




# MOUNTAINS RECREATION & CONSERVATION AUTHORITY

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## MEMORANDUM

**TO:** The Governing Board

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

**DATE:** July 2, 2014

**SUBJECT:** **Agenda Item VI(j): Consideration of resolution authorizing entering into a license or easement agreement for the use of APN 4457-005-911 by Earthship Productions, Inc. for ingress and egress over a portion of Puerco Canyon Motorway, unincorporated Los Angeles County.**

Staff Recommendation: That the Mountains Recreation and Conservation Authority (MRCA) authorize entering into a license or easement agreement for the use of APN 4457-005-911 by Earthship Productions, Inc. for ingress and egress over a portion of Puerco Canyon Motorway, unincorporated Los Angeles County.

Background: On April 2, 2014, this Board approved the acquisition of the 703 acre Puerco Canyon property. As part of the purchase agreement, the current owners/sellers of the Puerco Canyon property would retain the right to use a communication site on a small portion of the property, along with an easement for access to the site. The easement will be recorded by the sellers prior to the MRCA's taking title to the Puerco Canyon properties and will expire by its own terms eight years after the close of escrow. Staff anticipates closing escrow in early to mid July.

The actual communication equipment site is relatively small. Access to the site will be over Puerco Canyon Motorway, which traverses several of the Puerco Canyon parcels the MRCA will be acquiring. However, it also juts out onto a small corner of APN 4457-005-911, which was previously acquired by the MRCA in 2008 as part of the upper Corral Canyon acquisition project.

If approved, this resolution would authorize staff to enter into an agreement with Earthship Productions, Inc., an entity related to the current owners of the Puerco Canyon property, to allow access over the subject parcel on Puerco Canyon Motorway to the communication site.

Puerco Canyon Motorway is an existing, historic, unpaved road that provides access from Pacific Coast Highway into Puerco Canyon. It is unclear whether or

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not any party has existing deeded rights of access over this portion of the Motorway, however, given the long history of use of the properties, it is very possible that prescriptive rights and/or rights via implied dedication have accrued here prior to public ownership. It is intended that entering into an agreement for access over this property will settle any outstanding claim of prescriptive rights, at least for the current owner of the Puerco Canyon properties.

Since the road exists and has been used for some time, no negative environmental impacts are anticipated.

Staff is currently assessing the implications of a license or an easement, given the restrictions that may encumber the subject property as part of the acquisition with public funds. Regardless, due to the limited scope of the use and the defined eight year limit, there will be no substantive difference between an easement or a license as it relates to the proposed action.