



AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: April 7, 2020

Agenda Item 6E

Approvals:

City Manager RD

Dept. Head AB

Attorney _____

Finance S

Department: Public Works / Engineering Division
Prepared By: Zak Ponsen, Senior Civil Engineer

Subject: ACCEPTANCE OF SIDEWALK EASEMENT LOCATED AT 610-628 CAMINO DE LOS MARES.

Fiscal Impact: None.

Summary: Staff recommends that City Council accept the Sidewalk Easement from Brixmor Plaza by the Sea, LLC for the sidewalk improvements which are required as a condition of approval for the recent discretionary approval of the remodel of the buildings located at 610-628 Camino De Los Mares.

Discussion: The property owner for 610-628 Camino De Los Mares received Zoning Administrator approval of a façade remodel for the entire plaza during the Zoning Administrator hearing on March 7, 2019. As part of the Conditions of Approval for the project, the developer was required to grant easements to the City for sidewalk purposes. The sidewalk easement is needed in order to construct compliant sidewalk around obstructions such as street trees and the drive approach along Camino De Los Mares.

Recommended

Action: STAFF RECOMMENDS THAT the City Council:

1. Accept the Sidewalk Easement from Brixmor Plaza by the Sea, LLC;
2. Authorize the Mayor and City Clerk to sign the Sidewalk Easement Deed; and
3. Authorize the City Clerk to submit the Sidewalk Easement Deed to the Orange County Recorder for recordation.

Attachments: Sidewalk Easement Deed

Notification: Kyle Godat / Brixmor Plaza by the Sea, LLC

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After recording mail to:

CITY CLERK
CITY OF SAN CLEMENTE
910 Calle Negocio
San Clemente, California 92673

A.P.N.(S): 675-091-02, 675-091-06, 675-091-07

ABOVE SPACE FOR RECORDER'S USE

DOCUMENTARY TRANSFER TAX \$ -0-
(Exempt recording requested—Gov. Code Section 6400 **27383**)


The undersigned Grantor
Signature of Declarant or Agent determining tax – Firm Name

EASEMENT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Brixmor Plaza by the Sea, LLC property owners, hereby grants to THE CITY OF SAN CLEMENTE, a Municipal Corporation, a perpetual nonexclusive easement for sidewalk and pedestrian access in, on, and over the Real Property in the State of California, County of Orange, City of San Clemente, described as follows:

See Exhibit A (Legal Description) and Exhibit B (Plat Map).

Dated: 06/12/2019

By: 
Title: Executive Vice President

Print Name: Matthew Berger

FOR: Brixmor Plaza by the Sea, LLC

Dated: June 17, 2019

By: _____

Title: _____

Print Name: _____

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 San Diego)^{SS}

On June 17, 2019 before me Susana G. Guizar, Notary Public
personally appeared Matthew Berger

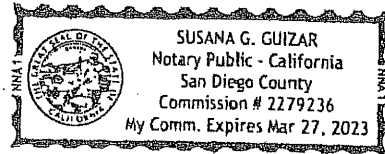
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument 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.

Susana G. Guizar

Signature of Notary Public



(Notary Seal)

PLACE INTERNAL REVENUE STAMPS HERE

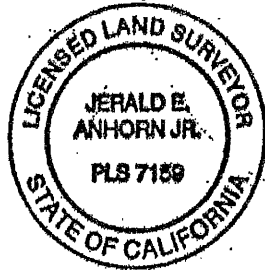
EXHIBIT "A"

**LEGAL DESCRIPTION
SIDEWALK EASEMENT**

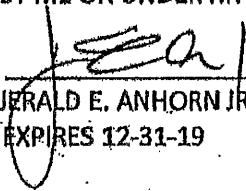
THE NORTHERLY 2 FEET OF THE NORTHERLY PORTION OF PARCEL 1, IN THE CITY OF SAN CLEMENTE, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS DESCRIBED IN GRANT DEED RECORDED DECEMBER 16, 2005 AS INSTRUMENT NO. 2005001008657 OF OFFICIAL RECORDS OF SAID COUNTY, THE NORTHERLY BOUNDARY OF SAID NORTHERLY PORTION BEING ALSO THE SOUTHERLY RIGHT OF WAY LINE OF CAMINO DE LOS MARES, 100 FEET WIDE.

CONTAINING 998 SQUARE FEET, MORE OR LESS.

EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.



THIS DESCRIPTION WAS PREPARED
BY ME OR UNDER MY DIRECTION:

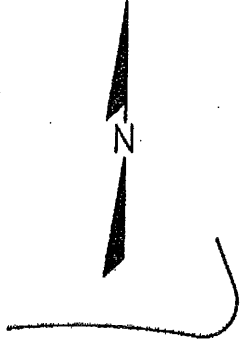


JERALD E. ANHORN JR., L.S. 7159
EXPIRES 12-31-19

SCALE: 1"=100'

