

ORDINANCE NO. 2021-37

(Uncodified)

(Central County Area of Benefit Fees)

The Board of Supervisors of Contra Costa County ordains as follows:

SECTION 1. Summary and Purpose. This ordinance provides for the repeal of Contra Costa County Ordinance Nos. 94-72, 95-32, and 2021-33, the repeal of Resolution Nos. and 94/604, 95/273, and 2021/318, and the reestablishment of the Central County Area of Benefit, and the adoption of revised transportation mitigation fees for transportation improvements needed to mitigate transportation impacts of new development in the area of benefit through 2040.

SECTION 2. Authority. This ordinance is enacted pursuant to Government Code sections 66001, *et seq.*, 66484, and 66484.7, and Division 913 of the Contra Costa County Ordinance Code, and other applicable laws and ordinances.

SECTION 3. Recitals and Findings of Fact.

(a) Under the Mitigation Fee Act, California Government Code section 66000, *et seq.*, the County is authorized to charge a development-project applicant, as a condition of project approval, a fee that is proportional to the cost of public improvements necessary to serve the development project, or to alleviate impacts caused by the development project. Government Code sections 66484 and 66484.7 specifically authorize the County to impose those fees to defray the actual or estimated costs of new or reconstructed bridges over waterways, railways, freeways, major thoroughfares, and pedestrian, bicycle, transit, and traffic-calming facilities that serve new development within a specific area of benefit.

(b) The Central County Area of Benefit was established by the Board of Supervisors' adoption of Ordinance No. 95-32 and Resolution No. 95/273 to establish fees imposed on each new development within the Central County Area of Benefit, to fund specified new bridges and thoroughfares, or expansions of existing bridges and thoroughfares, necessary to serve the development project or alleviate traffic impacts or demands caused by the project. The South Walnut Creek Area of Benefit was established by the Board of Supervisors' adoption of Ordinance No. 94-72 and Resolution No. 94/604 to establish fees imposed on each new development within the South Walnut Creek Area of Benefit, to fund specified new bridges and thoroughfares, or expansions of existing bridges and thoroughfares, necessary to serve the development project or alleviate traffic impacts or demands caused by the project. Those fees funded many significant projects. Because of changes in development and traffic patterns in the area, the Public Works Department reevaluated the transportation improvements needed to serve new development in the territory within the current Central County Area of Benefit and South Walnut Creek Area of Benefit areas through 2040.

- (c) The County's March 2021 Development Program Report ("Report"), including the March 2021 "Nexus Study, Central County Area of Benefit" ("Nexus Study") attached as Exhibit D to the Report, have been prepared to determine the amount of the fees necessary to fund new development's share of the estimated costs of new or reconstructed bridges over waterways, railways, freeways, major thoroughfares, pedestrian, bicycle, transit, and traffic-calming facilities (the "Transportation Improvements") that are necessary to meet traffic demands generated by new development through 2040 within a reestablished Central County Area of Benefit that includes the area previously within the Central County Area of Benefit area and the South Walnut Creek Area of Benefit. (Unless otherwise specified, all further references to Central County Area of Benefit mean the reestablished Central County Area of Benefit.) The Transportation Improvements are more particularly described in the Report, the Nexus Study, and Sections 5.6 (Roadway and Transit Network Plans) and 5.8 (Pedestrian Facilities and Bikeways) of Chapter 5 (Transportation and Circulation Element) of the County's 2005-2020 General Plan.
- (d) The Report and Nexus Study propose a fair and equitable method for allocating a portion of the costs of the Transportations Improvements to new development within the Central County Area of Benefit. The cost of each of the Transportation Improvements in the Report and Nexus Study is reasonable. The total amount of revenue expected to be generated from fees charged and collected under this ordinance will not exceed the estimated cost of the Transportation Improvements attributable to new development within the Central County Area of Benefit. The County will rely on sources other than transportation mitigation fee revenue to pay Transportation Improvement costs not allocated to new development. The Transportation Improvements are necessary and desirable within the Central County Area of Benefit.
- (e) Payment of the fees adopted by this ordinance shall not be required unless the major thoroughfares or planned bridge facilities are in addition to, or a reconstruction of, any existing major thoroughfares or planned bridge facilities serving the Central County Area of Benefit at the time that the boundaries of that area of benefit are established by this ordinance. Because all of the Transportation Improvements are in addition to, or a reconstruction or expansion of, existing thoroughfares and bridge facilities, the fees adopted by this ordinance may be imposed on new development projects within the Central County Area of Benefit.
- (f) Pursuant to Government Code section 66001, the Board of Supervisors further finds:
- (1) As determined in the Nexus Study, the purpose of the fees adopted and collected pursuant to this ordinance is to fund new development's share of the estimated costs of the Transportation Improvements identified in the Nexus Study.
 - (2) As determined in the Nexus Study, there is a reasonable relationship between the use of revenue generated by the fees and the type of new development projects on which those fees shall be imposed.

- (3) As determined in the Nexus Study, there is a reasonable relationship between the need for the Transportation Improvements that shall be funded by fee revenue, and the types of new development within the Central County Area of Benefit on which those fees shall be imposed.
 - (4) As determined in the Nexus Study, there is a reasonable relationship between the amount of the fee imposed on each type of new development within the Central County Area of Benefit, and the cost of the Transportation Improvements to be funded by fee revenue.
- (g) The Board of Supervisors further finds as follows:
- (1) Pursuant to Government Code sections 54986, 65091, 66017, 66018, 66474.2, subdivision (b), 66484, and 66484.7, and Division 913 of the Contra Costa County Ordinance Code, notice of a public hearing on this ordinance was given and published, and the public hearing was held. The Nexus Study and Report were made available to the public at least ten (10) days before the hearing.
 - (2) If, within the time when protests may be filed under the provisions of this ordinance, there is a written protest, filed with the Clerk of the Board of Supervisors, by owners of more than one-half of the area of the property within the Central County Area of Benefit, and sufficient protests are not withdrawn so as to reduce that area to less than one-half of the area of the property within the Central County Area of Benefit, these proceedings shall be abandoned and this ordinance shall not be adopted. However, the Board of Supervisors has considered all written protests, and all written and oral testimony offered at the hearing, and finds that no majority protest exists.
 - (3) At the public hearing on this ordinance, the boundaries of the Central County Area of Benefit, the estimated costs of the Transportation Improvements, and a fair method of allocation of those costs to new development projects within the Central County Area of Benefit were established.

SECTION 4. Definitions. For the purpose of this ordinance, the following terms have the following meanings:

- (a) "Development project" or "new development project," means either of the following located within the Central County Area of Benefit:
 - (1) Any new construction, or any addition, extension, or enlargement of an existing structure or unit, which includes a dwelling unit for residential use or the floor area of commercial, office or industrial use, requiring a building permit from the County; or
 - (2) Any conversion or change in use of an existing structure requiring a building permit from the County that would result in a change in the land use type.

