

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

West District, Beverly Hills Courthouse, Department 207

26SMCV02052

**CITY OF MALIBU vs SANTA MONICA MOUNTAINS
CONSERVANCY, A PUBLIC AGENCY, et al.**

September 1, 2026

1:18 PM

Judge: Honorable Michael E. Whitaker
Judicial Assistant: J. Young
Courtroom Assistant: P. Booker

CSR: None
ERM: None
Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): No Appearances

For Defendant(s): No Appearances

NATURE OF PROCEEDINGS: Ruling on Submitted Matter

The Court, having taken the matter under submission on 08/06/2026 for Hearing on Demurrer - without Motion to Strike submitted by defendant, Mountains Recreation and Conservation Authority, now rules as follows: The Court, having taken the matter under submission on 08/06/2026 for Hearing on Demurrer - without Motion to Strike submitted by defendant, Santa Monica Mountains Conservancy, now rules as follows:

MOTIONS

This case arises over a dispute concerning the property rights in certain public trail easements.

On April 14, 2026, Plaintiff City of Malibu ("Plaintiff" or "City") brought suit against Defendants Santa Monica Mountains Conservancy ("SMMC"); Mountains Recreation & Conservation Authority ("Mountains") and All Persons Unknown, claiming any legal or equitable right, title, estate, lien, or interest in the Complaint adverse to Plaintiff's title or any cloud on Plaintiff's title ("Defendants") alleging two causes of action for (1) quiet title and (2) declaratory relief.

Defendants SMMC and Mountains have filed separate demurrers to the Complaint, both on the grounds that it fails to state facts sufficient to constitute a cause of action, pursuant to Code of Civil Procedure section 430.10, subdivision (e). Plaintiff opposes both demurrers and Defendants reply.

REQUEST FOR JUDICIAL NOTICE

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SMMC's Request for Judicial Notice

SMMC requests judicial notice of the following:

Exhibit 1: A Federal Highway Administration website titled From Names to Numbers: The Origins of the U.S. Numbered Highway System, authored by Richard F. Weingroff.

Exhibit 2: A Santa Monica Mountains Conservancy memorandum dated December 4, 1989, to authorize a joint trails agreement with the County of Los Angeles for public hiking and equestrian trails on Winding Way and Debutts Terrace (now Murphy Way) authored by SMMC Executive Director, Joseph T. Edmiston.

Exhibit 3: A California Coastal Commission ("Commission") Notice of Intent on June 1, 1981, to issue Coastal Development Permit, P-81-7713, to Los Angeles County ("County") received by the County's Waterworks Division on September 2, 1981.

Exhibit 4: A California Coastal Commission staff report filed August 17, 1990 for a conditional use permit subject to approval with special conditions including a trail dedication.

Exhibit 5: A County Board of Supervisor's action adopted July 27, 2023 to "Approve the Dedication of an Easement for Public Road and Highway Purposes to the City of Malibu."

Judicial notice may be taken of official acts of the legislative, executive, and judicial departments of any state of the United States. Exhibits 2-5 are official acts, and therefore the Court may take judicial notice of them. Notwithstanding, while the Court may take judicial notice of the existence and legal implications of these documents, it may not accept as true the hearsay statements contained therein.

It is not clear that Exhibit 1, however, is an official act subject to judicial notice under Evidence Code section 452, subdivision (c). Nor is it clear that an opinion article that happens to appear on a federal website constitutes "facts and propositions that are not reasonably subject to dispute and are capable of immediate and accurate determination by resort to sources of

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reasonably indisputable accuracy.” As such, the Court denies judicial notice of Exhibit 1.

City’s Request for Judicial Notice

City requests the Court to take judicial notice of the following:

- Exhibit A: Chapter 281, Statutes of 1963, enacting Streets and Highways Code Section 989;
- Exhibit B: Chapter 1328, Statutes of 1967, amending Streets and Highways Code Section 989;
- Exhibit C: Senate Bill 1056, as amended in Senate April 11, 1991;
- Exhibit D: Senate Local Government Committee, Hearing on Senate Bill 1056, May 1, 1991;
- Exhibit E: Memorandum from David A. Jones to Peter Detwiler regarding amendments to SB 1056, June 26, 1991;
- Exhibit F: Letter from League of California Cities to Assembly Member Sam Farr, July 12, 1991;
- Exhibit G: Senate Bill 1056, as amended in Senate August 20, 1991;
- Exhibit H: Letter from Senator Marian Bergeson to Governor Pete Wilson, September 12, 1991;
- Exhibit I: Chapter 531, Statutes of 1991, amending Streets and Highways Code Section 989;
- Exhibit J: Chapter 1561, Statutes of 1955, enacting Streets and Highways Code Section 989;
- Exhibit K: Chapter 1050, Statutes of 1980, amending Streets and Highways Code Section 960.5;

