AUG 28 1989

89 165417

Recording requested by and when recorded mail to:

East Bay Regional Park District
11500 Skyline Blvd.
Oakland, CA 94619

Attention: Lloyd Wagstaff

RECORDED AT REQUEST OF
NORTH AMERICAN TITLE CO.

AUG 28 1989

AT 8 O'CLOCK A M.
CONTRA COSTA COUNTY RECORDS
STEPHEN L. WEIR, County Recorder
FEE $

BOOK 15296 PG 163

GRANT TO RECREATIONAL TRAIL EASEMENT

This Agreement is made as of this 8th day of August, 1989 by and among the East Bay Regional Park District, California Special District ("District"), and

STEPHENS & COMPANY PROFIT SHARING PLAN & TRUST

("Grantor").

RECITALS

A. Grantor owns certain real property located in the unincorporated area of the County of Contra Costa, State of California (the "Real Property").

B. District desires to acquire from Grantor a perpetual, exclusive easement and right-of-way in, under, along and across over that portion of the Real Property more particularly described in Exhibit A attached hereto and made a part hereof (the "Easement Parcel"), for the purposes and uses and upon the terms and conditions hereinafter set forth.

AGREEMENT

1. Grantor, for a good and valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, hereby grants to District and its successors and assigns a perpetual, exclusive easement in gross and right-of-way (the "Easement") for the purpose of entering upon and traversing upon the Easement Parcel for the purpose of constructing, operating, and maintaining a recreational trail to be used by the general public for hiking, bicycling and equestrian use and other related uses. Said Easement to include, but not limited to, the right to construct and maintain fences and gates or other control structures along the route of said Easement, but shall exclude the use of motorized vehicles except as may be required in the original construction, and from time to time thereafter to police, inspect and maintain the Easement Parcel. Grantor acknowledges that the general public shall have use of said recreational trail.

2. Grantor and Grantor's heirs, successors and assigns shall not place or permit to be placed on the Easement Parcel any building or structure, nor do nor allow to be done anything which may interfere with the full enjoyment by District and the general public of the rights herein granted. Any conveyance by Grantor or any of Grantor's successors or assigns of fee simple title to the Easement Parcel or any part thereof shall expressly provide that it is subject to the rights herein granted to District, and to all of the conditions of this Agreement.

3. To have and to hold, all and singular, the rights above-described unto District and the District's successors and assigns forever.

BOOK 15296 PG 165

IN WITNESS WHEREOF, the parties hereto have executed this Agreement this 8th day of August, 1989.

GRANTOR:

STEPHENS AND COMPANY PROFIT SHARING PLAN AND TRUST
BY: D. R. STEPHENS, TRUSTEE

MARATHON PARTNERS
OPTIONEE: A CALIFORNIA PARTNERSHIP

BY: JOSEPH MCCOLE , GENERAL PARTNER

BY: WILBURN Y. WALLACE, GENERAL PARTNER

EAST BAY REGIONAL PARK DISTRICT:

MARY LEE JEFFERDS, PRESIDENT

BOOK 15296 PG 166

CERTIFICATE OF ACCEPTANCE

Pursuant to Resolution No. 1988-5-195 adopted May 17, 1988 by the Board of Directors of the East Bay Regional Park District ("District"), the undersigned officials of the District approve this instrument as to form, accept it on behalf of the District, and authorize its recordation.

Instrument approved as to form:

Ted O'Brien
General Manager

Dated 8-22-89

Instrument accepted and authorized for recordation:

Mary Lee Jefferds
President

Debra Wroblewski
Secretary

STATE OF CALIFORNIA)
) ss.
CITY AND COUNTY OF SAN FRANCISCO)

On this eighth day of August, 1989, before me, the undersigned Notary Public for the State of California, personally appeared D. R. STEPHENS, personally known to me to be the person who executed the within instrument as Trustee on behalf of STEPHENS & COMPANY PROFIT SHARING PLAN & TRUST and acknowledged to me that STEPHENS & COMPANY PROFIT SHARING PLAN & TRUST executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the County of San Francisco on the date set forth above in this certificate.

