



MOUNTAINS RECREATION & CONSERVATION AUTHORITY

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

MEMORANDUM

TO: The Governing Board

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

DATE: May 1, 2013

SUBJECT: **Agenda Item VI(n): Consideration of resolution authorizing entering into a lease agreement with adjacent property owner for an unused portion of Marsh Park.**

Staff Recommendation: That the Governing Board adopt the attached resolution authorizing entering into a lease agreement with adjacent property owner for an unused portion of Marsh Park.

Background: During the Marsh Park planning process, staff discovered the existence of a small encroachment onto MRCA owned property. An adjacent residence had apparently unknowingly constructed a driveway and wall on agency property. A land survey determined that the encroachment is roughly 5-6 feet wide and runs the length of the adjacent lot, approximately 643 square feet total.

Aside from the wall and a portion of the driveway, the family has planted a few trees in the area. The encroachment area is not considered by planning staff to be useful space for park purposes and was not included in the design of Marsh Park.

MRCA staff have met with the homeowner, who understands that the improvements on MRCA property constitute an encroachment. To clarify the ownership rights of the area, and to allow the homeowner continued use of his driveway, MRCA staff counsel propose leasing the area to the homeowner on a long-term basis. In exchange, the homeowner will pay a modest rental rate, assume full liability for the encroachment area and waive any claims to prescriptive rights or adverse possession.