



AGENDA REPORT

CITY OF SAN CLEMENTE

City Council Meeting

910 Calle Negocio
2nd Floor
San Clemente, California
www.san-clemente.org

Meeting Date: 2/7/2023

Agenda Item: 6K

Department: Public Works
Prepared By Zak Ponsen, Assistant City Engineer

Subject:
ACCEPTANCE OF EMERGENCY ACCESS EASEMENT LOCATED AT 501 AND 515 AVENIDA VAQUERO-SHORECLIFFS SENIOR APARTMENTS AND SHORECLIFFS GOLF COURSE

Fiscal Impact:
None

Summary:

Staff recommends the City Council accept the Grant of Easement for Emergency Ingress and Egress (Emergency Access Easement) from the property owners of 501 Avenida Vaquero (Shorecliffs Golf Course Clubhouse) and 515 Avenida Vaquero (150-Unit Shorecliffs Senior Apartments). The Emergency Access Easement will allow legal on-site ingress and egress for police and fire services, which is required to be recorded prior to occupancy of the new buildings.

Background:

The development of the new 150-unit Shorecliffs Senior Apartments was approved by the Planning Commission on March 19, 2019. Included in the development application was a proposal to also rebuild the Shorecliffs Golf Course Clubhouse. Construction is on-going, but the Orange County Fire Authority (OCFA) requires an easement for emergency access purposes to be recorded prior to the occupancy of either of the two new buildings. The new golf course clubhouse construction is expected to be completed shortly, therefore the developer is requesting the City to accept and record the easement.

Discussion:

The property owners for the Shorecliffs Senior Apartments (GS-SM San Clemente Owner, LLC) and the Shorecliffs Golf Course (GC-8, LLC) are requesting that the City accept an emergency access easement for their new developments. The development of the new 150-unit Shorecliffs Senior Apartments included a Master Plan from the OCFA. The emergency access fire lanes required in the Master Plan will allow full ingress and egress access around the new development. Emergency access easements are typically included on subdivision maps when lots are created, but the Shorecliffs Golf Course and the new developments did not include such a subdivision or easement; therefore, an easement is needed at this time. The City accepts emergency access easements on behalf of both police and fire services.

Recommended Actions:

Staff Recommendation

Staff recommends that the City Council:

1. Accept the Grant of Easement for Emergency Ingress and Egress from GS-SM San Clemente Owner, LLC and GC-8, LLC.

2. Authorize the Mayor and City Clerk to execute the Grant of Easement for Emergency Ingress and Egress and Certificate of Acceptance.

3. Authorize the City Clerk to submit the Grant of Easement for Emergency Ingress and Egress and Certificate of Acceptance to the Orange County Recorder for recordation.

Attachment:

Grant of Easement for Emergency Ingress and Egress

Notification:

Mark McGuire- Attorney for GS-SM San Clemente Owner, LLC and GC-8, LLC

Attachment 1

**RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:**

CITY OF SAN CLEMENTE
910 Calle Negocio, Suite 100
San Clemente, CA 92673
Attn: Public Works Director

(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

This Agreement is recorded at the request and for the benefit of the City of San Clemente and is exempt from the payment of a recording fee pursuant to Government Code § 27383.

THE CITY OF SAN CLEMENTE

By: _____

Its: _____

Dated: _____, 2023

GRANT OF EASEMENT FOR EMERGENCY INGRESS AND EGRESS

THIS GRANT OF EASEMENT (the "Easement") is made by GS-SM San Clemente Owner, LLC and GC-8, LLC ("Grantors") in favor of the CITY OF SAN CLEMENTE ("Grantee").

RECITALS

A. Grantee is a municipal corporation with general police powers to protect the public health, safety, and welfare within the geographical limits of San Clemente. Pursuant to this general police power, Grantee is authorized to accept the dedication of emergency access rights through and over private property.

B. Grantors wish to grant and convey an easement for emergency ingress and egress over those portions of their real property legally described on Exhibit "A", attached hereto and

incorporated herein by this reference, and depicted on Exhibit "B", which is also attached hereto and incorporated herein by this reference.

