



County of Los Angeles
CHIEF ADMINISTRATIVE OFFICE

713 KENNETH HAHN HALL OF ADMINISTRATION • LOS ANGELES, CALIFORNIA 90012
(213) 974-1101
<http://cao.co.la.ca.us>

DAVID E. JANSSEN
Chief Administrative Officer

November 3, 2004

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:

**NOTICE OF INTENTION TO PURCHASE REAL PROPERTY
UNINCORPORATED LOS ANGELES COUNTY, CALABASAS AREA, C.P. 69194
(THIRD DISTRICT) (3 VOTES)**

IT IS RECOMMENDED THAT YOUR BOARD:

1. Find that the acquisition of the above referenced property is categorically exempt from the provisions of the California Environmental Quality Act (CEQA).
2. Approve the enclosed Notice of Intention to purchase 120 acres of unimproved real property located in the unincorporated Calabasas Peak area of the Santa Monica Mountains for a purchase price of \$1,492,210.
3. Instruct the Executive Officer of the Board of Supervisors to carry out the necessary legal advertising pursuant to Government Code Sections 25350 and 6063.

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 (CAO) to execute any required documentation necessary to complete the transfer of title to the County of Los Angeles (County) and to accept the deed conveying title.
3. Authorize the Department of Parks and Recreation and the Auditor-Controller to deposit funds into an escrow account with Chicago Title Company in the amount of the purchase price.

Board of Supervisors
GLORIA MOLINA
First District

YVONNE B. BURKE
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

REVISED

4. Approve and instruct the Chairman of the Board to sign the attached Amendment No. 1 to Agreement No. 74614 with the Mountains Restoration Trust (MRT) adding this property under this property management agreement.
5. Request the Assessor to remove the subject real property from the tax roll effective upon the transfer of title.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended actions is to accomplish a transfer of title to 120 acres of unimproved real property (Assessor parcels 4455-009-002, 004, 011, and 012), located in the unincorporated Calabasas Peak area of the Santa Monica Mountains, from MRT to the County. The proposed acquisition will protect an open space area spanning between the Topanga and Cold Creek watersheds and will preserve native plant and wildlife habitat.

MRT has agreed to partner with the County to negotiate and pre-acquire the subject property for \$1,475,000 from the private owners, Tryon N. and Dolores A. Sisson. MRT, in turn, will convey title to the County, in compliance with State Habitat Conservation Fund (HCF) grant regulations, which require that title may only be held by governmental entities. As consideration for this transfer of title, the County will reimburse MRT for the above purchase price plus \$17,210 for its administrative expenses, escrow fees, title insurance and related costs.

Funding for this acquisition is provided from a combination of three State HCF grants in the aggregate amount of \$792,210, \$500,000 from Parks in Lieu fees available in Park Planning Area Number 33, and a \$200,000 grant awarded by the Mountains Recreation and Conservation Authority (MRCA) from Proposition 40 funding. As a related item on today's agenda, the Regional Park and Open Space District is recommending that your Board approve and allocate a \$500,000 grant to the proposed property acquisition from Specified Excess Funds that are available for projects within the Third Supervisorial District under the Safe Neighborhood Parks Proposition of 1996.

Since the County does not have the personnel or funding necessary to manage this property, an existing 55-year property management agreement with MRT, Agreement No. 74614, approved by your Board on September 23, 2003, providing property management and maintenance for 41.87 acres of nearby County-owned open space, will be amended to include this property.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The proposed recommendations further the Board-approved County Strategic Plan Goal 1 (Service Excellence) and Goal 6 (Community Service) by enabling the preservation of open space and sensitive plant 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 and its HCF grant program, MRT, and the County to accomplish the acquisition of this property and to provide for long-term property management at no County cost.

FISCAL IMPACT/FINANCING

The \$1,492,210 in monetary consideration to be paid to MRT is funded solely from State HCF grants (\$792,210), funding from the Parks in Lieu fees available in Park Planning Area Number 33 (\$500,000), and Proposition 40 funding granted to the County from MRCA (\$200,000) and is included in the 2004-05 Fiscal Year Capital Projects/Refurbishment Budget under C.P. No. 69194. This acquisition will not result in any one-time or ongoing operating and maintenance costs. As provided in the attached Management Agreement, MRT will assume all property management responsibility at its sole cost.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The subject property, as shown on the attached map, contains 120 acres and is traversed north and south by Calabasas Peak Motorway and is located approximately one mile east of Mulholland Highway and one-half mile north of Red Rock Road. The property is currently zoned A-1-1 and is subject to the Malibu/Santa Monica Mountains Local Coastal Plan which limits development to one single family dwelling per twenty acres.

