



**Approvals:**

City Manager [Signature]

Dept. Head [Signature]

Attorney \_\_\_\_\_

Finance [Signature]

# AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING

Meeting Date: April 1, 2014

**Department:** Public Works / Engineering Division 18  
**Prepared By:** Zak Ponsen, Senior Civil Engineer ZP

**Subject:** **ACCEPTANCE OF SIDEWALK/PEDESTRIAN ACCESS EASEMENT AND WATER UTILITY APPURTENANCES EASEMENT LOCATED AT 2350-2358 SOUTH EL CAMINO REAL.**

**Fiscal Impact:** None.

**Summary:** Staff recommends that the City Council accept the Sidewalk/Pedestrian Access Easement and the Water Utility Appurtenances Easement from SC Senior Apartments, L.P. for the proposed sidewalk and water meter utilities associated with the new senior apartment building located at 2350-2358 South El Camino Real.

**Discussion:** On March 17, 2009, the City Council approved the apartment project at 2350-2358 South El Camino Real. This project was granted an extension by City Council on July 19, 2011.

Condition of Approval #13 for the project required the developer to construct sidewalk improvements along the property frontage. In order to maintain a four-foot wide sidewalk around the drive apron, the contractor built a small portion of the sidewalk approximately one foot into the private property. An easement is needed so that the public can legally utilize the sidewalk that crosses the property line.

Condition of Approval #20 for the project required the developer to construct water services to the proposed building. Due to the size of the meter needed to serve the project, the meter had to be installed just inside the private property. An easement is needed in order for City staff to access and maintain the water meter.

**Recommended**

**Action:** STAFF RECOMMENDS THAT the City Council:

1. Accept the Sidewalk/Pedestrian Access Easement from SC Senior Apartments, L.P.;
2. Accept the Water Utility Appurtenances Easement from SC Senior Apartments, L.P.; and
3. Authorize the City Clerk to submit the Sidewalk/Pedestrian Access and Water Utility Appurtenances Easement Deeds to the Orange County Recorder for recordation.

- Attachments:**
1. Sidewalk/Pedestrian Access Easement Deed
  2. Water Utility Appurtenances Easement Deed
  3. Location Map

**Notification:** SC Senior Apartments, L.P.

i:\engineering\admin\2014 admin\04-01-2014\04-01-14-4r.docx

# Attachment 1

After recording mail to:

CITY CLERK  
CITY OF SAN CLEMENTE  
100 Avenida Presidio  
San Clemente, California 92672

ABOVE SPACE FOR RECORDER'S USE

DOCUMENTARY TRANSFER TAX \$ -0-  
(Exempt recording requested—Gov. Code Section 6103)

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

## SIDEWALK/PEDESTRIAN ACCESS EASEMENT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, SC Senior Apartments, LP. hereby grants to THE CITY OF SAN CLEMENTE, a Municipal Corporation, a perpetual nonexclusive easement for public sidewalk purposes and access in, on, and over the Real Property in the State of California, County of Orange, City of San Clemente, described in the Legal Description attached hereto and incorporated herein as Exhibit as follows:

See attached Exhibits "A" and "B"

Dated: 3-17-14

SC SENIOR APARTMENTS, L.P.,  
a California limited partnership

By: SC Senior Apartments, LLC,  
a California limited liability company,  
its Administrative General Partner

By: Meta Housing Corporation,  
a California corporation,  
its Manager

By:   
George M Russo, Chief Financial Officer

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

CIVIL CODE § 1189

State of California  
 County of Los Angeles }  
 On 3-17-14 before me, Marian Kain, Notary Public  
Date Here Insert Name and Title of the Officer  
 personally appeared George Russo  
Name(s) of Signer(s)

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: Marian Kain  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_ Signer's Name: \_\_\_\_\_

Corporate Officer — Title(s): \_\_\_\_\_  Corporate Officer — Title(s): \_\_\_\_\_

Individual  Partner —  Limited  General  Individual  Partner —  Limited  General

Attorney in Fact  Attorney in Fact

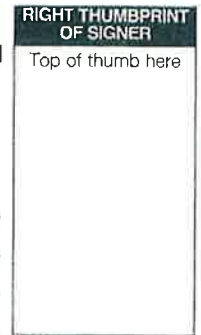
Trustee  Trustee

Guardian or Conservator  Guardian or Conservator

Other: \_\_\_\_\_  Other: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_ Signer Is Representing: \_\_\_\_\_