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- Exhibit L: Chapter 1219, Statutes of 1955, amending Streets and Highways Code Section 941;
 - Exhibit M: excerpts from Webster's Third New International Dictionary of the English Language (1961);
 - Exhibit N: excerpts from Webster's International Dictionary of the English Language (1907);
 - Exhibit O: definition of "trail," Dictionary.com, <https://www.dictionary.com/browse/trail> (accessed July 23, 2026);
 - Exhibit P: definition of "trail," Cambridge Online Dictionary, <https://dictionary.cambridge.org/us/dictionary/english/trail> (accessed July 23, 2026);
 - Exhibit Q: definition of "lane," Merriam Webster's Online Dictionary, <https://www.merriam-webster.com/dictionary/lane> (accessed July 23, 2026); and
 - Exhibit R: definition of "way," Dictionary.com, <https://www.dictionary.com/browse/way> (accessed July 23, 2026).

The Court may take judicial notice of regulations and legislative enactments issued by or under the authority of any public entity in the United States. (Evid. Code, § 452, subd. (b).) Accordingly, the Court takes judicial notice of Exhibits A, B, I, J, K and L.

Similarly, as discussed above, the Court may take judicial notice of official acts of the legislative, executive, and judicial departments of any state of the United States. (Evid. Code, § 452, subd. (c).) Accordingly, the Court takes judicial notice of Exhibits C, D, E, F, G and H.

Finally, the Court may take judicial notice of facts and propositions that are not reasonably subject to dispute and are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy. (Evid. Code, § 452, subd. (h).) Accordingly, the Court takes judicial notice of Exhibits M, N, O, P, Q and R.

ANALYSIS

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1. DEMURRER

“It is black letter law that a demurrer tests the legal sufficiency of the allegations in a complaint.” (*Lewis v. Safeway, Inc.* (2015) 235 Cal.App.4th 385, 388.) In testing the sufficiency of a cause of action, a court accepts “[a]s true all material facts properly pled and matters which may be judicially noticed but disregard contentions, deductions or conclusions of fact or law. [A court also gives] the complaint a reasonable interpretation, reading it as a whole and its parts in their context.” (*290 Division (EAT), LLC v. City & County of San Francisco* (2022) 86 Cal.App.5th 439, 450 [cleaned up]; *Hacker v. Homeward Residential, Inc.* (2018) 26 Cal.App.5th 270, 280 [“in considering the merits of a demurrer, however, “the facts alleged in the pleading are deemed to be true, however improbable they may be”].)

Further, in ruling on a demurrer, a court must “liberally construe” the allegations of the complaint “with a view to substantial justice between the parties.” (See Code Civ. Proc., § 452.) “This rule of liberal construction means that the reviewing court draws inferences favorable to the plaintiff, not the defendant.” (*Perez v. Golden Empire Transit Dist.* (2012) 209 Cal.App.4th 1228, 1238.)

In summary, “[d]etermining whether the complaint is sufficient as against the demurrer on the ground that it does not state facts sufficient to constitute a cause of action, the rule is that if on consideration of all the facts stated it appears the plaintiff is entitled to any relief at the hands of the court against the defendants the complaint will be held good although the facts may not be clearly stated, or may be intermingled with a statement of other facts irrelevant to the cause of action shown, or although the plaintiff may demand relief to which he is not entitled under the facts alleged.” (*Gressley v. Williams* (1961) 193 Cal.App.2d 636, 639.)

A. FAILURE TO STATE A CAUSE OF ACTION

i. First Cause of

Action – Quiet Title

Defendants demur to the Complaint on the ground that the easements were not transferred to the City when the City was incorporated because the trails at issue were not “County highways” that became vested in the City pursuant to Streets and Highways Code section 989. Here, the City alleges:

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4. Despite the fact that Purported Owners have held themselves out as the owner of the Public Trail Easements and managers of the Public Trails, they hold no rights, title or interests in or to the Public Trail Easements or the associated Public Trails. Rather, the City recently discovered that, by operation of law when the City incorporated on March 28, 1991, the City came into possession of the very rights and interests upon which Purported Owners base their entitlement to manage the Public Trails.

5. Specifically, in the late 1980s, private property owners along Winding Way and Murphy Way granted to the County of Los Angeles (“County”), and the County accepted, multiple easements (“County Easements”)—including the Public Trail Easements—that allowed the County and the public to use portions of the easement areas for hiking and equestrian trails, public roads, and other purposes. The Public Trail Easements, therefore, allowed public trails on the properties burdened by the Public Trail Easements. Murphy Way and Winding Way, and the Public Trails at issue, are located within the areas subject to the easements granted to the County. The County subsequently improved and continued to allow the use of the Public Trails within the easement areas.

