

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

Orange County Sanitation District
Attn: Kelly Lore, Clerk of the Board
10844 Ellis Avenue
Fountain Valley, CA 92708

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

Documentary Transfer Tax Exempt Under Revenue and Taxation Code Section 11922
Recording Fee Exempt Under Government Code Section 27383
Building Homes & Jobs Trust Fund Fee Exempt Under Government Code Section 27338.1(a)(2)(D)

A.P. NO. 442-032-70 & 442-032-58 & 442-030-00 & 442-032-60
OCSD Project # _____

AMENDMENT TO EASEMENT
BETWEEN ORANGE COUNTY SANITATION DISTRICT AND BIG CANYON
COUNTRY CLUB

This Amendment to Easement ("Amendment") is made and entered into as of the ____ day of _____, 2019, by and between ORANGE COUNTY SANITATION DISTRICT, a County Sanitation District ("District") and BIG CANYON COUNTRY CLUB, a California Non-Profit Corporation ("BCCC"). District and BCCC are sometimes hereinafter individually referred to as "Party" and collectively referred to as "Parties."

RECITALS

WHEREAS, District is a duly organized County Sanitation District existing pursuant to the County Sanitation District Act, California Health and Safety Code Sections 4700 et seq., providing for the ownership, operation and maintenance of wastewater collection, treatment and disposal facilities within Orange County, California; and

WHEREAS, BCCC is a non-profit corporation duly organized and validly existing under the laws of the State of California with the power to carry on its business as it is now being conducted; and

WHEREAS, District owns, operates and maintains a 15-inch vitrified clay pipe trunk sewer and related appurtenances (the "Sewer") beneath property owned by BCCC (the "BCCC Property"); and

WHEREAS, District is the grantee of an easement for the Sewer that was recorded as Instrument No. BK 9137 PG 952 in the Official Records of Orange County, CA ("Official Records") on October 22, 1969 (the "Original Easement"); and

WHEREAS, on May 15, 2007, BCCC granted District an easement for relocation of another nearby portion of the same Sewer, which easement was recorded as Instrument No. 2007000315429 in the Official Records (the "2007 Easement"); and

WHEREAS, on June 13, 2007, District quitclaimed the Original Easement in part to BCCC pursuant to a Quitclaim Deed recorded as Instrument No. 2007000376652 in the Official Records (the “2007 Partial Quitclaim”); and

WHEREAS, the Sewer is presently located within the area described in the Original Easement, after giving effect to the 2007 Partial Quitclaim and the 2007 Easement, which area is referred to herein as the “Existing Easement Area;” and

WHEREAS, pursuant to a Sewer Relocation Agreement between the Parties dated April 26, 2017, the Parties have agreed that the Existing Easement Area is to be amended to facilitate the partial relocation of an additional portion of the Sewer from one area of the BCCC Property to another nearby area of the BCCC Property although a portion of the Sewer may be abandoned in place; and

WHEREAS, the purpose of this Amendment is to memorialize the partial relocation of the Sewer by deleting from the legal description of the Existing Easement Area the portion of the BCCC Property that will no longer be encumbered due to the relocation of the Sewer (the “New Quitclaim Area”), and to add to the legal description of the Existing Easement Area those portions of the BCCC Property that will become encumbered due to the relocation of the Sewer (the “New Easement Area”).

AGREEMENT

NOW THEREFORE, in consideration of the mutual promises set forth herein, the Parties agree as follows:

SECTION 1. RECITALS

The Recitals above are deemed true and correct, are hereby incorporated in this Section as though fully set forth herein, and each Party to this Amendment acknowledges and agrees that they are bound by the same.

SECTION 2 AMENDMENT OF LEGAL DESCRIPTION OF EXISTING EASEMENT

The Parties hereby agree that the legal description of the Existing Easement Area shall be amended as set forth in Attachments 1 and 2, attached hereto and by this reference incorporated herein. Attachment 1 provides a legal description of the New Easement Area, while Attachment 2 provides a legal description of the New Quitclaim Area.

SECTION 3 FULL FORCE AND EFFECT

Except as amended by this Amendment, the Existing Easement shall remain in full force and effect.

SECTION 4. AGREEMENT EXECUTION AND AUTHORIZATION

Each of the undersigned represents and warrants that they are duly authorized to execute and deliver this Amendment and that such execution is binding upon the entity on whose behalf they are executing this Amendment.

