

CITY of LAGUNA WOODS CITY COUNCIL AGENDA

Special Meeting
Friday, April 5, 2019
9:00 a.m.

Laguna Woods City Hall
24264 El Toro Road
Laguna Woods, California 92637

Cynthia Connors
Mayor

Noel Hatch
Mayor Pro Tem

Shari L. Horne
Councilmember



Carol Moore
Councilmember

Joe Rainey
Councilmember

Welcome to a meeting of the Laguna Woods City Council!

This meeting may be recorded, televised, and made publically available.

Public Comments: Persons wishing to address the City Council are requested to complete and submit a speaker card to City staff. Speaker cards are available near the entrance to the meeting location. Persons wishing to address the City Council on an item appearing on this agenda will be called upon at the appropriate time during the item's consideration. Persons wishing to address the City Council on an item *not* appearing on the agenda will be called upon during the "Public Comments" item. Persons who do not wish to submit a Speaker Card, or who wish to remain anonymous, may indicate their desire to speak from the floor. Speakers are requested, but not required, to identify themselves.

Americans with Disabilities Act (ADA): It is the intention of the City to comply with the ADA. If you need assistance to participate in this meeting, please contact either the City Clerk's Office at (949) 639-0500/TTY (949) 639-0535 or the California Relay Service at (800) 735-2929/TTY (800) 735-2922. The City requests at least two business days' notice in order to effectively facilitate the provision of reasonable accommodations.

REGULAR MEETING SCHEDULE

The Laguna Woods City Council meets regularly on the third Wednesday of each month at 2 p.m. This agenda pertains to a special meeting called under authority of California Government Code Section 54956. No business other than that listed on this agenda may be transacted at the meeting.

AGENDA POSTING AND AVAILABILITY

Regular and Adjourned Regular Meetings: Pursuant to California Government Code Section 54954.2 of the Ralph M. Brown Act, the City of Laguna Woods posts agendas at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, California 92637; on the City’s website (www.cityoflagunawoods.org); and, at other locations designated by Resolution No. 17-30, at least 72 hours in advance of regular and adjourned regular meetings. Agendas and agenda materials are available at Laguna Woods City Hall during normal business hours and on the City’s website. Printed copies of agendas and agenda materials are provided at no charge in advance of meetings. After meetings have occurred, a per page fee is charged for printed copies.

Special and Emergency Meetings: Agenda posting and availability for special and emergency meetings is conducted pursuant to all applicable provisions of California Government Code (Ralph M. Brown Act).

AGENDA DISTRIBUTION LISTS

Electronic Distribution: The City of Laguna Woods provides notification of agenda posting and availability via email. To register to receive email notifications, please email cityhall@cityoflagunawoods.org or contact the City Clerk’s Office at (949) 639-0500/TTY (949) 639-0535. Please note that the City is not responsible for, and makes no guaranties or warranties related to, the transmission or receipt of email notifications.

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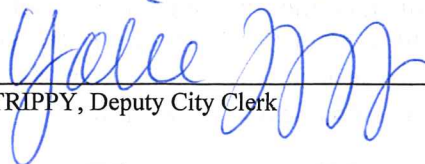
FOR ADDITIONAL INFORMATION

For additional information, please contact the City Clerk’s Office at (949) 639-0500/TTY (949) 639-0535, cityhall@cityoflagunawoods.org, or 24264 El Toro Road, Laguna Woods, California 92637.

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF LAGUNA WOODS)

I, Yolie Trippy, Deputy City Clerk, City of Laguna Woods, hereby certify under penalty of perjury that this agenda was posted at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, California 92637; on the City’s website (www.cityoflagunawoods.org); and, at other locations designated by Resolution No. 17-30, pursuant to California Government Code Section 54954.2 of the Ralph M. Brown Act.



YOLIE TRIPPY, Deputy City Clerk

4-3-19

Date

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE OF ALLEGIANCE
- IV. PRESENTATIONS AND CEREMONIAL MATTERS
- V. PUBLIC COMMENTS

About Public Comments: This is the time and place for members of the public to address the City Council on items *not* appearing on this agenda. Pursuant to State law, the City Council is unable to take action on such items, but may engage in brief discussion, provide direction to City staff, or schedule items for consideration at future meetings.

VI. CONSENT CALENDAR

About the Consent Calendar: All items listed on the Consent Calendar are considered routine and will be enacted by one vote. There will be no separate discussion of these items unless a member of the City Council, City staff, or the public requests that specific items be removed from the Consent Calendar for separate discussion and consideration of action.

6.1 Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 2 (El Toro Road and Moulton Parkway)

Recommendation:

1. Approve the “Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 2 (El Toro Road and Moulton Parkway)” design plans and specifications as prepared by the City Engineer’s Office.

AND

2. Award a contract agreement to Hardy & Harper, Inc. for the construction of the “Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 2 (El Toro Road and Moulton Parkway)”, in the amount of \$87,000, plus authorized change orders not to exceed 10% of the base amount; and authorize the City Manager to execute a contract

agreement and approve change orders, subject to approval of the contract agreement as to form by the City Attorney.

