

**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: 367-170-006

---

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, James Scott Busby and Margaret Mary Busby 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 April 20, 2015, the Contra Costa County Zoning Administrator (“Zoning Administrator”) conditionally approved an application (MS13-0005) by James Scott Busby (“Subdivider”) to subdivide an approximately 2.62-acre site located at 5324 Alhambra Valley Road in an unincorporated area near Martinez, in the County of Contra Costa, State of California, into two single-family residential lots.
- B. The subdivision property referenced in Recital A is owned by the Grantors.
- C. Arroyo Del Hambre Creek, an unimproved earth channel, traverses the northern portion of the subdivision, and will be referred to as the “Creek.”
- D. Under County Ordinance Code Sections 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 #45 of MS13-0005 requires development rights for the portion of the subdivision 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, subdivisions (b) and (c), of the County Ordinance Code.

- F. On February 16, 2020, Subdivider applied for an exception under Section 92-6.002 of the County Ordinance Code to reduce the size of the structure setback area. On June 15, 2020, the Zoning Administrator made the required findings and approved the exception.
- G. The area described in Exhibit A and depicted as Parcel One and Parcel Two collectively in Exhibit B (the "Property") is structure setback area authorized under the approved exception. Exhibits A and B are attached hereto and incorporated herein by this reference.
- H. Grantors desires 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 \_\_\_\_\_, 2021.

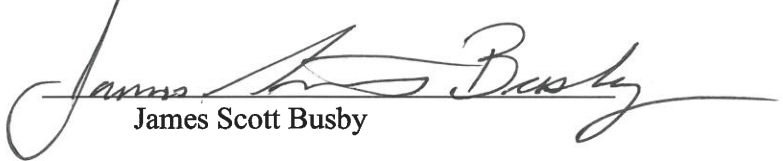
GRANTEE

GRANTORS


CONTRA COSTA COUNTY

JAMES SCOTT BUSBY AND MARGARET BUSBY

By:   
Chair, Board of Supervisors

  
James Scott Busby

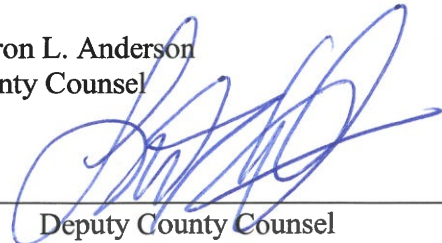
Attest: Monica Nino, Clerk of the Board of Supervisors and County Administrator

  
Margaret Mary Busby

By:   
Deputy

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

Approved as to form:

Sharon L. Anderson  
County Counsel  
  
By: \_\_\_\_\_  
Deputy County Counsel

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

H:\Public Works\EngServ\Subdivisions\GDDR.MS13-0005.1.20.21.doc

**EXHIBIT'A'**  
**LEGAL DESCRIPTION**  
**CREEK STRUCTURE SETBACK AND RESTRICTED DEVELOPMENT AREA**

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**PARCEL ONE**

BEING A PORTION OF THE PARCEL OF LAND DESCRIBED IN THE GRANT DEED RECORDED ON MAY 13, 2013 AS DOCUMENT NO. 2013-0117962-00 AND SHOWN ON THAT RECORD OF SURVEY FILED ON OCTOBER 17, 1989 IN BOOK 91 OF LICENSED SURVEYORS MAPS AT PAGE 50 (91 LSM 50) IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHEASTERLY CORNER OF SAID PARCEL (91 LSM 50) THENCE SOUTH 00°14'00" EAST, 19.00 FEET;

THENCE SOUTH 18°13'00" WEST, 36.06 FEET;

THENCE SOUTH 00°14'00" EAST, 15.27 FEET;

THENCE NORTH 76°28'29" WEST, 52.13 FEET;

THENCE SOUTH 55°02'26" WEST, 64.42 FEET;

THENCE SOUTH 86°00'31" WEST, 75.72 FEET;

THENCE NORTH 65°30'21" WEST, 6.81 FEET;

THENCE NORTH 12°16'32" WEST, 59.36 FEET;

THENCE NORTH 49°41'47" WEST, 118.82 FEET;

THENCE NORTH 58°00'10" EAST, 52.10 FEET;

THENCE SOUTH 75°20'40" EAST, 263.97 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 27,002 SQUARE FEET OR 0.62 ACRES OF LAND, MORE OR LESS.

