



County of Los Angeles
CHIEF ADMINISTRATIVE OFFICE

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DAVID E. JANSSEN
Chief Administrative Officer

May 27, 2003

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**RESOLUTION AND NOTICE OF INTENTION TO PURCHASE REAL PROPERTY
UNINCORPORATED LOS ANGELES COUNTY – COLD CREEK AREA
(THIRD) (3 VOTES)**

IT IS RECOMMENDED THAT YOUR BOARD:

1. Find this action to be categorically exempt from the provisions of the California Environmental Quality Act (CEQA).
2. Adopt the enclosed Resolution and Notice of Intention to purchase 3.08 acres of unimproved real property located in the unincorporated Cold Creek area of the Santa Monica Mountains for a purchase price of \$153,553.
3. Instruct the Executive Officer of the Board of Supervisors to carry out the necessary legal advertising pursuant to Government Code Section 25350.

IT IS FURTHER RECOMMENDED THAT, AT THE TIME OF CONSUMMATION, YOUR BOARD:

1. Order the purchase consummated in accordance with Section 25350 of the Government Code.
2. Authorize the Chief Administrative Office to execute any required documentation necessary to complete the transfer of title to the County and to accept the deed conveying title to the County.

Board of Supervisors
GLORIA MOLINA
First District

YVONNE BRATHWAITE BURKE
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

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3. Authorize the Department of Parks and Recreation and/or the Auditor-Controller to deposit funds into an escrow account for the amount of the purchase price plus an amount not to exceed \$5,000 for escrow, title insurance and related costs.
4. Approve and instruct the Chair of the Board to sign the attached Amendment No. 1 to Agreement No. 72551 with the Mountains Restoration Trust adding this property under the Agreement.
5. Instruct the Assessor's office to remove the subject real property from the tax roll effective upon the transfer.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended actions is to accomplish a transfer of title to 3.08 acres of unimproved real property (Assessor's parcel 4455-018-035) in the unincorporated Cold Creek area of the Santa Monica Mountains from the Mountains Restoration Trust (MRT) to the County. As consideration for this transfer of title, the County will reimburse MRT for its acquisition costs in the amount of \$153,553 from grant funds received from the State Habitat Conservation Fund Program (HCF) along with escrow fees, title insurance, and related costs not to exceed \$5,000 in connection with an escrow being held at Chicago Title Company for this transaction. The existing 55-year Management Agreement with MRT, Agreement No. 72551, to manage, control, and maintain an adjoining 30 acres of County-owned property will be amended to include this property.

Acquisition of the subject property is a continuation of the ongoing multi-year Cold Creek Restoration Plan to acquire properties for open space, preservation of riparian and wildlife habitat, and passive recreational use. On December 12, 2000, your Board approved a resolution authorizing the Department of Parks and Recreation to submit a \$300,000 grant application to the State Habitat Conservation Fund Program (HCF) for this property acquisition, which was awarded to the County on January 10, 2002.

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In accordance with the HCF grant application to the State, MRT has agreed to partner with the County to pre-acquire the property by directly negotiating and purchasing from the private owners and subsequently transferring title to the County when grant funds become available. The State HCF grant requires that title may only be held by governmental entities. In turn, MRT will be reimbursed for its acquisition costs in the amount of \$153,553, and the property will be incorporated along with adjacent County-owned land previously acquired with HCF grant funds into an existing Agreement with MRT approved by your Board on December 21, 1999 providing for MRT to manage, control, and maintain these properties for public benefit at no cost to the County.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The proposed recommendations further the Board-approved County Strategic Plan Goal 1.1.1 (Service Excellence) and Goal 6 (Community Service) by enabling the preservation of open space and sensitive riparian and wildlife habitat, and by expanding passive recreational opportunities in Los Angeles County. Your Board's approval of these recommendations will also further Goal 4 (Fiscal Responsibility) through public/private partnership involving the State, its HCF grant program, MRT, and the County to acquire property and provide for long-term property management at minimal or no County cost.

FISCAL IMPACT/FINANCING

The source of the monetary consideration to be paid to MRT for reimbursement of their acquisition costs and for payment of escrow fees, title insurance, and related costs is solely from State HCF grant funds. By amending the existing Management Agreement with MRT to include this property, the County will avoid all ongoing property management and maintenance costs.

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FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The subject property, as shown on the attached area map, contains 3.08 acres and is located south of Mullholland Highway between Cold Creek Road and Stunt Road. It is adjacent to 30 acres of County-owned open space under MRT's management and is bounded on the other sides by undeveloped land, all of which is covered with native vegetation. The property is zoned A1-1 (agricultural), which allows development of one dwelling unit per acre.

The monetary consideration of \$153,553 being paid to MRT for reimbursement of their acquisition costs is less than half of the current fair market value of \$325,000 for the property as established by outside independent appraisal. The difference between appraised fair market value and consideration paid will be donated value, which will satisfy the State HCF grant requirements for fifty percent local match from non-State sources. As a part of MRT's conveyance of the property to the County, MRT will reserve a conservation easement to ensure that the property is preserved in its natural condition.

MRT is a California non-profit public benefit corporation established in 1981 to protect and enhance the natural resources of the Santa Monica Mountains. They have developed long-term working relationships with Federal, State and local governmental entities, including the County, who all share a common goal of preserving and protecting open space and natural resources.

The County does not have the personnel or funding necessary to manage this property. Instead, MRT, which possesses the requisite expertise and experience, has offered to manage this property at its sole expense, along with adjacent County-owned property, by amending the existing 55-year Management Agreement, Agreement No. 72551, approved by your Board in 1999.

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The Department of Parks and Recreation has reviewed and concurs with the recommended actions. The Chief Administrative Office, pursuant to Government Code Section 65402, has provided notification to the Regional Planning Department of the County's intent to purchase the real property. The Department of Public Works has reviewed and approved the preliminary title report issued by Chicago Title Company who will insure title, and it has reviewed a Phase I environmental site assessment of the property and concurs with the consultant's conclusions that no further investigation of subsurface conditions are warranted. County Counsel has approved all documents in this transaction as to form.

ENVIRONMENTAL DOCUMENTATION

This project is categorically exempt from CEQA pursuant to Sections 15316 and 15325 of the Guidelines for Implementation of the California Environmental Quality Act, Title 14 of the California Code of Regulations and Classes 16 and 25 of the Environmental Document Reporting Procedures and Guidelines, adopted by your Board on November 17, 1987.

IMPACT ON CURRENT SERVICES OR PROJECTS

The recommended actions will serve to increase passive recreational opportunities for the public and will have no impact on any other current County services or projects.

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CONCLUSION

It is requested that the Executive Officer, Board of Supervisors return duplicate conformed copies of the adopted Board letter, two certified copies of the Minute Order and four original signature copies of the attached Agreement to the Chief Administrative Office for further processing.

Respectfully submitted,

DAVID E. JANSSEN
Chief Administrative Officer

DEJ:CWW
DS:rc

Attachments (3)

c: County Counsel
Department of Parks and Recreation
Assessor
Auditor-Controller