- (b) "Square foot" means a square foot of gross floor area within the interior walls of a building or portions thereof.
- (c) "Dwelling-unit-equivalent" means the same level of traffic impacts attributable to one dwelling unit, as determined in the Report and Nexus Study.

SECTION 5. Fee Adoption and Collection. Fees that apply to new development within the Central County Area of Benefit are hereby adopted, and shall be charged and collected, as specified in this section.

(a) Amount of the Fees.

- (1) Central County Area of Benefit Fees. The following schedule of fees shall be effective on the effective date of this ordinance:

Land Use Type	Fee	Per Unit
Single-Family Residential	\$ 5,335	per dwelling unit
Multi-Family Residential	\$ 3,275	per dwelling unit
Commercial/Retail	\$ 7.57	per square foot
Office	\$ 6.12	per square foot
Industrial	\$ 4.86	per square foot
Other	\$ 5,335	per dwelling unit equivalent

- (2) Adjustment of Fees Beginning January 1, 2023. On January 1, 2023, and on each January 1 thereafter, the amounts of the fees set forth in Section 5(a)(1), above, shall be increased or decreased by a percentage equal to the percentage change, if any, in the Engineering News-Record Construction Cost Index for the San Francisco Bay Area for the 12-month period ending September 30 of the prior year.

- (b) Calculation of the Central County Area of Benefit Fee. Unless otherwise specified in this ordinance, each new development project shall pay a fee calculated as described in this Section 5(b).

- (1) Calculation of the Central County Area of Benefit Fee for New Development that Expands, Extends, or Replaces an Existing Development. If any new development project will replace an existing development, or if any new development project will expand or extend an existing development, by increasing the number of dwelling units or square feet of floor area of, or the number of dwelling-unit-equivalents attributable to, the existing development, the fee imposed on the new development project shall be calculated as follows:

- (A) For residential land uses: The applicable transportation mitigation fee in Section 5(a) of this ordinance is multiplied by the difference of: (i) either the number of dwelling units attributable to the new development that

replaces an existing development, or the number of dwelling units attributable to the development after the expansion or extension of the existing development; minus (ii) the number of dwelling units attributable to the existing development. That calculation is expressed as follows:

[Applicable fee per-dwelling unit] x [(number of dwelling units after replacement or expansion/extension) – (number of dwelling units before replacement or expansion/extension)]

- (B) For office, industrial, and commercial/retail land uses: The applicable fee in Section 5(a) of this ordinance is multiplied by the difference of: (i) either the number of square feet of the new development that will replace an existing development, or the number of square feet of the development after expansion or extension of the existing development; minus (ii) the number of square feet of the existing development. That calculation is expressed as follows:

[Applicable fee per square foot] x [(number of square feet after replacement or expansion/extension) – (number of square feet before replacement or expansion/extension)]

- (C) For “other” land uses: The applicable fee in Section 5(a) of this ordinance is multiplied by the difference of: (i) either the number of dwelling-unit-equivalents attributable to the new development that will replace an existing development, or the number of dwelling-unit-equivalents attributable to the development after expansion or extension of the existing development; minus (ii) the number of dwelling-unit-equivalents attributable to the existing development. That calculation is expressed as follows:

[(Applicable fee per dwelling-unit-equivalent)] x [(number of dwelling-unit-equivalents after replacement or expansion/extension) – (number of dwelling-unit-equivalents before replacement or expansion/extension)]

The County will determine the number of dwelling unit equivalents that will be generated by the new development project based on: information generated by project-specific traffic studies prepared by a professional engineer; the standards set forth in the then-current edition of the Institute of Transportation Engineers Trip Generation Manual (“ITE Manual”); and other information provided by the new development project applicant that the County deems relevant.

- (D) Notwithstanding any other provision of this ordinance, if the result of the calculation required by this Section 5(b)(1) is zero or a negative number, then no fee shall be imposed on the new development project.

(2) Calculation of the Central County Area of Benefit Fee for New Development that Does Not Expand, Extend, or Replace an Existing Development. For any new development project that does not expand, extend, or replace an existing development, the fee imposed on the new development project shall be calculated as follows:

(A) For residential land uses: The applicable fee in Section 5(a) of this ordinance is multiplied by the number of dwelling units attributable to the new development. That calculation is expressed as follows:

(Applicable fee per dwelling unit) x (number of dwelling units)

(B) For office, industrial, and commercial/retail land uses: The applicable fee in Section 5(a) of this ordinance is multiplied by the number of square feet of the new development. That calculation is expressed as follows:

(Applicable fee per square foot) x (number of square feet of floor area)

(C) For "other" land uses: The applicable fee in Section 5(a) of this ordinance is multiplied by the number of dwelling unit equivalents attributable to the new development. That calculation is expressed as follows:

(Applicable fee per dwelling-unit-equivalent) x (number of dwelling-unit-equivalents attributable to new development)

The County will determine the number of dwelling unit equivalents attributable to the new development project based on: information generated by project-specific traffic studies prepared by a professional engineer; the standards set forth in the then-current edition of the ITE Manual; and other information provided by the new development project applicant that the County deems relevant.

(c) Applicability and Establishment of Central County Area of Benefit Boundaries. This ordinance repeals Board of Supervisors Ordinance Nos. 94-72, 95-32, and 2021-33 and Resolution Nos. and 94/604, 95/273, and 2021/318. The boundaries of the Central County Area of Benefit are hereby readopted and reestablished in accordance with Government Code sections 66484 and 66484.7. The boundaries now include the territory previously within the South Walnut Creek Area of Benefit. The transportation mitigation fees specified in this ordinance shall apply to all new development within the reestablished Central County Area of Benefit, unless otherwise specified in this ordinance. The boundaries of the reestablished Central County Area of Benefit are more particularly described in the legal description, and are depicted on the map, attached hereto together as Exhibit A and incorporated herein by reference.

(d) Time of Collection. The fee attributable to each new development project shall be paid before the County issues a building permit for the new development project. Payment of

the fee shall be a condition of building permit issuance, as specified in Chapter 913-4 of the County Ordinance Code.

(e) Exemptions. No new development project is exempt from payment of a fee under this ordinance, unless, as of the date of the notice published pursuant to Government Code Section 66474.2, subdivision (b), either of the following apply:

- (1) The new development project has perfected an exemption from the fee under the vesting tentative map law; or
- (2) The new development project has entered into a development agreement with the County that expressly excludes assessment of additional fees on that project.

(f) Fee Reductions and Credits.

(1) A project applicant may request a reduction in fees from the County if it is determined that the project will generate a lower number of trips than data provided by the ITE Manual that was used as the basis for the Report. A requested fee reduction must be based on a traffic study that determines that the traffic impacts of the proposed development would generate fees that are less than the fees set forth in Section 5, above. The methodology for conducting the study shall be developed and approved by the County. The County shall determine the appropriate fee reduction based upon the proportionate reduction in traffic impacts demonstrated in the traffic study.

