COUNTY OF LOS ANGELES
DEPARTMENT OF PARKS AND RECREATION
"Creating Community Through People, Parks and Programs"
Russ Guiney, Director

September 19, 2006

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

Dear Supervisors:

REQUEST TO FILE A LAWSUIT TO REQUIRE PRIVATE LANDOWNERS TO VACATE PARKS AND RECREATION PROPERTY (FIFTH DISTRICT) (3-VOTES)

IT IS RECOMMENDED THAT YOUR BOARD:

1. Authorize County Counsel to file a lawsuit to require private property landowners to vacate their unauthorized encroachment on County owned park property.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

This action enables County Counsel to file a court case against private landowners who have encroached on County owned parkland. The private landowners, Oganes and Tamar K. Akhoian (collectively "the Akhoians") jointly own Assessor's Parcel Number (2610-016-009) at 16778 Knollwood Drive Granada Hills adjacent to Knollwood County Golf Course.

On September 7, 2003, the Akhoians contacted the Department requesting the removal of large pine trees on the golf course at the edge of the 6th tee box that were dropping litter on the Akhoians pool area at the back of their property. The Department authorized the removal of three trees to be removed at the Akhoians' expense. In violation of the Department's authorization the Akhoians' removed six, not three, mature pine trees.

There was also a three foot retaining wall on the golf course property located about 20 feet from the Akhoians' back property line. The Akhoians requested authorization to extend the height of the retaining wall to eight feet to make it level with the back of their property to allow landscaping to be installed at their expense to further improve the appearance of their property.

On November 18, 2004 the Department declined the Akhoians' offer due to liability issues and the close proximity to the 6th tee box. The Akhoians were also reminded to replace the improperly removed mature trees at a three to one ratio.

During 2005, the Akhoians proceeded with the extension of the retaining wall and landscaping of the property resulting in a 20 foot encroachment into the golf course. On June 21, 2005, the Department sent a letter to the Akhoians requesting the restoration of the County property. Several letters, including the most recent letter dated May 24, 2006 have been sent to the property owners requesting removal of the encroachment.

As a result of our letters, they requested a meeting with staff to discuss the restoration requirements outlined in previous letters. A meeting was held at the site on August 1, 2005 to review the current conditions and discuss a possible extension of time to complete the work. An extension was granted to complete the work by November 30, 2005. To date, the restoration of the site in compliance with County requirements has not been completed.

The landscape improvements have not been removed by the Akhoians and remain as an encroachment on the golf course property. The lawsuit is recommended to require the Akhoians to cease their unauthorized occupancy and use of County parkland and to restore the encroachment area to its pre-encroachment condition.

Implementation of Strategic Plan Goals

This action is consistent with the County Strategic Plan Goal of Service Excellence as it will enable the County to continue to maintain its property for maximum public benefit.

FISCAL IMPACT/FINANCING

There will be no impact to the County's General Fund. The cost to remove the encroachment will be at the expense of the Akhoians. If the improvements are not removed by the Akhoians, the work will be performed by the Department and those costs will be recovered from the property owners as a result of the lawsuit.

ENVIRONMENTAL IMPACT

This action is categorically exempt under the California Environmental Quality Act Guidelines according to Section 15304 Class 4 regarding the alteration of land.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Section 20.94.030 of the County Code prohibits any person or other entity to use or damage property owned by the County without its authorization. The unauthorized construction of improvements on public property is a nuisance. The encroachment also affects the aesthetic value of the public property. Finally, the unauthorized entry onto the land of another constitutes a trespass. Thus, the County can sue the Akhoians to stop the Akhoians' unauthorized entry upon and use of County property.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

If this action is not taken to vacate the encroachment, this portion of Knollwood Golf Course will not be available for public use.

CONCLUSION

This action is in the County's best interest. Upon approval, please return an adopted copy of this letter to the Department of Parks and Recreation and County Counsel.

Respectfully submitted,

John Wilder for

Russ Guiney
Director

Jxp/KnollwoodEncroachmentBL

c: Chief Administrative Office
County Assessor
County Counsel