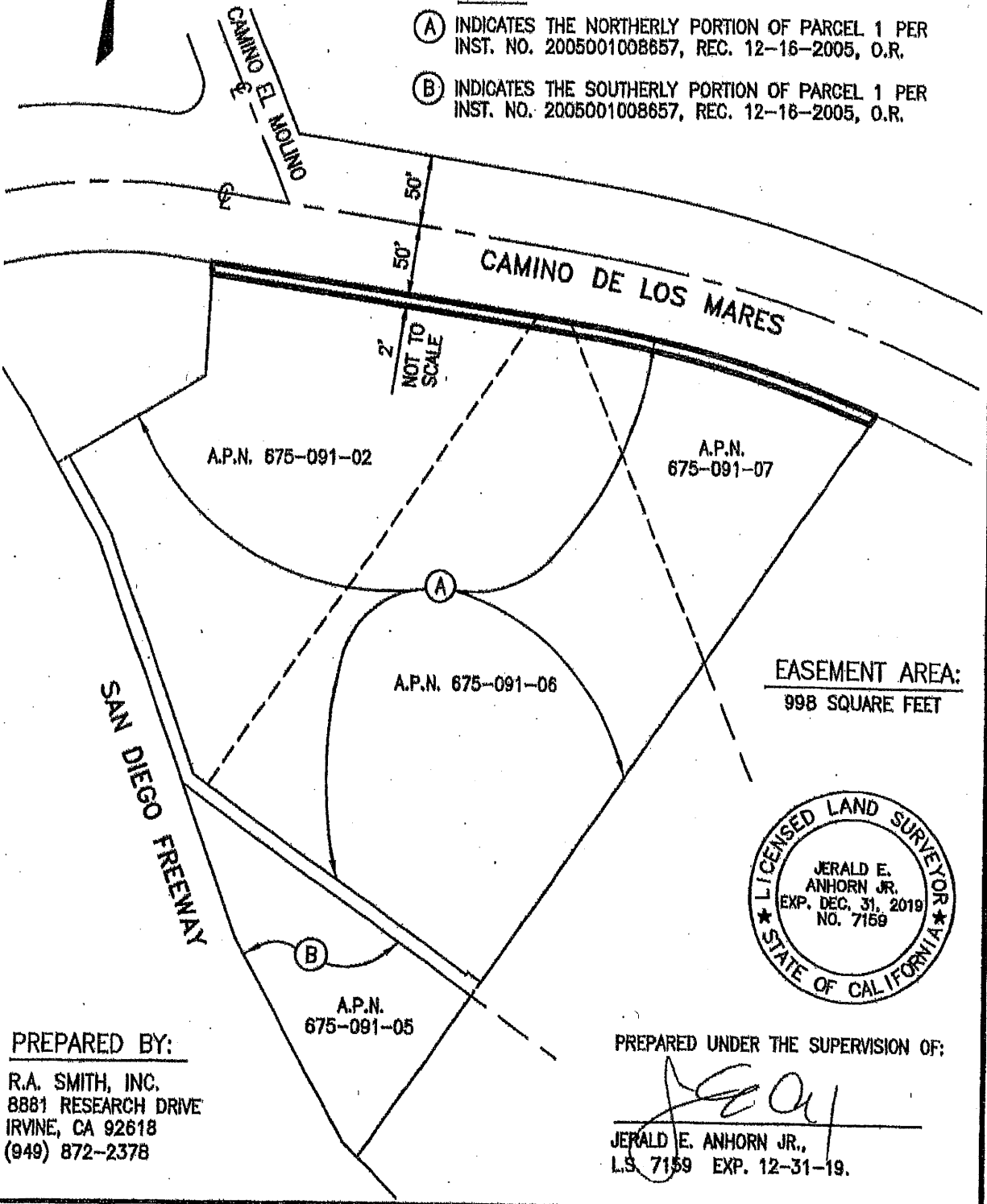
SHEET 1 OF 1 SHEET

EXHIBIT "B"
 MAP TO ACCOMPANY LEGAL DESCRIPTION
 IN THE CITY OF SAN CLEMENTE
 COUNTY OF ORANGE, STATE OF CALIFORNIA
SIDEWALK EASEMENT

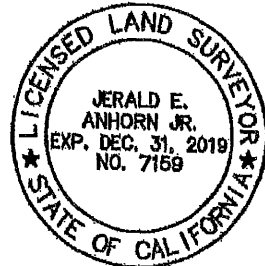


NOTE:

- (A) INDICATES THE NORTHERLY PORTION OF PARCEL 1 PER INST. NO. 2005001008657, REC. 12-16-2005, O.R.
- (B) INDICATES THE SOUTHERLY PORTION OF PARCEL 1 PER INST. NO. 2005001008657, REC. 12-16-2005, O.R.



EASEMENT AREA:
 998 SQUARE FEET



PREPARED BY:

R.A. SMITH, INC.
 8881 RESEARCH DRIVE
 IRVINE, CA 92618
 (949) 872-2378

PREPARED UNDER THE SUPERVISION OF:

J. E. Anhorn Jr.
 JERALD E. ANHORN JR.,
 L.S. 7159 EXP. 12-31-19.

ACCEPTANCE

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF SAN CLEMENTE)

THIS IS TO CERTIFY that the interest in real property conveyed by the deed or grant deed dated _____ from Brixmor Plaza by the Sea, LLC, to the CITY OF SAN CLEMENTE, a municipal corporation, is hereby accepted by order of the City Council on _____ and Grantee consents to recordation thereof by its duly authorized officer.

Dated: _____

By: _____
City Clerk of the City of San Clemente

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)
) SS
COUNTY OF _____)

On _____, before me, _____,
personally appeared _____

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

(Notary Seal)

PLACE INTERNAL REVENUE STAMPS HERE