(2) A project applicant may receive a credit against fees for the dedication of land for right-of-way and/or construction of any portion of the Transportation Improvements to be funded with the fees collected pursuant to this ordinance, where the right-of-way or construction is beyond that which would otherwise be required for approval of the proposed development. The calculation of the amount of credit against fees for these dedications or improvements shall be based on a determination by the County that the credits are exclusive of the dedications, setbacks, improvements, and/or traffic mitigation measures that are required by ordinance or local standards. In addition, the credit shall be calculated based upon the actual cost of construction of improvements or, in the case of land dedication, on an independent appraisal approved by the County. All fee credits and reimbursements for dedications in lieu of payment of any transportation mitigation fee, or portion thereof, required to be paid by this ordinance shall be subject to an agreement executed in accordance with the Traffic Fee Credit and Reimbursement Policy, approved by the Board of Supervisors on June 5, 2007, which is made a part hereof and incorporated herein by reference.

(g) Fee Waivers.

(1) Upon written request of the project applicant, the Public Works Director may waive the fees collected under this ordinance for dwelling units that the Public

Works Director determines, in a written finding, fit into one of the following categories: (1) rental units affordable to households earning less than 80% of the area median income; or (2) ownership units affordable to households earning less than 120% of the area median income.

- (2) As a condition of such waiver, the project applicant shall enter into a regulatory agreement with the County, guaranteeing the use, occupancy, affordability, and term of affordability of such dwelling units. Rental units for which a waiver is granted under this section shall be restricted to that use for a minimum of 55 years. Ownership units for which a waiver is granted under this section shall be restricted to that use for a minimum of 30 years.
- (h) Fee Waiver for Inclusionary Housing Units. In lieu of the fee waiver for affordable housing units as set forth in Section 5(g), development projects that are subject to Chapter 822-4 of the County Ordinance Code shall be eligible for a waiver of the fees collected under this ordinance as follows:
- (1) Fees shall be waived for each rental unit to be developed and rented as an inclusionary unit under the terms and conditions of Section 822-4.410(a) of the County Ordinance Code.
 - (2) Fees shall be waived for each for-sale unit to be developed and sold as an inclusionary unit under the terms and conditions of Section 822-4.410(b) of the County Ordinance Code.
 - (3) If a fee is paid in lieu of constructing some or all inclusionary units in a development project, pursuant to Section 822-4.404 of the County Ordinance Code, the fees collected under this ordinance shall be waived for the number of inclusionary units for which the in-lieu fee is paid.
- (i) Senior Housing and Congregate Care. Nothing in this ordinance shall be construed to abridge or modify the Board's discretion, upon proper application for a senior housing or congregate care facility, to adjust or to waive the fees required to be paid under this ordinance, pursuant to Government Code Section 65915.
- (j) Accessory Dwelling Units. An accessory dwelling unit that is approved by a ministerial permit issued under Chapter 82-24 of the County Ordinance Code is exempt from payment of fees under this ordinance.
- (k) Deposit of Fee Revenue. Revenue from fees paid pursuant to this ordinance shall be deposited into a fund covering the Transportation Improvements identified in the Report and Nexus Study, and shall be separately accounted for. The funds shall not be commingled with other funds, except where the funds are temporarily invested pursuant to Government Code section 66006. Fee revenues deposited in the fund shall be expended solely for the purposes described in this ordinance. Any interest earned on deposits in the fund also shall be deposited in that fund and used for those purposes.

- (1) Limitations. No fees collected pursuant to this ordinance may be used to reimburse the construction costs of bridge or thoroughfare facilities serving the Central County Area of Benefit on the effective date of this ordinance. However, fee revenues may be used to reimburse any general fund monies, or other County revenues, advanced to pay for any planned bridge or thoroughfare improvements.

SECTION 6. Reporting and Accounting Requirements.

- (a) Annual Reporting. Within 180 days after the last day of each fiscal year, the Public Works Director, or designee, shall make available to the public a report regarding the fund established for receipt of deposits of the fees collected by the County pursuant to this ordinance. The report shall be reviewed by the Board of Supervisors at a regularly scheduled meeting that will be held, and notice of which will be provided, in accordance with Government Code Section 66006. The report shall contain the following information for the fiscal year:
 - (1) A brief description of the type of fee in the account or fund.
 - (2) The amount of the fees.
 - (3) The beginning and ending balance of the account or fund.
 - (4) The amount of the fees collected and the interest earned.
 - (5) An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with those fees.
 - (6) An identification of an approximate date by which the construction of the public improvement will commence if the Board determines that sufficient funds have been collected to complete financing on an incomplete public improvement, and the public improvement remains incomplete.
 - (7) A description of each interfund transfer or loan from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of interest that the account or fund will receive on the loan.
 - (8) The amount of refunds made pursuant to Government Code section 66001, subdivision (e), and any allocations pursuant to Government Code section 66001, subdivision (f).
- (b) Periodic Review by the Board. In the fifth fiscal year following the first deposit into the fund established for receipt of deposits of the fees collected pursuant to this ordinance, and at least once every five years thereafter, the Board of Supervisors shall make all of

the following findings with respect to that portion of the Central County Area of Benefit fund remaining unexpended, whether committed or uncommitted, pursuant to Government Code Section 66001:

- (1) Identify the purpose to which the fees are to be put.
- (2) Demonstrate a reasonable relationship between the fees and the purpose for which they are charged.
- (3) Identify all sources and amounts of funding anticipated to complete financing of incomplete transportation improvements identified in the Report and Nexus Study.
- (4) Designate the approximate dates on which the funding referred to in Section 6(b)(3), above, is expected to be deposited into the appropriate account or fund.

SECTION 7. Repeal of Existing Fees. Except as specified in this Section 7 and Section 9, below, Contra Costa County Ordinance Nos. 94-72, 95-32, and 2021-33, and Resolution Nos. and 94/604, 95/273, and 2021/318 are hereby repealed and superseded by this ordinance, as of the effective date of this ordinance. However, this repeal shall not affect any fees that were imposed on any development project pursuant to Ordinance No. 94-72, Ordinance No. 95-32, or Ordinance No. 2021-33 prior to the effective date of this ordinance, which fees shall be paid and collected under the provisions Ordinance No. 94-72, Ordinance No. 95-32, or Ordinance No. 2021-33, whichever is applicable.

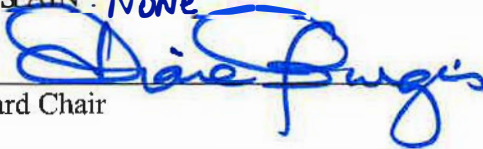
SECTION 8. Judicial Review. Any judicial action or proceeding to attack, review, set aside, void, or annul the fees established by this ordinance shall be commenced within one hundred twenty (120) days after the effective date of this ordinance. Any action to attack any adjustment to the schedule of fees pursuant to Section 5(a)(2) of this ordinance shall be commenced within one hundred twenty (120) days after the effective date of that adjustment.