C O V E N A N T:

In consideration of the foregoing Recitals, Grantors hereby covenant and convey to Grantee, including any of its officers, employees, agents and contractors, including the Orange County Fire Authority and the Orange County Sheriff's Department, rights of ingress and egress over and across the property described in Exhibit "A" and depicted on Exhibit "B". Grantors intend for the Easement to provide emergency vehicle access to their properties at any time in the event of any emergency.

GS-SM San Clemente Owner, a Delaware limited liability company

By: GS-SM San Clemente, LLC, a Delaware limited liability company, its sole manager

By: GS-San Clemente Manager, LLC, a Delaware limited liability company, its manager

By: _____

Its: _____

Dated: _____

GC-8, LLC, a California limited liability company

By: _____

Its: _____

Dated: _____

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 dated _____ from GS-SM San Clemente Owner, LLC and GC-8, LLC to the CITY OF SAN CLEMENTE, a municipal corporation, is hereby accepted and Grantee consents to recordation thereof by its duly authorized officer.

Dated: _____

By: _____

State of California)
County of _____)

On _____, before me, _____, Notary Public,
(here insert name and title of the officer)

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 _____

(seal)

State of California)
County of _____)

On _____, before me, _____, Notary Public,
(here insert name and title of the officer)

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 _____

EXHIBIT "A"
LEGAL DESCRIPTION
ORANGE COUNTY FIRE AUTHORITY
EMERGENCY ACCESS EASEMENT

THAT CERTAIN PARCEL OF LAND SITUATED, IN THE CITY OF SAN CLEMENTE, COUNTY OF ORANGE, STATE OF CALIFORNIA BEING A PORTION OF PARCELS 1 AND 2 OF LOT LINE ADJUSTMENT NO. LL-17-402 RECORDED JANUARY 28, 2019 AS INSTRUMENT NO. 2019000026437 OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1

COMMENCING AT THE EASTERLY CORNER OF SAID PARCEL 2;
THENCE SOUTHWESTERLY ALONG THE SOUTHEASTERLY LINE OF SAID PARCEL 2 SOUTH 38°51'20" WEST 127.39 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE NORTH 51°08'40" WEST 133.68 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 225.00 FEET;

THENCE NORTHWESTERLY ALONG SAID CURVE 91.65 FEET THROUGH A CENTRAL ANGLE OF 23°20'16" TO THE BEGINNING OF A REVERSE CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 250.00 FEET, A RADIAL LINE OF SAID CURVE TO SAID BEGINNING BEARS NORTH 62°11'36" EAST;

THENCE NORTHWESTERLY ALONG SAID CURVE 29.75 FEET THROUGH A CENTRAL ANGLE OF 6°49'07" TO A POINT HEREINAFTER REFERRED TO AS **POINT "A"**;

THENCE CONTINUING NORTHWESTERLY ALONG SAID CURVE 145.90 FEET THROUGH A CENTRAL ANGLE OF 33°26'11";

THENCE NORTH 68°03'42" WEST 14.71 FEET TO A POINT HEREINAFTER REFERRED TO AS **POINT "B"**;

THENCE CONTINUING NORTH 68°03'42" WEST 393.61 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 26.00 FEET;

THENCE NORTHWESTERLY ALONG SAID CURVE 8.59 FEET THROUGH A CENTRAL ANGLE OF 18°55'29";

THENCE NORTH 49°05'33" WEST 69.58 FEET;

THENCE SOUTH 68°09'36" WEST 167.15 FEET;

THENCE SOUTH 21°50'24" EAST 42.41 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 75.00 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE 63.25 FEET THROUGH A CENTRAL ANGLE OF 48°19'23" TO THE BEGINNING OF A REVERSE CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 52.00 FEET, A RADIAL LINE OF SAID CURVE TO SAID BEGINNING BEARS NORTH 19°05'26" EAST;