**PARCEL TWO**

BEING A PORTION OF THE PARCEL OF LAND DESCRIBED IN THE GRANT DEED RECORDED ON MAY 13, 2013 AS DOCUMENT NO. 2013-0117962-00 AND SHOWN ON THAT RECORD OF SURVEY FILED ON OCTOBER 17, 1989 IN BOOK 91 OF LICENSED SURVEYORS MAPS AT PAGE 50 (91 LSM 50) IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHWESTERLY LINE OF SAID PARCEL (91 LSM 50), SAID POINT BEING THE MOST NORTHEASTERLY CORNER OF THE PARCEL OF LAND SHOWN ON THAT RECORD OF SURVEY FILED ON APRIL 29, 1964 IN BOOK 27 OF LICENSED SURVEYORS MAPS AT PAGE 24 (27 LSM 24) IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA, THENCE SOUTH 89°46'10" WEST, 80.31 FEET;

THENCE NORTH 21°27'13" EAST, 139.93 FEET;

THENCE NORTH 80°35'10" EAST, 42.00 FEET;

THENCE NORTH 32°15'10" EAST, 46.15 FEET;

THENCE NORTH 58°00'10" EAST, 57.37 FEET;

THENCE SOUTH 49°41'47" EAST, 118.82 FEET;

THENCE SOUTH 12°16'32" EAST, 59.36 FEET;

THENCE NORTH 65°30'21" WEST, 63.16 FEET;

THENCE SOUTH 88°33'46" WEST, 15.46 FEET;

THENCE SOUTH 14°54'32" WEST, 7.63 FEET;

THENCE SOUTH 88°59'12" WEST, 51.46 FEET;

THENCE SOUTH 55°09'51" WEST, 29.90 FEET;

THENCE SOUTH 05°58'03" WEST, 41.59 FEET;

THENCE SOUTH 25°40'44" WEST, 51.00 FEET;

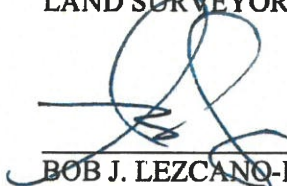
THENCE NORTH 36°30'39" WEST, 19.34 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 25,063 SQUARE FEET OR 0.58 ACRES OF LAND, MORE OR LESS.