SECTION 9. Severability. Notwithstanding any other provision of this ordinance to the contrary, if a court of competent jurisdiction determines any fee set forth in Section 5 of this ordinance is invalid or unenforceable, the comparable fee adopted by Ordinance No. 94-72 or Ordinance No. 95-32 shall be deemed not to have been repealed and shall remain in effect and subject to the remaining provisions of this ordinance. Notwithstanding any other provision of this ordinance to the contrary, if a court of competent jurisdiction determines this ordinance is invalid or unenforceable, Ordinance No. 94-72, Ordinance No. 95-32, Resolution No. 94/604, and Resolution No. 95/273 shall be deemed not to have been repealed and shall remain in full force and effect.

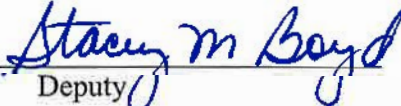
SECTION 10. Effective Date. This ordinance shall become effective 60 days after passage, and, within 15 days of passage, this ordinance shall be published once, with the names of the Supervisors voting for and against it, in the East Bay Times, a newspaper of general circulation published in this County. Pursuant to section 913-6.026 of the Contra Costa County Ordinance Code, the Clerk of the Board shall promptly file a certified copy of this ordinance with the County Recorder.

PASSED and ADOPTED on November 9, 2021 by the following vote:

AYES: Giola, Andersen, Burgis, Mitchell, Glover
NOES: None
ABSENT: None
ABSTAIN: None


Board Chair

ATTEST:
MONICA NINO, Clerk of the Board
of Supervisors and County Administrator

By 
Deputy

Attachments: Exhibit A (Map and Legal Description of Central County Area of Benefit Boundaries)

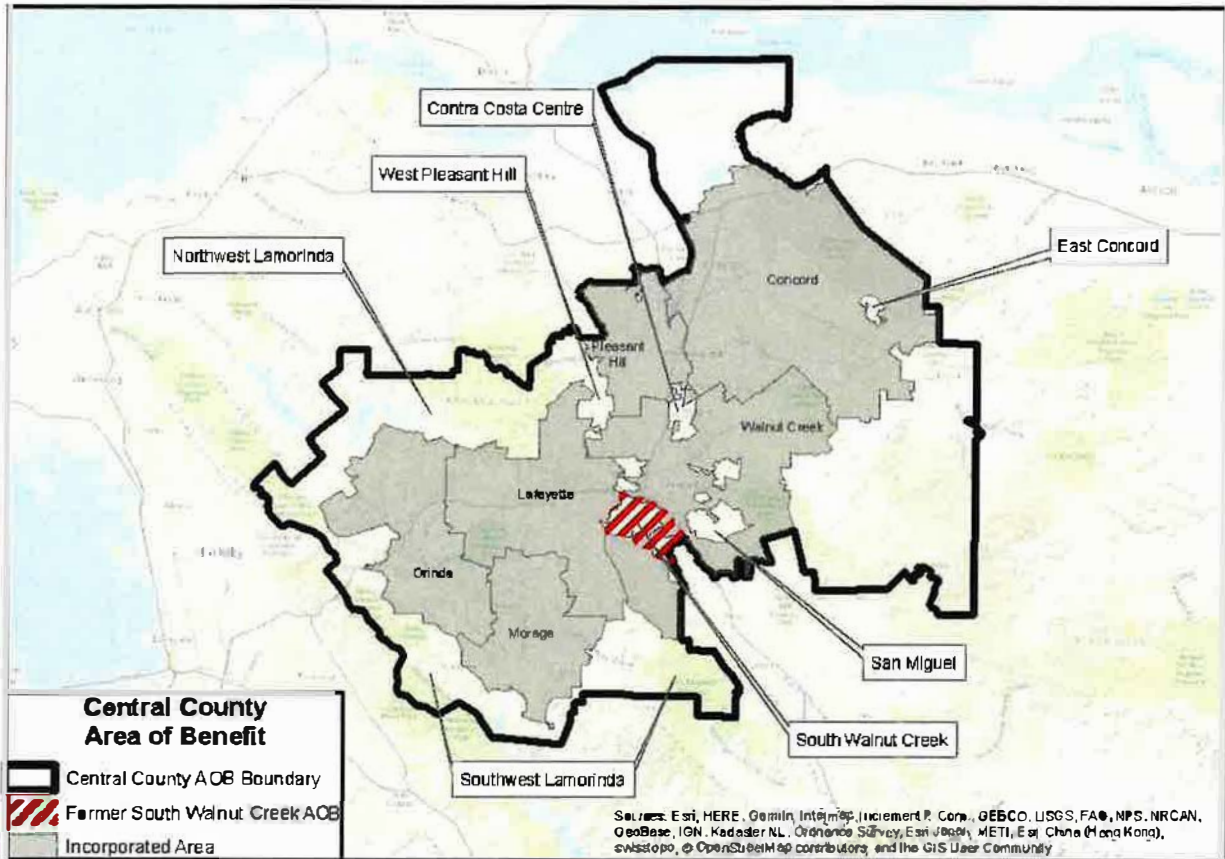
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EXHIBIT A

MAP AND LEGAL DESCRIPTION CENTRAL COUNTY AREA OF BENEFIT

Map



Legal Description

The central portion of Contra Costa County, California, bounded on the north by Solano County, bounded on the southwest by Alameda County, and described as follows:

Beginning in Suisun Bay on the boundary common to Contra Costa and Solano Counties at the Point of Beginning of "Eastern Contra Costa Sub-Regional Transportation Mitigation Fee Area" adopted July 26, 1994 by Contra Costa County Board of Supervisors' Resolution No. 94/386, also being the northwest corner of "West Pittsburg Area of Benefit" adopted December 10, 1991 by Contra Costa County Board of Supervisors' Resolution No. 91/779; thence from the Point of Beginning along the boundary common to said adopted areas, southerly 7,410 feet, more or less, to the south right of way line of Contra Costa Canal on the west line of Section 8, Township 2 North, Range 1 West, Mount Diablo Meridian; thence continuing along the boundary of "West Pittsburg Area of Benefit," westerly, southerly, southeasterly, and easterly 26,000 feet, more or less, to its intersection with "Eastern Contra Costa Sub-Regional Transportation Mitigation Fee Area" on the east line of Section 17 (T2N, R1W); thence along the boundary of "Eastern Contra Costa Sub-Regional Transportation Mitigation Fee Area" in a general