AND

3. Approve and accept a grant of easement by and between Church, Lutheran of the Cross of Laguna Hills and the City of Laguna Woods related to the “Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 2 (El Toro Road and Moulton Parkway)””; authorize the Mayor to execute the certificate of acceptance, subject to approval as to form by the City Attorney; and, consent to recordation of the grant of easement, including the certificate of acceptance.

AND

4. Approve and accept a grant of easement by and between Saint Nicholas Church Pastoral Center/Property and the City of Laguna Woods related to the “Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 2 (El Toro Road and Moulton Parkway)””; authorize the Mayor to execute the certificate of acceptance, subject to approval as to form by the City Attorney; and, consent to recordation of the grant of easement, including the certificate of acceptance.

VII. CITY COUNCIL BUSINESS

VIII. CLOSED SESSION

Prior to convening in closed session, the City Council will hear public comments on items appearing on the closed session agenda.

- 8.1 The City Council will meet in closed session under the authority of California Government Code sections 54956.9(d)(2) and (e)(1) to discuss significant exposure to litigation in one case.

IX. CLOSED SESSION REPORT

X. ADJOURNMENT

Next Regular Meeting:

Wednesday, April 17, 2019 at 2 p.m.

Laguna Woods City Hall

24264 El Toro Road, Laguna Woods, California 92637

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6.1
CONSENT CALENDAR SUMMARY

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City of Laguna Woods

Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Christopher Macon, City Manager

FOR: April 5, 2019 Special Meeting

SUBJECT: Consent Calendar Summary

Recommendation

Approve all proposed actions on the April 5, 2019 Consent Calendar by single motion and City Council action.

Background

All items listed on the Consent Calendar are considered routine and will be enacted by one vote. There will be no separate discussion of these items unless a member of the City Council, staff, or the public requests that specific items be removed from the Consent Calendar for separate discussion and consideration of action.

Summary

The April 5, 2019 Consent Calendar contains the following items:

- 6.1 [1] Approval of the “Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 2 (El Toro Road and Moulton Parkway)” design plans and specifications as prepared by the City Engineer’s Office (available at or from City Hall). This project includes the removal and reconstruction of four concrete curb ramps located at the intersection of El Toro Road and Lutheran Church of the Cross/Saint Nicholas Church and three concrete curb ramps located at the intersection of Moulton Parkway and Calle Aragon. This project is included in the Capital Improvement Program and is funded by Community Development Block Grant (CDBG) funds.

AND

[2] Award of a contract agreement to Hardy & Harper, Inc. for the construction of the “Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 2 (El Toro Road and Moulton Parkway)”, in the amount of \$87,000, plus authorized change orders not to exceed 10% of the base amount; and authorization for the City Manager to execute a contract agreement and approve change orders, subject to approval of the contract agreement as to form by the City Attorney. Bids to construct the subject project were solicited from January 17, 2019 to February 8, 2019. A total of five bids were received (EBS General Engineering, Gentry General Engineering, Hardy & Harper, Onyx Paving Company, and Palp, Inc. dba Excel Paving Company) with Hardy & Harper bidding the lowest cost.

AND

[3] Approval and acceptance of a grant of easement by and between Church, Lutheran of the Cross of Laguna Hills and the City of Laguna Woods related to the “Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 2 (El Toro Road and Moulton Parkway)”; authorization for the Mayor to execute the certificate of acceptance, subject to approval as to form by the City Attorney; and, consent for recordation of the grant of easement, including the certificate of acceptance. The proposed grant of easement (Attachment A) is for a temporary construction easement over Lutheran Church of the Cross property that is necessary for the City to construct the subject project.

AND

[4] Approval and acceptance of a grant of easement by and between Saint Nicholas Church Pastoral Center/Property and the City of Laguna Woods related to the “Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 2 (El Toro Road and Moulton Parkway)”; authorization for the Mayor to execute the certificate of acceptance, subject to approval as to form by the City Attorney; and, consent for recordation of the grant of easement, including the certificate of acceptance. The proposed grant of easement (Attachment B) is for a temporary construction easement over Saint Nicholas Church property that is necessary for the City to construct the subject project.

6.1

**AMERICANS WITH DISABILITIES ACT (ADA)
PEDESTRIAN ACCESSIBILITY IMPROVEMENT
PROJECT: PHASE 2 (EL TORO ROAD AND
MOULTON PARKWAY)**

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Recording requested by City of Laguna Woods
When recorded, mail to City of Laguna Woods,
24264 El Toro Road, Laguna Woods, CA 92637.
(949) 639-0500

The undersigned declares that this document is recorded at the request of and for the benefit of the City of Laguna Woods and is therefore exempt from the payment of the recording fee pursuant to California Government Code sections 6103 and 27383 and from payment of the documentary transfer tax pursuant to California Revenue and Taxation Code Section 11922.

11 pages total. APN 616-041-01



GRANT OF EASEMENT **(TEMPORARY CONSTRUCTION EASEMENT)**

This GRANT OF EASEMENT (“Grant of Easement”) is made this ____ day of March, 2019, by and between Church, Lutheran of the Cross of Laguna Hills (“Grantor”), and the City of Laguna Woods, a California municipal corporation (“City”).

RECITALS

A. Grantor is the owner in fee of that certain real property located in the city of Laguna Woods, County of Orange, State of California, more particularly described as Assessor’s Parcel Number (APN) 616-041-01 (the “Subject Property”).

