



GAIL FARBER, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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ALHAMBRA, CALIFORNIA 91803-1331
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ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

June 16, 2009

IN REPLY PLEASE
REFER TO FILE: **MP-6**

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:

**SANTA MONICA CANYON CHANNEL - PARCEL 64.1
GRANT OF EASEMENT
FROM THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT
TO NINA BYERS, ET AL.
IN THE CITY OF LOS ANGELES
(SUPERVISORIAL DISTRICT 3)
(3 VOTES)**

SUBJECT

This action is to approve a grant of easement from the Los Angeles County Flood Control District to Nina Byers, et al., for vehicular and pedestrian bridge purposes over and across Santa Monica Canyon Channel in the City of Los Angeles.

**IT IS RECOMMENDED THAT YOUR BOARD ACTING AS THE GOVERNING BODY
OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:**

1. Find this transaction categorically exempt from the provisions of the California Environmental Quality Act.
2. Find that the grant of easement for ingress and egress purposes and the subsequent use of said easement will not interfere with the use of Santa Monica Canyon Channel for any purpose of the Los Angeles County Flood Control District.
3. Approve the grant of easement for vehicular and pedestrian bridge purposes from the Los Angeles County Flood Control District to

Nina Byers, as sole Trustee of the Milhaupt/Byers Family Survivor's Trust, dated July 25, 1987, as to be an undivided 50 percent interest and Nina Byers and Patricia A. Stratton, as Co-Trustees of the Milhaupt/Byers Family By-Pass Trust, dated July 25, 1987, as to an undivided 50 percent interest over and across a portion of Santa Monica Canyon Channel, Parcel 64.1 in the City of Los Angeles, for \$7,100.

4. Instruct the Chairman to sign the Easement and authorize delivery to Nina Byers.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended action is to obtain your Board's approval to grant an easement for vehicular and pedestrian bridge purposes over and across Santa Monica Canyon Channel, Parcel 64.1 in the City of Los Angeles, from the Los Angeles County Flood Control District (LACFCD) to Nina Byers, et al. The easement will provide the necessary legal access to residential property owned by Ms. Byers, et al.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provision of Operational Effectiveness (Goal 1). The revenue from this transaction will help promote fiscal sustainability for the operation and maintenance of flood control facilities.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

The cost of the easement in the amount of \$7,100 represents the fair market value. This amount has been paid and deposited into the Flood Control District Fund.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Santa Monica Canyon Channel, Parcel 64.1, is located adjacent to 521 East Channel Road in the City of Los Angeles, as shown on the attached map. Ms. Byers requested this easement to provide the necessary legal access to her property. Due to pending litigation involving Ms. Byers and her adjacent neighbor, Ms. Byers will likely be forced to relinquish her existing easement for ingress and egress across the neighbor's property, which provides the only legal and physical access to Ms. Byers' property. That pending litigation has caused Ms. Byers to seek and acquire an alternative access from the LACFCD, in the form of an easement exclusive to her residential lot.

The grant of easement is authorized by Section 2, Paragraph 13 of the Los Angeles County Flood Control Act. This section provides as follows: "Said Los Angeles County Flood Control District is hereby declared to be a body corporate and politic, and as such shall have power...13. To lease, sell, or dispose of any property (or any interest therein) whenever in the judgment of said Board of Supervisors, said property, or any interest therein or part thereof, is no longer required for the purposes of said district..."

The easement is not considered adverse to the LACFCD's purposes and will not hinder the use of the flood control channel for possible transportation, utility, or recreational corridors. Moreover, the Easement document will reserve paramount rights for LACFCD purposes.

The attached Easement document has been approved by County Counsel and will be recorded.

ENVIRONMENTAL DOCUMENTATION

The project is categorically exempt from the California Environmental Quality Act (CEQA).

The project is within the class of projects which consists of minor alterations of land use limitations, which does not result in any changes in land use and has been determined not to have a significant effect on the environment in that it meets the criteria specified in Section 15303 of the State CEQA Guidelines and Class 3 of the County Environmental Document Reporting Procedures and Guidelines, Appendix G.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

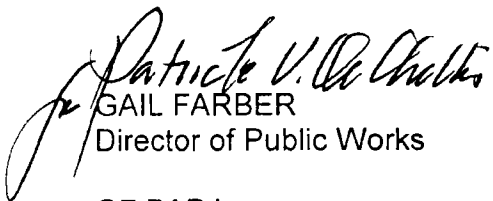
This action allows for the joint use of the LACFCD's right of way without interfering with the primary mission of the LACFCD.