THENCE SOUTHEASTERLY ALONG SAID CURVE 75.23 FEET THROUGH A CENTRAL ANGLE OF 82°53'28" TO THE BEGINNING OF A REVERSE CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 50.00 FEET, A RADIAL LINE OF SAID CURVE TO SAID BEGINNING BEARS NORTH 78°01'06" WEST;

THENCE SOUTHEASTERLY ALONG SAID CURVE 50.01 FEET THROUGH A CENTRAL ANGLE OF 57°18'19";

THENCE SOUTH 45°19'25" EAST 31.20 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 200.00 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE 44.73 FEET THROUGH A CENTRAL ANGLE OF 12°48'52" TO THE BEGINNING OF A REVERSE CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 50.00 FEET, A RADIAL LINE OF SAID CURVE TO SAID BEGINNING BEARS NORTH 57°29'27" EAST;

THENCE SOUTHEASTERLY ALONG SAID CURVE 20.47 FEET THROUGH A CENTRAL ANGLE OF 23°27'33";

THENCE SOUTH 55°58'07" EAST 106.43 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 50.00 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE 21.16 FEET THROUGH A CENTRAL ANGLE OF 24°14'59";

THENCE SOUTH 80°13'06" EAST 76.85 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 50.00 FEET;

THENCE EASTERLY ALONG SAID CURVE 36.43 FEET THROUGH A CENTRAL ANGLE OF 41°45'02";

THENCE NORTH 58°01'53" EAST 82.30 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 17.01 FEET;

THENCE EASTERLY ALONG SAID CURVE 26.70 FEET THROUGH A CENTRAL ANGLE OF 89°56'32";

THENCE SOUTH 31°58'07" EAST 99.00 FEET;

THENCE NORTH 58°01'53" EAST 176.13 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 17.01 FEET;

THENCE EASTERLY ALONG SAID CURVE 26.29 FEET THROUGH A CENTRAL ANGLE OF 88°33'57" TO THE BEGINNING OF A REVERSE CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 252.93 FEET, A RADIAL LINE OF SAID CURVE TO SAID BEGINNING BEARS NORTH 56°39'06" EAST;

THENCE SOUTHEASTERLY ALONG SAID CURVE 78.57 FEET THROUGH A CENTRAL ANGLE OF 17°47'55";

THENCE SOUTH 51°08'40" EAST 133.68 FEET TO SAID SOUTHEASTERLY LINE OF PARCEL 2;

THENCE NORTHEASTERLY ALONG SAID SOUTHEASTERLY LINE OF SAID PARCEL 2
NORTH 38°51'20" EAST 28.00 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM THE FOLLOWING:

EXCEPTION 1

COMMENCING AT **POINT "B"**;

THENCE SOUTH 21°56'18" WEST 24.00 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE NORTH 68°03'42" WEST 87.69 FEET TO THE BEGINNING OF A CURVE, CONCAVE
SOUTHERLY, HAVING A RADIUS OF 5.00 FEET;

THENCE WESTERLY ALONG SAID CURVE 4.64 FEET THROUGH A CENTRAL ANGLE OF
53°07'48";

THENCE NORTH 68°03'42" WEST 297.62 FEET TO THE BEGINNING OF A CURVE, CONCAVE
NORTHEASTERLY, HAVING A RADIUS OF 57.47 FEET;

THENCE NORTHWESTERLY ALONG SAID CURVE 24.65 FEET THROUGH A CENTRAL
ANGLE OF 24°34'14";

THENCE NORTH 49°10'51" WEST 43.56 FEET TO THE BEGINNING OF A CURVE, CONCAVE
SOUTHERLY, HAVING A RADIUS OF 17.00 FEET;

THENCE WESTERLY ALONG SAID CURVE 17.54 FEET THROUGH A CENTRAL ANGLE OF
59°07'18";

THENCE SOUTH 68°09'29" WEST 98.87 FEET TO THE BEGINNING OF A CURVE, CONCAVE
EASTERLY, HAVING A RADIUS OF 17.00 FEET;

THENCE SOUTHERLY ALONG SAID CURVE 26.92 FEET THROUGH A CENTRAL ANGLE OF
90°44'40";