**EXHIBIT "A"**

**LEGAL DESCRIPTION FOR PEDESTRIAN ACCESS EASEMENT**

IN THE CITY OF SAN CLEMENTE, COUNTY OF ORANGE, STATE OF CALIFORNIA, BEING A PORTION OF PARCEL 2 AS SHOWN ON A PARCEL MAP FILED IN BOOK 48, PAGE 35 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST EASTERLY CORNER OF PARCEL 2 AS SHOWN ON A MAP FILED IN BOOK 48, PAGES 35 OF PARCEL MAPS, RECORDS OF SAID COUNTY, BEING ALSO ON THE WESTERLY RIGHT OF WAY LINE OF EL CAMINO REAL DISTANT 112.86 FEET SOUTHERLY OF THE TERMINUS OF A CURVE IN SAID WESTERLY RIGHT OF WAY LINE; THENCE CONTINUING ALONG SAID WESTERLY RIGHT OF WAY LINE SOUTH 10° 33' 46" WEST A DISTANCE OF 40.00 FEET TO THE EASTERLY CORNER OF PARCEL 1 AS SHOWN ON SAID MAP FILED IN BOOK 48, PAGES 35 OF PARCEL MAPS, BEING THE TRUE POINT OF BEGINNING OF THE EASEMENT DESCRIBED HEREIN; THENCE DEPARTING SAID WESTERLY RIGHT OF WAY LINE AND CONTINUING NORTH 79° 26' 14" WEST A DISTANCE OF 1.10 FEET ALONG THE NORTHERLY LINE OF SAID PARCEL 1; THENCE DEPARTING SAID NORTHERLY PARCEL LINE AND CONTINUING NORTH 10° 33' 46" EAST, PARALLEL TO SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 24.79 FEET; THENCE NORTH 44° 18' 58" EAST A DISTANCE OF 1.98 FEET TO SAID WESTERLY RIGHT OF WAY LINE OF EL CAMINO REAL; THENCE SOUTH 10° 33' 46" WEST A DISTANCE OF 26.44 FEET ALONG SAID RIGHT OF WAY LINE TO THE TRUE POINT OF BEGINNING.

THE AREA OF THE DESCRIBED LAND CONSISTING OF LESS THAN 0.001 ACRES (28 SQUARE FEET) MORE OR LESS.

SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS AND OTHER RIGHTS OF RECORD.