B. City desires to remove and construct concrete curb ramps used as public sidewalks adjacent to El Toro Road, including adjustments of utility manholes and water valves to grade, reestablishment of survey monuments, and replacement of impacted existing pavement, grinding and adjustments to grade of driveways and vehicular access points, painted striping, and pavement markings in accordance with City’s construction plans (“Plans”) commonly known as the Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 2 (El Toro Road and Moulton Parkway) (the “Project”). Grantor has agreed to provide to City as set forth in this Grant of Easement a temporary construction easement on, over, across and under that portion of the Subject Property described in the legal description attached hereto as Exhibit A and depicted on the site map attached hereto as Exhibit B (the “Temporary Construction Area”).

COVENANTS

Based upon the foregoing Recitals, and for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by both parties, Grantor and City hereby agree as follows:

1. Grant of Easement. Subject to the terms of this Grant of Easement, Grantor hereby grants to City and City accepts from Grantor an exclusive temporary construction easement on,

GRANT OF EASEMENT (TEMPORARY CONSTRUCTION EASEMENT)
ASSESSOR'S PARCEL NUMBER 616-041-01
CITY OF LAGUNA WOODS

over, across and under the Temporary Construction Easement Area (the "Temporary Construction Easement") to enable City to complete the Project. No aspect of the Project shall unreasonably interfere with Grantor's use or any tenant's use of the Subject Property and, to the extent any aspect of the Project must take place during Grantor's business hours, one-half (1/2) of the driveway providing ingress and egress from/to the public roadway (El Toro Road) to the Subject Property (the "Driveway") must remain fully usable at all times in order to permit vehicular access to the Subject Property. Further, no part of the Driveway shall be used for storage of any equipment or materials, or parking of vehicles or trailers. Grantor acknowledges that it may have the right to be monetarily compensated for the transfer of the Temporary Construction Easement rights conveyed hereunder, at rates not less than the value thereof as may be set by an appraisal approved by City. Grantor is, by executing this instrument, foregoing such monetary compensation in order to facilitate and expedite the Project, and Grantor accepts the benefits of the Project as full, fair, and final compensation for the transfer of all rights conveyed hereunder.

2. Duration of Easement. The Temporary Construction Easement shall automatically terminate one hundred and eighty (180) calendar days from the date City provides written notice to Grantor its intent to proceed with the Project (the "Expiration Date"), which notice must be given no later than one hundred and eighty (180) calendar days following the entry of both parties into this Temporary Construction Agreement. In the event that the City desires to utilize any portion of the Temporary Construction Area from and after the Expiration Date, the City may by mutual written agreement between the parties hereto, be permitted to utilize the Temporary Construction Area. Further, notwithstanding anything to the contrary contained in this Grant of Easement, in no event do the temporary rights granted herein extend beyond the date of completion of the Project.
3. No Grant of Access. The Temporary Construction Easement is granted with no right to enter upon any portion of the Property excepting the area which constitutes the Temporary Construction Easement. Storage of materials or equipment on any portion of the Subject Property excepting the area which constitutes the Temporary Construction Easement or blocking access to the driveway on the Subject Property is prohibited unless approved by Grantor in writing.
4. Project: Scope of Temporary Construction Easement. City shall construct the Project in accordance with the Plans and all applicable laws, rules, and regulations of governmental authorities with jurisdiction. The Temporary Construction Easement is an exclusive right-of-way for temporary construction uses including, without limitation, the right to grade, and to construct, maintain, operate, repair, remove and reconstruct, pedestrian, bike ways and paths, temporary pedestrian, bike ways and paths, utilities, storm drains, irrigation facilities, together with the right to enter upon and to pass and re-pass over the Temporary Construction Easement Area and to deposit tools, implements, and other materials thereon, by City, its officers, agents, employees and contractors whenever and wherever necessary for the purpose of constructing the Project.

GRANT OF EASEMENT (TEMPORARY CONSTRUCTION EASEMENT)

ASSESSOR'S PARCEL NUMBER 616-041-01

CITY OF LAGUNA WOODS

5. Exclusivity. The Temporary Construction Easement granted herein is exclusive in that City has the exclusive use of the Temporary Construction Easement Area and Grantor shall not grant any interest or rights of use in the area which constitutes the Easement, nor shall Grantor use the Temporary Construction Easement for any purpose inconsistent with this Grant of Easement. This provision shall terminate upon the expiration or termination of the Temporary Construction Easement pursuant to Section 1 of this Grant of Easement. Notwithstanding the above, nothing herein prevents Grantor, tenant, and tenant's guests from crossing the Temporary Construction Easement.
6. Indemnity. City shall indemnify and hold harmless Grantor and Grantor's lessees, employees, officers, agents and permittees from any claims and loss, liability or expense which Grantor may sustain arising out of City's use of the Temporary Construction Easement, except to the extent such loss or damage is solely and directly caused by the gross negligence or willful misconduct of Grantor or its employees, officers, agents or permittees. This indemnification provision shall survive expiration or termination of the Temporary Construction Easement.
7. Entire Agreement; Modification. This Grant of Easement is the entire agreement between the parties relating to the rights herein granted and the obligations herein assumed. Any modification of this Grant of Easement must be in writing and executed by the appropriate authorities of both City and Grantor.
8. Attorneys' Fees. In the event of any controversy, claim or dispute relating to this Grant of Easement or the breach thereof, the prevailing party shall be entitled to recover from the losing party reasonable expenses, attorneys' fees, and costs.
9. Successors and Assigns. This Grant of Easement shall be binding on and shall inure to the benefit of the heirs, executors, administrators, successors, and assigns of Grantor and City.
10. Authority to Execute. The person or persons executing this Grant of Easement on behalf of Grantor represents and warrants that he/she/they has/have the authority to so execute this Grant of Easement and to bind Grantor hereunder.