The Honorable Board of Supervisors
June 16, 2009
Page 4

CONCLUSION

Please return one adopted copy of this letter and the executed Easement document to the Department of Public Works, Mapping & Property Management Division. Retain the duplicate for your files.

Respectfully submitted,


GAIL FARBER
Director of Public Works

GF:PAP:hp

Attachments (2)

c: Auditor-Controller (Accounting Division - Asset Management)
Chief Executive Office (Lari Sheehan)
County Counsel
Executive Office

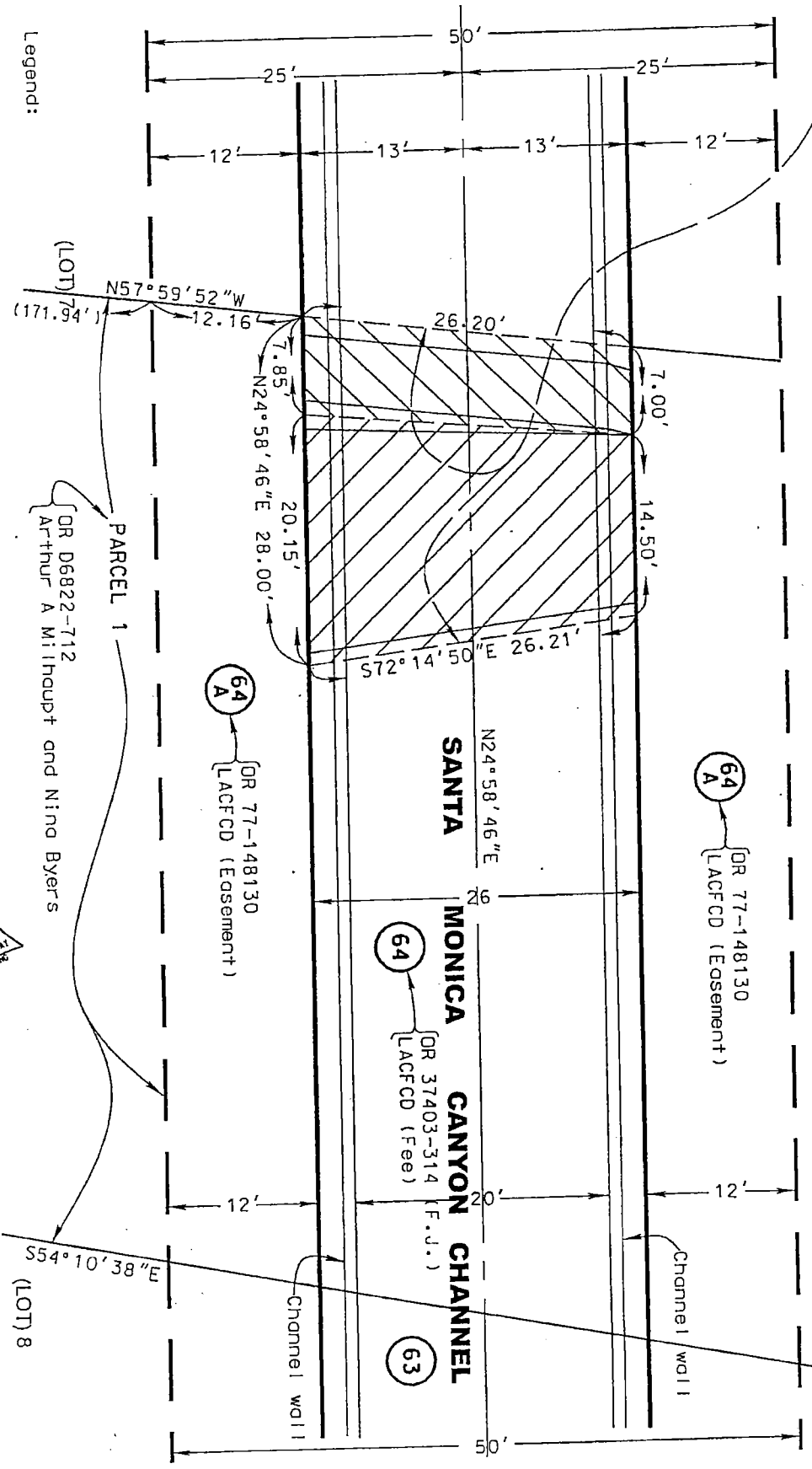
{ OR (Proposed)
Nino Byers
Ease.-Pedestrian & vehicular
bridge purposes
Area=644±S.F.. }