southeasterly and southerly direction 80,000 feet, more or less, to the southeast corner of Section 12, (T1S, R1W); thence along the south line of Section 12, westerly 4,400 feet, more or less, to the centerline of Mount Diablo Scenic Boulevard (South Gate Road); thence along said centerline in a general northerly direction 6,700 feet, more or less, to the centerline intersection of Summit Road and Mount Diablo Scenic Boulevard (North Gate Road); thence along the centerline of North Gate Road in a general westerly direction 12,400 feet, more or less, to the northwest line of Lot D, Rancho San Miguel Robert Allen Tract; thence along said northwest line, southwesterly 3,100 feet, more or less, to the southeast corner of that 787.58 acre parcel shown on the Record of Survey filed June 22, 1960 in Book 18 of Licensed Surveyors' Maps at page 39; thence along the boundary of said parcel, south 87°52'06" west 9,881.2 feet and north 6°08'40" west 2,389.28 feet, to the most southern corner of the Record of Survey filed August 27, 1970 in Book 53 of Licensed Surveyors' Maps at page 13; thence along the south line thereof, also being the south line of Rancho San Miguel, north 76°53'13" west 1,445.41 feet, to the most southern corner of Subdivision 6743 "Stonegate Unit 1" filed June 9, 1987 in Book 313 of Maps at page 28; thence along the boundary of Subdivision 6743, north 13°51'48" west 5,687.22 feet, south 73°16'01" west 4,566.44 feet, and south 21°53'15" east 3,423.26 feet, to the southeast corner of Subdivision 4924 "Hill and Dale, Unit 6" recorded May 18, 1977 in Book 196 of Maps at page 28; thence along the boundary of Subdivision 4924 in a general westerly direction 2,879.25 feet to the northeast corner of Subdivision 4402 recorded December 27, 1974 in Book 175 of Maps at page 25; thence along the boundary of Subdivision 4402, south 1°44'25" west 1,527.78 feet, to the northeast corner of Lot 37 in Subdivision 3973 recorded August 18, 1972 in Book 149 of Maps at page 20; thence along the east line of Subdivision 3973, south 1°44'25" west 1,015.1 feet, to the north right of way line of Livorna Road; thence continuing south 1°44'25" west 41.96 feet to the centerline of said road; thence along said centerline in a general westerly direction 890.41 feet to the southern prolongation of the west line of said Subdivision 3973; thence along said prolongation and west line, north 1°32'10" east 967.1 feet, to the southwest corner of Subdivision 4402 (175 M 25); thence along the west line of Subdivision 4402, north 1°32'10" east 1,063.35 feet, to the southeast corner of Subdivision 5931 recorded June 29, 1983 in Book 271 of Maps at page 21; thence along the boundary thereof, north 55°22'55" west 537 feet and in a general northwesterly direction 105.63 feet along Livorna Heights Road right of way line, to the southeast corner of Subdivision 5366 recorded March 25, 1980 in Book 236 of Maps at page 7; thence along the boundary of Subdivision 5366 in a general westerly direction 400.83 feet to the east line of Subdivision 3827 recorded June 11, 1969 in Book 126 of Maps at page 38; thence along said east line, south 1°31'55" west 942.5 feet, to the northeast corner of Subdivision 3037 recorded June 25, 1964 in Book 99 of Maps at page 30; thence along the boundary thereof in a general southerly direction 1,532.28 feet to the north right of way line of Livorna Road; thence along lot lines of Subdivision 3037 as follows: 1) in a general westerly direction 79.27 feet, 2) north 1°36'23" east 223.71 feet, 3) north 88°23'37" west 149.23 feet, 4) south 1°36'23" west 275.72 feet, and 5) south 72°23'20" west 272.09 feet; thence crossing Trotter Way, south 72°23'20" west 100 feet, more or less, to the south line of Lot 1 (99 M 30); thence continuing along lot lines of Subdivision 3037, south 72°23'20" west 145.74 feet, north 6°19'31" west 712.51 feet, and north 89°43'18" west 933.43 feet, to the south line of Subdivision 4810 filed September 23, 1976 in Book 189 of Maps at page 48; thence along said south line and the south line of that 24.71 acre Assessor Parcel Number (hereinafter referred to as APN) 187-160-013 described in Parcel Three in the deed to the City of Walnut Creek recorded July 5, 1984 in Volume 11867 of Official Records at page 965, north 89°43'18" west 944.73 feet, to the west line of Subdivision 6468 recorded January 8, 1982 in Book 286 of Maps at page 41; thence along the boundary thereof in a general southerly direction 828.77 feet to the east right of way line of Interstate Freeway 680; thence along said east line in a general northwesterly direction 2,259.08 feet; thence crossing said freeway, south 53°47'20" west 290 feet, more or less, to the west right of way line thereof; thence along said west line in a general northwesterly direction 1,209.59 feet to the most southeastern corner of APN 187-050-011 and 012 described as Parcel 1 in the deed to Edward Johannessen and Juliet Johannessen 1987 Revocable Living Trust recorded March 22, 1988 in Volume 14228 of Official Records at page 211; thence along the southerly portion of the boundary thereof in a general westerly direction 1,494.46 feet, more or less, to the west right of way line of Interstate Freeway 680; thence along said west line in a general northwesterly direction 836 feet, more or less, to the most eastern corner of APN 187-040-007 described as PARCEL 11 in the deed to Contra Costa County Flood Control and Water Conservation District recorded December 20, 1967 in Volume 5520 of Official Records at page 451; thence along the boundary of PARCEL 11, south 64°16'18" west 239.65 feet and in a general northerly direction 1,036.02 feet, to the northwest corner thereof; thence crossing

