



# MOUNTAINS RECREATION & CONSERVATION AUTHORITY

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## MEMORANDUM

TO: The Governing Board

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

DATE: March 14, 2012

SUBJECT: **Agenda Item VIII: Consideration of resolution confirming the acceptance of a donation of APN 4453-016-008 and portions of 4453-020-008, totaling approximately 13 acres, Carbon Canyon, unincorporated Malibu area.**

Staff Recommendation: That the Governing Board adopt the attached resolution confirming the acceptance of a donation of APN 4453-016-008 and portions of 4453-020-008, totaling approximately 13 acres, Carbon Canyon, unincorporated Malibu area.

Background: The 71-mile-long Coastal Slope Trail courses through the heart of Malibu in Carbon Canyon. Substantial staff effort and resources have gone into acquiring the land and easements for the section of proposed trail across the width of Carbon Canyon. This section of trail will connect Rambla Pacifico Drive to the Mountains Recreation and Conservation Authority's 24-acre Sweetwater Mesa open space dedication. Trail rights-of-ways across thirteen additional parcels are necessary to make this connection. Because of the unusually steep terrain, in most cases no other parcels but those thirteen will work for a feasible trail alignment.

Of these thirteen parcels, APNs 4453-016-008 and 4453-020-008 are currently in escrow to a private buyer. That buyer must close on the properties by March 14<sup>th</sup> or lose control of the parcels. This generous buyer is willing to donate all of APN 4453-016-008 (just less than seven acres) and approximately six acres of adjacent APN 4453-020-008 to the MRCA. The attached aerial shows the desired partition of 4453-020-008. The buyer wants to be able to immediately transfer those land interests to the MRCA. That timing is the reason for the need to proceed with the acceptance prior to the Governing Board meeting under the Executive Officer's authority.

The buyer would retain an easement across the seven-acre parcel to reach the existing house and yard areas on the larger parcel. There is a lawsuit pending on the properties from approximately 18 upstream owners in Carbon Canyon. They are collectively suing for a road easement following an old dirt road through the two subject parcels. If those litigants prevail, that said road easement would entirely be

on MRCA property. Apparently there is also a court date on March 14<sup>th</sup> at which the judge may render a final decision. The opportunity to acquire the property at no public cost overrides the potential downsides of the litigation. Vehicle access up the old dirt road is undesirable for trail enjoyment and ecological reasons, but it could occur. As part of the transaction, staff has agreed to install a fence on MRCA land that would separate the subject dirt road from the buyer's house area. As desired by the buyer, the MRCA would also install a simple gate to further separate the two new ownerships. There is an existing gate along the southern boundary of the southern parcel where private dirt Carbon Canyon road enters the property. This is a natural topographic access choke point on the road.

The attached figures show the parcels, the proposed Coastal Slope Trail alignment through them, and the potential access easement location through both parcels. The exact trail alignment east of Carbon Creek will depend geologic stability and on the cooperation of the landowner to the east of APN 4453-016-008. Such cooperation is necessary for a good trail, but because the MRCA owns the parcel next to 4453-020-008 a workable trail is possible in any case.

The subject property has been inspected by staff and contains high quality habitat with the exception of a few disturbed area. There is even a fire hydrant. The property includes a substantial section of year-round Carbon Creek and an old concrete Arizona crossing that permits near year-round crossing of the creek via the proposed Coastal Slope Trail.