RANCHO BOGA DE SANTA MONICA
P.3 - 12 & 13

ALLOTMENT NO. 1 TO PASCUAL MARQUEZ
D.C.C. NO. 2405 C.F. 72
SCC 33646 OR 4879-136

EAST CHANNEL ROAD

EXHIBIT B



Legend:

- Scaled distance
- Ease. for vehicular bridge (A=451±s.f.)
- Ease. for Microstation)
- Ease. for existing pedestrian bridge (A=193±s.f.)
- Ease. for existing pedestrian bridge (A=193±s.f.)



Not To Scale

SANTA MONICA CANYON CHANNEL
REFERENCE: 45-RW 3.1

DUPLICATE

RECORDING REQUESTED BY
AND MAIL TO:

Ms. Nina Byers
521 East Channel Road
Los Angeles, CA 90402

Space Above This Line Reserved for Recorder's Use

DOCUMENTARY TRANSFER TAX IS \$8.25
(X) COMPUTED ON FULL VALUE OF PROPERTY CONVEYED, OR
() COMPUTED ON FULL VALUE LESS VALUE OF LIENS AND
ENCUMBRANCES REMAINING AT TIME OF SALE
SUBJECT TO CITY OF LOS ANGELES DTT (CODE 44) \$33.75
LOS ANGELES COUNTY FLOOD CONTROL DISTRICT

Assessor's Identification Number:
4410-025-906 (Portion)

BY _____
DEPUTY COUNTY CLERK

EASEMENT

For a valuable consideration, receipt of which is hereby acknowledged, the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, a body corporate and politic (hereinafter referred to as DISTRICT), does hereby grant to the NINA BYERS, as sole Trustee of the Milhaupt/Byers Family Survivor's Trust dated July 25, 1987 as to an undivided fifty percent (50%) interest; and NINA BYERS and PATRICIA A. STRATTON, as Co-Trustees of the Milhaupt/Byers Family By-Pass Trust dated July 25, 1987 as to an undivided fifty percent (50%) interest, as tenants in common (hereinafter referred to as GRANTEES), an easement for pedestrian and vehicular bridge purposes in, on, over, and across the real property in the City of Los Angeles, County of Los Angeles, State of California, described in Exhibit A and shown on and delineated on Exhibit B, both attached hereto and by this reference made a part hereof.

Subject to all matters of record and to the following reservation and conditions, which GRANTEES by the acceptance of this Easement and/or the exercise of any of the rights granted herein, agree to keep and perform, viz:

1. DISTRICT reserves the paramount right to use said land for flood control purposes.
2. GRANTEES agree to not perform or arrange for the performance of any construction or reconstruction work in, on, over, and across the land herein described until the plans and specifications for such construction or reconstruction work shall have first been submitted to and been approved in writing by the Chief Engineer of DISTRICT. Such approval by DISTRICT shall not be interpreted or inferred as an endorsement or approval as to the design, accuracy, correctness, or authenticity of the information shown on the submitted plans and specifications. Furthermore, such approval cannot be relied upon for any other purpose or by any third party for any reason whatsoever. DISTRICT does not accept ownership or responsibility for any improvements constructed by GRANTEES.

File with: SANTA MONICA CANYON CHANNEL 64 45-RW 3.1 S.D. 3 M0923001
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3. GRANTEES agree to indemnify and save harmless DISTRICT, its officers, agents, and/or employees, from any and all liability, loss, or damage to which DISTRICT, its officers, agents, and employees may be subjected as the result of any act or omission by GRANTEES, their agents, or employees, arising out of the exercise by GRANTEES, their agents, or employees of any of the rights granted to them by this instrument.
4. It is expressly understood that DISTRICT will not be called upon to construct, repair, maintain, or reconstruct any structure or improvement to be erected or constructed pursuant to this Easement document.
5. The provisions and agreements contained in this Easement document shall be binding upon GRANTEES, their heirs, successors, and assigns.

To the extent any lawful assessment be levied pertaining to the area to which this easement applies and to the extent that the assessment is based on the structures and improvements being constructed under the authority of this easement and provided further that the assessment be levied following GRANTEES' exercise of these easement rights to construct such structures and improvements, GRANTEES agree to pay on behalf of DISTRICT that part of any such assessment levied against DISTRICT, which is based on the value contributed to that area by GRANTEES' said improvements.