OFFICIAL SEAL
MEI YUEN
NOTARY PUBLIC - CALIFORNIA
CITY & COUNTY OF SAN FRANCISCO
My Comm. Expires Nov. 9, 1992

Mei Yuen
Notary Public, State of California

My commission expires November 9, 1992

STATE OF CALIFORNIA) ss.
COUNTY OF ALAMEDA)

BOOK 15296 PG 167

On August 8th 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared Mary Lee Jefferds personally known to me to be President of the East Bay Regional Park District, ~~and~~ _____, ~~personally known to me to be the Board Secretary of the East Bay Regional Park District~~, the public agency that executed the within Instrument, and known to me to be the persons who executed the within Instrument on behalf of the public agency therein named, and acknowledged to me that such public agency executed the within Instrument pursuant to a resolution number 1988-5-195 of its Board of Directors, adopted May 17, 1988.

WITNESS MY HAND AND OFFICIAL SEAL

OFFICIAL SEAL
DIANA LYNN FALGOUT
NOTARY PUBLIC - CALIFORNIA
ALAMEDA COUNTY
My Comm. Expires June 7 1991

Diana Lynn Falgout

State of California)
County of Marin)

On this the 8th day of August, 1989, before me, the undersigned Notary Public, personally appeared

Joseph McCole and Wilburn T. Wallace

personally known to me (or proven to me on the basis of satisfactory evidence) to be the person(s) who executed the within instrument as partners or on behalf of the partnership therein named, and acknowledged to me that the partnership executed it.

WITNESS my hand and official seal.