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Rudgear Road, northerly 245 feet, more or less, to the west line of APN 183-093-023 described in the deed to East Bay Municipal Utility District (hereinafter referred to as EBMUD) recorded January 5, 1968 in Volume 5530 of Official Records at page 93; thence along said west line, north 22°53'01" west 33.76 feet, to the southeast line of Southern Pacific Railroad right of way APN 183-093-031 described as PARCEL THIRTY-ONE in the deed to Contra Costa County recorded December 9, 1985 in Volume 12652 of Official Records at page 570, being a non-tangent curve concave to the northwest having a radius of 1,196 feet; thence along the arc of said curve, southwesterly 52 feet, more or less, to the centerline of Danville Boulevard; thence non-tangent along said centerline, crossing Engineer's Station 603+65, northerly 110 feet, more or less, to the northwest line of said County parcel, being a non-tangent curve concave to the northwest having a radius of 1,096 feet and being concentric with said southeast line; thence along the arc of said curve, southwesterly 52 feet, more or less, to the southeast corner of Subdivision MS 114-75 filed October 20, 1976 in Book 49 of Parcel Maps at page 19, also being on the west right of way line of South Main Street (shown as Danville Boulevard on said map); thence along said west line in a general northwesterly direction 560 feet more or less to the centerline of Crest Avenue; thence along said centerline in a general southwesterly direction 980 feet, more or less, to an angle point thereon at the southeast corner of Lot 22 in "Walnut Creek Park" filed February 6, 1911 in Book 4 of Maps at page 84; thence along the south lines of Lots 22 and 19 (4 M 84), westerly 908.6 feet, to the centerline of Meadow Road; thence along said centerline, southerly 256 feet, to the north line of Lot 4 (4 M 84); thence along said north line, westerly 392.1 feet, to the northwest line thereof; thence along said northwest line, southwesterly 11.2 feet, to the northwest line of Subdivision MS 88-72 filed July 27, 1972 in Book 23 of Parcel Maps at page 15; thence along said northwest line in a general southwesterly direction 294.26 feet, to the southwest corner thereof on the boundary of Subdivision MS 204-76 filed August 18, 1977 in Book 57 of Parcel Maps at page 14; thence along said boundary in a general southwesterly direction 576 feet to the most southern corner thereof, shown as a 2" x 2" hub on the boundary of Subdivision MS 5-80 filed November 5, 1985 in Book 119 of Parcel Maps at page 25; thence along the boundary of Subdivision MS 5-80 in a general southwesterly direction 395.69 feet to the most southern corner thereof, also being the northwest corner of Subdivision 61-74 filed March 21, 1975 in Book 37 of Parcel Maps at page 20; thence along the boundary of Subdivision MS 61-74, south 5°23'53" east 219.02 feet and south 28°21'07" west 34.67 feet, to the northwest right of way line of Tice Valley Boulevard; thence crossing said road, southeasterly 72 feet, more or less, to the north corner of Lot 1 in Tract 2304 recorded November 29, 1955 in Book 61 of Maps at page 50; thence along the boundary of Tract 2304, south 26°58'20" east 352.4 feet, north 54°48'26" east 83.47 feet, and south 20°42'50" east 60 feet, to the northwest corner of Subdivision MS 224-77 filed September 14, 1978 in Book 69 of Parcel Maps at page 43; thence along the boundary thereof, north 69°03'05" east 182.07 feet, north 68°55'37" east 27.18 feet, and in a general southerly direction 824.1 feet, to the northeast corner of Subdivision MS 45-88 filed February 25, 1990 in Book 145 of Parcel Maps at page 32; thence along the boundary thereof as follows: 1) in a general southerly direction 403.55 feet to the north line of Saddle Road, 2) south 70°40'24" east 130.84 feet, 3) south 22°30'17" east 71.29 feet to the most eastern corner of Subdivision MS 45-88; thence south 70°40'17" east 21.72 feet, more or less, to the centerline of Castle Hill Ranch Road (a private road) at the northeast corner of Lot "B" shown on the Record of Survey filed March 13, 1984 in Book 74 of Licensed Surveyors' Maps at page 12; thence along said centerline in a general southerly direction 907 feet, more or less, to the southwest corner of PARCEL B in Subdivision MS 133-72 filed September 7, 1972 in Book 24 of Parcel Maps at page 9; thence along the south line of PARCEL B, north 89°12'36" east 259.78 feet, to the boundary of Subdivision MS 58-75 recorded October 26, 1978 in Book 71 of Parcel Maps at page 23; thence along said boundary as follows: 1) north 0°36' east 41.92 feet, 2) south 89°12'12" east 176.01 feet to the northeast corner thereof, 3) in a general southerly direction 3,354.5 feet to the southeast corner thereof, and 4) south 87°05'11" west 274.17 feet; thence continuing south 87°05'11" west 300 feet to the centerline of Section 11 (T1S, R2W); thence along said centerline and the centerline of Section 14, southerly 6,663.66 feet, to the southwest corner of Subdivision 6419 "Alamo Ridge" filed July 28, 1988 in Book 323 of Maps at page 39; thence along the south line thereof, south 84°47'44" east 1,353.46 feet, to the northwest corner of Subdivision MS 150-75 filed June 14, 1976 in Book 45 of Parcel Maps at page 41; thence along the boundary thereof as follows: 1) south 0°39'40" east 1,233.72 feet, 2) south 84°17' east 2,622.91 feet, 3) north 76°18'50" east 481.39 feet, and 4) north 63°16' east 193.73 feet, to the northeast corner of APN 198-180-007 described as PARCEL TWO in the deed to East Bay Regional Park District (hereinafter referred to as EBRPD) recorded April 4, 1974 in Volume 7189 of Official Records at page 183; thence along the northeast line of

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PARCEL TWO, also being the boundary of Rancho San Ramon, southeasterly 4,840 feet, more or less, to the northeast corner of APN 199-010-012 described as PARCEL FIVE in said deed to EBRPD; thence along the northeast line of PARCEL FIVE in a general southeasterly direction 1,207.59 feet to the east line of that 13.19 acre APN 199-010-011 excepted from PARCEL FIVE in said deed to EBRPD and also described as PARCEL ONE in the deed to the United States of America recorded July 29, 1980 in Volume 9930 of Official Records at page 913; thence along said east line in a general southeasterly direction 192.27 feet to an angle point on the boundary of said PARCEL FIVE; thence along said boundary in a general southerly direction 2,325.7 feet to the northeast corner of Section 25 (T1S, R2W); thence along the east line of Section 25, southerly 2,640 feet, more or less, to the northeast corner of Subdivision MS 53-81 filed March 28, 1985 in Book 115 of Parcel Maps at page 14; thence along the north line of Subdivision MS 53-81, north 88°43'43" west 3,035.66 feet, to the northeast corner of Subdivision MS 28-82 filed November 21, 1983 in Book 108 of Parcel Maps at page 11; thence along the north line of Subdivision MS 28-82, north 88°47'23" west 1,062.06 feet, to the northwest corner thereof; thence north 88°43'05" west 1,063.84 feet, to the west quarter corner of said Section 25; thence along the west line of Section 25, northerly 2,640 feet, more or less, to the northeast corner of Section 26 (T1S, R2W); thence along the north lines of Sections 26, 27, and 28 (T1S, R2W), westerly 15,840 feet, more or less, to the northwest corner of Section 28, also being the northeast corner of APN 258-310-002 shown on the Record of Survey filed June 20, 1980 in Book 67 of Licensed Surveyors' Maps at page 9; thence along the boundary thereof as follows: 1) south 0°27'37" east 1,306.53 feet, 2) south 88°43'10" west 1,290.34 feet, 3) south 0°15'06" east 1,303.04 feet, and 4) south 88°52'39" west 513.17 feet, to the boundary of Rancho Laguna de los Palos Coloradas; thence along said rancho boundary, south 1°13'26" west 929.81 feet, to rancho corner P.C. No. 32 shown on said map (67 LSM 9); thence continuing along said rancho boundary, south 19°28'45" west 3,547.16 feet, to rancho corner P.C. No. 31 (67 LSM 9) on the boundary common to Contra Costa and Alameda Counties; thence along said county boundary in a general northwesterly direction 56,700 feet, more or less, to Mount Diablo Base Line; thence along said base line, easterly 2,600 feet, more or less, to the east corner of Lot 55 of said rancho, also being the east corner of APN 267-010-009 described in the deed to EBRPD recorded July 24, 1940 in Volume 541 of Official Records at page 271; thence along the northeast line of said EBRPD parcel, northwesterly 551.76 feet, to the "FOUND 2" x 2" REDWD.STAKE & TACK" shown on the Record of Survey filed October 3, 1968 in Book 51 of Licensed Surveyors' Maps at page 23; thence north 25°10'15" west 140.66 feet and north 22°12'20" west 152.07 feet to the northwest corner of PARCEL "A" (51 LSM 23), also being the southwest corner of that 63.7 acre APN 267-020-005 described in the deed to Johnson Orinda Ranch Inc. recorded April 23, 1981 in Volume 10294 of Official Records at page 858; thence in a general northerly direction 3,132 feet, more or less, along said west line thereof and the west line of APN 267-020-004 described in the deed to Theodore S. Urban et al. recorded December 24, 1985 in Volume 12675 of Official Records at page 199, to the northwest corner of said Urban parcel; thence continuing along the boundary of said Urban property (12675 O.R. 199), being common with the boundary of APN 267-030-020 conveyed by East Bay Water Company to EBMUD recorded December 8, 1928 in Volume 163 of Official Records at page 90, as follows: 1) north 54°07'50" east 3,208.3 feet, 2) south 63°03' east 257.1 feet, 3) north 54°07'50" east 478.5 feet, and 4) south 30°53' east 998.4 feet, to the most eastern corner of APN 267-020-007 described in said Urban deed (12675 O.R. 199); thence leaving the boundary of said Urban property and continuing along said EBMUD boundary as follows: 1) south 30°53' east 99.2 feet, 2) in a general northeasterly direction 2,000 feet, more or less, to the southwest right of way line of Camino Pablo, and 3) along said southwest line in a general northwesterly direction 1,620 feet, more or less, to an angle point; thence along the prolongation of said southwest line, northwesterly 140 feet, more or less, to the prolongation of the northwest right of way line of Bear Creek Road; thence along said prolongation and northwest line in a general northeasterly direction 1,450 feet, more or less, to the southeast corner of APN 267-030-013 described as PARCEL ONE in the deed to EBMUD recorded February 9, 1990 in Volume 15650 of Official Records at page 239; thence along the boundary of PARCEL ONE in a general westerly, northwesterly and northeasterly direction 3,900 feet, more or less, to the west right of way line of Bear Creek Road; thence northeasterly 40 feet, more or less, to the east right of way line thereof; thence along said east line in a general northeasterly direction 3,150 feet, more or less, to the southern prolongation of the east line of said EBMUD parcel (163 O.R. 90); thence along said prolongation and east line, northerly 2,450 feet, more or less, to the northeast corner thereof on the east line of Rancho El Sobrante; thence along the east line of said rancho, northerly 8,236.46 feet, to the northwest corner of APN 267-100-001 described in the Final Order of Condemnation by EBMUD