The estimated fair market value of the property is \$2.0 million as established by an outside appraisal. The difference between the appraised fair market value and the \$1,492,210 in monetary consideration paid to MRT will be donated value. The State HCF program requires a fifty percent match from non-State sources. As such, the required match for \$792,210 in HCF grant funding for this acquisition will be more than satisfied from a combination of the above referenced donated value (\$507,790) and the \$500,000 provided from the Parks in Lieu fees available in Park Planning Area Number 33. 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 state.

The Department of Parks and Recreation has reviewed and concurs with the recommended actions. The CAO, pursuant to Government Code Section 65402, has provided notification to the Regional Planning Department of the County's intent to purchase the subject 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 investigations of surface and subsurface conditions are warranted. County Counsel has reviewed and approved as to form the attached Notice of Intention and the Amendment to Agreement No. 74614.

ENVIRONMENTAL DOCUMENTATION

This acquisition is categorically exempt from CEQA pursuant to Sections 15316 (a) and 15325 (a) of the State CEQA Guidelines and Classes 16 and 25 of the County's Environmental Document Reporting Procedures and Guidelines.

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.

CONCLUSION

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

Respectfully submitted,



DAVID E. JANSSEN
Chief Administrative Officer

DEJ:JSE
CWW:DS:mdc

Attachments (3)

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

Recording Requested by and
When Recorded Mail to:

County of Los Angeles
Executive Officer, Board of Supervisors
500 West Temple Street, Room 383
Los Angeles, CA 90012

This Document is exempt from recording fees
per Government Code Sections 6103 and 27383

**AMENDMENT NO. 1 TO AGREEMENT NO. 74614
MANAGEMENT AGREEMENT AND COVENANT
RUNNING WITH THE LAND**

This Amendment to Management Agreement and Covenant is made and entered into this _____ day of _____, 2004, by and between the County of Los Angeles, a body corporate and politic ("County") and Mountains Restoration Trust, a California nonprofit public benefit corporation ("MRT").

PREMISES:

- A. County is or is about to become the owner of certain real property in the County of Los Angeles, State of California, more fully described on Exhibit A (the "Added Property"), having acquired the Added Property by means of a grant from the Habitat Conservation Fund (Proposition 117). The Added Property consists of 120 acres, more or less, of undeveloped land in its natural state, and the County is charged with the duty of managing the Added Property and maintaining it in that natural state as a wilderness preserve.
- B. County does not have the personnel or funds necessary to provide management for the Added Property.
- C. MRT has the ability, and is willing, to provide management for the Added Property, and County desires assurances that the Added Property will be managed and operated in a manner which will not result in injury to its resource value as a natural open space.
- D. On May 25, 2004, County and MRT entered into a certain Management Agreement and Covenant Running with the Land, County Agreement No. 74614, with respect to the management, operation, and maintenance of certain properties nearby to the Added Property to be performed by MRT (the "Original Agreement") and setting forth assurances of the type desired by the County. Said Original Agreement was recorded on July 23, 2004 as Document No. 2004-0251699 of Official Records in the office of the County Recorder of Los Angeles County.
- E. The parties desire to amend the Original Agreement to extend the rights, duties, and obligations of the parties contained therein to the Added Property.

NOW THEREFORE, it is agreed as follows:

1. **ADDITION OF ADDED PROPERTY.** The Original Agreement is hereby modified to include in the description of the real property, for which MRT is named as sole and exclusive manager, the Added Property, as described in Exhibit A attached hereto. Thus, all references in the original Agreement to "Property" shall include the Added Property.
2. **INCORPORATION OF OTHER PROVISIONS.** All the rights, duties, obligations, liabilities, terms, conditions and provisions set forth in the Original Agreement shall henceforth be equally applicable to the Added Property.
3. **NO OTHER CHANGES.** Except as expressly set forth herein, the Original Agreement shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment by their authorized officials as of the day and year first above written.