6. Several years after the County accepted the Public Trail Easements, the City incorporated on March 28, 1991. Pursuant to the version of Streets and Highway Code section 989 (“section 989”) in effect at the time of the City’s incorporation, all right, title, and interest that the County held in public trails within the boundaries of the City vested in the City by operation of law.

7. Several years after the City incorporated, in a Quitclaim Deed recorded on August 24, 1998 (“SMMC Quitclaim Deed”), the County purported to quitclaim whatever interest it held in the Public Trail Easements to SMMC. However, the County held no rights, title or interests in or to the Public Trail Easements at that time because ownership of the Public Trail Easements had vested in the City in 1991. Therefore, the Purported Owners obtained no rights, title or interests in or to the Public Trail Easements through the SMMC Quitclaim Deed.

8. Nonetheless, at present, the Purported Owners wrongfully hold

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themselves out to be the owners of the Public Trail Easements and, on that basis, claim a right to manage the Public Trails. The Purported Owners' erroneous claim has led to serious mismanagement of the Public Trails, endangering public safety and the environment. The City, and its residents and visitors, have repeatedly complained to the Purported Owners about their mismanagement and the problems it has caused, but the Purported Owners have largely ignored these complaints and concerns for years, which has directly and negatively impacted the Public Trails, endangered the hikers who use them, and damaged environmentally sensitive areas.

[...]

20. On or about March 13, 1979, the County Board of Supervisors adopted a Resolution, a true and correct copy of which is attached hereto as Exhibit 1 ("Delegation Resolution"), that provides as follows: Be it resolved that the County Engineer, Assistant County Engineer, Assistant Deputy County Engineer, and Chief, Real Estate, of the Department of County Engineer-facilities of the County of Los Angeles are hereby severally authorized as agents of the County of Los Angeles to accept and consent to the recordation of any deed or grant conveying any interest in, or easement upon, real property to said county. A February 27, 1979, letter accompanying the Resolution explained that the Board of Supervisors' practice had been to "delegate...authority" to "officially accept" "deeds and grants conveying property interests" to "specific officers or agents" of the County under Government Code section 27281, and that the Delegation Resolution was intended to provide that delegated authority because the previous delegation was "out-of-date." (See Exhibit 1.)

21. The County established an assessment district, County Improvement No. 2503-M ("Assessment District") to construct a water system ("Water Improvement Project") that was intended to include the construction of paved roadways, appurtenant drainage structures, retaining walls, and public hiking and equestrian trails. Between 1986 and 1988, in furtherance of the Water Improvement Project, property owners within the Assessment District granted to the County, and the County accepted, various easements for those purposes (previously defined as the "County Easements"), including easements for the public hiking and equestrian

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trails (previously defined as the “Public Trail Easements”). Two roads, Murphy Way and Winding Way, are located within the areas subject to the County Easements.

22. After the County received and accepted the Public Trail Easements, and as a part of the Water Improvement Project, the County improved hiking and equestrian trails within the areas subject to the Public Trail Easements (previously defined as the “Public Trails”) and continued to allow the public to use them. More specifically, the City alleges as follows:

(a) Several owners of private property along Murphy Way granted Public Trail Easements to the County (“Murphy Way Easements”) to use certain properties for one of the Public Trails. The City is informed and believes, and on that basis alleges, the Trail on, over, along, adjacent to and/or about Murphy Way (“Murphy Way Trail”) lies within the area subject to the Murphy Way Easements. The Murphy Way Easements are more particularly described in Exhibit 2 attached hereto and incorporated herein by reference.

(b) Pursuant to the Delegation Resolution, the County expressly accepted each of the Murphy Way Easements no later than 1988 through certificates of acceptance signed by an officer or agency of the County who had delegated authority to accept the easements on behalf of the County Board of Supervisors. True and correct copies of the Murphy Way Easements and associated certificates of acceptance are attached hereto as Exhibit 3 and incorporated herein by reference.

(c) Several owners of private property along Winding Way granted Public Trail Easements to the County (“Winding Way Easements”) to use certain properties for the other Trail. The City is informed and believes, and on that basis alleges, the Trail on, over, along, adjacent to and/or about Winding Way (“Winding Way Trail”) lies within the area subject to the Winding Way Easements. The Winding Way Easements are more particularly described in Exhibit 4 attached hereto incorporated herein by reference.

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(d) Pursuant to the Delegation Resolution, the County expressly accepted each of the Winding Way Easements no later than 1988 through certificates of acceptance signed by an officer or agency of the County who had delegated authority to accept the easements on behalf of the County Board of Supervisors. True and correct copies of the Winding Way Easements and associated certificates of acceptance are attached hereto as Exhibit 5 and incorporated herein by reference.