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recorded January 6, 1964 in Volume 4525 of Official Records at page 853, also being the southwest corner of "Garcia Ranch" filed December 10, 1914 in Book 12 of Maps at page 268; thence along the boundary of "Garcia Ranch" as follows: 1) along the north line of said EBMUD parcel, easterly 2,008.42 feet, to the northwest corner of APN 267-110-005 described in the deed to John J. Naylor et ux. recorded September 8, 1981 in Volume 10481 of Official Records at page 551, 2) along the north line thereof, easterly 2,626 feet, more or less, to the northwest corner of Subdivision 118-76 filed January 26, 1977 in Book 51 of Parcel Maps at page 39, 3) along the north line thereof, north 89°39'09" east 6,743.17 feet, to the boundary of APN 365-200-010 described in the deed to EBRPD recorded March 28, 1966 in Volume 5086 of Official Records at page 467, 4) along said boundary easterly 419.5 feet, northerly 558.81 feet, and easterly 784.67 feet, to the southwest corner of APN 365-200-002 described as PARCEL TWO in the deed to EBRPD recorded February 7, 1966 in Volume 5052 of Official Records at page 508, 5) along the west line thereof, northerly 723.83 feet, to the south corner of APN 365-200-001 described as PARCEL FOUR in said deed (5052 O.R. 508), and 6) along the boundary of PARCEL FOUR in a general northerly direction 2,061.71 feet, to the west corner thereof; thence leaving the boundary of "Garcia Ranch" and continuing along the boundary of said PARCEL FOUR in a general easterly direction 5,291.22 feet to the northwest corner of APN 365-200-003 described as PARCEL ONE in said deed (5052 O.R. 508); thence along the boundary of PARCEL ONE in a general easterly direction 2,310.11 feet to the northwest corner of APN 365-200-004 described as PARCEL THREE in said deed (5052 O.R. 508); thence along the boundary of PARCEL THREE in a general easterly direction 2,885.21 feet to the northwest corner of APN 365-200-005 described as PARCEL FIVE in said deed (5052 O.R. 508); thence along the boundary of PARCEL FIVE in a general easterly direction 2,375.53 feet to the most southern corner of APN 365-180-004 described in the Final Order of Condemnation by EBRPD recorded March 15, 1965 in Volume 4823 of Official Records at page 139, also being on the east line of Rancho Boca de la Canada de Pinole; thence along the boundary of said condemnation parcel, northerly 3,198.15 feet and northeasterly 3,061.66 feet, to the southwest corner of Subdivision MS 37-88 filed December 14, 1989 in Book 144 of Parcel Maps at page 14; thence along the boundary thereof, north 0°59'55" east 1,459.73 feet and south 88°50'38" east 511.03 feet, to the southwest corner of Subdivision 6769 filed October 13, 1988 in Book 326 of Maps at page 22; thence along the boundary of Subdivision 6769, north 1°41'08" east 865.96 feet and in a general northeasterly direction 2,532.69 feet; thence north 64°48'04" east 50 feet, more or less, crossing Reliez Valley Road, to the southwest line of the property delineated on the map filed April 28, 1978 in Book 65 of Parcel Maps at page 19; thence along said southwest line in a general southeasterly direction 460 feet, more or less, to the most southern corner thereof, also being the southwest corner of Subdivision 3543 filed November 16, 1966 in Book 113 of Maps at page 31; thence along the boundary of Subdivision 3543 as follows: 1) north 0°47'14" east 466.07 feet, 2) north 6°23'45" west 231.57 feet, 3) north 47°51'23" east 222.37 feet, 4) south 10°14'43" east 352.52 feet, 5) north 79°51'46" east 727.49 feet, and 6) south 19°26'31" east 1,052.81 feet, to the northeast corner of Subdivision 5157 filed September 21, 1978 in Book 217 of Maps at page 16; thence along the east line of Subdivision 5157, south 19°25'03" east 255.64 feet, to the northeast corner of Lot 28 in Subdivision 3114 "Walnut Hills Country Club Estates" recorded October 9, 1963 in Book 95 of Maps at page 33; thence along the boundary of Subdivision 3114, south 19°27'29" east 142 feet and south 89°52'20" east 217.75 feet, to the northwest corner of Subdivision 7243 "Pleasant Hill Country Club" filed July 30, 1992 in Book 362 of Maps at page 36; thence along the boundary of Subdivision 7243, south 89°59' east 779.35 feet, to the northwest corner of Subdivision 3812 "Shannon Hills Unit 3" filed March 15, 1972 in Book 144 of Maps at page 45; thence along the north line of Subdivision 3812, south 89°37'46" east 1,161.41 feet, to the northwest corner of Subdivision 3779 "Shannon Hills Unit 2" recorded November 13, 1968 in Book 125 of Maps at page 3; thence along the boundary of Subdivision 3779, south 89°37'46" east 836.89 feet and north 53°46'24" east 63.51 feet, to the west corner of Lot 2 in Subdivision 3274 "Shannon Hills Unit 1" recorded September 26, 1969 in Book 117 of Maps at page 27; thence along the boundary of Subdivision 3274, north 53°46'24" east 78.11 feet and north 36°07'09" east 90.28 feet, to the most western corner of Subdivision 3313 recorded February 3, 1965 in Book 102 of Maps at page 14; thence along the boundary of Subdivision 3313 as follows: 1) north 28°54'55" east 205.51 feet, 2) north 0°08' 52" east 172.84 feet, 3) south 85°42'23" east 110.29 feet, and 4) north 54°29'37" east 44.2 feet, to the northeast corner thereof; thence continuing north 54°29'37" east 80 feet, more or less, to the northeast right of way line of Alhambra Avenue; thence along said northeast line in a general northwesterly direction 660 feet, more or less, to the northwest right of way line of Paso Nogal as said road is shown on the map filed September 30, 1968 in Book 5 of Parcel Maps at page 41; thence along said right of way in a

