



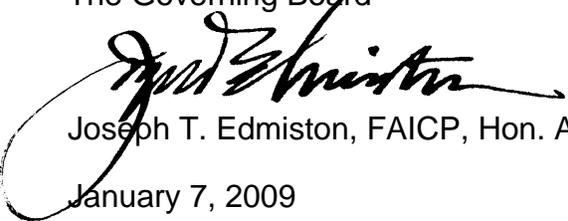
MOUNTAINS RECREATION & CONSERVATION AUTHORITY

Los Angeles River Center & Gardens
570 West Avenue Twenty-six, Suite 100
Los Angeles, California 90065
Phone (323) 221-9944

**MRCA, March 4, 2009,
Agenda Item X,
Attachment**

MEMORANDUM

TO: The Governing Board

FROM:  Joseph T. Edmiston, FAICP, Hon. ASLA, Executive Officer

DATE: January 7, 2009

SUBJECT: **Agenda Item XI: Consideration of resolution authorizing entering into an agreement with the Mountains Restoration Trust to acquire APNs 2058-017-024; 2172-031-016; 4380-034-004; 4383-016-002, 003, 004, 006, 007, 009, 011; 4436-021-009; 4438-001-022; 4438-005-002, 003, 004; 4438-024-003, 005, 013; 4438-025-018; 4438-027-004; 4438-032-001, 008, 009, 010, 012, 015; 4438-033-024, 026, 029, 058, 059; 4438-034-007; 4438-035-009, 010, 020, 021, 024; 4438-036-004; 4440-015-006, 007, 008; 4448-006-029; 4448-026-078; 4448-028-064; 4451-012-031; 4452-020-076, 086, 098, 099; 4453-017-041, 042, 048, 055, 056; 4453-021-025, 026, 027, 028, 037; 4453-027-009; 4455-017-017; 4455-018-033, 034; 4455-021-033, 036, 042, 045, 047, 021, 058, 059, 060; 4455-022-011, 027; 4455-024-005; 4455-038-007, 008, 009, 010; 4456-010-022; 4456-037-046, 047, 048; 4461-009-003, 035, 036; 4461-011-024; 4461-018-035, and 4465-004-020 in the Santa Monica Mountains located west of the 405 Freeway, and to acquire said parcels, as part of an acquisition agreement for both fee simple parcels and conservation easements authorized under Resolution No. 08-97 within Benedict Canyon in the City of Los Angeles.**

Staff Recommendation: That the Governing Board adopt the attached resolution authorizing entering into an agreement with the Mountains Restoration Trust to acquire all or some of the above listed APNs in the Santa Monica Mountains located west of the 405 Freeway, and to acquire said parcels, as part of an acquisition agreement for both fee simple parcels and conservation easements authorized under Resolution No. 08-97 within Benedict Canyon.

Background: The Mountains Restoration Trust (MRT) is a 501c3 non-profit land trust that has been successfully operating in the Santa Monica Mountains for over twenty years. The trust owns fee title to over 1,200 acres in the Santa Monica Mountains and manages over 900 acres of land including parcels owned by Los Angeles County and the Mountains Recreation and Conservation Authority (MRCA). MRT and the MRCA have worked collaboratively on many projects. The majority of MRT's land holdings form the core of the Cold Creek Preserve in Cold Canyon, a major tributary of Malibu Creek. The attached map prepared by the National Park

Service staff shows all of the MRT owned parcels in the Santa Monica Mountains located west of Topanga Canyon Boulevard. Additional aerial photographs show close ups of most of the MRT properties, including those in the Topanga Canyon watershed, but not in Latigo or Escondido canyons. An attached table shows the APN, size, and location of 86 MRT-owned properties listed in attached resolution.

As a non-profit, MRT has had mixed success reducing its property taxes on its fee owned parcels. Generally at a minimum, MRT has to pay all the assessments on every subject parcel. MRT has fallen far behind on its property payments on virtually every parcel it owns. Over a dozen parcels are on the County's list to be sold at the February 9, 2009 public auction. Those taxes must be paid in full several days before the auction or they will be permanently lost. In addition every month that the back taxes are not paid, the cost of redemption goes up 1.5 percent a month. In addition penalties are assessed at various stages to tax delinquent properties. MRT has no capacity to either pay the back taxes or future taxes on the subject properties. Many of the MRT properties are deed restricted in various manners such as Transfer of Development Credits (TDC). Nonetheless private owners could do agricultural and fencing practices that would be disastrous for biological, water, and visual resources. MRT staff approached staff about the issue during the summer.

Benedict Canyon Dutton Resolution 08-97

To begin addressing this problem, in August of 2008 the Governing Board adopted a resolution authorizing the acquisition of both fee simple and conservation easement interests in the MRT's approximately 16.7-acre Dutton property that straddles the ridgeline between Benedict and Beverly Glen canyons. That acquisition will provide a prime property in the Santa Monica Mountains Open Space Preservation Assessment District No. 1 and relieve MRT of most of its existing and future tax obligation on this ownership. Most of the MRT's back taxes are owed on this property. Future tax obligations will continue on the parcel with an existing house because staff elected not to acquire the house because of substantial maintenance obligations. However, if that parcel becomes delinquent the MRCA acquisition will have protected all of the key habitat and public access.

The September 2008 appraised value of the MRCA's proposed approximately 15-acre interest in the property exceeds \$800,000. The appraisal review should be done in early January 2009. The proposed acquisition price is \$390,000.