IN WITNESS WHEREOF, the Parties hereto have caused this Amendment to be executed as of the day and year first above written.

BCCC:

Big Canyon Country Club,
A California Non-Profit Corporation

By: _____
Charles H. Fedalen, Jr., President

By: _____
David Voorhees, Assistant Secretary

DISTRICT:

Orange County Sanitation District,
A County Sanitation District

By: _____
David Shawver, Board Chair

By: _____
Kelly Lore, Clerk of the Board

APPROVED TO FORM:

Bradley Hogin
General Counsel
Orange County Sanitation District

ATTACHMENT 1

LEGAL DESCRIPTION OF NEW EASEMENT AREA

SEE ATTACHED

BEING THOSE PORTIONS OF BLOCK 56 OF IRVINE'S SUBDIVISION, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER THE MAP FILED IN BOOK 1, PAGE 88 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL "A":

A STRIP OF LAND 25.00 FEET IN WIDTH, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHERLY TERMINUS OF THAT CERTAIN LINE DESCRIBED IN THE GRANT OF EASEMENT RECORDED MAY 15, 2007 AS INSTRUMENT NO. 2007000315429, OFFICIAL RECORDS, AS L23 BEING NORTH 38°15'23" WEST 309.59 FEET; THENCE NORTH 28°02'23" WEST 65.40 FEET; THENCE NORTH 83°32'58" WEST 155.16 FEET; THENCE SOUTH 69°25'35" WEST 84.50 FEET TO A POINT ON THE CENTERLINE OF THE EXISTING EASEMENT DESCRIBED AS PARCEL 1 IN BOOK 9137, PAGE 952, OFFICIAL RECORDS, SAID POINT BEING THE EASTERLY TERMINATION OF A LINE DESCRIBED AS NORTH 62°40'44" WEST 85.27 FEET, SAID POINT ALSO BEING THE POINT OF TERMINATION.

PARCEL "B":

A STRIP OF LAND 15.00 FEET IN WIDTH FOR INGRESS AND EGRESS TO AND FROM ABOVE DESCRIBED PARCEL "A", THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

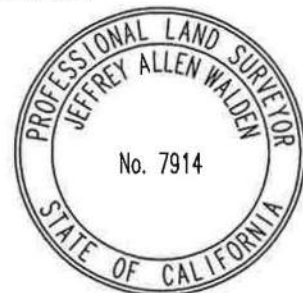
COMMENCING AT THE MOST NORTHERLY CORNER OF TRACT NO. 7788, FILED IN BOOK 301, PAGES 10 THROUGH 14 INCLUSIVE, OF MISCELLANEOUS MAPS, RECORDS OF SAID COUNTY RECORDER, SAID POINT ALSO BEING ON THE EASTERLY LINE OF JAMBOREE ROAD; THENCE NORTHERLY ALONG SAID EASTERLY LINE, NORTH 27°19'05" EAST 44.88 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 85°30'52" EAST 23.29 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY HAVING RADIUS OF 20.00 FEET; THENCE NORTHERLY ALONG SAID CURVE AN ARC DISTANCE OF 23.45 FEET THROUGH A CENTRAL ANGLE OF 67°10'00"; THENCE NORTH 27°19'08" EAST 105.20 FEET TO A POINT ON THE CENTERLINE OF ABOVE DESCRIBED PARCEL "A", SAID POINT ALSO BEING THE POINT OF TERMINATION.

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

PREPARED BY ME OR UNDER MY DIRECTION.