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general northeasterly and northerly direction 730 feet, more or less, to the northeast corner of Parcel "B" (5 PM 41), also being the southeast corner of Subdivision 4988 "Hillside Park" recorded November 13, 1978 in Book 219 of Maps at page 11; thence along the south line of Subdivision 4988, north 89°27'20" west 412.24 feet, to the northeast right of way line of Alhambra Avenue; thence along said northeast line in a general northwesterly direction 4,900 feet, more or less, to the southeast corner of the Record of Survey filed September 18, 1967 in Book 49 of Licensed Surveyors' Maps at page 31; thence along the boundary thereof, north 20°10'53" east 656.87 feet and north 61°08'20" west 419.07 feet, to north corner thereof on the boundary of Subdivision 3556 "Valley High Unit II" filed August 21, 1968 in Book 122 of Maps at page 27; thence along the boundary of Subdivision 3556, north 21°29'51" west 121.1 feet and north 47°22'59" east 1,336.63 feet, to the most western corner of Subdivision 5132 "Valley High Unit 2" filed December 1, 1981 in Book 261 of Maps at page 7; thence along the boundary of Subdivision 5132, north 47°22'59" east 374.11 feet, south 89°09'34" east 1,322.61 feet, and south 87°33'13" east 286.28 feet; thence easterly 660 feet to the northwest corner of Subdivision 5126 "Diablo Valley Estates Unit 1" filed February 15, 1978 in Book 208 of Maps at page 1; thence along the boundary thereof, south 87°46'18" east 479.86 feet, north 8.16 feet, and north 89°44'06" east 1,227.72 feet; thence easterly 537.41 feet to the north line of Subdivision MS 12-79 filed September 5, 1980 in Book 89 of Parcel Maps at page 6; thence along said north line, easterly 725 feet, more or less, to the southwest corner of Subdivision 4964 "Hidden Lakes Unit 3" filed July 9, 1979 in Book 226 of Maps at page 30; thence along the boundary of Subdivision 4964, north 89°37'28" east 598.94 feet and north 1°04'01" east 682 feet, to the southeast corner of Subdivision 6313 "Hidden Lakes Unit 8" filed June 6, 1983 in Book 270 of Maps at page 20; thence along the east line of Subdivision 6313, north 1°04'02" east 738 feet, to the northeast corner; thence south 88°55'05" east 170 feet to the west right of way line of High Street; thence along said west line, northerly 95 feet, more or less, to the south corner of PARCEL 1 shown on the Record of Survey filed June 9, 1962 in Book 20 of Licensed Surveyors' Maps at page 15; thence along Contra Costa Canal right of way shown as U.S.A. (461 O.R. 391) on said map, north 57°42' west 116.83 feet and north 1° 48' west 250.5 feet, to a concrete monument (20 LSM 15); thence continuing along said canal right of way in a general northerly direction 813.41 feet to the south right of way line of Center Avenue; thence along said south line in a general easterly direction 970 feet, more or less, to the southern prolongation of the west line of Tract 2024 recorded March 24, 1955 in Book 57 of Maps at page 26; thence along said prolongation, north 0°14'50" east 80 feet, more or less, to said west line; thence along the boundary of Tract 2024, north 0°14'50" east 560.61 feet, south 89°59'39" west 79.01 feet, and north 54°51'15" west 62.93 feet, to the south corner of Tract 2632 recorded August 7, 1958 in Book 70 of Maps at page 34; thence along the boundary of Tract 2632, north 54°51'15" west 50 feet and north 24°23'13" west 305.28 feet, to the southwest corner of Lot 87 in Tract 2024 (57 M 26); thence along the boundary of Tract 2024 in a general northerly direction 634.69 feet and north 88°28'58" east 25.83 feet to the southwest corner of "Beckett Acres Unit No. 2" recorded April 22, 1954 in Book 53 of Maps at page 37; thence along the boundary of "Beckett Acres Unit No. 2" in a general northerly direction 1,397.65 feet to the southwest corner of APN 125-193-028 described in the Partial Release and Reconveyance to Contra Costa County Water District recorded February 17, 1961 in Volume 3807 at page 278; thence along the west line thereof, northerly 44 feet; thence crossing Vine Hill Road, northerly 41 feet, more or less, to the southwest corner of that 2.25 acre APN 125-200-001 described as PARCEL 1 in the Final Order of Condemnation by the State of California recorded March 20, 1958 in Volume 3137 of Official Records at page 554; thence along the northwest line thereof, north 33°40' east 271.4 feet; thence along the City of Martinez boundary, northeasterly 250 feet, more or less, to the centerline of State Highway Route 4; thence along said centerline in a general easterly direction 5,925 feet, more or less, to the centerline of Walnut Creek Flood Control Channel being a non-tangent curve concave to the southwest having a radius of 5,000 feet; thence along the arc of said curve northwesterly 460 feet, more or less, to its terminus, distant north 56°15'04" east 208 feet from Contra Costa County Flood Control and Water Conservation District Monument #68108; thence continuing along said centerline in a general northerly direction 20,262.54 feet, to its outfall in Suisun Bay; thence north 23°28'34" west 1,150 feet, more or less, to the boundary common to Contra Costa and Solano Counties; thence along said boundary in a general easterly direction 27,000 feet, more or less, to the Point of Beginning.