PARCELS ONE AND TWO DESCRIBED ABOVE ARE SHOWN ON THE MAP OF  
SUBDIVISION MS 13-0005

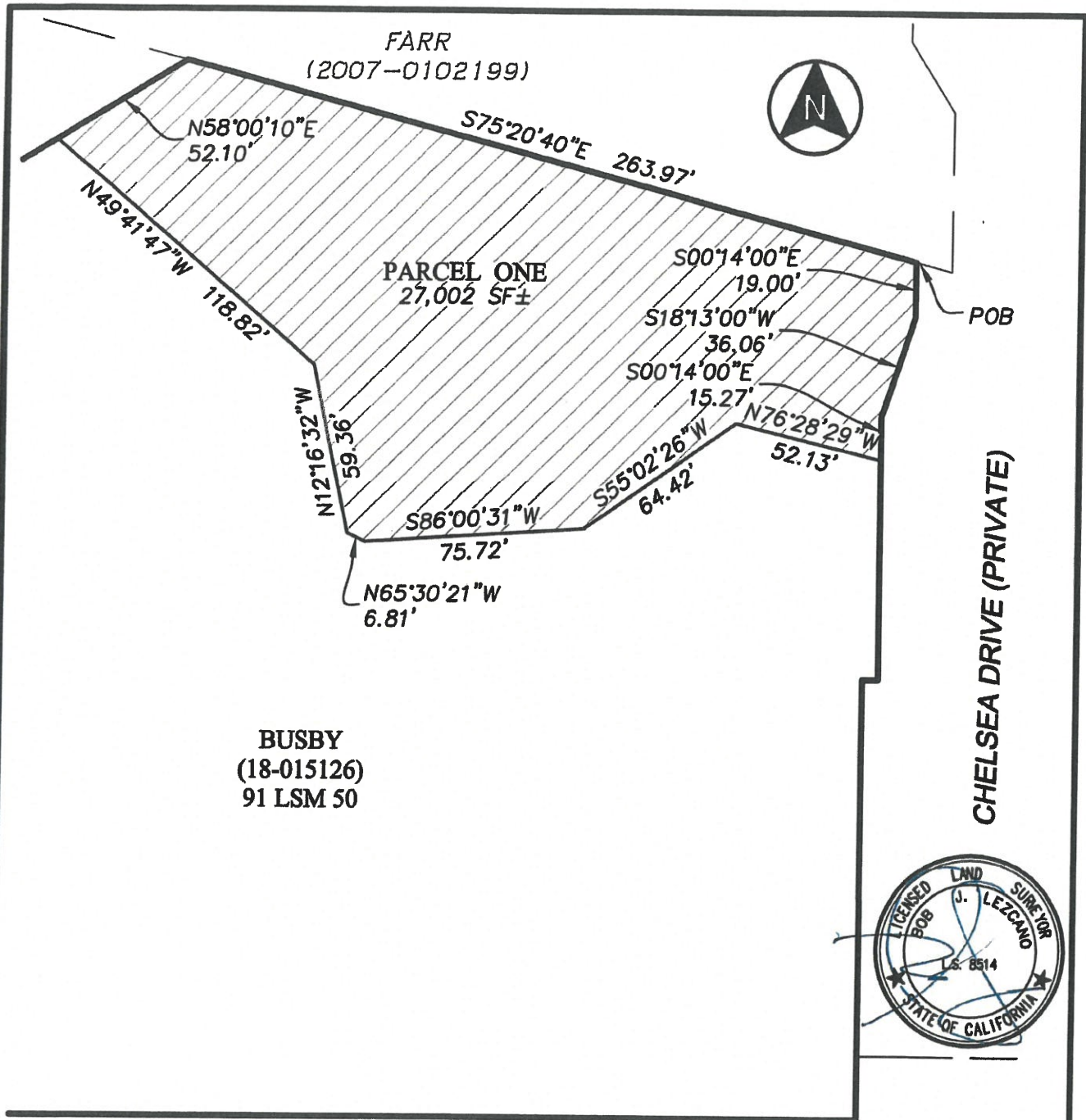
END OF DESCRIPTION

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

  
\_\_\_\_\_  
BOB J. LEZCANO-LS8514

10-13-2020  
\_\_\_\_\_  
DATE





**LEGEND**

POB POINT OF BEGINNING



MS 13-0005 CREEK STRUCTURE SETBACK  
& RESTRICTED DEVELOPMENT AREA



817 Arnold Drive Ste. 50  
Martinez, CA 94553  
Ph: (925) 476-8499

**EXHIBIT 'B'**  
PLAT TO  
ACCOMPANY LEGAL  
DESCRIPTION

DRAWN BY:  
BJL  
PROJECT NO:  
13019  
SCALE:  
1"=50'