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

*Patrick Savage* — 3/11/14

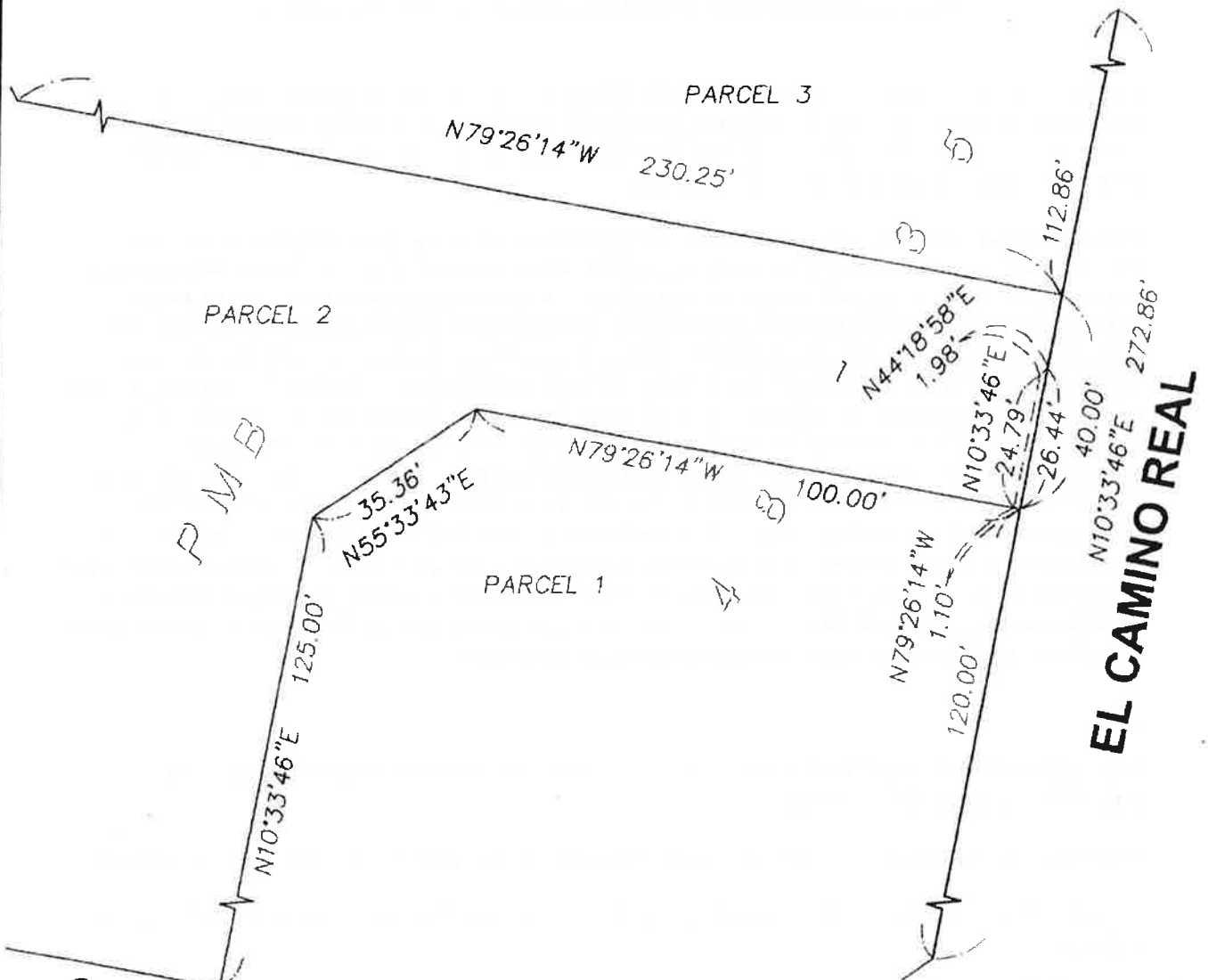
Prepared by: Patrick Savage PLS 5183 - expires 6/30/2013



SHEET 1 OF 1

EXHIBIT "B"