COUNTY OF LOS ANGELES

MOUNTAINS RESTORATION TRUST,
a California nonprofit public
benefit corporation

By _____
Chairman of the Board
Of Supervisors

By Sty - aff _____
Stephen A. Harris
President

ATTEST:
VIOLET VARONA-LUKENS
Executive Officer of the Board
of Supervisors

By _____
Deputy

APPROVED AS TO FORM:
County Counsel

By Kathleen D. Felice _____
Deputy

NOTICE OF INTENTION TO PURCHASE REAL PROPERTY

NOTICE IS HEREBY GIVEN that it is the intention of the Board of Supervisors of the County of Los Angeles, State of California to purchase 120 acres of unimproved land located in the unincorporated Calabasas Peak area of the Santa Monica Mountains in the County of Los Angeles, State of California as legally described on the attached Exhibit "A" for the sum of ONE MILLION FOUR HUNDRED NINETY TWO THOUSAND TWO HUNDRED TEN (\$1,492,210) from the fee simple owner, the Mountains Restoration Trust, a California nonprofit public benefit corporation, excepting and reserving therefrom a Conservation Easement.

NOTICE IS HEREBY GIVEN that the purchase of real property will be consummated by the Board of Supervisors of the County of Los Angeles, State of California, on the _____ day of _____, 2004, at 9:30 a.m. in the Hearing Room of the Board of Supervisors, Room 381, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012. No obligation will arise against the County and in favor of the Seller with respect to the purchase of the property described herein until the Board of Supervisors approves the purchase on the named consummation date.

The foregoing Notice was instructed to be given on the _____ day of _____, 2004, by the Board of Supervisors of the County of Los Angeles, State of California.

VIOLET VARONA-LUKENS, Executive Officer
Clerk of the Board of Supervisors

By _____

APPROVED AS TO FORM
COUNTY COUNSEL

By Kathleen D. Felice
Senior Deputy

EXHIBIT A

File with: SISSON CALABASAS-
COLD CREEK TRAIL 1-1
A.P.N. 4455-009-002, 4455-009-004,
4455-009-011 & 4455-009-012
T.G. 589 E3
I.M. 144-077
THIRD DISTRICT
M05D157601

DESCRIPTION

Parcel NO 1-1

Part: A

The northwest quarter of the southeast quarter of Section 3, Township 1 South, Range 17 West, San Bernardino Meridian.

Part: B

The northeast quarter of the southwest quarter of Section 3, Township 1 South, Range 17 West, San Bernardino Meridian.

Part: C

The north half of the southeast quarter of the southwest quarter of Section 3, Township 1 South, Range 17 West, San Bernardino Meridian.

Part: D

The south half of the southeast quarter of the southwest quarter of Section 3, Township 1 South, Range 17 West, San Bernardino Meridian.

Parts A, B, C and D containing: 120 ± Acres.

APPROVED AS TO DESCRIPTION
Oct. 4th 2004
COUNTY OF LOS ANGELES
BY David W. Farrell
LAND SURVEYOR
Mapping & Property Management Division



EXHIBIT A

File with: SISSON CALABASAS-
COLD CREEK TRAIL 1-2IE
A.P.N. 4455-009-013, 4455-009-014,
4455-042-016, 4455-042-017
AND 4455-008-005
T.G. 589(D3)
I.M. 144-077
THIRD DISTRICT
M05D157601

DESCRIPTION

Parcel NO 1-2IE (Easement for ingress and egress purposes):

Part: A

Those portions of Section 3 and Section 4, Township 1 South, Range 17 West, S.B.M., described in deed recorded as Document No. 454, on May 17, 1974, of Official Records, in the office of the Recorder of the County of Los Angeles.

Part: B

That portion of the southeast quarter of Section 4 and the southwest quarter of Section 3, Township 1 South, Range 17 West, S.B.M. described as Parcel (1) in deed recorded as Document No. 85-527885, on May 5, 1985, of Official Records, in the office of the Recorder of the County of Los Angeles.

Part: C

That portion of the northwest quarter of the southwest quarter of Section 3, Township 1 South, Range 17 West, S.B.M. described as Parcel (2) in deed recorded as Document No. 85-527885, on May 5, 1985, of Official Records, in the office of the Recorder of the County of Los Angeles.

APPROVED AS TO DESCRIPTION
Oct. 4th 2004
COUNTY OF LOS ANGELES
BY David W. Farrell
LAND SURVEYOR
Mapping & Property Management Division

