

**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: 195-200-003

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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(s), Carlos Hidalgo and Lucy Hidalgo, trustees of the Carlos Hidalgo and Lucy Hidalgo Revocable Trust under date August 18, 1999, as amended and restated, 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 15, 2022, the Contra Costa County Zoning Administrator conditionally approved an application (CDVR21-01028) to allow the construction of an approximately 360-square foot 1<sup>st</sup> story and an approximately 1120-square foot 2<sup>nd</sup> story addition to an existing two-story single-family residence, located at 1872 Alameda Diablo, in an unincorporated area in Diablo, in the County of Contra Costa, State of California.
- B. The property referenced in Recital A is owned by the Grantors.
- C. Under County Ordinance Code sections 914-14.012, subdivision (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. County Ordinance Code section 914-14.012, subdivision (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. In accordance with County Ordinance Code section 914-4.012, subdivision (a), Condition of Approval 26 of CDVR21-01028 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.

- E. 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.
- F. A tributary of East Green Valley Creek, an unimproved earth channel, traverses the northern portion of the Property, and will be referred to as the "Creek."
- 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 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. 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 30 day of May, 2025.

GRANTEE

CONTRA COSTA COUNTY

GRANTORS

CARLOS HIDALGO AND LUCY HIDALGO,  
TRUSTEES OF THE CARLOS HIDALGO AND  
LUCY HIDALGO REVOCABLE TRUST UNDER  
DATE AUGUST 18, 1999, AS AMENDED AND  
RESTATED

By: \_\_\_\_\_  
Chair, Board of Supervisors


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


By: \_\_\_\_\_  
Deputy

Approved as to form:

Thomas L. Geiger  
County Counsel

By: \_\_\_\_\_  
Deputy County Counsel  
Kurtis C. Keller

  
Carlos Hidalgo  
Trustee

  
Lucy Hidalgo  
Trustee

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

PLEASE, SEE  
THE ATTACHED  
NOTARY PUBLIC  
05/30/2025  
Veronica Zucchi

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

## 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 05/30/2025 before me, VERONICA DELIA ZESATI, NOTARY PUBLIC  
(insert name and title of the officer)

personally appeared Lucy Hidalgo and Carlos Hidalgo,  
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 Veronica Zesati (Seal)



EXHIBIT "A"

**LEGAL DESCRIPTION  
OF  
CREEK STRUCTURE SETBACK AREA**

ALL THAT CERTAIN REAL PROPERTY SITUATE IN AN UNINCORPORATED AREA OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, BEING A PORTION OF LOT 143, MAP OF MOUNT DIABLO ESTATE PARK, FIRST UNIT, FILED MAY 6, 1916, MAP BOOK 15, PAGE 301, CONTRA COSTA COUNTY RECORDS, AND IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE WESTERLY LINE OF SAID LOT 143 AND THE SOUTHERLY RIGHT OF WAY LINE OF ALAMEDA DIABLO, AS SHOWN ON SAID MAP; THENCE FROM SAID POINT OF BEGINNING SOUTHERLY ALONG THE WESTERLY LINE OF SAID LOT 143, SOUTH  $09^{\circ}44'15''$  WEST, A DISTANCE OF 114.12 FEET TO A POINT; THENCE LEAVING SAID WESTERLY LINE, NORTH  $78^{\circ}46'58''$  EAST, A DISTANCE OF 44.29 FEET; THENCE NORTH  $62^{\circ}36'37''$  EAST, A DISTANCE OF 28.25 FEET; THENCE NORTH  $80^{\circ}22'23''$  EAST, A DISTANCE OF 8.93 FEET; THENCE SOUTH  $63^{\circ}55'17''$  EAST, A DISTANCE OF 15.91 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 143; THENCE NORTHERLY ALONG SAID EASTERLY LINE, NORTH  $09^{\circ}44'15''$  EAST, A DISTANCE OF 78.75 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF SAID ALAMEDA DIABLO; THENCE WESTERLY ALONG SAID SOUTHERLY RIGHT OF LINE, SOUTH  $88^{\circ}20'14''$  WEST, A DISTANCE OF 19.66 FEET AND NORTH  $80^{\circ}15'45''$  WEST, A DISTANCE OF 80.19 FEET TO THE POINT OF BEGINNING.

CONTAINING 9,085 SQUARE FEET, MORE OR LESS.

A PLAT IS ATTACHED HERETO LABELLED EXHIBIT "B", AND MADE A PART HEREOF.

PREPARED FROM RECORD DATA OF RECORD OF SURVEY FILED IN BOOK 163 OF SURVEYS, AT PAGE 26, CONTRA COSTA COUNTY RECORDS.

BY JTS ENGINEERING CONSULTANTS, INC.