[SIGNATURES ON FOLLOWING PAGE.]

**GRANT OF EASEMENT (TEMPORARY CONSTRUCTION EASEMENT)
ASSESSOR'S PARCEL NUMBER 616-041-01
CITY OF LAGUNA WOODS**

IN WITNESS WHEREOF, Grantor and City have executed this Grant of Easement as of the date first set forth above.

“CITY”

“GRANTOR”

CITY OF LAGUNA WOODS,
a municipal corporation

Church, Lutheran of the Cross of Laguna
Hills

CHRISTOPHER MACON
CITY MANAGER

By: _____

Name: _____

APPROVED AS TO FORM:

Title: _____

DAVID B. COSGROVE
CITY ATTORNEY

NOTARY ACKNOWLEDGEMENTS FOLLOW.

**GRANT OF EASEMENT (TEMPORARY CONSTRUCTION EASEMENT)
ASSESSOR’S PARCEL NUMBER 616-041-01
CITY OF LAGUNA WOODS**

“CITY” NOTARY ACKNOWLEDGEMENT

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 ORANGE)

On _____, _____, before me, _____
(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 of Notary

**GRANT OF EASEMENT (TEMPORARY CONSTRUCTION EASEMENT)
ASSESSOR'S PARCEL NUMBER 616-041-01
CITY OF LAGUNA WOODS**

"GRANTOR" NOTARY ACKNOWLEDGEMENT

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STATE OF CALIFORNIA)

COUNTY OF ORANGE)

On _____, _____, before me, _____
(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 of Notary

**GRANT OF EASEMENT (TEMPORARY CONSTRUCTION EASEMENT)
ASSESSOR’S PARCEL NUMBER 616-041-01
CITY OF LAGUNA WOODS**

CERTIFICATE OF ACCEPTANCE

GRANT OF EASEMENT

This is to certify that the interest in real property conveyed by the grant of easement dated March _____, 2019 from Church, Lutheran of the Cross of Laguna Hills, to the City of Laguna Woods, a municipal corporation, is hereby accepted by order of the City of Laguna Woods City Council on _____, 2019, and the grantee consents to recordation thereof by its duly authorized officer.

GRANTEE:

CITY OF LAGUNA WOODS,
a municipal corporation

Dated _____

Cynthia Conners
Mayor

Approved as to Form:

David B. Cosgrove
City Attorney

GRANT OF EASEMENT (TEMPORARY CONSTRUCTION EASEMENT)

ASSESSOR'S PARCEL NUMBER 616-041-01

CITY OF LAGUNA WOODS

EXHIBIT A

LEGAL DESCRIPTION

[LEGAL DESCRIPTION ON FOLLOWING PAGE.]

**GRANT OF EASEMENT (TEMPORARY CONSTRUCTION EASEMENT)
ASSESSOR'S PARCEL NUMBER 616-041-01
CITY OF LAGUNA WOODS**

EXHIBIT "A"
TEMPORARY CONSTRUCTION EASEMENT

A PARCEL OF LAND IN THE CITY OF LAGUNA WOODS, COUNTY OF ORANGE, STATE OF CALIFORNIA BEING A PORTION OF LOT 1 OF TRACT NUMBER 6204, AS PER MAP FILED IN BOOK 229, PAGES 10 THROUGH 12, INCLUSIVE, OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE CLERK AND RECORDER OF SAID ORANGE COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A STRIP OF LAND, 15.00 FEET IN WIDTH, LYING NORTHEASTERLY OF THE FOLLOWING DESCRIBED LINE;
BEGINNING AT A POINT ON THE NORTHEASTERLY LINE OF EL TORO ROAD, 120.00 FEET WIDE, AS SHOWN ON THE HEREINABOVE DESCRIBED MAP OF TRACT NUMBER 6204, SAID POINT LYING SOUTH 55°25'01" WEST, 26.00 FEET FROM THE NORTHEASTERLY TERMINUS OF THAT CERTAIN COURSE SHOWN ON SAID MAP AS "N55°25'01"E, 173.59";

THENCE ALONG SAID NORTHEASTERLY LINE THROUGH THE FOLLOWING COURSES:

NORTH 55°25'01" EAST, 26.00 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1280.00';

THENCE, NORTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 01°49'59", AN ARC LENGTH OF 40.95 FEET TO THE TERMINUS OF SAID STRIP.

SAID STRIP OF LAND CONTAINING 1,004.25 SQUARE FEET, MORE OR LESS.

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

I HEREBY STATE THAT THIS LEGAL DESCRIPTION WAS PREPARED BY ME, OR UNDER MY DIRECT SUPERVISION, THIS FOURTH DAY OF FEBRUARY, 2019.