All Other MRT Properties

To assure the public that over 1248 acres of currently protected land will never be sold at public auction, staff has worked out an arrangement with the MRT staff that goes as follows. As part of the purchase agreement for the Benedict Canyon properties there will be a binding agreement that obligates the MRT to provide the deeds to up to 86 properties shown in the attached table to the MRCA free of all unpaid property taxes. The MRCA can

then control the deed of all the properties such that MRT cannot sell the properties and the accrual of taxes can be stemmed.

Major Participation by NPS

MRT staff has also been working with the National Park Service staff on solutions to acquire MRT properties. NPS has secured special hardship funding to buy out select MRT properties. The National Park Service transactions cannot occur in less than five months so some interim action on every parcel is imperative. The attached table shows which properties the NPS wants to buy from MRT. NPS wants to own and control the Cold Creek Preserve including the former TNC protected Murphy property. The attached table shows 945 acres going to NPS and 304 going to MRCA. Staff desires that some of the NPS preferred properties in Old Topanga Canyon and La Sierra Canyon stay with the MRCA. That division process must occur this month to the satisfaction of NPS, MRT and MRCA. The MRCA will just hold the rights to the deeds of the properties that NPS will take because the hardship money can only be used on properties owned by MRT. If the NPS deal fails, the public will still be covered with the MRCA recording the remainder of the MRT deeds. A small amount of property tax (less than \$6,500) would be due in that default case.

MOUNTAINS RECREATION AND CONSERVATION AUTHORITY

January 7, 2009 — Agenda Item XI

Resolution No. 09-07

RESOLUTION OF THE GOVERNING BOARD OF THE MOUNTAINS RECREATION AND CONSERVATION AUTHORITY AUTHORIZING ENTERING INTO AN AGREEMENT WITH THE MOUNTAINS RESTORATION TRUST TO ACQUIRE APNs 2058-017-024; 2172-031-016; 4380-034-004; 4383-016-002, 003, 004, 006, 007, 009, 011; 4436-021-009; 4438-001-022; 4438-005-002, 003, 004; 4438-024-003, 005, 013; 4438-025-018; 4438-027-004; 4438-032-001, 008, 009, 010, 012, 015; 4438-033-024, 026, 029, 058, 059; 4438-034-007; 4438-035-009, 010, 020, 021, 024; 4438-036-004; 4440-015-006, 007, 008; 4448-006-029; 4448-026-078; 4448-028-064; 4451-012-031; 4452-020-076, 086, 098, 099; 4453-017-041, 042, 048, 055, 056; 4453-021-025, 026, 027, 028, 037; 4453-027-009; 4455-017-017; 4455-018-033, 034; 4455-021-033, 036, 042, 045, 047, 021, 058, 059, 060; 4455-022-011, 027; 4455-024-005; 4455-038-007, 008, 009, 010; 4456-010-022; 4456-037-046, 047, 048; 4461-009-003, 035, 036; 4461-011-024; 4461-018-035, AND 4465-004-020 IN THE SANTA MONICA MOUNTAINS LOCATED WEST OF THE 405 FREEWAY, AND TO ACQUIRE SAID PARCELS AS PART OF AN ACQUISITION AGREEMENT FOR BOTH FEE SIMPLE PARCELS AND CONSERVATION EASEMENTS AUTHORIZED UNDER RESOLUTION NO. 08-97 WITHIN BENEDICT CANYON IN THE CITY OF LOS ANGELES

Resolved, That the Governing Board of the Mountains Recreation and Conservation Authority (MRCA) hereby:

1. FINDS that the proposed acquisitions are important for a combination of ecological, recreational, viewshed, watershed, and public trust values; and
2. FINDS that the proposed actions are categorically exempt from the provisions of the California Environmental Quality Act; and
3. ADOPTS the staff report and recommendation dated January 7, 2009; and
4. AUTHORIZES entering into an agreement with the Mountains Restoration Trust (MRT) to acquire any and all of its properties as condition of the MRCA's acquisition of MRT's Benedict Canyon Dutton property authorized in Resolution 08-97; and

5. AUTHORIZES the acquisition of APNs 2058-017-024; 2172-031-016; 4380-034-004; 4383-016-002, 003, 004, 006, 007, 009, 011; 4436-021-009; 4438-001-022; 4438-005-002, 003, 004; 4438-024-003, 005, 013; 4438-025-018; 4438-027-004; 4438-032-001, 008, 009, 010, 012, 015; 4438-033-024, 026, 029, 058, 059; 4438-034-007; 4438-035-009, 010, 020, 021, 024; 4438-036-004; 4440-015-006, 007, 008; 4448-006-029; 4448-026-078; 4448-028-064; 4451-012-031; 4452-020-076, 086, 098, 099; 4453-017-041, 042, 048, 055, 056; 4453-021-025, 026, 027, 028, 037; 4453-027-009; 4455-017-017; 4455-018-033, 034; 4455-021-033, 036, 042, 045, 047, 021, 058, 059, 060; 4455-022-011, 027; 4455-024-005; 4455-038-007, 008, 009, 010; 4456-010-022; 4456-037-046, 047, 048; 4461-009-003, 035, 036; 4461-011-024; 4461-018-035, and 4465-004-020 located west of the 405 Freeway; and
6. AUTHORIZES any budget amendments as necessary; and
7. AUTHORIZES the Executive Officer to do any and all acts necessary to carry out this resolution and any recommendations made by the Governing Board.

Chair

AYES:

NOS:

ABSTAIN:

ABSENT:

I HEREBY CERTIFY that the foregoing resolution was adopted at a regular meeting of the Governing Board of the Mountains Recreation and Conservation Authority, duly noticed and held according to law, on the 7th day of January, 2009.

Date:

Executive Officer