OFFICIAL SEAL
JERRY L. TAPLIN
NOTARY PUBLIC - CALIFORNIA
CONTRA COSTA COUNTY
My Comm. Expires July 29, 1991

Jerry L. Taplin
NOTARY PUBLIC

Parsons Rourke & Walker
Planners, Engineers, Landscape Architects

400 Taylor Blvd.
Suite 325
Pleasant Hill, CA 94523
(415) 686-6300

BOOK 15296 PG 168

LEGAL DESCRIPTION
RECREATIONAL TRAIL

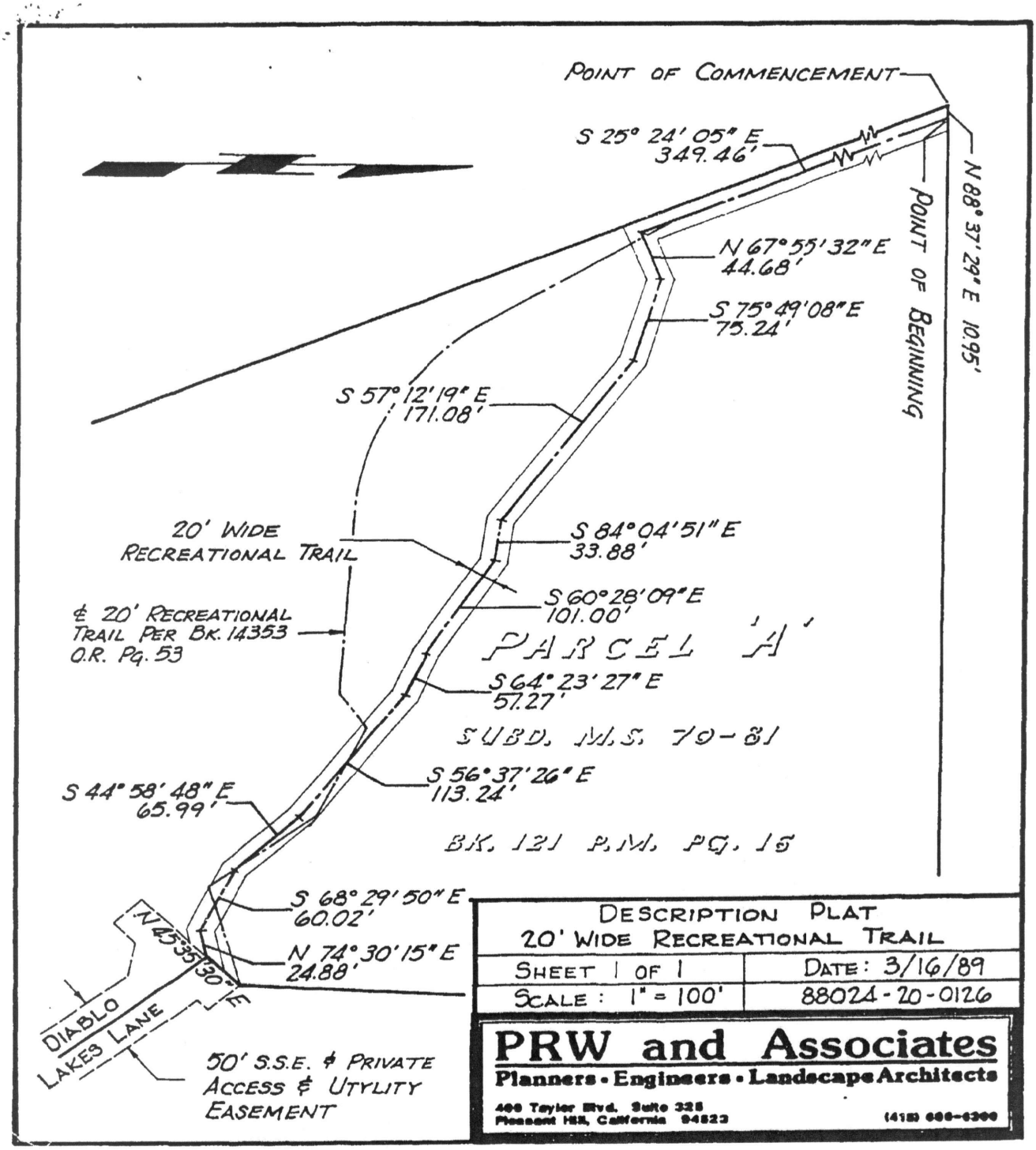
A PORTION OF THE EAST HALF OF SECTION 15, TOWNSHIP 1 SOUTH, RANGE 1 WEST, MOUNT DIABLO BASE AND MERIDIAN, CONTRA COSTA COUNTY, CALIFORNIA, BEING A PORTION OF PARCEL A, AS SAID PARCEL IS SHOWN ON THE PARCEL MAP FILED FEBRUARY 19, 1986, IN BOOK 121 OF PARCEL MAPS, PAGES 15 AND 16, OFFICIAL RECORDS OF CONTRA COSTA COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

A STRIP OF LAND 20 FEET IN WIDTH, OVER A PORTION OF SAID PARCEL A, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHWESTERLY CORNER OF SAID PARCEL A AS SHOWN ON SAID PARCEL MAP, THENCE NORTH 88° 37' 29" EAST, 10.95 FEET TO THE POINT OF BEGINNING; THENCE ALONG THE FOLLOWING COURSES, SOUTH 25° 24' 05" EAST, 349.46 FEET; NORTH 67° 55' 32" EAST, 44.68 FEET; SOUTH 75° 49' 08" EAST, 75.24 FEET; SOUTH 57° 12' 19" EAST, 171.08 FEET; SOUTH 84 04' 51" EAST 33.88 FEET; SOUTH 60° 28' 09" EAST, 101.00 FEET; SOUTH 64° 23' 27" EAST, 57.27 FEET; SOUTH 56° 37' 26" EAST, 113.24 FEET; SOUTH 44° 58' 48" EAST 65.99 FEET; SOUTH 68° 29' 50" EAST, 60.02 FEET; NORTH 74° 30' 15" EAST, 24.88 FEET TO A POINT WHICH IS AT THE NORTHERLY TERMINUS OF THE CENTERLINE OF DIABLO LAKES LANE, AS SHOWN ON THE AFOREMENTIONED PARCEL MAP.

THE SIDELINES OF SAID 20 FEET IN WIDTH STRIP OF LAND SHALL BE LENGTHENED OR SHORTENED TO INTERSECT THE NORTHERLY LINE OF THE AFOREMENTIONED PARCEL A AND THE LINE OF RECORD WHICH IS NORTH 45° 35' 30" EAST, AT THE TERMINUS OF DIABLO LAKES LANE.

