



MOUNTAINS RECREATION & CONSERVATION AUTHORITY

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MEMORANDUM

TO: The Governing Board

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

DATE: June 4, 2014

SUBJECT: **Agenda Item XII: Consideration of resolution conditionally authorizing the exchange of an approximately 1.2-acre area with an existing horse rink either in fee simple or easement and an easement for ingress and egress over a historic dirt road on APN 4456-013-904 for an approximately 13-acre fee simple portion of APN 4456-037-037, Dark Canyon watershed, unincorporated Los Angeles County.**

Staff Recommendation: That the Governing Board adopt the attached resolution conditionally authorizing the exchange of an approximately 1.2-acre area with an existing horse rink either in fee simple or easement and an easement for ingress and egress over a historic dirt road on APN 4456-013-904 for an approximately 13-acre fee simple portion of APN 4456-037-037 in the Dark Canyon portion of the Malibu Creek watershed.

Background: Approximately eight years ago, the Mountains Recreation and Conservation Authority (MRCA) accepted APN 4456-013-904 (62 acres) in Dark Canyon as one of several parcels in an offer to dedicate land from the Coastal Development Permit for the Quaker Ross property in the late 1980's. Since decades prior to then, the owners of the house and ranch on APNs 4456-037-037 and 038 used an existing dirt road through APN 4456-013-904 to reach their property. That use continues and the road remains in good condition without adverse ecological impact. When the MRCA acquired the 62 acre parcel there also was an approximately 170-foot-long oval horse rink located roughly 70 percent on MRCA ownership.

In 2011 the Coastal Commission staff called MRCA staff to see if there was awareness about the encroachment. Staff was not aware of the riding rink on MRCA land. The Commission staff and the owners of APN 4456-037-037 have had multiple discussions. The owners begin reaching out to MRCA staff last year to forge a solution. Staff visited the property last month.

The attached proposal prepared for the owners to show the MRCA, outlines a land exchange solution. Under the shown proposal, the MRCA would provide an easement for ingress and egress over the existing dirt road and an easement, or fee simple transfer, of an approximately 1.2-acre area which includes the riding rink, a portion of the dirt access road, and an area with native landscaping and horse jumps made out of trunks of deceased non-native trees.

In exchange the MRCA would receive a minimum 13.6-acre contiguous fee simple portion of APN 4456-037-037. That fee simple portion would be free of all development and would include portions of the streams for both Dark and Little Dark Canyons. Final easement and parcel boundaries would be worked out with the owners. Most importantly the owners have agreed that the easement for the existing access road would prohibit paving which would degrade the MRCA parkland. The owners would pay for the metes and bounds legal descriptions. Lastly the owners have suggested merging APNs 4456-037-037 and 038 to preclude future development potential.

The proposed solution would not result in either any additional development or the potential for additional development. The MRCA would acquire over 13 acres of habitat as ecologically significant as anywhere in the mountain range. Access rights across the MRCA property would be settled in a manner that permanently precludes a paved road. The Coastal Commission could successfully close a violation case.

Staff recommends that the Governing Board adopt the proposed resolution conditioned on the Coastal Commission staff, and the Commission itself if necessary, approving the land exchange as a cure for the violation.