SKETCH TO ACCOMPANY LEGAL DESCRIPTION  
FOR PEDESTRIAN ACCESS EASEMENT



CALIFORNIA STATE  
HIGHWAY 5

EL CAMINO REAL



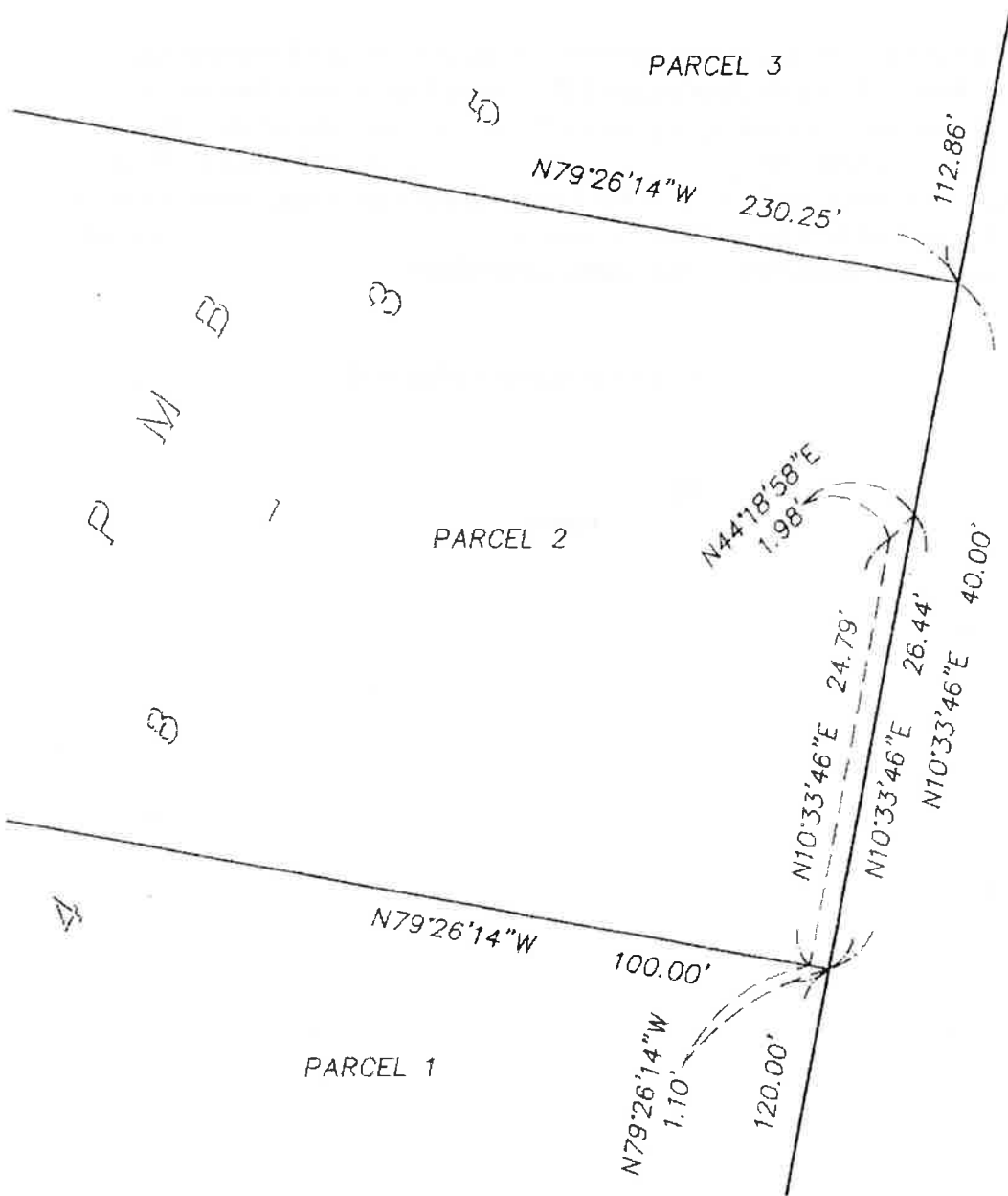
= EASEMENT AREA

Favreau • Savage, Incorporated  
 Land Surveying  
 2488 Newport Blvd. • Suite C • Costa Mesa, California 92627  
 (949) 675-8030


*Patrick Savage* - 3/11/14  
 PATRICK SAVAGE, PLS 5183                      DATE

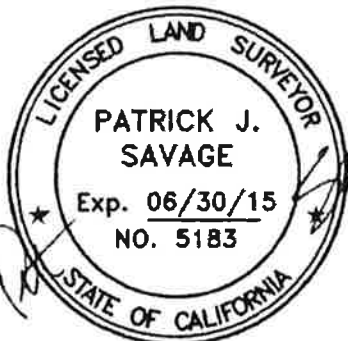
EXHIBIT "B"

SKETCH TO ACCOMPANY LEGAL DESCRIPTION  
FOR PEDESTRIAN ACCESS EASEMENT



BFPV = BACK FLOW  
PREVENTION VALVE

 = EASEMENT AREA



Favreau • Savage, Incorporated  
Land Surveying  
2488 Newport Blvd. • Suite C • Costa Mesa, California 92627  
(949) 675-8030

*Patrick Savage* - 3/11/14

PATRICK SAVAGE, PLS 5183      DATE

**CERTIFICATE OF ACCEPTANCE**

This is to certify that the interest in real property conveyed by the deed or grant dated \_\_\_\_\_ from SC Senior Apartments, LP to the City of San Clemente, a political corporation and/or governmental agency, is hereby accepted by order of the City Council of the City of San Clemente on \_\_\_\_\_, by the undersigned officer or agent on behalf of the City Council of the City of San Clemente pursuant to authority conferred by action of the City Council of the City of San Clemente on \_\_\_\_\_, and the grantee consents to recordation thereof by its duly authorized officer.