(e) Based on the foregoing, the Public Trail Easements dedicated the underlying property for use as public trails, dedications the County accepted.

23. The City incorporated on or around March 28, 1991. At that time, section 989 provided: Except as otherwise specifically provided in this code, upon the incorporation of a city or upon the annexation of territory to a city, all right, title and interest of the county, including the underlying fee where owned by the county, in and to any county highway within the territory involved, shall vest in the city and shall thereupon constitute a city street. All right, title and interest of a county in and to any county highway included within territory heretofore incorporated as a city or annexed to a city is hereby determined to have vested in such city as a city street. For the purpose of this section, "county highway" shall have the meaning ascribed to that term by Section 960.5. (Stats. 1967, ch. 1328, p. 3160, § 1.) Section 989 was later amended in 1991, and the amended section 989 became effective in 1992. Both the amendment and the effective date occurred after the City's incorporation.

24. At the time of the City's incorporation, Streets and Highways Code section 960.5 ("section 960.5") provided in relevant part: The term "county highway" . . . shall be deemed to include, but not be limited to, any public highway, road, street, avenue, alley, lane, drive, way, place, court, or trail, or any purported county highway, public highway, road, street, avenue, alley, lane, drive, way, place, court, or trail. (Stats. 1980, c. 1050, p. 3361, § 26, emphasis added.)

25. Pursuant to the Public Trail Easements, which were accepted by the County, the Public Trails were dedicated for use as public trails. Thus, the

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Public Trails qualified as “county highways” as defined in section 960.5. At the time of the City’s incorporation, the County was the holder of the Public Trail Easements and the associated Public Trails were located within the territorial boundaries of the City. Therefore, pursuant to section 989, the County’s rights, title and interests in and to the Public Trail Easements, and the associated Public Trails, vested with the City by operation of law upon the City’s incorporation on March 28, 1991.

26. In 1998—seven years after the County’s rights, title and interests in and to the Public Trail Easements and the associated, dedicated Public Trails, vested with the City by operation of law—the County purported to convey whatever interest it held in the Public Trail Easements to SMMC by Quitclaim Deed recorded on August 24, 1998, as Instrument No. 98-1506312, a true and correct copy of which is attached hereto as Exhibit 6 and incorporated herein by reference (previously defined as the “SMMC Quitclaim Deed”).

27. At the time the County recorded the SMMC Quitclaim Deed, however, the County did not have any interests, title or rights in the Public Trail Easements that could be transferred to SMMC. Rather, any interest the County held in the Public Trail Easements and the associated Public Trails vested with the City on or around March 28, 1991, the date on which the City incorporated.

28. Therefore, the SMMC Quitclaim Deed conveyed nothing to the Purported Owners. Nonetheless, the City is informed and believes, and thereon alleges, that SMMC and/or MRCA wrongfully assert an ownership interest in the Public Trail Easements and continue to manage and control the associated Public Trails.

(Complaint ¶¶ 4-8, 20-28.)

Streets and Highways Code section 989 provides: “Upon the incorporation of a city [...], all right, title, and interest of the county, including the underlying fee where owned by the county, in and to any county highway within the territory involved, **which had been accepted into the county road system pursuant to Section 941** shall vest in the city and shall thereupon constitute a city street.” (Sts. & Hy. Code, § 989, subd. (a)(1), emphasis added.) Further, “All

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right, title, and interest of a county in and to any county highway included within territory **heretofore incorporated** as a city or annexed to a city is hereby determined to have vested in the city as a city street.” (Ibid. at subd. (a)(2), emphasis added.)

Section 960.5 provides: “The term “county highway” as used in Sections 954 and 954.5 shall be deemed to include, but not be limited to, any public highway, road, street, avenue, alley, lane, drive, way, place, court, **or trail**, or any purported county highway, public highway, road, street, avenue, alley, lane, drive, way, place, court, **or trail**.” (Sts. & Hy. Code, § 960.5, emphasis added.)

Defendants contend the City did not acquire the easements pursuant to Section 989 when the City was incorporated because the trails did not constitute “county highways” to which that section applies. Further, Defendants contend that the subject easements were never accepted into the county road system and therefore never vested in the City as city streets.

Plaintiff points out in opposition, however, that the current version of Section 989, which was adopted in 1991, did not go into effect until January 1992, after the City had incorporated.

