



MOUNTAINS RECREATION & CONSERVATION AUTHORITY

Los Angeles River Center and Gardens
570 West Avenue Twenty-six, Suite 100
Los Angeles, California 90065
Phone (323) 221-9944 Fax (323) 221-9934

MEMORANDUM

TO: The Governing Board

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

DATE: March 4, 2009

SUBJECT: **Agenda Item X: Consideration of resolution amending Resolution No. 08-97 to conditionally authorize the sequential fee or easement acquisition of all portions of APNs 4383-016-002, 003, 004, 006, 007, 009, and 011 using funds from the Santa Monica Mountains Open Space Preservation Assessment District No. 1 in Benedict Canyon and authorizing acceptance of a maintenance endowment, City of Los Angeles.**

Staff Recommendation: That the Governing Board adopt the attached resolution amending Resolution No. 08-97 to conditionally authorize the sequential fee or easement acquisition of all portions of APNs 4383-016-002, 003, 004, 006, 007, 009, and 011 using up to \$300,000 of funds from the Santa Monica Mountains Open Space Preservation Assessment District No. 1 and authorizing acceptance of a maintenance endowment.

Background: At its June 4, 2008 meeting, the Governing Board adopted Resolution 08-97 (attached) authorizing the use of Santa Monica Mountains Open Space Preservation Assessment District No. 1 funds to acquire a combination of fee simple and conservation/trail easements on all or portions of seven parcels comprising the 17.65 Dutton Estate property now owned by the Mountains Restoration Trust (MRT). The resolution excluded acquisition authorization for any fee simple portions that required substantial brush clearance. The majority of the annual clearance required on the property is to create defensible space around the current onsite residence. The residence is in poor repair and detracts both from the habitat value of the property and the visual experience along the existing trail from Westwanda to the western boundary of the property. The June 4th staff report is also attached and contains important background not included in this report.

MRT and staff were close to completing a deal to acquire the western half of the property in fee simple and a large conservation over the eastern half excluding the house. MRT's preference is now to sell the entire property in fee to eliminate its property tax and property maintenance obligations. Those issues, including delinquent property taxes, are originally what led to this potential sale to the

Mountains Recreation and Conservation Authority (MRCA). Fee acquisition of the entire ownership, with the house removed, would create an exceptional habitat, recreation, and educational resource area. The proposed action would facilitate MRT removing the house and subsequently selling the fee simple ownership to the MRCA.

The first step (authorized under Resolution 08-97) would be for the MRCA to acquire the large westernmost parcel (APN 4383-034-004 and potentially a portion of APN 4383-034-002) in fee simple immediately. That parcel(s) would retain an access easement from Westwanda Drive for public and administrative access.

The second action, solidified by this proposed amended resolution, would authorize conditional fee acquisition of all the remainder parcels preceded by sequential acquisition of conservation easements that are subsets of the fee simple area. The complete fee acquisition would only occur when the residence was demolished to the satisfaction of staff -- with criteria such as safety, liability, and aesthetics. To financially assist MRT with its attorney costs and conducting the demolition and clean up, staff would structure an agreement where MRT would sequentially sell conservation easements over the eastern half of the property to the MRCA. The legal descriptions for those conservation easements are already prepared and many are individually appraised. That appraisal was reviewed and approved less than two weeks ago by the State Department of General Services.

At worst, this process gives the MRCA one or more of the conservation easements around house that were approved for acquisition in its June 2008 resolution. Staff will be sure to negotiate for the most important easement areas first--such as the sycamore lined stream corridor that parallels the long driveway/trail. At best, an ecologically obsolete structure will be removed and a great public recreation and habitat area will be created at less than the half of the property's appraised value.

The remaining brushing on the property would be in the northeast and northwest corners. MRT has assignable agreements with those two owners (both with encroachments) to pay for brush clearance. Apparently the two owners typically pay. Nonetheless, legal descriptions have been prepared to sell deed restricted easements or fee chunks of those parcels to those two encroaching owners if so desired. Those subsets of the property have also been appraised. Staff will have to structure the agreement and possibly need a subsequent board action prior to the close of any associated fee simple transactions to take that route. In any case, the property will require more maintenance costs than the two annual brushing payments from those two adjacent parcels with encroachments. MRT has agreed to provide the MRCA with an endowment to handle operational costs on the property.