CITY OF SAN CLEMENTE

Dated: \_\_\_\_\_

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



# Attachment 2

After recording mail to:

CITY CLERK  
CITY OF SAN CLEMENTE  
100 Avenida Presidio  
San Clemente, California 92672

ABOVE SPACE FOR RECORDER'S USE

DOCUMENTARY TRANSFER TAX \$ -0-  
(Exempt recording requested—Gov. Code Section 6103)

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

## WATER UTILITY APPURTENANCES EASEMENT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, SC Senior Apartments, LP. hereby grants to THE CITY OF SAN CLEMENTE, a Municipal Corporation, a perpetual nonexclusive easement for water utility purposes and access in, on, and over the Real Property in the State of California, County of Orange, City of San Clemente, described in the Legal Description attached hereto and incorporated herein as Exhibit as follows:


See attached Exhibits "A" and "B"

Dated: 3-17-14

SC SENIOR APARTMENTS, L.P.,  
a California limited partnership

By: SC Senior Apartments, LLC,  
a California limited liability company,  
its Administrative General Partner

By: Meta Housing Corporation,  
a California corporation,  
its Manager

By:   
George M Russo, Chief Financial Officer

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

CIVIL CODE § 1189

State of California

County of Los Angeles

On 3-17-14 before me, Marian Kain Notary Public

personally appeared George Russo

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: Marian Kain

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

- Corporate Officer — Title(s): \_\_\_\_\_
- Individual
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

- Corporate Officer — Title(s): \_\_\_\_\_
- Individual
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

**EXHIBIT "A"**

**LEGAL DESCRIPTION FOR WATER APPURTENANCES EASEMENT**


IN THE CITY OF SAN CLEMENTE, COUNTY OF ORANGE, STATE OF CALIFORNIA, BEING A PORTION OF PARCEL 2 AS SHOWN ON A PARCEL MAP FILED IN BOOK 48, PAGE 35 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE TRUE POINT OF BEGINNING, BEING THE MOST EASTERLY CORNER OF PARCEL 2 AS SHOWN ON A MAP FILED IN BOOK 48, PAGES 35 OF PARCEL MAPS. RECORDS OF SAID COUNTY, BEING ALSO ON THE WESTERLY RIGHT OF WAY LINE OF EL CAMINO REAL DISTANT 112.86 FEET SOUTHERLY OF THE TERMINUS OF A CURVE IN SAID WESTERLY RIGHT OF WAY LINE; THENCE DEPARTING SAID WESTERLY RIGHT OF WAY LINE AND CONTINUING NORTH 79° 26' 14" WEST A DISTANCE OF 21.00 FEET ALONG THE NORTHERLY LINE OF PARCEL 2; THENCE DEPARTING SAID NORTHERLY PARCEL LINE AND CONTINUING SOUTH 10° 33' 46" WEST A DISTANCE OF 15.00 FEET; THENCE SOUTH 79° 26' 14" EAST, PARALLEL TO AND 15.00 FEET DISTANT SOUTHERLY FROM SAID NORTHERLY LINE OF PARCEL 2, A DISTANCE OF 21.50 FEET TO SAID WESTERLY RIGHT OF WAY LINE OF EL CAMINO REAL; THENCE NORTH 10° 33' 46" EAST A DISTANCE OF 15.00 FEET ALONG SAID WESTERLY RIGHT OF WAY LINE OF EL CAMINO REAL TO THE TRUE POINT OF BEGINNING.

THE AREA OF THE DESCRIBED LAND CONSISTING OF 0.007 ACRES (315 SQUARE FEET) MORE OR LESS.

SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS AND OTHER RIGHTS OF RECORD.