BRUCE F. HUNSAKER, PLS 5921
MY LICENSE EXPIRES: 12/31/2020



FEBRUARY 4, 2019
CITY OF LAGUNA WOODS
EL TORO @ CHURCHES NORTH
TEMPORARY CONSTRUCTION EASEMENT
PAGE 1 OF 1

GRANT OF EASEMENT (TEMPORARY CONSTRUCTION EASEMENT)

ASSESSOR'S PARCEL NUMBER 616-041-01

CITY OF LAGUNA WOODS

EXHIBIT B

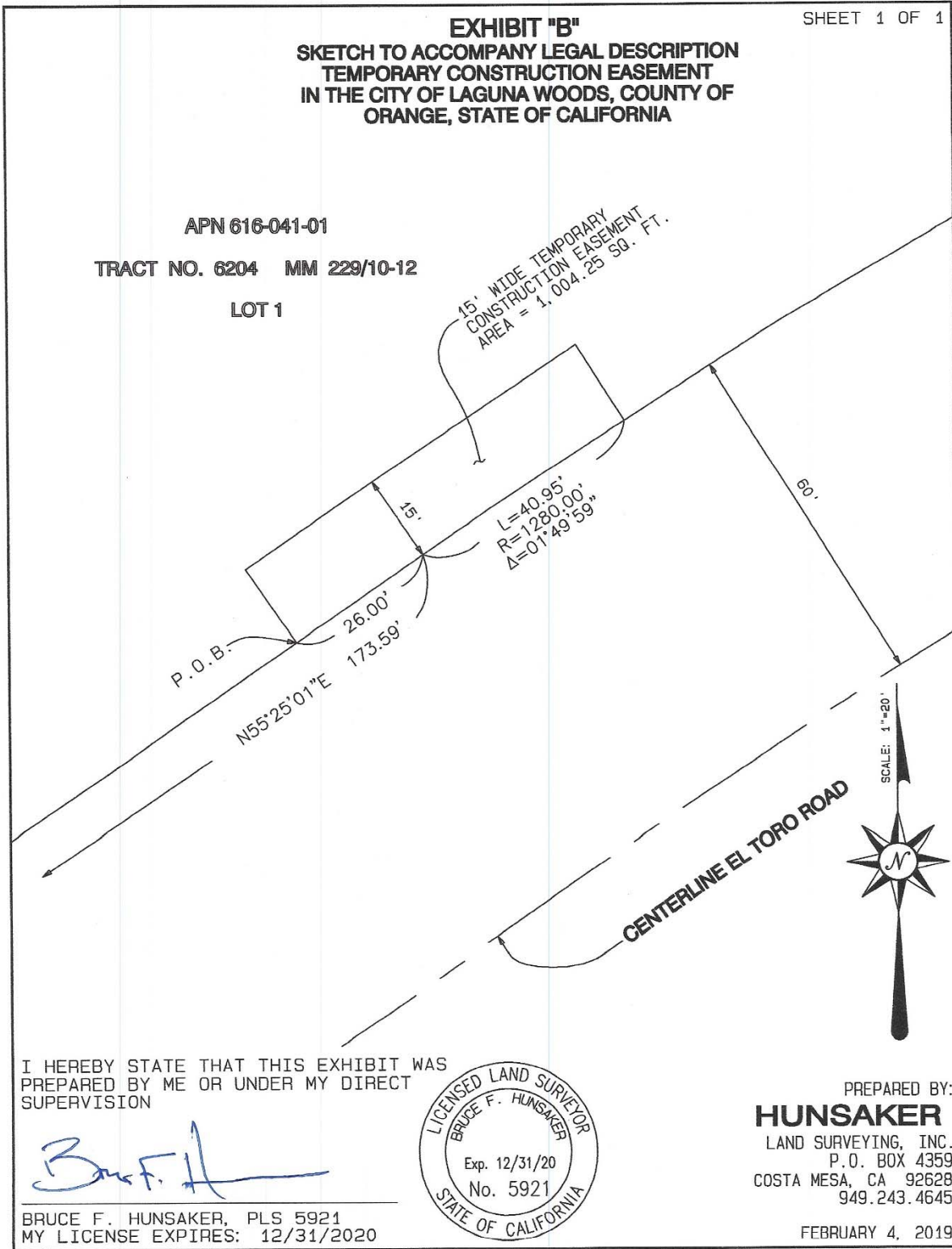
SITE MAP

[SITE MAP ON FOLLOWING PAGE.]

GRANT OF EASEMENT (TEMPORARY CONSTRUCTION EASEMENT)

ASSESSOR'S PARCEL NUMBER 616-041-01

CITY OF LAGUNA WOODS



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Recording requested by City of Laguna Woods
When recorded, mail to City of Laguna Woods,
24264 El Toro Road, Laguna Woods, CA 92637.
(949) 639-0500

The undersigned declares that this document is recorded at the request of and for the benefit of the City of Laguna Woods and is therefore exempt from the payment of the recording fee pursuant to California Government Code sections 6103 and 27383 and from payment of the documentary transfer tax pursuant to California Revenue and Taxation Code Section 11922.