The *prior* version of Section 989, which was in effect at the time of the City’s incorporation, provided as follows:

Except as otherwise specifically provided in this code, upon the incorporation of a city or upon the annexation of territory to a city, all right, title and interest of the county, including the underlying fee where owned by the county, in and to any county highway within the territory, shall vest in the city and shall thereupon constitute a city street. All right, title and interest of a county in and to any county highway included within territory heretofore incorporated as a city or annexed to a city is hereby determined to have vested in such city as a city street. For the purpose of this section “county highway” shall have the meaning ascribed to that term by Section 960.5.

The *current* version of Section 989 provides:

(a) (1) Upon the incorporation of a city or upon the annexation of territory to a city, all right, title, and interest of the county, including the underlying fee where owned by the county, in and to any county

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highway within the territory involved, which had been accepted into the county road system pursuant to Section 941 shall vest in the city and shall thereupon constitute a city street.

(2) All right, title, and interest of a county in and to any county highway included within territory heretofore incorporated as a city or annexed to a city is hereby determined to have vested in the city as a city street.

(b) Subdivision (a) does not apply to a road or highway which had been accepted into the county road system pursuant to Section 941 after the date of the first signature on a petition for annexation or incorporation, the adoption of a resolution of application by an affected local agency, or a date mutually agreed upon by the city and county.

(c) Nothing in subdivision (a) requires a city to improve the affected road or highway to city standards.

Thus, subdivision (a)(2) of the current version of the Section 989, vesting all of the county's interest in and to any county highway included within the territory ***heretofore incorporated*** applies to the City, as a territory heretofore incorporated as of January 1992, when the current version went into effect. The fact that the County never accepted the trails at issue into the county road system pursuant to Section 941 is immaterial, as the trails at issue were within the territory heretofore incorporated as a city, and are therefore vested in the City as a city street, pursuant to Section 989, subdivision (a)(2).

SMMC also argues that the 1992 amendment was intended only to “clarify existing law without substantive change[.]” In support, it cites to *Re-Open Rambla, Inc. v. Board of Supervisors* (1995) 39 Cal.App.4th 1499, 1504, which indicated: “It is the intent of the Legislature to abrogate the holding of the Court of Appeal in *Rink v. City of Cupertino* ... to the extent that the holding would cause a road or highway which was part of a county road system to remain within the county road system after the territory in which the road or highway is situated becomes the territory of a city through annexation or incorporation proceedings.” Further, *Re-Open* indicates it is only providing the “relevant part” of the legislative history statement. Thus, *Re-Open*'s limited analysis of the legislative intent behind subdivision (a)(1) does not demonstrate that the legislature did not *also* intend to vest other county highways included within the territory prior to incorporation, pursuant to the plain language of subdivision (a)(2).

Mountains also argues that the trails were never “county highways” because they were never impassable or abandoned. In support, Mountains points to the language of Streets and Highways Code, § 960.5 which provides: “The term ‘county highway’ **as used in Sections 954**

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and 954.5 shall be deemed to include” (Emphasis added.) Mountains then points out that Sections 954 and 954.5 pertain to county highways that have become impassable or abandoned.

Mountains’ argument misses the mark. Although the definition of “county highway” of Section 960.5, by its own terms, applies to Sections 954 and 954.5, that does not mean any other section to which that definition applies must involve impassable or abandoned trails like Sections 954 and 954.5. Here, the historical version of Section 989 as it existed when the City was incorporated in 1991 expressly provides, “For the purpose of this section “county highway” shall have the meaning ascribed to that term by Section 960.5.” Thus, Section 989 adopted the definition of “county highway” articulated in section 960.5, but not the matters set forth in Sections 954 and 954.5, which also happen to use the same definition of “county highway.”

Defendants both argue, however, that the use of the word “trail” in Section 960.5 is clearly meant to refer to streets intended for vehicular traffic, not equestrian trails. They point out that all the other phrases listed, “road, street, avenue, alley, lane, drive, way, place, and court” refer to public vehicular roadway names, and thus, in context, “trail” is meant to refer to streets, like Brookings Trail, in Topanga, not a recreational hiking or equestrian trail.

When interpreting a statute, the plain words of the statute control. However, if the plain meaning of the words used is ambiguous, then courts may turn to rules of statutory construction. (See *In re Marriage of McIntyre Shayan & Shayan* (2024) 106 Cal.App.5th 76, 82.) Here, as evidenced by the parties’ differing interpretations, the word “trail” is capable of at least two separate meanings—the quintessential off-road dirt trail a person might go hiking or horseback riding upon, or a word that might be appended to the end of a paved street’s name, such as Main “Street,” Burton “Way,” or Civic Center “Drive.”

Indeed, “a specific item in a statutory list of items is qualified by the overall type or subject matter characterizing the list as a whole.” (*Davis v. Fresno Unified School Dist.* (2023) 14 Cal.5th 671, 689.) Courts “will adopt a restrictive meaning of a listed item if acceptance of a more expansive meaning would [...] otherwise make the item markedly dissimilar to the other items in the list.” (*Moore v. California State Bd. of Accountancy* (1992) 2 Cal.4th 999, 1012.)