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

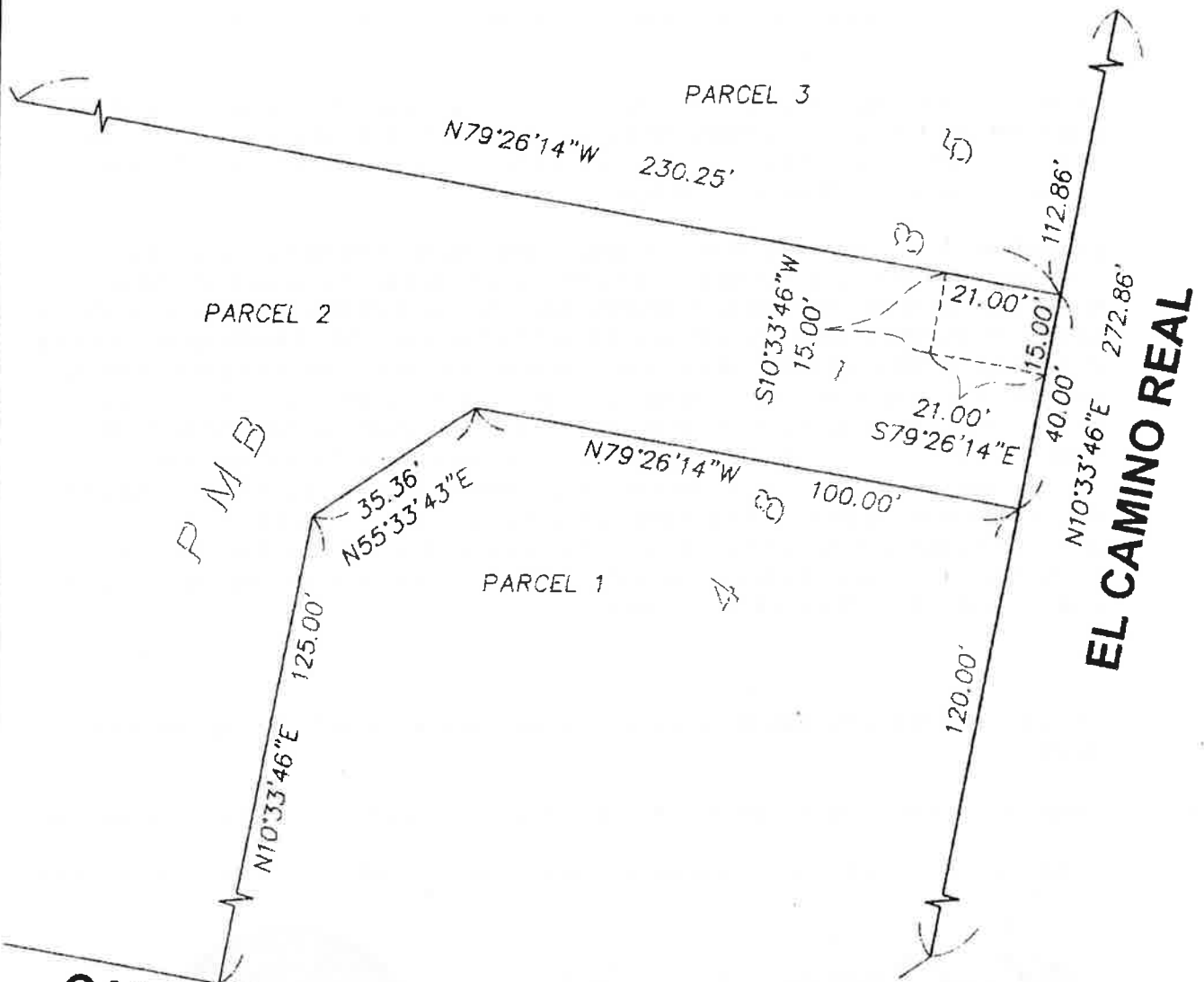
 3/11/14  
Prepared by: Patrick Savage PLS 5183 - expires 6/30/2015



SHEET 1 OF 1

EXHIBIT "B"

