



MOUNTAINS RECREATION & CONSERVATION AUTHORITY

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MEMORANDUM

TO: The Governing Board

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

DATE: February 7, 2018

SUBJECT: **Agenda Item XI: Consideration of adoption of a Resolution of Necessity for the Acquisition in Eminent Domain of Certain Real Property for Public Purposes, namely the property identified as Los Angeles County Assessor's Parcel No. 2064-006-001.**

Staff Recommendation: (1) That the Governing Board separately consider and adopt the attached Resolution, which is a Resolution of Necessity for the Acquisition in Eminent Domain of Certain Real Property for Public Purposes, namely the Property identified as Los Angeles County Assessor's Parcel No. 2064-006-001;

(2) Open and conduct a hearing on the adoption of the proposed Resolution of Necessity, receive from staff the evidence stated and referred to in this Staff Report, take testimony from any person wishing to be heard on issues 1, 2, 3, and 4 below, and consider all evidence to determine whether to adopt the proposed Resolution of Necessity;

(3) If the Governing Board finds, based upon the evidence contained and referred to in this Agenda Item, the testimony and comments received at the hearing, and all written testimony submitted to the Governing Board, that the evidence supports the necessary findings with respect to the proposed Resolution of Necessity, then staff recommends that the Governing Board, in the exercise of its discretion, adopt the attached Resolution and authorize staff to commence eminent domain proceedings to acquire the property identified as Los Angeles County Assessor's Parcel No. 2064-006-001, and to execute all necessary documents.

Background: The Governing Board has before it a proposed Resolution of Necessity for the acquisition in Eminent Domain of certain real property located at Agoura Road and Vendell Place, in the City of Agoura Hills, County of Los Angeles, namely the property identified as Los Angeles County Assessor's Parcel No. 2064-006-001 ("Subject Property Interest"), in connection with Liberty Canyon Wildlife Corridor Project ("Proposed Project"). The MRCA is authorized to acquire the Subject Property Interest for public use, namely as a critical component of the proposed

wildlife bridge crossing in Liberty Canyon, pursuant to Eminent Domain law, and in particular Article 2 of Chapter 4 of Title 7 of the Code of Civil Procedure (CCP Section 1245.210 *et seq.*).

The Proposed Project is identified as the Liberty Canyon Wildlife Corridor Project. The Proposed Project proposes to construct a vegetated bridge across US-101 near Liberty Canyon Road in the City of Agoura Hills to function as a wildlife crossing. The structure will connect the Santa Monica Mountains and the Simi Hills, and thereby help to protect the genetic integrity of wildlife population in both areas. The Proposed Project is sponsored by the MRCA. A cooperative agreement between MRCA and the California Department of Transportation (“Caltrans”) was executed on February 12, 2015.

The need for the Proposed Project is based on genetic and tracking data that shows US-101 is a barrier to wildlife that historically traveled between the Santa Monica Mountains and the Simi Hills, ultimately connecting the Santa Monica Mountains to the Sierra Madre mountain range north of Highway 126. In particular, large mammals such as mountain lions and bobcats need large connected habitats in order to hunt, breed, and thrive. US-101 divides this previously contiguous range into isolated habitat fragments; for mountain lions, this has resulted in inbreeding, territorial fighting, and a decrease in genetic diversity. Connectivity is critical for all kinds of wildlife, especially in an area such as Los Angeles with an extensive freeway system.

On October 7, 2015, this Governing Board approved the acquisition of the Subject Property Interest. The small subject parcel (see attached map) is wedged between Agoura Road and the 101 freeway corridor, and has long been an acquisition target to augment the Proposed Project. As shown more fully below, the Subject Property Interest that is subject to the Resolution of Necessity to be considered by the Governing Board are necessary for the Project.

In order to adopt the Resolution of Necessity with respect to the Subject Property Interest, the Governing Board must find and determine that:

1. The public interest and necessity requires the Proposed Project;
2. The Proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
3. The Subject Property Interest described in the Resolution of Necessity are necessary for the Proposed Project;

4. The MRCA has made the offer required by Government Code Section 7267.2 to the record owners of the real property the MRCA seeks to acquire.