Here, the Court agrees with Defendants’ interpretation. Section 960.5 refers to county highways by the various names they take, including road, street, avenue, alley, lane, drive, way, place, court, and trail. In context, it does not appear “trail” as used in Section 960.5 refers to recreational hiking or equestrian trails as a type of public highway. To hold otherwise would transform the meaning of “trail” into something markedly dissimilar to the other items in the list,

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CONSERVANCY, A PUBLIC AGENCY, et al.**

September 1, 2026

1:18 PM

Judge: Honorable Michael E. Whitaker
Judicial Assistant: J. Young
Courtroom Assistant: P. Booker

CSR: None
ERM: None
Deputy Sheriff: None

all of which are otherwise vehicular roadways and highways, not recreational hiking or equestrian trails.

Further, the statute at issue pertains to city and county highways, which are generally paved roadways. Thus, the overall subject matter of the statute itself (here, highways) characterizes the list as a whole, suggesting that the intent was to convert paved roadways *named* road, street, avenue, alley, lane, drive, way, place, court, and/or trail, not to *add* to the list of what constitutes a “county highway” unpaved, recreational hiking or equestrian trails, which are markedly dissimilar from all the other roadways listed in the statute.

As such, the Court sustains Defendants’ demurrer to the Complaint on the grounds that the term “trail” as used in Section 960.5 does not apply to the recreational hiking and equestrian trails at issue.

ii. Statute of

Limitations/Laches

Mountains additionally argues that the City’s claims are time barred. The statute of limitations for a quiet title action depends on the underlying theory. For adverse claims based on fraud or mistake, the statute of limitations is three years. (See Code Civ. Proc., § 338, subd. (d).) For adverse claims premised on a written instrument, the statute of limitations is four years. (See Code Civ. Proc., § 337, subd. (a).) Similarly, the statute of limitations for a cause of action for cancellation of a written instrument is four years. (See Code Civ. Proc., § 343; *Kumar v. Ramsey* (2021) 71 Cal.App.5th 1110, 1122.) And the statute of limitations for the recovery of real property is five years. (Code Civ. Proc., § 318.) Similarly, the statute of limitations for adverse possession is five years (Code Civ. Proc., § 325), though the Court acknowledges that government property dedicated for public use cannot generally be acquired by adverse possession. (See *Henry Cowell Lime & Cement Co. v. State* (1941) 18 Cal.2d 169, 172.)

Likewise, the statute of limitations for declaratory relief depends on the substantive nature of the underlying claim. Here, Plaintiff seeks declaratory relief regarding the parties’ rights and interests in the trail easements at issue. (See Complaint ¶¶ 39-41.)

Here, regardless of whether the applicable statute of limitations is three, four, or five years, Mountains argues City’s claims have been barred for decades. Specifically, the City alleges it has been aware that Defendants have been managing the trails at issue “for decades” pursuant to their ownership interests recognized by the Trail Easements and the County’s 1998

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Quitclaim Deed. (Complaint ¶¶ 3, 7.) Yet the City alleges it only recently in 2024 “discovered that, by operation of law when the City incorporated on March 28, 1991, the City came into possession of the very rights and interests upon which Purported Owners base their entitlement to manage the Public Trails.” (Complaint ¶¶ 4, 11.)

Thus, even if the City were correct that legal ownership of the trails at issue vested in it in 1991 or at the latest January of 1992, which, as discussed above, relies on an overly tenuous interpretation of the word “trail,” the facts and legal grounds for the City’s ownership interests were known to the City by January 1992, and reiterated in 1998, yet the City itself did not “investigat[e]” or “discover” its own potential ownership interests until 2024.

Plaintiff argues that the 4-year statute of limitations does not apply because it does not seek to cancel the written Trail Easements or even the 1998 Quitclaim Deed. Rather, the City claims it became owner of the Trail Easements *by operation of law* and that the 1998 Quitclaim Deed simply conveyed nothing, because the County had nothing to convey.

But the adverse claims Plaintiff seeks to quiet are premised on written instruments Plaintiff seeks by this action to deem null and void. Further, Plaintiff was on constructive notice of these written instruments since the late 1980s when the easements were granted to the County, and again in 1998 when the County’s Grant Deed was recorded. (Complaint ¶¶ 5, 7.) To the extent the City now contends *it* actually owns those easements by operation of law when it incorporated in 1991 (or in 1992 when the new version of Section 989, subdivision (a)(2) became effective), such claims expired decades ago.

