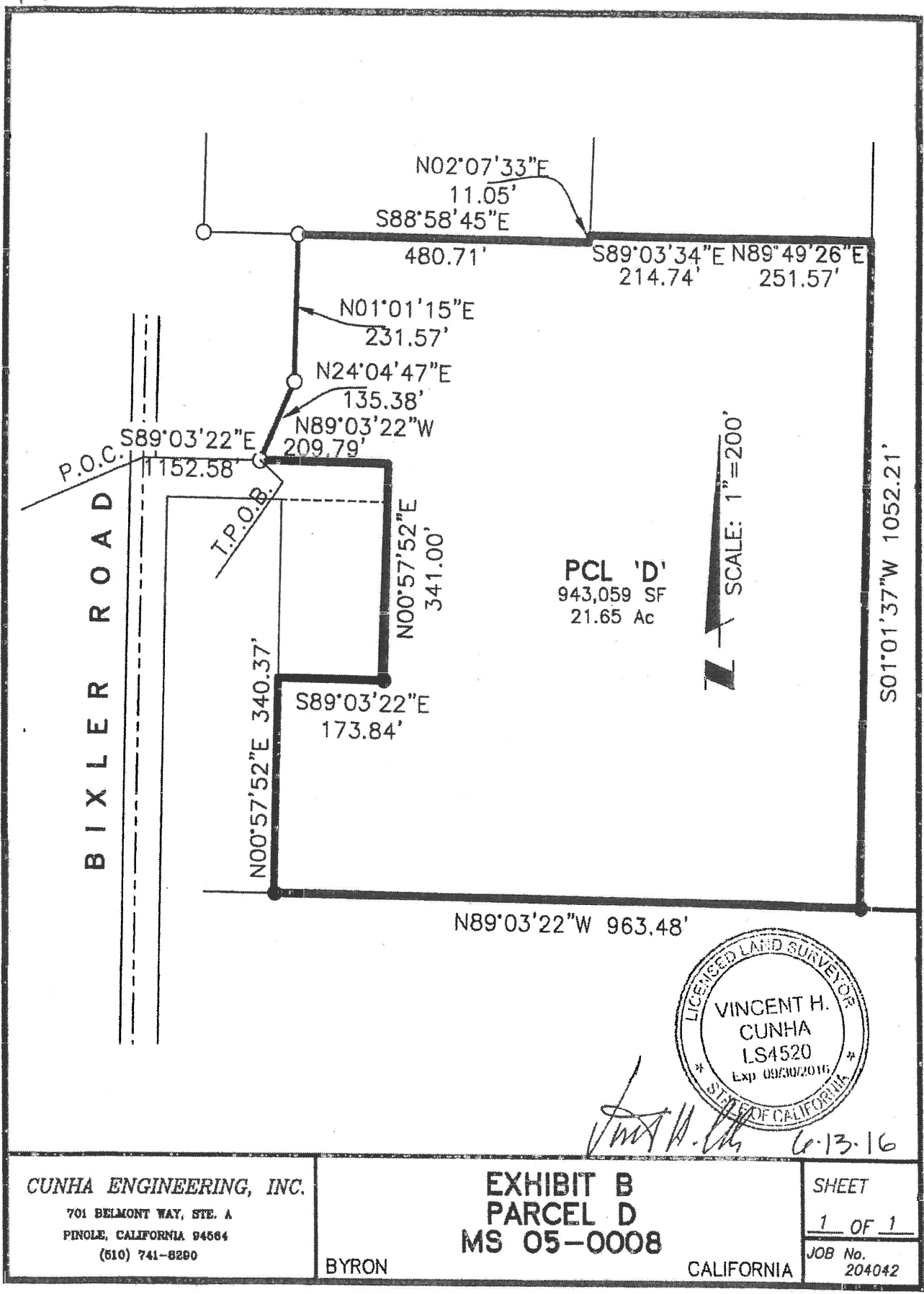
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THENCE SOUTH 89°03'22" EAST (TAKEN FOR THE PURPOSE OF THIS DESCRIPTION) 1,152.58 FEET; TO THE TRUE POINT OF BEGINNING; THENCE NORTH 24°04'47" EAST 135.38 FEET; THENCE NORTH 1° 01'15" EAST 231.57 FEET; THENCE SOUTH 88° 58'45" EAST 480.71 FEET; THENCE NORTH 2°07'33" EAST 11.05 FEET; THENCE SOUTH 89°03'34" EAST 214.74 FEET; THENCE NORTH 89°49'26" EAST 251.57 FEET THENCE SOUTH 1°01'37" WEST 1,052.21 FEET; THENCE NORTH 89°03'22" WEST 963.48 FEET; THENCE NORTH 0°57'52" EAST 340.37 FEET; THENCE SOUTH 89°03'22" EAST 173.84 FEET; THENCE NORTH 00°57'52" EAST 341.00 FEET; THENCE NORTH 89°03'22" WEST 209.79 FEET TO THE POINT OF BEGINNING.

CONTAINING 21.65 ACRES, MORE OR LESS.





CUNHA ENGINEERING, INC.
701 BELMONT WAY, STE. A
PINOLE, CALIFORNIA 94564
(510) 741-8280

EXHIBIT B
PARCEL D
MS 05-0008

BYRON

CALIFORNIA

SHEET
1 OF 1
JOB No.
204042

EXHIBIT 2

**(Form Amended Covenant Running with the Land, Stormwater
Management Facilities Operation and Maintenance Agreement, and
Right of Entry)**