THENCE SOUTH 22°35'11" EAST 0.88 FEET TO THE BEGINNING OF A CURVE, CONCAVE
NORTHEASTERLY, HAVING A RADIUS OF 51.00 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE 43.01 FEET THROUGH A CENTRAL ANGLE
OF 48°19'24" TO THE BEGINNING OF A REVERSE CURVE, CONCAVE SOUTHWESTERLY,
HAVING A RADIUS OF 76.00 FEET, A RADIAL LINE OF SAID CURVE TO SAID BEGINNING
BEARS NORTH 19°05'26" EAST;

THENCE SOUTHEASTERLY ALONG SAID CURVE 109.95 FEET THROUGH A CENTRAL
ANGLE OF 82°53'28" TO THE BEGINNING OF A REVERSE CURVE, CONCAVE
NORTHEASTERLY, HAVING A RADIUS OF 26.00 FEET, A RADIAL LINE OF SAID CURVE TO
SAID BEGINNING BEARS NORTH 78°01'06" WEST;

THENCE SOUTHEASTERLY ALONG SAID CURVE 26.00 FEET THROUGH A CENTRAL ANGLE OF 57°18'19";

THENCE SOUTH 45°19'25" EAST 31.20 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 224.00 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE 45.66 FEET THROUGH A CENTRAL ANGLE OF 11°40'49" TO THE BEGINNING OF A REVERSE CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 25.00 FEET, A RADIAL LINE OF SAID CURVE TO SAID BEGINNING BEARS NORTH 56°21'24" EAST;

THENCE SOUTHEASTERLY ALONG SAID CURVE 9.74 FEET THROUGH A CENTRAL ANGLE OF 22°19'30";

THENCE SOUTH 55°58'07" EAST 116.03 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 25.00 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE 10.58 FEET THROUGH A CENTRAL ANGLE OF 24°14'59";

THENCE SOUTH 80°13'06" EAST 69.58 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 25.00 FEET;

THENCE EASTERLY ALONG SAID CURVE 17.64 FEET THROUGH A CENTRAL ANGLE OF 40°26'04";

THENCE NORTH 58°01'29" EAST 236.09 FEET TO THE BEGINNING OF A CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 17.00 FEET;

THENCE NORTHERLY ALONG SAID CURVE 36.35 FEET THROUGH A CENTRAL ANGLE OF 122°30'35" TO THE TRUE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THE FOLLOWING:

EXCEPTION 2

COMMENCING AT **POINT "A"**;

THENCE SOUTH 55°22'29" WEST 24.00 FEET TO THE **TRUE POINT OF BEGINNING**;

SAID TRUE POINT OF BEGINNING BEING A POINT ON A NON-TANGENT CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 226.00 FEET, A RADIAL LINE OF SAID CURVE TO SAID BEGINNING BEARS NORTH 55°22'29" EAST;

THENCE NORTHWESTERLY ALONG SAID CURVE 72.48 FEET TO THE BEGINNING OF A COMPOUND CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 17.00 FEET, A RADIAL LINE OF SAID CURVE TO SAID BEGINNING BEARS NORTH 36°59'54" EAST;

THENCE WESTERLY ALONG SAID CURVE 20.46 FEET THROUGH A CENTRAL ANGLE OF 68°58'01";

THENCE SOUTH 58°01'53" WEST 126.38 FEET TO THE BEGINNING OF A CURVE, CONCAVE
EASTERLY, HAVING A RADIUS OF 17.01 FEET;

THENCE SOUTHERLY ALONG SAID CURVE 26.70 FEET THROUGH A CENTRAL ANGLE OF
89°56'32";

THENCE SOUTH 31°58'07" EAST 71.50 FEET TO THE BEGINNING OF A CURVE, CONCAVE
NORTHERLY, HAVING A RADIUS OF 3.50 FEET;

THENCE EASTERLY ALONG SAID CURVE 5.50 FEET THROUGH A CENTRAL ANGLE OF
89°59'56";

THENCE NORTH 58°01'53" EAST 160.58 FEET TO THE BEGINNING OF A CURVE, CONCAVE
WESTERLY, HAVING A RADIUS OF 10.00 FEET;

THENCE NORTHERLY ALONG SAID CURVE 16.17 FEET THROUGH A CENTRAL ANGLE OF
92°39'24" TO THE TRUE POINT OF BEGINNING.

