

**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: 193-130-025

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, San Ramon Valley Fire Protection District, and its 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. On November 1, 2011, the Board of Supervisors conditionally approved an application by ATI Architects for a land use permit (LP09-2026) to establish a new 9,400 square foot single story fire station on an approximately 1.10-acre parcel located at 2100 Stone Valley Road in an unincorporated area in Alamo, in the County of Contra Costa, State of California.
- B. The parcel referenced in Recital A is owned by the Grantor.
- C. 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. Section 914-14.012(a) 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.
- D. A tributary of San Ramon Creek is located near the northern boundary of the parcel referenced in Recital A. The tributary, an unimproved earth channel, will be referred to as the "Creek."

- E. In accordance with Section 914-14.012(a), Condition of Approval #59 of LP09-2026 requires development rights for the portion of the parcel within the structure setback area of the Creek to be conveyed to the County by grant deed.
- F. As part of its approval of LP09-2026, the Board of Supervisors made required findings and approved an exception under Section 92-6.002 of the County Ordinance Code to allow the structure setback area of the Creek to be reduced by moving the structure setback line a maximum of 10 feet north of its calculated location, provided that technical studies were submitted verifying the reduced setback for the proposed structure would be adequate, even in the event of creek bank erosion.
- G. The area described in Exhibit A and depicted in Exhibit B (the "Property") is 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.
- H. Grantor desires to evidence its 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 relinquishes any rights it 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 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 _____, 2018.

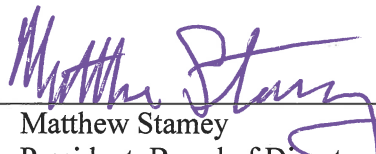
GRANTEE

GRANTOR

CONTRA COSTA COUNTY

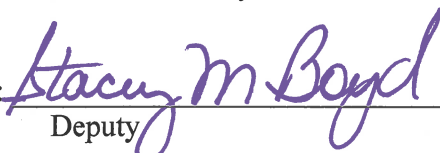
SAN RAMON VALLEY FIRE PROTECTION DISTRICT


By: 
Chair, Board of Supervisors

By: 
Matthew Stamey
President, Board of Directors

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

Attest:

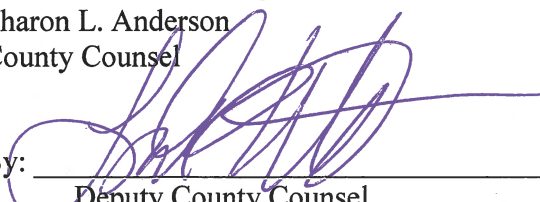
By: 
Deputy

By: 
Susan F. Brooks, District Clerk

Approved as to form:

[Note: Grantor's signature must be notarized. An authorized person must sign on behalf of a public entity.]

Sharon L. Anderson
County Counsel

By: 
Deputy County Counsel

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

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ENGINEERS
SURVEYORS
PLANNERS

EXHIBIT "A"
DESCRIPTION FOR:
GRANT DEED OF DEVELOPMENT RIGHTS
(CREEK STRUCTURE SETBACK)

All that real property situate in the unincorporated area of Alamo, County of Contra Costa, State of California, described as follows:

Being a portion of the lands described in that certain Grant Deed recorded January 9, 2009, as Document Number 2009-0003524-00, Official Records of Contra Costa County and more particularly as follows:


Beginning at a point on the northerly line of the above said lands, also being a point on the northeasterly right of way line of Miranda Avenue, as said northeasterly line is described in the Grant Deed to Contra Costa County recorded August 7, 1980, in Book 9945 at Page 355, Official Records of Contra Costa County; Thence along the northerly line of said lands South 76°51'01" East 273.79 feet to the northeasterly corner of said lands; Thence South 08°27'11" East 66.66 feet along the easterly line of said lands to a point; Thence the following ten courses; North 69°01'15" West 22.09 feet; Thence North 74°43'06" West 21.79 feet; Thence North 81°10'53" West 11.75 feet; Thence North 71°47'56" West 42.11 feet; Thence North 80°56'09" West 43.58 feet; Thence North 81°20'17" West 37.61 feet; Thence North 66°44'11" West 17.72 feet; Thence North 69°57'23" West 19.57 feet; Thence North 86°52'08" West 19.19 feet; Thence North 71°33'09" West 16.51 feet to a point on the said northeasterly right of way line of Miranda Avenue; Thence along said line North 26°29'36" West 74.98 feet to the **Point of Beginning**.

Containing 15,029 square feet, more or less.

The basis of bearings for this description are as those described in that certain document recorded August 7 1980, in Book 9945 of Official Records at Page 355, Contra Costa County Records.

A plat showing the above described grant deed of development rights setback is attached hereto and made a part hereof as Exhibit "B".

This description has been prepared by me or under my supervision for BKF Engineers



Barry T. Williams P.L.S. No. 6711
License Expires: 06/30/2018

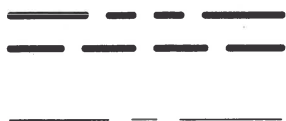
Dated: 11-6-17



EXHIBIT "B"

LINE TABLE		
LINE NO.	LENGTH	DIRECTION
L1	22.09'	N69°01'15"W
L2	21.79'	N74°43'06"W
L3	11.75'	N81°10'53"W
L4	42.11'	N71°47'56"W
L5	43.58'	N80°56'10"W
L6	37.61'	N81°20'17"W
L7	17.72'	N66°44'11"W
L8	19.57'	N69°57'23"W
L9	19.19'	N86°52'08"W
L10	16.51'	N71°33'09"W

LEGEND



R1

PROPERTY LINE
GRANT DEED OF DEVELOPEMENT RIGHTS
SETBACK LINE
ROAD CENTERLINE

COUNTY SURVEY FILE PA 4331-1
39.09 O.R., DATED JULY 14, 1961,
ON FILE AT THE CONTRA COSTA COUNTY
DEPARTMENT OF PUBLIC WORKS



1646 N. CALIFORNIA BLVD
SUITE 400
WALNUT CREEK, CA 94596
PH: 925-940-2200
FAX: 925-940-2299

Subject PLAT TO ACCOMPANY
GRANT DEED OF DEVELOPEMENT RIGHTS

Job No. 125092
By RGM Date 10/27/17 Chkd. BTW
SHEET 2 OF 2

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 6-27-18, before me, Susan F. Brooks

Notary Public, personally appeared

Matthew Starkey

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.

Susan F. Brooks

Signature of Notary Public

(SEAL)