At the hearing, City argued (1) it could not have had constructive notice that the easements were granted to the County in the late 1980s because the City itself was not incorporated until 1991; and (2) only subsequent purchasers and mortgagees of the land are deemed to have constructive notice of the recorded 1998 quitclaim deed, neither of which applies to the City.

Notwithstanding City’s technical arguments, taking the Complaint’s allegations in whole and in context, City acted at all relevant times as though the Purported Owners were the actual owners. The Purported Owners both possessed and managed the land (or mismanaged, according to the City) and possessed title via the 1998 recorded quitclaim deed granted to it by the County, who previously possessed title via the recorded easements given to it by the Purported Owners (or their predecessors in interest) in the late 1980s. City did not “discover” this creative legal argument until 2024 that, in fact, *it* was the true legal owner of the land in

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question. Yet, for decades prior to 2024, the City repeatedly tried to work with the Purported Owners to have them properly manage, maintain, and operate the trails at issue. (Complaint ¶ 29 [“Purported Owner’s management of the Public Trails has been a point of contention between them and the City for years. Purported Owners have failed to properly manage, maintain, and operate the Public Trails, resulting in danger to the public’s safety and damage to the environment.”]))

Thus, taken together, City alleges that (1) City worked with Purported Owners for decades regarding the Purported Owners’ management of the trails; (2) City and Purported Owners disagreed so much that the maintenance of the trails became an ongoing “point of contention;” and (3) City did not “discover” it was the true legal owner of the land until 2024. The only reasonable inference to be taken from these facts is that “for decades” prior to 2024, City had an actual understanding that Purported Owners were the owners of the trails in question and City had constructive notice of the legal argument it now raises. City’s argument to the contrary that it knew “Purported Owners” were the *managers* of the trails at issue, but it had no actual or constructive notice about who *actually owned* them or even who *purported to own* them, despite the existence of recorded documents indicating Purported Owners owned them, strains credulity.

City also argues that the statute of limitations does not begin to run until the adverse claim could ripen into legal title. Here, because City contends *it* was the true legal owner of the trails in question, the Purported Owners’ recorded 1998 Grant Deed merely operated as a cloud on its superior legal title, but because Purported Owners could never acquire *actual* title through adverse possession, the statute of limitations never began to run on the City’s quiet title action.

The Court finds City’s authority distinguishable. For example, *Secret Valley Land Co. v. Perry* (1921) 187 Cal. 420 involved land that *neither* party claiming legal title occupied. The appellate court noted: “Limitation or lapse of time does not perfect a defective record title in the absence of possession.” (*Id.* at p. 425.) By contrast, here, Purported Owners actually occupied and maintained the land (albeit poorly, according to City), in addition to possessing recorded title since 1998.

Similarly, *Newport v. Hatton* (1924) 195 Cal. 132, 157, which upheld *Secret Valley Land*, involved a situation where neither claimant had actual possession of the land in question, which was still being possessed by a third individual with a life estate. But as *Newport* explains, “courts of equity will often refuse relief if there has been such delay and passive neglect on the part of the complainants as, coupled with facts amounting to acquiescence in the acts complained

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of, will render the granting of the relief inequitable.” (*Newport v. Hatton* (1924) 195 Cal. 132, 148.) Here, we have both a decades-long delay and passive neglect on the part of the City in both “discovering” and asserting their purported superior legal title *and* facts amounting to acquiescence (the City’s treatment of the Purported Owners as the actual owners in their decades-long dispute over Purported Owners’ maintenance of the trails), which would render granting the relief sought by the City inequitable.

Likewise, in *Salazar v. Thomas* (2015) 236 Cal.App.4th 467, 478-479, the owner-occupants received notice in 2005 indicating there was a possible cloud on their title, yet they did not bring quiet title action until 2012. The Court held that because the plaintiffs were in possession of the property, the potential cloud on their title could not ripen into an adverse claim via adverse possession, and therefore, the owner-occupants’ quiet title claim was not time barred.

Thus, all these claims stand for the proposition that in the absence of the adverse claimant’s possession, the true owner’s statute of limitations does not begin to run. But here, the Purported Owners were also the possessors/maintainers of the trails in question, which the City knew, as it worked directly with the Purported Owners for decades regarding land maintenance issues, all while not believing it had any ownership interest in the trails until its 2024 discovery of the legal argument it now presents.