SKETCH TO ACCOMPANY LEGAL DESCRIPTION  
FOR WATER APPURTENANCES EASEMENT



CALIFORNIA STATE  
HIGHWAY 5



= EASEMENT AREA

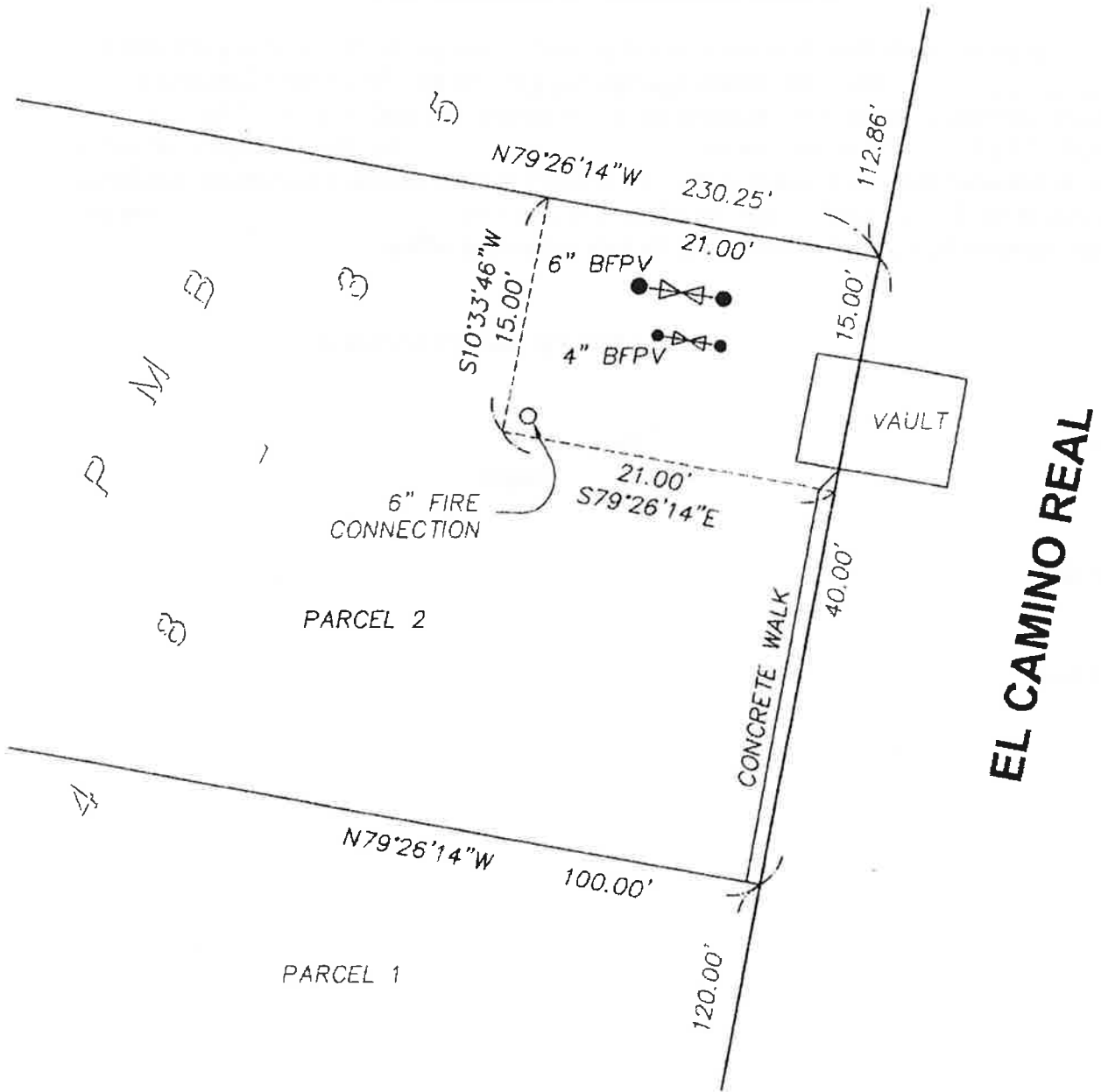
Favreau • Savage, Incorporated  
 Land Surveying  
 2488 Newport Blvd. • Suite C • Costa Mesa, California 92627  
 (949) 675-8030


*Patrick Savage* — 3/11/14  
 PATRICK SAVAGE, PLS 5183      DATE

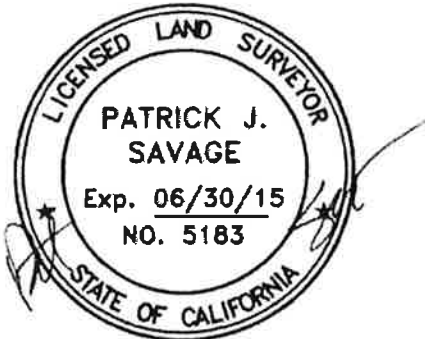
EXHIBIT "C"

SHEET 1 OF 1

SKETCH TO ACCOMPANY LEGAL DESCRIPTION  
FOR WATER APPURTENANCES EASEMENT



BFPV = BACK FLOW  
PREVENTION VALVE  
 = EASEMENT AREA



Favreau • Savage, Incorporated  
 Land Surveying  
 2488 Newport Blvd. • Suite C • Costa Mesa, California 92627  
 (949) 675-8030  
*Patrick Savage* 3/11/14  
 PATRICK SAVAGE, PLS 5183 DATE

**CERTIFICATE OF ACCEPTANCE**

This is to certify that the interest in real property conveyed by the deed or grant dated \_\_\_\_\_ from SC Senior Apartments, LP to the City of San Clemente, a political corporation and/or governmental agency, is hereby accepted by order of the City Council of the City of San Clemente on \_\_\_\_\_, by the undersigned officer or agent on behalf of the City Council of the City of San Clemente pursuant to authority conferred by action of the City Council of the City of San Clemente on \_\_\_\_\_, and the grantee consents to recordation thereof by its duly authorized officer.