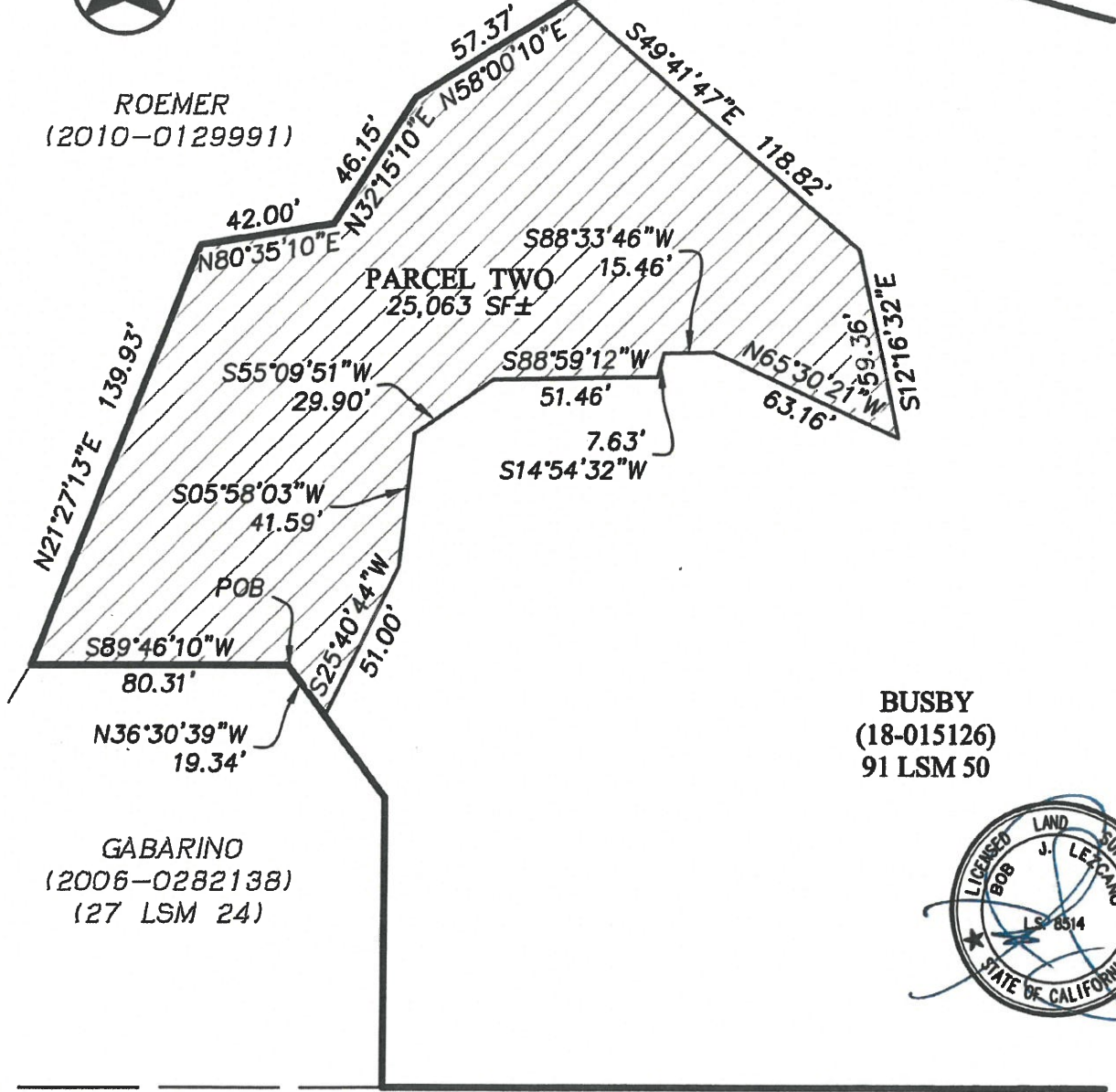
SHEET  
1 OF 2  
DATE:  
10-13-2020





FARR  
(2007-0102199)

ROEMER  
(2010-0129991)





BUSBY  
(18-015126)  
91 LSM 50

GABARINO  
(2006-0282138)  
(27 LSM 24)



**LEGEND**

- POB POINT OF BEGINNING
-  MS 13-0005 CREEK STRUCTURE SETBACK & RESTRICTED DEVELOPMENT AREA



817 Arnold Drive Ste. 50  
Martinez, CA 94553  
Ph: (925) 476-8499

**EXHIBIT 'B'**  
PLAT TO  
ACCOMPANY LEGAL  
DESCRIPTION

|                      |                     |
|----------------------|---------------------|
| DRAWN BY:<br>BJL     | SHEET<br>2 OF 2     |
| PROJECT NO:<br>13019 | DATE:<br>10-13-2020 |
| SCALE:<br>1"-50'     |                     |



**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 02/10/2021, before me, TERESA L. EDWARDS, NOTARY PUBLIC,

Notary Public, personally appeared JAMES SCOTT BUSTON, Jr.

MARGARET WARE BUSTON

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.

  
\_\_\_\_\_  
Signature of Notary Public

(SEAL)