11 pages total. APN 621-121-11



GRANT OF EASEMENT
(TEMPORARY CONSTRUCTION EASEMENT)

This GRANT OF EASEMENT (“Grant of Easement”) is made this _____ day of March, 2019, by and between Saint Nicholas Church Pastoral Center/Property (“Grantor”), and the City of Laguna Woods, a California municipal corporation (“City”).

RECITALS

A. Grantor is the owner in fee of that certain real property located in the city of Laguna Woods, County of Orange, State of California, more particularly described as Assessor’s Parcel Number (APN) 621-121-11 (the “Subject Property”).

B. City desires to remove and construct concrete curb ramps used as public sidewalks adjacent to El Toro Road, including adjustments of utility manholes and water valves to grade, reestablishment of survey monuments, and replacement of impacted existing pavement, grinding and adjustments to grade of driveways and vehicular access points, painted striping, and pavement markings in accordance with City’s construction plans (“Plans”) commonly known as the Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 2 (El Toro Road and Moulton Parkway) (the “Project”). Grantor has agreed to provide to City as set forth in this Grant of Easement a temporary construction easement on, over, across and under that portion of the Subject Property described in the legal description attached hereto as Exhibit A and depicted on the site map attached hereto as Exhibit B (the “Temporary Construction Area”).

COVENANTS

Based upon the foregoing Recitals, and for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by both parties, Grantor and City hereby agree as follows:

- 1. Grant of Easement. Subject to the terms of this Grant of Easement, Grantor hereby grants to City and City accepts from Grantor an exclusive temporary construction easement on,

GRANT OF EASEMENT (TEMPORARY CONSTRUCTION EASEMENT)
ASSESSOR'S PARCEL NUMBER 621-121-11
CITY OF LAGUNA WOODS

over, across and under the Temporary Construction Easement Area (the "Temporary Construction Easement") to enable City to complete the Project. No aspect of the Project shall unreasonably interfere with Grantor's use or any tenant's use of the Subject Property and, to the extent any aspect of the Project must take place during Grantor's business hours, one-half (1/2) of the driveway providing ingress and egress from/to the public roadway (El Toro Road) to the Subject Property (the "Driveway") must remain fully usable at all times in order to permit vehicular access to the Subject Property. Further, no part of the Driveway shall be used for storage of any equipment or materials, or parking of vehicles or trailers. Grantor acknowledges that it may have the right to be monetarily compensated for the transfer of the Temporary Construction Easement rights conveyed hereunder, at rates not less than the value thereof as may be set by an appraisal approved by City. Grantor is, by executing this instrument, foregoing such monetary compensation in order to facilitate and expedite the Project, and Grantor accepts the benefits of the Project as full, fair, and final compensation for the transfer of all rights conveyed hereunder.

2. Duration of Easement. The Temporary Construction Easement shall become effective upon acceptance of the Grant of Easement by City's City Council and automatically terminate at 11:59 p.m. on June 30, 2019 or once construction of the Project is complete, whichever occurs first (the "Expiration Date"). In the event that the City desires to utilize any portion of the Temporary Construction Area from and after the Expiration Date, the City may by mutual written agreement between the parties hereto, be permitted to utilize the Temporary Construction Area. Further, notwithstanding anything to the contrary contained in this Grant of Easement, in no event do the temporary rights granted herein extend beyond the date of completion of the Project.
3. No Grant of Access. The Temporary Construction Easement is granted with no right to enter upon any portion of the Property excepting the area which constitutes the Temporary Construction Easement. Storage of materials or equipment on any portion of the Subject Property excepting the area which constitutes the Temporary Construction Easement or blocking access to the driveway on the Subject Property is prohibited unless approved by Grantor in writing.
4. Project; Scope of Temporary Construction Easement. City shall construct the Project in accordance with the Plans and all applicable laws, rules, and regulations of governmental authorities with jurisdiction. The Temporary Construction Easement is an exclusive right-of-way for temporary construction uses including, without limitation, the right to grade, and to construct, maintain, operate, repair, remove and reconstruct, concrete curb ramps, public sidewalks, manholes, water valves, survey monuments, pavement, driveways, vehicular access points, painted striping, and pavement markings, together with the right to enter upon and to pass and re-pass over the Temporary Construction Easement Area and to deposit tools, implements, and other materials thereon, by City, its officers, agents, employees and contractors whenever and wherever necessary for the purpose of constructing the Project.

GRANT OF EASEMENT (TEMPORARY CONSTRUCTION EASEMENT)

