



County of Los Angeles
CHIEF ADMINISTRATIVE OFFICE
REAL ESTATE DIVISION

222 South Hill Street, 3rd Floor • Los Angeles, California 90012
(213) 974-4300
<http://cao.co.la.ca.us>

DAVID E. JANSSEN
Chief Administrative Officer

Board of Supervisors
GLORIA MOLINA
First District

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Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
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MICHAEL D. ANTONOVICH
Fifth District

January 20, 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:

**RESOLUTION AND NOTICE OF INTENTION TO PURCHASE REAL PROPERTY
UNINCORPORATED LOS ANGELES COUNTY - COLD CREEK AREA
C.P. 69196
(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 15 acres of unimproved real property located in the unincorporated Cold Creek area of the Santa Monica Mountains for a purchase price of \$92,000.
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 of Los Angeles (County) and to accept the deed conveying title to the County.
3. Authorize the Department of Parks & Recreation (Parks) and the Auditor-Controller to deposit funds into an escrow account with Chicago Title Company for the amount of the purchase price plus an amount not to exceed \$2,000 for escrow, title insurance, and related costs.
4. Approve and instruct the Chairman of the Board to sign the attached Amendment No. 2 to Agreement No. 72551 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 fifteen acres of unimproved real property (Assessor's parcel 4455-021-041) located in the unincorporated Cold Creek area of the Santa Monica Mountains from MRT to the County. As consideration for this transfer, the County will reimburse MRT for its acquisition costs in the amount of \$92,000 from grant funds received from the State Habitat Conservation Fund Program (HCF) along with escrow fees, title insurance, and related costs not to exceed \$2,000 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 33 acres of nearby 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 Parks to submit an application for a \$300,000 grant from HCF for this

and nearby property acquisitions, which grant was awarded to the County on January 10, 2002.

In accordance with the HCF grant application to the State, MRT has agreed to partner with the County to pre-acquire the subject property by directly negotiating and purchasing it from the private owner and subsequently transferring title to the County. 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 \$92,000, and the property will be incorporated along with nearby County-owned land previously acquired with HCF grant funds into an existing Agreement with MRT, which was 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 no County cost.

FISCAL IMPACT/FINANCING

The source of the monetary consideration to be paid by the County to MRT for reimbursement of their acquisition costs and for payment of escrow, title insurance, and related costs is solely from State HCF grant funds which is budgeted in Capital Project 69196. By amending the existing Management Agreement with MRT to include this property, the County will avoid all ongoing property management and maintenance costs.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The subject property, as shown on the attached map, contains fifteen acres and is located approximately one-half mile south of Mulholland Highway and 900 feet east of the terminus of Baynes Road. It is within 500 feet to the east of 33 acres of County-owned open space

The Honorable Board of Supervisors
January 20, 2004
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under MRT's management and is bounded on all sides by undeveloped land in its natural state. The property is zoned A1-1 (agricultural), which allows development of one dwelling unit per acre.

The monetary consideration of \$92,000 being paid to MRT is substantially less than the current fair market value of \$150,000 as established by outside appraisal. The difference between the appraised fair market value and the consideration paid will be donated value to satisfy HCF grant requirements for local matching contribution from non-State sources. As a part of MRT's conveyance of title, MRT will reserve a conservation easement to ensure that the property is preserved in its natural condition in perpetuity.

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 nearby County-owned property, by amending the existing 55-year Management Agreement, Agreement No. 72551, approved by your Board in 1999.

Parks 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 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 investigation of surface and subsurface conditions are warranted. County Counsel has approved all documents in this transaction as to form.

The Honorable Board of Supervisors
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ENVIRONMENTAL DOCUMENTATION

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

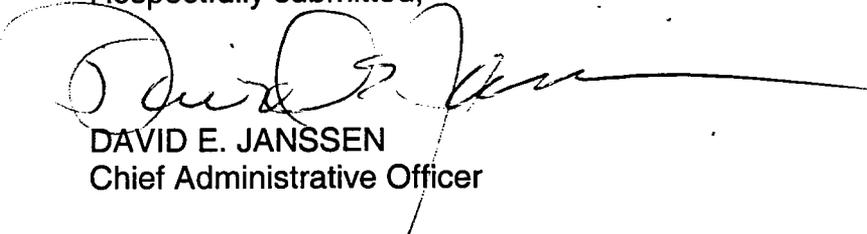
IMPACT ON CURRENT SERVICES OR PROJECTS

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 and two certified copies of the Minute Order to the Chief Administrative Office for further processing.

