



# MOUNTAINS RECREATION & CONSERVATION AUTHORITY

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## MEMORANDUM

TO: The Governing Board

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

DATE: September 5, 2018

SUBJECT: **Agenda Item XII: Consideration of resolution authorizing the sale of an easement over an approximately 0.1-acre portion of APN 5570-021-905 to address an encroachment from 7721 Firenze Avenue, Briar Summit Open Space Preserve, City of Los Angeles.**

Staff Recommendation: That the Governing Board adopt the attached resolution authorizing the sale of an easement over an approximately 0.1-acre portion of APN 5570-021-905 to address an encroachment from 7721 Firenze Avenue into the Briar Summit Open Space Preserve.

Background: The Mountains Recreation and Conservation Authority (MRCA) acquired the 52-acre Briar Summit Open Space in 2002. The acquisition was funded by Santa Monica Mountains Open Space Preservation Assessment District No. 1, Los Angeles County Proposition A, State Proposition 40, and private funds. Post-MRCA ownership, the long time homeowner of 7721 Firenze Drive constructed a small study on pillars approximately 30 feet into MRCA property. Pre-MRCA ownership, a chain fence was constructed on the property for the full 225 foot width of the lot. The furthest fence encroachment distance into MRCA property is approximately 35 feet. In the process of selling their house, the current owners brought the studio encroachment to the attention of staff to work out a resolution to keep the studio.

To assess the potential of selling an easement or a fee simple area, staff consulted the Los Angeles County Regional Park and Open Space District regarding the disposal of property partially funded by Proposition A. Such a disposal is possible at current fair market value with such proceeds being returned to the District. Such a disposal also has to be approved by the Board of Supervisors. The MRCA is now on notice from the District that it must resolve the encroachment because allowing it is a breach of the District's Project Agreement. In these cases staff has to weigh the public cost benefit ratio of taking legal action to have encroachments removed versus a monetary settlement.

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In this case staff recommends negotiating a settlement that covers all staff time invested to completion of a land interest transfer, required compensation to the District, and a premium payment for the lost staff opportunity cost of solving this issue. Staff has not yet appraised the subject encroachment area. The owners request is for a triangle shaped area of approximately 0.082 acres. That area is currently defined by the existing chainlink fence.

Staff recommends moving forward with an appraisal and then making a proposal to the owner, or potentially a new owner, if the property is sold in the interim. Price and terms can be discussed in closed session if desired by the Governing Board.