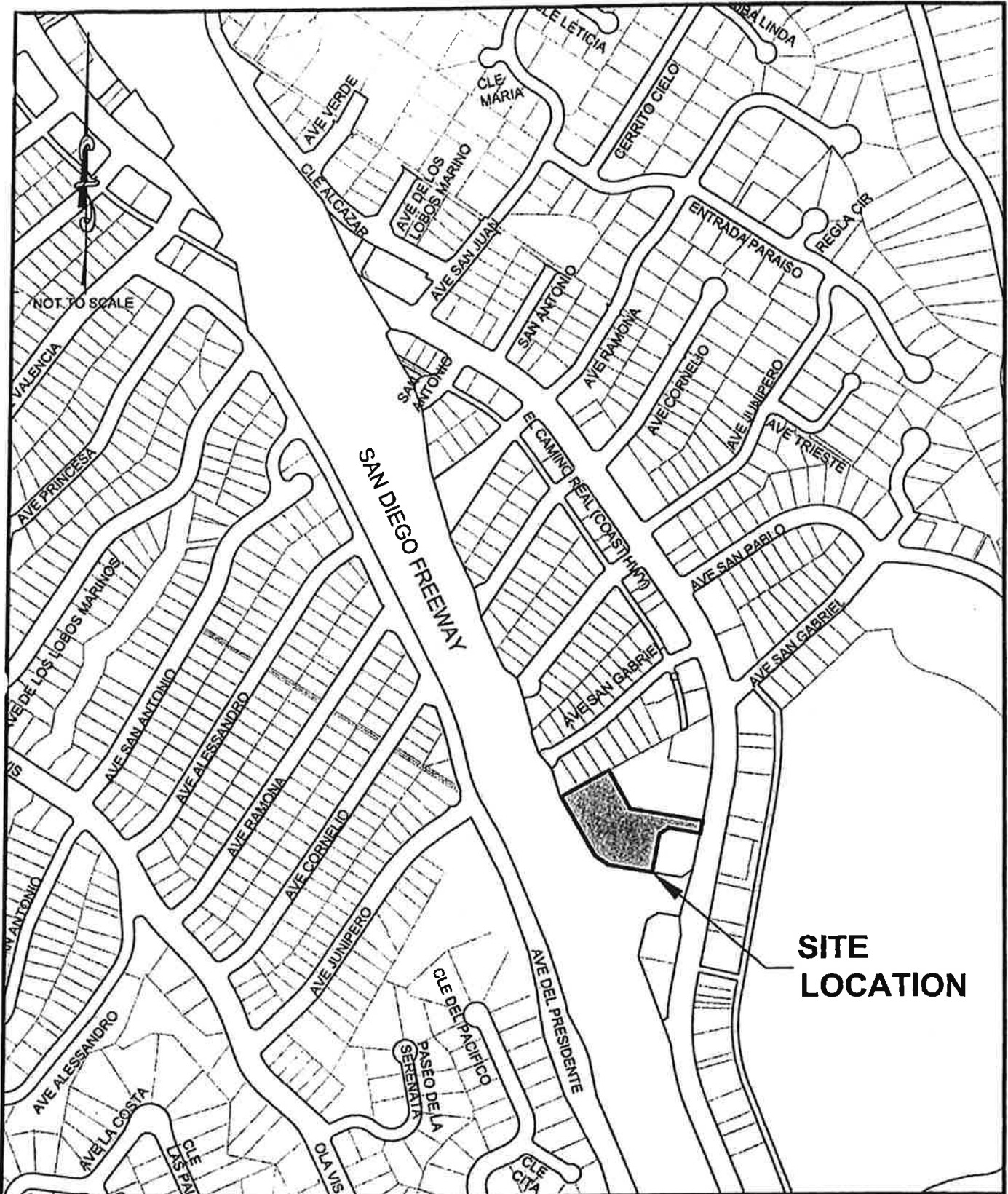
CITY OF SAN CLEMENTE

Dated: \_\_\_\_\_

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



**SITE  
LOCATION**



*City of San Clemente*

210 Calle Negocio, Suite 100  
 San Clemente, CA 92673  
 Tel (949) 361-6100  
 Fax (949) 361-8316

**LOCATION MAP**

**SAN CLEMENTE  
 SENIOR APARTMENTS  
 2350-2358 S. El Camino Real**