The hearing relates only to issues 1, 2, 3, and 4 above. The amount of just compensation is not an issue before the Governing Board at this hearing.

1. The Public Interest and Necessity Require the Proposed Project

The MRCA seeks to acquire the Subject Property Interest for public use, as a critical component to the creation of the proposed wildlife bridge crossing in Liberty Canyon.

As stated above, the need for the Proposed Project is based on genetic and tracking data that shows US-101 is a barrier to wildlife that historically traveled between the Santa Monica Mountains and the Simi Hills, ultimately connecting the Santa Monica Mountains to the Sierra Madre mountain range north of Highway 126. In particular, large mammals such as mountain lions and bobcats need large connected habitats in order to hunt, breed, and thrive. US-101 divides this previously contiguous range into isolated habitat fragments; for mountain lions, this has resulted in inbreeding, territorial fighting, and a decrease in genetic diversity. Connectivity is critical for all kinds of wildlife, especially in an area such as Los Angeles with an extensive freeway system. The need will only increase as climate change effects species distribution.

2. The Proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury

The purpose of Proposed Project is to provide a safe and sustainable passage for wildlife across US-101 near Liberty Canyon Road in the City of Agoura Hills that reduces wildlife mortality and allows for the movement of animals and the exchange of genetic material.

Environmental impacts and mitigation measures were not considered nor required when US- 101 and most of Southern California's freeways were built in the 1950s. As a result the construction of US-101 bisected the previously connected natural habitat ranges of many wildlife species. Presently, a safe and sustainable wildlife crossing across US-101 is not available. Without the addition of a wildlife crossing, the ecological and environmental impact on wildlife that resulted from the

construction of US-101 will persist and the fate of many wildlife species within the Santa Monica Mountains will remain in jeopardy.

The Liberty Canyon area was identified by scientists and experts working in the field of wildlife movement as the optimal location for a safe and sustainable wildlife crossing across US-101. Prime habitat has already been protected on both sides of the freeway at this location that is contiguous with large swaths of protected habitat to the north and south of this connection. In addition, a tragic indicator that Liberty Canyon is the appropriate location for a wildlife crossing is the death of a male puma that was killed while attempting to migrate into the Santa Monica Mountains in October 2013.

The MRCA seeks to acquire the Subject Property Interest that have been owned by the local Morrison family for decades. The Subject Property Interest contains a heritage sized valley oak tree, the edge of a Liberty Canyon tributary, and non-native grassland with scattered shrubs and sapling oak trees.

3. The Subject Property Interest described in the Resolution of Necessity are necessary for the Proposed Project

The Subject Property Interest is a key .27 acre triangle-shaped parcel for implementation of the Proposed Project. The parcel is near the headwaters of Liberty Canyon with 100 feet of USGS blueline stream, located between US 101, Vendell Road, and Agoura Road. A parcel to the east is owned by the Santa Monica Mountains Conservancy ("SMMC"), and has been substantially restored by the MRCA. The Subject Property Interest is valley oak riparian woodland, with one heritage-sized valley oak. Although small, the parcel is critical and essential for the design and construction of the overpass. Also made possible by acquiring the parcel would be a multi-use trail that connects to Agoura Road, an existing MRCA trailhead, and into Malibu Creek State Park.

4. The MRCA has made the offer required by Government Code Section 7267.2 to the record owners of the real property the MRCA seeks to acquire

Pursuant to California Government Code Section 7267 *et seq.*, MRCA obtained an appraisal of the fair market value of the Subject Property Interest, set just compensation in accordance with the appraised fair market value and extended a written offer on April 7, 2016 to the owners of the record parcel. The MRCA has been engaged in negotiations with the property owners, who for all intents and purposes have indicated being willing sellers, however due to issues with title the consummation of the voluntary acquisition of the Subject Property Interest has not

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been completed. A true and correct copy of the offer letter are on file with Staff Counsel of the MRCA.

The adoption of the Resolution of Necessity requires a vote of 3/4 of the members of the Governing Board.