CONTAINING: 1.240 ACRES, MORE OR LESS

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

SUBJECT TO: COVENANTS, CONDITIONS, RESTRICTIONS, RIGHT OF WAY AND
EASEMENTS OF RECORD.

PREPARED UNDER THE SUPERVISION OF:


3/31/22

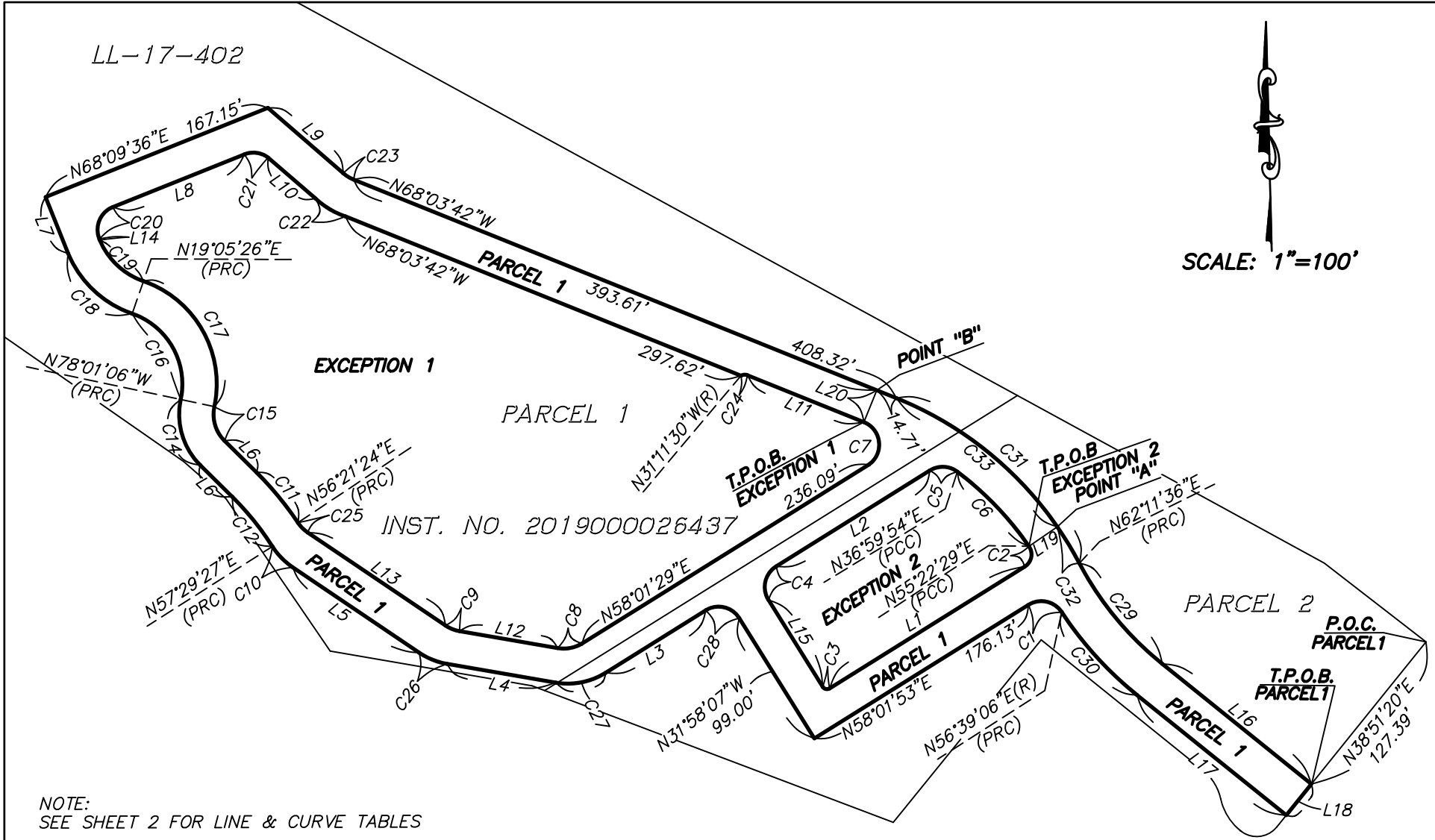
GREGORY S. BORCHARD, LS 7705
MY REGISTRATION EXPIRES: 12/31/22