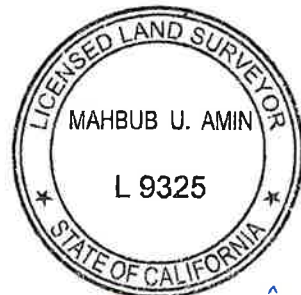
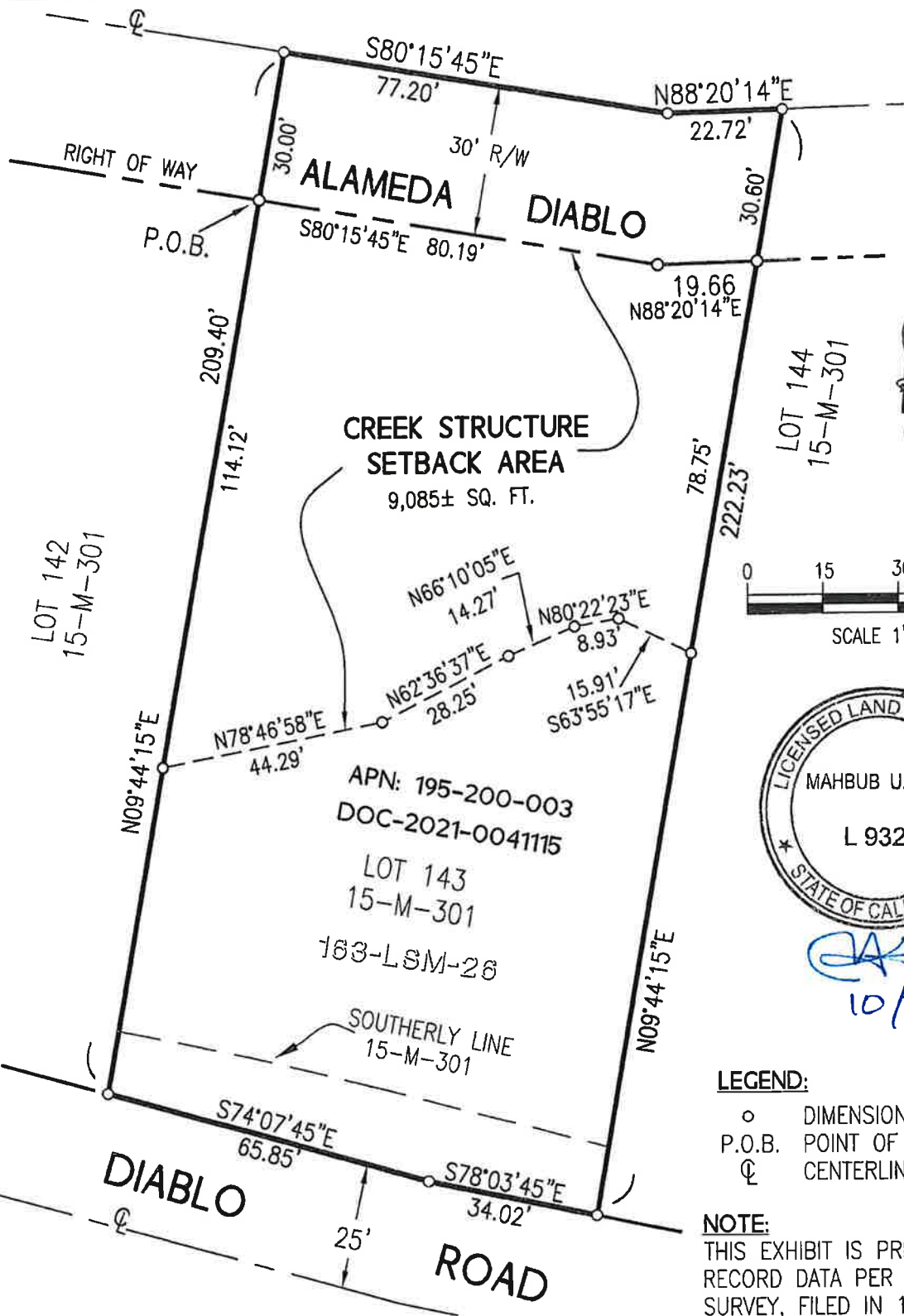


MAHBUB U. AMIN, PLS 9325

10/26/22

DATE





*MAHBUB U. AMIN*  
10/26/22

**JTS ENGINEERING CONSULTANTS, INC.**  
1808 J STREET  
SACRAMENTO CALIFORNIA 95811 (916) 441-6708

**EXHIBIT 'B'**  
**CREEK STRUCTURE SETBACK AREA**  
**1872 ALAMEDA DIABLO**

CONTRA COSTA COUNTY

CALIFORNIA

SCALE: 1"=30'  
DATE: 10/26/22  
SHEET: 1 OF 1  
JOB# 2021-040