

## RIGHT OF WAY CONTRACT - TEMPORARY CONSTRUCTION EASEMENT

RW 8-4 (Rev. 09/2021)

Grantor(s): Rodeo Parker SC, LLC  
Portion of APN'S: 357-132-017, 357-132-019  
Project Name: Rodeo Creek Bank Erosion Repair Project  
Project No.: 7531-6D9N04  
Federal Project No. N/A

\_\_\_\_\_, California

\_\_\_\_\_, 2024

This Document in the form of a TEMPORARY CONSTRUCTION EASEMENT, covering the property particularly described in Clause 3 below has been executed and delivered to Brandon Mielke, Associate Real Property Agent for Contra Costa County Flood Control & Water Conservation District.

In consideration of which, and the other considerations hereinafter set forth, it is mutually agreed as follows:

1. The parties have herein set forth the whole of their agreement. The performance of this agreement constitutes the entire consideration for said document and shall relieve the Contra Costa County Flood Control & Water Conservation District (District) of all further obligation or claims on this account, or on account of the location, grade, or construction of the proposed public improvement.
2. The District shall pay the undersigned Grantor the sum of \$18,400.00 for two Temporary Construction Easements described in Clause 3.
3. Grantor hereby grants to District two Temporary Construction Easements upon, in, over, and across that certain real property more particularly described in Exhibit "A" attached hereto and made a part hereof. The District and its employees, contractors, and authorized agents may enter upon Grantor's land where necessary within the Temporary Construction Easements area for the purpose of repairing erosion that has occurred on an embankment within the District's adjacent Rodeo Creek property as part of District's Rodeo Creek Bank Erosion Repair Project (Project). The rights granted to the District herein include the right to bring personnel, equipment, and necessary supplies and material upon, in, over, and across the Temporary Construction Easements, and to store and stage material and equipment within the easements.

Each of the Temporary Construction Easements has a term commencing on July 1, 2025, and terminating on December 31, 2025. Grantor shall have use of the property within the Temporary Construction Easements until the later of July 1, 2025, or the date the District actually takes possession of the Temporary Construction Easements.

In case of unpredictable delays in Project construction preventing the District from completing construction by December 31, 2025, upon written notification by the District, the Temporary Construction Easements shall be extended by an amendment to this Right of Way Contract. Grantor shall be compensated for any extension beyond December 31, 2025, based on the fair market value at the time of the extension. Said amount will be paid to the Grantor in a lump sum within sixty (60) days after District has determined the Temporary Construction Easements are no longer required.

## RIGHT OF WAY CONTRACT - TEMPORARY CONSTRUCTION EASEMENT

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4. The undersigned Grantor warrants that it is the owner in fee simple of the property affected by the Temporary Construction Easements, as described in Clause 3 above, and that it has the exclusive right to grant these Temporary Construction Easements to the District.
5. The parties to this contract shall, pursuant to Section 21.7(a) of Title 49, Code of Federal Regulations, comply with all elements of Title VI of the Civil Rights Act of 1964. This Requirement under Title VI and the Code of Federal Regulations is to complete the County's Non-Discrimination Assurance requiring compliance with Title VI of the Civil Rights Act of 1964, 49 C.F.R. Parts 21 and 28 C.F.R. Section 50.3.
6. No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that is subject to this contract.


*In Witness Whereof*, the Parties have executed this agreement the day and year first above written.

CONTRA COSTA COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

RODEO PARKER SC, LLC

Recommended to the Board of Supervisors  
for Approval:

By

  
Brandon W. Mielke  
Associate Real Property Agent

By

  
Terence L. Tom, Manager

By

  
Jessica L. Dillingham  
Principal Real Property Agent

APPROVED:

By

Warren Lai  
District Engineer

Date

(Date of Approval)

## **RIGHT OF WAY CONTRACT - TEMPORARY CONSTRUCTION EASEMENT**

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### **ADA Notice**

For individuals with sensory disabilities, this document is available in alternate formats. For alternate format information, contact the Forms Management Unit at (279-234-2284, TTY 711, or write to Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

Temporary Construction Easements  
Rodeo Creek  
County Project No. 7531-6D9N04  
From Rodeo Parker SC, LLC  
To Contra Costa County Flood Control and Water Conservation District  
Portion of APNs 357-132-017 and 357-132-019  
Drawing No. MA-264-2023

**EXHIBIT "A"**

All that certain real property situate in an unincorporated area of the County of Contra Costa, State of California, being a portion of Block "C", as shown on the Map of Rodeo, filed February 5, 1892, in Book "D" of Maps at Page 91 (D-M91), Contra Costa County Records, and also being a portion of the property described as Lot 1 and Lot 2 in the grant deed to Rodeo Parker SC, LLC, a California limited liability company, recorded April 13, 2012, as Document No. 2012-0085142, Official Records of Contra Costa County, more particularly described as follows:

**Parcel One — Temporary Construction Easement**

A Temporary Construction Easement (TCE) for construction purposes and incidents related thereto, upon, in, over, and across the property described below for a period of six (6) months, to commence on July 01, 2025, and terminate on December 31, 2025.