City also cites to *Lichty v. Sickels* (1983) 149 Cal.App.3d 696. There, the claimant had an easement by necessity, which was created by operation of law when the conveyor of the landlocked portion retained that portion of land that would otherwise make the landlocked portion accessible. (See *id.* at p. 699.) The court found that, given the unique characteristics of an easement by necessity being created by operation of law at the time a portion of the land is granted and persisting as long as the necessity continues, it would contravene the public policy underlying easements by necessity to promote the beneficial use of land and prevent it from sitting idle, to time bar quiet title actions based on easement by necessity from the date the easement by necessity was created. (*Id.* at pp. 703-704.) But the court went on to clarify, “[n]othing we say, of course, affects any assertions pertaining to issues such as the creation or continued existence of the easement by necessity, or laches.” (*Id.* at p. 704.)

Thus *Lichty* evaluated the unique characteristics of an easement by necessity and determined that public policy would be undermined if the statute of limitations for quiet title claims based on an easement by necessity started to run as of the date the easement by necessity was created. It did not hold, as City urges, that claims involving an easement created by operation of law may never be barred by applicable statute of limitations or laches.

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Here, not only does the Court find City's authority distinguishable, but also the public policy of promoting the beneficial use of land would be undermined if any governmental entity could suddenly assert legal ownership over land, after roughly thirty (30) years of treating the Purported Owners as the true owners while having no actual inkling that the governmental entity might itself be the true legal owner of the land in question, and its claims never time barred because land dedicated for public use cannot be adversely possessed.

As such, the Court finds that the Statute of Limitations and/or laches bars City's claims as an additional basis to sustain Mountains' demurrer.

2. LEAVE TO AMEND

A plaintiff has the burden of showing in what manner the complaint could be amended and how the amendment would change the legal effect of the complaint, i.e., state a cause of action. (See *The Inland Oversight Committee v. City of San Bernardino* (2018) 27 Cal.App.5th 771, 779; *PGA West Residential Assn., Inc. v. Hulven Int'l, Inc.* (2017) 14 Cal.App.5th 156, 189.) A plaintiff must not only state the legal basis for the amendment, but also the factual allegations sufficient to state a cause of action or claim. (See *PGA West Residential Assn., Inc. v. Hulven Int'l, Inc.*, *supra*, 14 Cal.App.5th at p. 189.) Moreover, a plaintiff does not meet his or her burden by merely stating in the opposition to a demurrer or motion to strike that "if the Court finds the operative complaint deficient, plaintiff respectfully requests leave to amend." (See *Major Clients Agency v Diemer* (1998) 67 Cal.App.4th 1116, 1133; *Graham v. Bank of America* (2014) 226 Cal.App.4th 594, 618 [asserting an abstract right to amend does not satisfy the burden].)

Here, the City has failed to meet its burden as its opposition does not address whether leave should be granted if either demurrer is sustained.

At the hearing, City argued that it could amend additional facts demonstrating why constructive notice could not have been known to the City and the specific circumstances that led to its discovery of its purported ownership interest. City also argued it could affirmatively allege facts about it becoming the superior legal title holder and why no adverse claim rises to a level to defeat its superior title.

The Court does not find the City's proffered facts would make any legal difference here. The facts already alleged demonstrated that City had no actual knowledge that it might own the trails in question until 2024 and for decades interacted with Purported Owners, who held title,

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possession, and maintained the land, as though they were actual owners. Additional facts about why it did or did not have constructive notice of Purported Owners' ownership would not change the Court's analysis of these already-pleaded facts. Similarly, whether City became the superior legal title holder by operation of law in 1991 is a question of law, not fact, and whether Purported Owners could adversely possess the land is irrelevant, in light of the Court's determination that the case law cited hinges on the adverse claimant's possession (or lack thereof), the public policy underlying these various property law concepts, and whether it would be equitable under the circumstances to statutorily bar the claim, not whether *adverse possession* is legally available.

As such, the Court finds that granting leave to amend would be futile.

CONCLUSION AND ORDER

For the reasons stated, the Court sustains both Defendants Santa Monica Mountains Conservancy and Mountains Recreation & Conservation Authority's demurrers to the Complaint **without leave to amend**.

Further, the Court orders Defendants to lodge and serve proposed Orders and Judgments in conformity with the Court's ruling on or before September 14, 2026. Objections to the proposed Orders and /or Judgments shall be filed and served September 21, 2026.

Defendants shall provide notice of the Court's rulings regarding their respective demurrers, and file the notices with proofs of service forthwith.

Further, on the Court's own motion, the Court continues the Case Management Conference from August 27, 2026 to October 22, 2026 at 8:30 A.M. in Department 207. All parties shall comply with California Rules of Court, rules 3.722, et seq., regarding Initial and Further Case Management Conferences. In particular, all parties shall adhere to the duty to meet and confer (Rule 3.724) and to the requirement to prepare and file Case Management Statements (Rule 3.725).

Regarding the Case Management Conference, Plaintiff shall provide notice and file the notice with a proof of service forthwith.

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Certificate of Service is attached.