LL-17-402



SCALE: 1"=100'



INST. NO. 2019000026437

NOTE:
SEE SHEET 2 FOR LINE & CURVE TABLES

EXHIBIT "B"

SKETCH TO ACCOMPANY
A LEGAL DESCRIPTION FOR
EMERGENCY ACCESS EASEMENT
CONTAINING: 1.240 AC.±

SHEET 1 OF 2

MARCH 30, 2022 UR276500

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH
C1	88°33'57"	17.01'	26.29'
C2	92°39'24"	10.00'	16.17'
C3	89°59'56"	3.50'	5.50'
C4	89°56'32"	17.01'	26.70'
C5	68°58'01"	17.00'	20.46'
C6	18°22'35"	226.00'	72.48'
C7	122°30'35"	17.00'	36.35'
C8	40°26'04"	25.00'	17.64'
C9	24°14'59"	25.00'	10.58'
C10	23°27'33"	50.00'	20.47'
C11	11°40'49"	224.00'	45.66'
C12	12°48'52"	200.00'	44.73'
C14	57°18'19"	50.00'	50.01'
C15	57°18'19"	26.00'	26.00'
C16	82°53'28"	52.00'	75.23'
C17	82°53'28"	76.00'	109.95'
C18	48°19'23"	75.00'	63.25'
C19	48°19'24"	51.00'	43.01'
C20	90°44'40"	17.00'	26.92'
C21	59°07'18"	17.00'	17.54'
C22	24°34'14"	57.47'	24.65'
C23	18°55'29"	26.00'	8.59'
C24	53°07'48"	5.00'	4.64'
C25	22°19'30"	25.00'	9.74'
C26	24°14'59"	50.00'	21.16'
C27	41°45'02"	50.00'	36.43'
C28	89°56'32"	17.01'	26.70'
C29	23°20'16"	225.00'	91.65'
C30	17°47'55"	252.93'	78.57'
C31	40°15'18"	250.00'	175.65'
C32	6°49'07"	250.00'	29.75'
C33	33°26'11"	250.00'	145.90'

LINE	BEARING	DISTANCE
L1	N 58°01'53" E	160.58'
L2	N 58°01'53" E	126.38'
L3	N 58°01'53" E	82.30'
L4	N 80°13'06" W	76.85'
L5	N 55°58'07" W	106.43'
L6	N 45°19'25" W	31.20'
L7	N 21°50'24" W	42.41'
L8	N 68°09'29" E	98.87'
L9	N 49°05'33" W	69.58'
L10	N 49°10'51" W	43.56'
L11	N 68°03'42" W	87.69'
L12	N 80°13'06" W	69.58'
L13	N 55°58'07" W	116.03'
L14	N 22°35'11" W	0.88'
L15	N 31°58'07" W	71.50'
L16	N 51°08'40" W	133.68'
L17	N 51°08'40" W	133.68'
L18	N 38°51'20" E	28.00'
L19	N 55°22'29" E(R)	24.00'
L20	N 21°56'18" E	24.00'

EXHIBIT "B"

SKETCH TO ACCOMPANY
A LEGAL DESCRIPTION FOR
EMERGENCY ACCESS EASEMENT
CONTAINING: 1.240 AC.±

SHEET 2 OF 2

MARCH 30, 2022 UR276500