Respectfully submitted,



DAVID E. JANSSEN
Chief Administrative Officer

DEJ:CWW
DS:dg

Attachments (3)

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

RESOLUTION AND 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 a 15 acre unimproved parcel of land located in the unincorporated Cold Creek 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 NINETY TWO THOUSAND DOLLARS (\$92,000) 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 Resolution was adopted 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

LLOYD W. PELLMAN
County Counsel

By  _____
Deputy

EXHIBIT A

**COLD CREEK CANYON
A.P.N. 4455-021-041
T.G. 589 (C-6)
I.M. 144-077
THIRD DISTRICT**

DESCRIPTION

The West one half of the Northwest quarter of the Southeast quarter of Section 9, Township 1 South, Range 17 West, San Bernardino Base Meridian.

Excepting therefrom that portion described as follows: Beginning at the northeast corner of the west half of said northwest quarter; thence westerly along the northerly line of said northwest quarter North 89°44'50" West 662.67 feet to the northwesterly corner of said northwest quarter; thence South 0°55'01" West 328.43 feet; thence South 89°44'50" East 663.32 feet to the east line of said southeast quarter; thence northerly along said east line North 0°55'01" East 328.43 feet to the point of beginning.

Containing 15± Ac.



Description Approved

DEC 11 2003

James A. Noyes
Director of Public Works

By Marianne Jeffers
Licensed Land Surveyor

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
Government Code Sections 6103 and 27383

**AMENDMENT NO. 2 TO AGREEMENT NO. 72551
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 ("County") and Mountains Restoration Trust, a California public benefit nonprofit 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-2 (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 15 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 December 21, 1999, County and MRT entered into a certain Management Agreement and Covenant Running With The Land with respect certain properties adjacent to the Added Property (the "Original Agreement") setting forth assurances of the type desired by the County. Said Original Agreement was recorded as Document No. 2000-024325, Official Records of Los Angeles County, California and is identified as County of Los Angeles Agreement No. 72551. On June 24, 2003, County and MRT entered into Amendment No. 1 to Agreement No. 72551, extending the rights, duties and obligations of the parties under the Original Agreement to certain other additional property described therein and making certain other modifications of the terms of the Original Agreement.

E. The parties desire to further 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, as amended, 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-2 attached hereto.

2. **INCORPORATION OF OTHER PROVISIONS.** All the rights, duties, obligations, liabilities, terms, conditions and provisions set forth in the Original Agreement, as amended, shall henceforth be equally applicable to the Added Property.

3. **NO OTHER CHANGES.** Except as expressly set forth herein, the Original Agreement, as amended, 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 public benefit,
nonprofit corporation

By _____
Chairman of the Board
of Supervisors

By Stephen A. Harris
Stephen A. Harris
President

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

By _____
Deputy

APPROVED AS TO FORM:
LLOYD W. PELLMAN
County Counsel

By Lloyd W. Pellman
Deputy

STATE OF CALIFORNIA)
)
COUNTY OF LOS ANGELES) ss.

On Los Angeles, 200 , before
me, Debra Anne Ohare, Notary Public, personally appeared
Stephen A. Harris

personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[Seal]

Signature Debra Anne Ohare

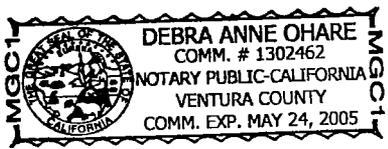


EXHIBIT A-2

**COLD CREEK CANYON
A.P.N. 4455-021-041
T.G. 589 (C-6)
I.M. 144-077
THIRD DISTRICT**

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Containing 15± Ac.



Description Approved

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