JEFFREY A. WALDEN, P.L.S. 7914

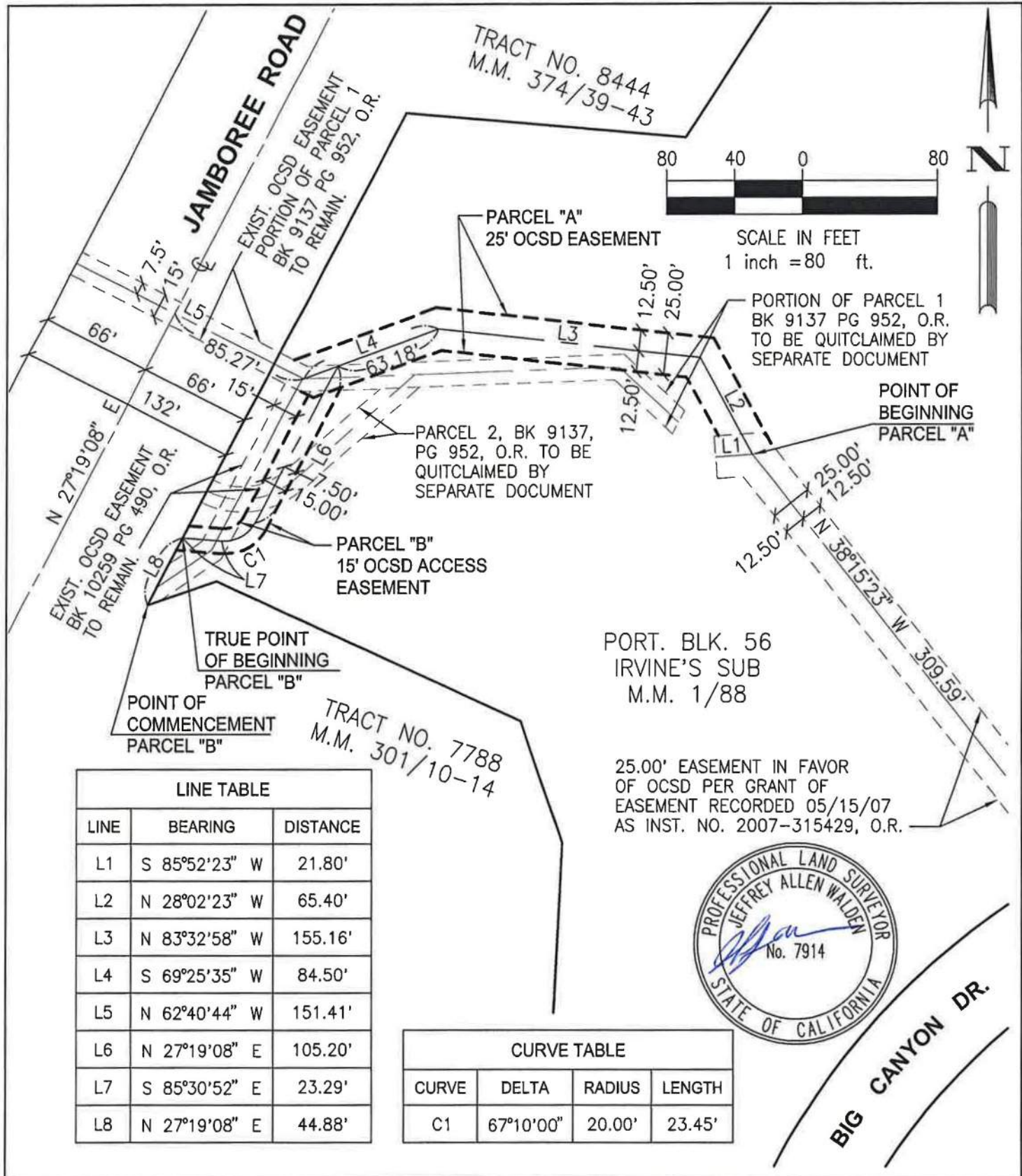
04-18-2019
DATE



CIVIL ENGINEERS - LAND SURVEYORS - PLANNERS
2552 WHITE ROAD, SUITE B • IRVINE, CA 92614-6236
(949) 660-0110 FAX: 660-0418

EXHIBIT "A"

LEGAL DESCRIPTION
FOR ORANGE COUNTY SANITATION DISTRICT EASEMENT
BIG CANYON COUNTRY CLUB TRUNK SEWER REPLACEMENT
OCSD PROJECT No. 5-62-1
W.O. No. 1140-458-6X2 Date 04-17-2019
Engr. B.J.W. Chk'd. J.W. Sheet 1 of 1

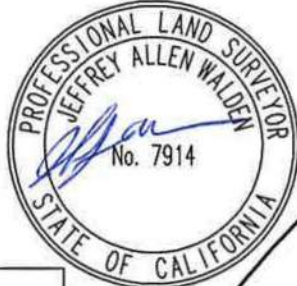


LINE TABLE

LINE	BEARING	DISTANCE
L1	S 85°52'23" W	21.80'
L2	N 28°02'23" W	65.40'
L3	N 83°32'58" W	155.16'
L4	S 69°25'35" W	84.50'
L5	N 62°40'44" W	151.41'
L6	N 27°19'08" E	105.20'
L7	S 85°30'52" E	23.29'
L8	N 27°19'08" E	44.88'