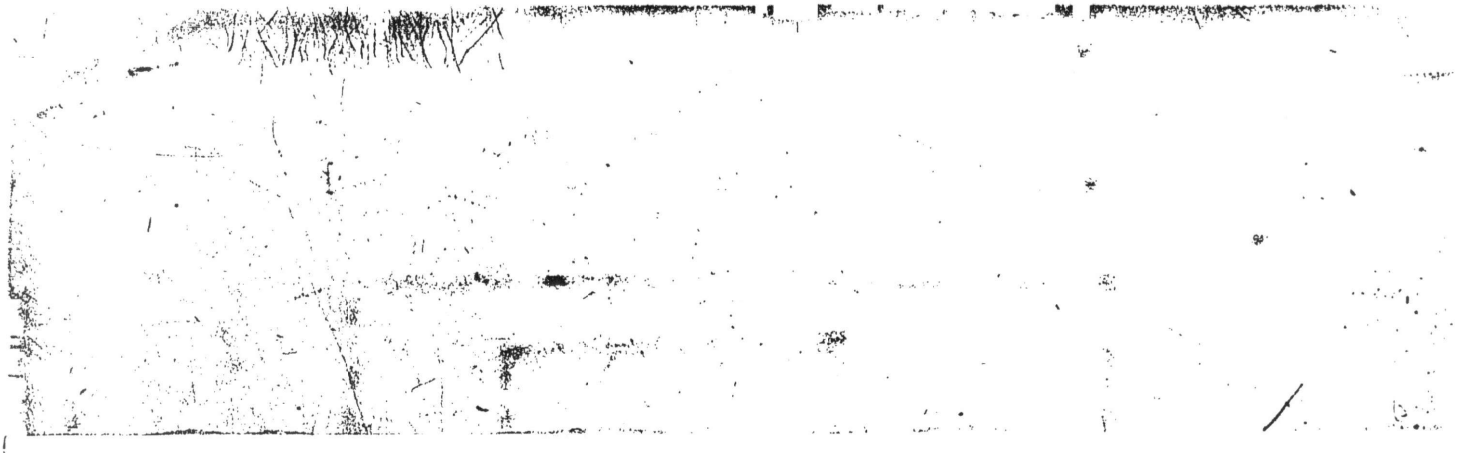
88024LGT.001



DESCRIPTION PLAT
20' WIDE RECREATIONAL TRAIL

SHEET 1 OF 1	DATE: 3/16/89
SCALE: 1" = 100'	88024-20-0126

PRW and Associates
Planners • Engineers • Landscape Architects
400 Taylor Blvd. Suite 325
Pleasant Hill, California 94523
(415) 686-6300



EAST BAY REGIONAL PARK DISTRICT

RESOLUTION NO. 1988-5-195

MAY 17, 1988

BOOK 15296 PG 170

AUTHORIZATION TO ACCEPT NEW TRAIL ALIGNMENT AND RECORDATION OF AN EASEMENT FROM SUBDIVISION 70-81 DIABLO LAKES ASSOCIATES AND RELINQUISHMENT OF PREVIOUS OFFER OF GREEN VALLEY TRAIL:(Doyle)

WHEREAS, Diablo Lakes Associates and the District have agreed upon a new trail alignment through Subdivision 70-81 to replace the route previously committed to on the recorded tract map; and

WHEREAS, the new alignment will enhance the use and maintenance of the trail.

NOW, THEREFORE, BE IT RESOLVED that the President and Secretary are hereby authorized and directed to execute and record all necessary documentation to quitclaim the superseded alignment and accept dedication of a new Recreational Trail Easement.

Moved by Kay Petersen Director, seconded by Ted Radke Director, and adopted this 17th day of May, 1988 by the following vote:

FOR: Directors Jocelyn Combs, James Duncan, Mary Lee Jefferds, John O'Donnell, Kay Petersen, Ted Radke

AGAINST: None

ABSENT: Director Harlan Kessel

CERTIFICATION

I, Debra L. Wrobleski, Secretary to the Board of Directors of the East Bay Regional Park District, do hereby certify that the above and foregoing is a full, true and correct copy of Resolution 1988-5-195 adopted by the Board of Directors at a regular meeting held on May 17, 1988.

Debra L. Wrobleski

END OF DOCUMENT

res5-17-1