ASSESSOR'S PARCEL NUMBER 621-121-11

CITY OF LAGUNA WOODS

5. Exclusivity. The Temporary Construction Easement granted herein is exclusive in that City has the exclusive use of the Temporary Construction Easement Area and Grantor shall not grant any interest or rights of use in the area which constitutes the Easement, nor shall Grantor use the Temporary Construction Easement for any purpose inconsistent with this Grant of Easement. This provision shall terminate upon the expiration or termination of the Temporary Construction Easement pursuant to Section 1 of this Grant of Easement. Notwithstanding the above, nothing herein prevents Grantor, tenant, and tenant's guests from crossing the Temporary Construction Easement.
6. Indemnity. City shall indemnify and hold harmless Grantor and Grantor's lessees, employees, officers, agents and permittees from any claims and loss, liability or expense which Grantor may sustain arising out of City's use of the Temporary Construction Easement, except to the extent such loss or damage is solely and directly caused by the gross negligence or willful misconduct of Grantor or its employees, officers, agents or permittees. This indemnification provision shall survive expiration or termination of the Temporary Construction Easement.
7. Entire Agreement; Modification. This Grant of Easement is the entire agreement between the parties relating to the rights herein granted and the obligations herein assumed. Any modification of this Grant of Easement must be in writing and executed by the appropriate authorities of both City and Grantor.
8. Attorneys' Fees. In the event of any controversy, claim or dispute relating to this Grant of Easement or the breach thereof, the prevailing party shall be entitled to recover from the losing party reasonable expenses, attorneys' fees, and costs.
9. Successors and Assigns. This Grant of Easement shall be binding on and shall inure to the benefit of the heirs, executors, administrators, successors, and assigns of Grantor and City.
10. Authority to Execute. The person or persons executing this Grant of Easement on behalf of Grantor represents and warrants that he/she/they has/have the authority to so execute this Grant of Easement and to bind Grantor hereunder.

[SIGNATURES ON FOLLOWING PAGE.]

**GRANT OF EASEMENT (TEMPORARY CONSTRUCTION EASEMENT)
ASSESSOR'S PARCEL NUMBER 621-121-11
CITY OF LAGUNA WOODS**

IN WITNESS WHEREOF, Grantor and City have executed this Grant of Easement as of the date first set forth above.

“CITY”

“GRANTOR”

CITY OF LAGUNA WOODS,
a municipal corporation

Saint Nicholas Church Pastoral Center/
Property

CHRISTOPHER MACON
CITY MANAGER

By: _____

Name: _____

APPROVED AS TO FORM:

Title: _____

DAVID B. COSGROVE
CITY ATTORNEY

NOTARY ACKNOWLEDGEMENTS FOLLOW.

**GRANT OF EASEMENT (TEMPORARY CONSTRUCTION EASEMENT)
ASSESSOR’S PARCEL NUMBER 621-121-11
CITY OF LAGUNA WOODS**

“CITY” NOTARY ACKNOWLEDGEMENT

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 ORANGE)

On _____, _____, before me, _____
(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 of Notary

**GRANT OF EASEMENT (TEMPORARY CONSTRUCTION EASEMENT)
ASSESSOR’S PARCEL NUMBER 621-121-11
CITY OF LAGUNA WOODS**

“GRANTOR” NOTARY ACKNOWLEDGEMENT

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 ORANGE)

On _____, _____, before me, _____
(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.

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Signature of Notary

**GRANT OF EASEMENT (TEMPORARY CONSTRUCTION EASEMENT)
ASSESSOR'S PARCEL NUMBER 621-121-11
CITY OF LAGUNA WOODS**

CERTIFICATE OF ACCEPTANCE

GRANT OF EASEMENT

This is to certify that the interest in real property conveyed by the grant of easement dated March _____, 2019 from Saint Nicholas Church Pastoral Center/Property, to the City of Laguna Woods, a municipal corporation, is hereby accepted by order of the City of Laguna Woods City Council on _____, 2019, and the grantee consents to recordation thereof by its duly authorized officer.

GRANTEE:

CITY OF LAGUNA WOODS,
a municipal corporation

Dated _____

Cynthia Conners
Mayor

Approved as to Form:

David B. Cosgrove
City Attorney

GRANT OF EASEMENT (TEMPORARY CONSTRUCTION EASEMENT)

ASSESSOR'S PARCEL NUMBER 621-121-11

CITY OF LAGUNA WOODS

EXHIBIT A

LEGAL DESCRIPTION

[LEGAL DESCRIPTION ON FOLLOWING PAGE.]

**GRANT OF EASEMENT (TEMPORARY CONSTRUCTION EASEMENT)
ASSESSOR'S PARCEL NUMBER 621-121-11
CITY OF LAGUNA WOODS**

EXHIBIT "A"
TEMPORARY CONSTRUCTION EASEMENT

A PARCEL OF LAND IN THE CITY OF LAGUNA WOODS, COUNTY OF ORANGE, STATE OF CALIFORNIA BEING A PORTION OF LOT 1 OF TRACT NUMBER 6157, AS PER MAP FILED IN BOOK 231, PAGES 41 THROUGH 45, INCLUSIVE, OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE CLERK AND RECORDER OF SAID ORANGE COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A STRIP OF LAND, 15.00 FEET IN WIDTH, LYING SOUTHEASTERLY OF THE FOLLOWING DESCRIBED LINE;
BEGINNING AT A POINT ON THE SOUTHEASTERLY LINE OF EL TORO ROAD, 120.00 FEET WIDE, AS SHOWN ON THE HEREINABOVE DESCRIBED MAP OF TRACT NUMBER 6157, SAID POINT LYING SOUTH 55°25'01" WEST, 21.00 FEET FROM THE NORTHEASTERLY TERMINUS OF THAT CERTAIN COURSE SHOWN ON SAID MAP AS "N55°25'01"E, 160.70";

THENCE ALONG SAID SOUTHEASTERLY LINE THROUGH THE FOLLOWING COURSES:

NORTH 55°25'01" EAST, 21.00 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1160.00';

THENCE, NORTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 03°27'26", AN ARC LENGTH OF 24.96 FEET TO THE TERMINUS OF SAID STRIP.