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH
C1	67°10'00"	20.00'	23.45'



WALDEN & ASSOCIATES

CIVIL ENGINEERS - LAND SURVEYORS - PLANNERS
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EXHIBIT "B"

SKETCH TO ACCOMPANY A LEGAL DESCRIPTION
FOR ORANGE COUNTY SANITATION DISTRICT EASEMENT
BIG CANYON COUNTRY CLUB TRUNK SEWER REPLACEMENT
OCSD PROJECT No. 5-62-1

W.O. No. 1140-458-6X2 Date 04-17-2019
Engr. B.J.W. Chk'd. J.W. Sheet 1 of 1

ATTACHMENT 2

LEGAL DESCRIPTION OF NEW QUITCLAIM AREA

SEE ATTACHED

BEING THOSE PORTIONS OF BLOCK 56 OF IRVINE'S SUBDIVISION, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER THE MAP FILED IN BOOK 1, PAGE 88 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF THE 15 FOOT STRIP OF LAND DESCRIBED AS PARCEL 1 IN THE GRANT OF EASEMENT TO THE COUNTY SANITATION DISTRICT NO. 5 OF ORANGE COUNTY, CALIFORNIA, RECORDED NOVEMBER 14, 1969 IN BOOK 9137, PAGE 952 OF OFFICIAL RECORDS OF SAID COUNTY, LYING WESTERLY OF A LINE PARALLEL WITH AND 227.50 FEET EASTERLY OF THE EASTERLY LINE OF JAMBOREE ROAD AND LYING EASTERLY OF A LINE PARALLEL WITH AND 19.41 FEET EASTERLY OF SAID EASTERLY LINE OF JAMBOREE ROAD, TOGETHER WITH ALL OF PARCEL 2 OF SAID GRANT OF EASEMENT.

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

PREPARED BY ME OR UNDER MY DIRECTION.


JEFFREY A. WALDEN, P.L.S. 7914

04-18-2019
DATE



CIVIL ENGINEERS - LAND SURVEYORS - PLANNERS
2552 WHITE ROAD, SUITE B • IRVINE, CA 92614-6236
(949) 660-0110 FAX: 660-0418

EXHIBIT "A"

LEGAL DESCRIPTION FOR QUITCLAIM
OF ORANGE COUNTY SANITATION DISTRICT EASEMENT
BIG CANYON COUNTRY CLUB TRUNK SEWER REPLACEMENT
OCSD PROJECT No. 5-62-1

W.O. No. 1140-458-6X2
Engr. B.J.W. Chk'd. J.W.

Date 04-17-2019
Sheet 1 of 1



SCALE IN FEET
1 inch = 100 ft.



JAMBOREE ROAD

TRACT NO. 8444
M.M. 374/39-43

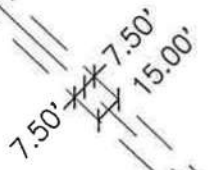
EXISTING 15' EASEMENT
PORTION OF PARCEL 1,
BK 9137 PG 952, O.R.
TO BE QUITCLAIMED HEREIN.

PORT. BLK. 56
IRVINE'S SUB
M.M. 1/88

EXISTING 15' EASEMENT
PARCEL 2, BK 9137,
PG 952, O.R. TO BE
QUITCLAIMED HEREIN.

PORTION OF PARCEL 1,
BK 9137 PG 952, O.R.
QUITCLAIMED PER DEED
RECORDED 06/13/07
INST. NO. 2007-376652, O.R.

TRACT NO. 7788
M.M. 301/10-14



BIG CANYON DR.



**ALDEN &
SSOCIATES**

CIVIL ENGINEERS - LAND SURVEYORS - PLANNERS
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(949) 660-0110 FAX: 660-0418

EXHIBIT "B"

SKETCH TO ACCOMPANY A LEGAL DESCRIPTION FOR QUITCLAIM
OF ORANGE COUNTY SANITATION DISTRICT EASEMENT
BIG CANYON COUNTRY CLUB TRUNK SEWER REPLACEMENT
OCS D PROJECT No. 5-62-1

W.O. No. 1140-458-6X2
Engr. B.J.W. Chk'd. J.W.

Date 04-17-2019
Sheet 1 of 1