Beginning at a point on the northerly line and northeasterly corner of said Lot 2 (2012-0085142), and also being a point on the westerly line of that certain parcel of land described in the grant deed from Title Insurance and Trust Company to Contra Costa County Flood Control and Water Conservation District, a political subdivision, recorded December 3, 1965, in Book 5006 of Official Records at Page 539 (5006 OR 539), Contra Costa County Records; thence from said Point of Beginning, leaving said westerly line southerly along said northerly line, and also being on the southerly line of said Lot 1 (2012-0085142), South 80° 24' 54" West, 23.00 feet; thence leaving said southerly line, North 09° 32' 08" West, 14.45 feet; thence South 80° 24' 54" West, 63.00 feet; thence North 09° 32' 08" West, 122.00 feet; thence North 80° 24' 54" East, 93.00 feet to a point on the westerly line of that certain parcel of land described in the grant deed from Charles H. Maskell, et ux., to Contra Costa County Flood Control and Water Conservation District, a political subdivision, recorded July 26, 1966, in Book 5169 of Official Records at Page 564 (5169 OR 564), Contra Costa County Records; thence southerly along the westerly boundaries of said grant deeds (5169 OR 564 and 5006 OR 539) the following three (3) courses:

- 1) South 09° 32' 08" East, 72.65 feet;
- 2) South 80° 24' 54" West, 7.00 feet;
- 3) South 09° 32' 08" East, 63.80 feet, to the Point of Beginning.

Said TCE Parcel One containing an area of 11,333 square feet, more or less,

Being a portion of APN 357-132-017.

### **Parcel Two — Temporary Construction Easement**

A Temporary Construction Easement (TCE) for construction purposes and incidents related thereto, upon, in, over, and across the property described below for a period of six (6) months, to commence on July 01, 2025, and terminate on December 31, 2025.

Commencing at a point on the southerly line and southwesterly corner of said Lot 2 (2012-0085142), and also being a point on the northerly right of way of Seventh Street as shown on said Map of Rodeo (D-M91), thence northeasterly along said southerly line North 66° 28' 54" East, 117.48 feet to the Point of Beginning; thence from said Point of Beginning, leaving said southerly line North 09° 32' 08" West, 25.00 feet; thence South 80° 24' 54" West, 9.00 feet; thence North 09° 32' 08" West, 185.55 feet to a point on the northerly line of said Lot 2 (2012-0085142); thence along said northerly line North 80° 24' 54" East, 23.00 feet to a point on the westerly line of that certain parcel of land described in the grant deed from Title Insurance and Trust Company to Contra Costa County Flood Control and Water Conservation District, a political subdivision, recorded December 3, 1965, in Book 5006 of Official Records at Page 539 (5006 OR 539), Contra Costa County Records; thence southerly along the westerly boundary of said grant deed (5006 OR 539) the following three (3) courses:

- 1) South 09° 32' 08" East, 206.19 feet;
- 2) South 80° 27' 52" West, 3.00 feet;
- 3) South 09° 32' 08" East, 1.63 feet, to a point on said northerly right of way of Seventh Street;

Thence southerly along said northerly right of way South 66° 28' 54" West, 11.34 feet to the Point of Beginning.

Said TCE Parcel Two containing an area of 4,590 square feet, more or less,

Being a portion of APN 357-132-019.

Bearings are based on that certain Contra Costa County Flood Control and Water Conservation District drawing of Rodeo Creek entitled "Bay to Freeway Composite History Map", Drawing No. ED-446, dated May 1979, and on record at Contra Costa County Public Works Department.

See Exhibit "B" attached hereto and made a part hereof.

This real property description has been prepared by me or under my direction, in conformance with the Professional Land Surveyors Act.

Signature: \_\_\_\_\_

Alejandro Martinez

Licensed Land Surveyor

Contra Costa County Public Works Department

Date: \_\_\_\_\_

01/22/2024



# EXHIBIT "B"

PLAT TO ACCOMPANY EXHIBIT "A"

Rodeo Parker SC, LLC  
APN 357-132-017  
2012-0085142 — Lot 1

**Temporary  
Construction  
Easement (TCE)  
PARCEL 1**

CCCFCWCD  
(5169 OR 564)

LOT LINE

S80° 24' 54"W  
7.00'

S80° 24' 54"W  
23.00'

**P.O.B. PCL 1**

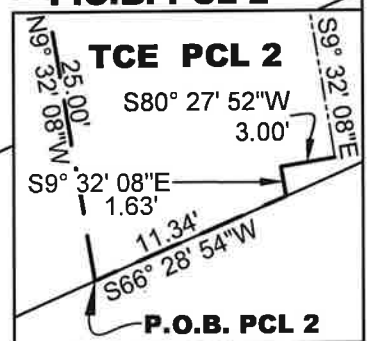
**Temporary  
Construction  
Easement (TCE)  
PARCEL 2**

CCCFCWCD  
(5006 OR 539)

LOT LINE

SEE DETAIL

**P.O.B. PCL 2**



DETAIL  
SCALE: 1"=10'

Rodeo Parker SC, LLC  
APN 357-132-018  
2012-0085142 — Lot 3

**P.O.C. PCL 2**

**Seventh Street  
(60' R/W)**

**Parker Avenue**

Scale: 1"=60'

Unincorporated Contra Costa County, California

## Rodeo Creek Temporary Construction Easements

Instr \_\_\_\_\_ Recorded \_\_\_\_\_

Series # \_\_\_\_\_



Contra Costa County Flood Control  
& Water Conservation District  
255 Glacier Drive  
Martinez, CA 94553

|             |          |             |             |
|-------------|----------|-------------|-------------|
| SCALE:      | AS NOTED | DATE:       | 01/04/2024  |
| DRAWN BY:   | AM/DCF   | DRAWING NO. | MA-264-2023 |
| CHECKED BY: | DMT      |             |             |