SAID STRIP OF LAND CONTAINING 689.40 SQUARE FEET, MORE OR LESS.

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

I HEREBY STATE THAT THIS LEGAL DESCRIPTION WAS PREPARED BY ME, OR UNDER MY DIRECT SUPERVISION, THIS FOURTH DAY OF FEBRUARY, 2019.

BRUCE F. HUNSAKER, PLS 5921
MY LICENSE EXPIRES: 12/31/2020



FEBRUARY 4, 2019
CITY OF LAGUNA WOODS
EL TORO @ CHURCHES SOUTH
TEMPORARY CONSTRUCTION EASEMENT
PAGE 1 OF 1

GRANT OF EASEMENT (TEMPORARY CONSTRUCTION EASEMENT)

ASSESSOR'S PARCEL NUMBER 621-121-11

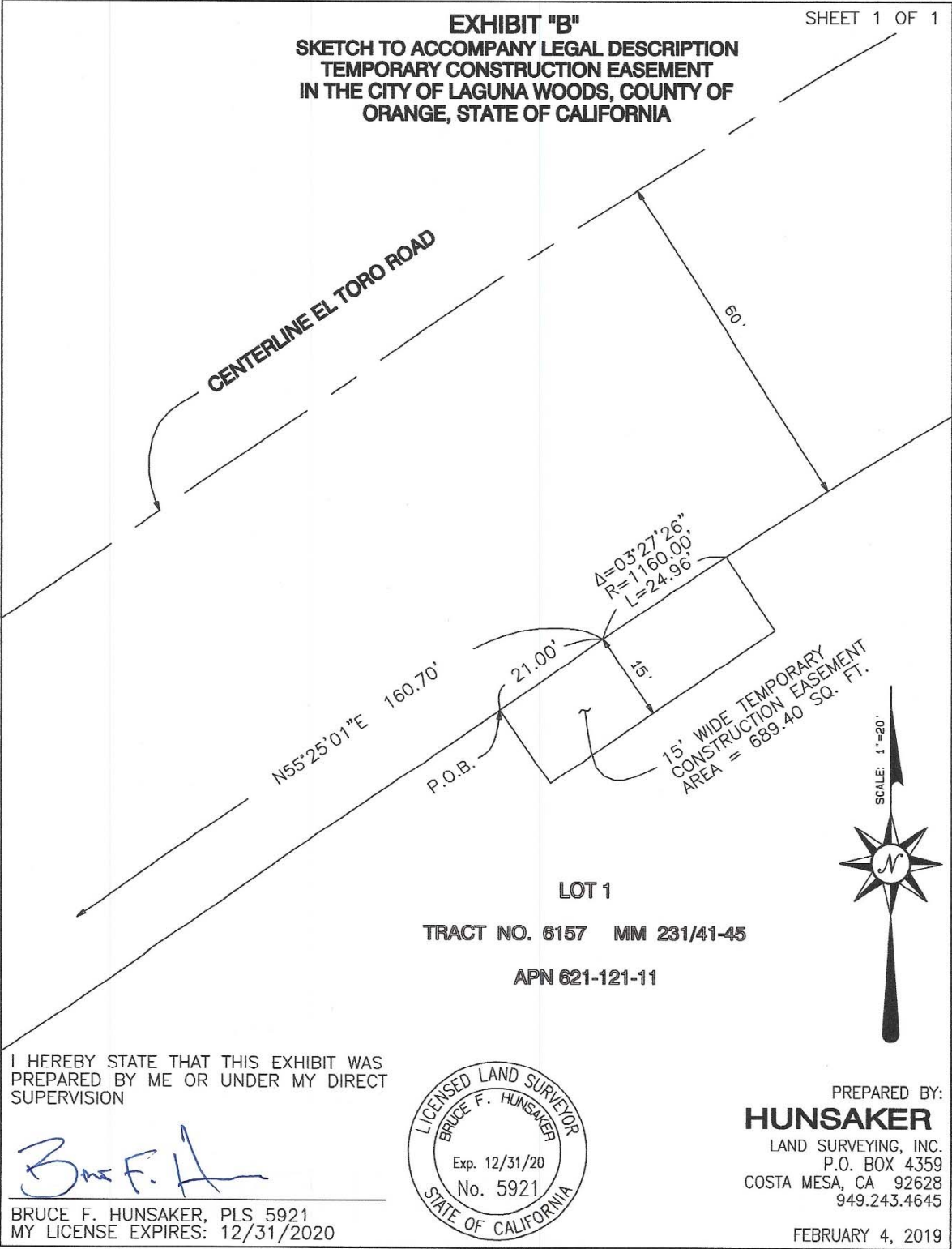
CITY OF LAGUNA WOODS

EXHIBIT B

SITE MAP

[SITE MAP ON FOLLOWING PAGE.]

**GRANT OF EASEMENT (TEMPORARY CONSTRUCTION EASEMENT)
ASSESSOR'S PARCEL NUMBER 621-121-11
CITY OF LAGUNA WOODS**



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