Dated _____

LOS ANGELES COUNTY FLOOD CONTROL DISTRICT,
a body corporate and politic

By _____
Chairman, Board of Supervisors of the
Los Angeles County Flood Control District

(LACFCD-SEAL)

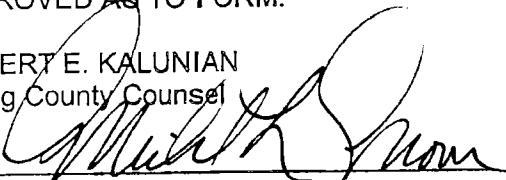
ATTEST:

SACHI A. HAMAI, Executive Officer
of the Board of Supervisors
of the County of Los Angeles

By _____
Deputy

APPROVED AS TO FORM:

ROBERT E. KALUNIAN
Acting County Counsel

By  _____
Deputy

NOTE: Acknowledgment form on reverse side.

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

On January 6, 1987, the Board of Supervisors for the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies, and authorities for which said Board so acts adopted a resolution pursuant to Section 25103 of the Government Code that authorized the use of facsimile signatures of the Chairman of the Board on all papers, documents, or instruments requiring the Chairman's signature.

The undersigned hereby certifies that on this ____ day of _____, 20____, the facsimile signature of _____, Chairman of the Board of Supervisors of the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT, was affixed hereto as the official execution of this document. The undersigned further certifies that on this date a copy of the document was delivered to the Chairman of the Board of Supervisors of the LOS ANGELES COUNTY FLOOD CONTROL DISTRICT.

In witness whereof, I have also hereunto set my hand and affixed my official seal the day and year above written.

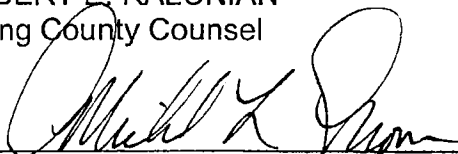
SACHI A. HAMAI, Executive Officer
of the Board of Supervisors
of the County of Los Angeles

By _____
Deputy

(LACFCD-SEAL)

APPROVED AS TO FORM

ROBERT E. KALUNIAN
Acting County Counsel

By  _____
Deputy

APPROVED as to title and execution, _____, 20____.
DEPARTMENT OF PUBLIC WORKS Mapping & Property Management Division
Supervising Title Examiner
By _____

EXHIBIT A

Filed with: **SANTA MONICA CANYON CHANNEL 64**
45-RW 3.1
A.P.N. 4410-025-906 (Portion)
T.G. 631(C7)
I.M. 114-117
S.D. 3
M0923001

LEGAL DESCRIPTION

(Grant of easement for pedestrian and vehicular bridge purposes)

That portion of that certain 50-foot wide strip of land in Lot 7, as shown on map of partition of a portion of Allotment No. 1 to Pascual Marquez, as entered in the partition of the Rancho Boca de Santa Monica, District Court Case No. 2405, City of Santa Monica, described as PARCEL 64 (Amended) in a Final Judgment, had in Superior Court Case No. 573971, a certified copy of which is recorded in Book 37403, page 314, of Official Records, in the office of the Registrar-Recorder/County Clerk of the County of Los Angeles, within the following described boundaries:

Beginning at the intersection of the southeasterly prolongation of that certain course having a distance of 171.94 feet in the northeasterly boundary of that certain parcel of land described as PARCEL 1 in deed to ARTHUR A. MILHAUPT AND NINA BYERS, recorded in Book D6822, page 712, of said Official Records, with a line parallel with and 13.00 feet northwesterly, measured at right angles, from the center line of said 50-foot wide strip of land; thence continuing South 57°59'52" East along said southeasterly prolongation, a distance of 26.20 feet to a line parallel with and 13.00 feet southeasterly, measured at right angles, from said center line; thence South 24°58'46" West along said last mentioned parallel line, a distance of 21.50 feet; thence North 72°14'50" West 26.21 feet to said first mentioned parallel line; thence North 24°58'46" East along said first mentioned parallel line, a distance of 28.00 feet to the point of beginning.

Containing: 644 ± square feet

This real property description has been prepared in conformance with the Professional Land Surveyors Act. The signatory herein is exempt pursuant to Section 8726 of the California Business and Professions Code.

APPROVED AS TO DESCRIPTION

COUNTY OF LOS ANGELES

By _____

SUPERVISING CADASTRAL ENGINEER III
Mapping and Property Management Division