

REPORT OF GENERAL MANAGER

NO. 05-100

DATE April 20, 2005

C.D. 11

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: QUITCLAIM OF CITY'S INTERESTS AT 2669 MANDEVILLE CANYON ROAD

* K. Chan	<u>kc</u>	J. Kolb	_____
J. Combs	_____	F. Mok	_____
H. Fujita	_____	K. Regan	_____
B. Jensen	_____		


_____ General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATION:

That the Board:

1. Adopt the draft resolution, substantially in the form on file in the Board Office, authorizing the granting of a quitclaim deed associated with property at 2669 Mandeville Canyon Road;
2. Approve the proposed quitclaim deed, substantially in the form on file in the Board Office, granting certain rights associated with property at 2669 Mandeville Canyon Road; and,
3. Direct the Board Secretary to transmit the proposed quitclaim deed to the Mayor and City Attorney for review and approval, and subsequently request that the City Attorney prepare the required ordinance and forward the documents to the City Council for consideration of the ordinance, and, upon approval of the ordinance, execution of the quitclaim deed by the Mayor.

SUMMARY:

On December 13, 2000, the Board approved Report No. 00-484, which authorized the acquisition of approximately 140 acres of undeveloped land within the Santa Monica Mountains near Brentwood for the site of Mandeville Canyon Park. In December 2000, a grant deed for the property acquisition was executed by H. F. Boeckmann and accepted by the City; the grant deed was recorded/filed with the Los Angeles County Recorder's Office on January 2, 2001.

REPORT OF GENERAL MANAGER

PG. 2

NO. 05-100

In addition to the 140 acres of land (Boeckmann Property), the City acquired certain other property interests held by H. F. Boeckmann (Boeckmann) for the benefit of a residential development (Boeckmann Subdivision) that had been proposed by Boeckmann. The Boeckmann Subdivision was planned for the Boeckmann Property northwest of a single family residential property located at 2669 Mandeville Canyon Road (Jerde Property) owned by Jon Jerde (Jerde). The plans for the Boeckmann Subdivision terminated with the transfer of the Boeckmann Property to the City.

Two property interests included in the 140 acres acquired by the City are: (a) an access easement (Jerde Easement) for road, slope, utilities, sewer, and drainage purposes over a portion of the Jerde Property that was granted for the sole benefit of the Boeckmann Subdivision; and (b) a 12 foot wide strip of land (Jerde Strip) fronting the Jerde Property that Boeckmann held for the sole purpose of fulfilling potential City street-widening requirements related to accessing the Boeckmann Subdivision from Mandeville Canyon Road.

The Jerde Easement and Jerde Strip were the subject of disputes and lawsuits between Boeckmann and Jerde. The disputes culminated in a Memorandum Agreement dated September 7, 1990, (Agreement) between Boeckmann and Jerde, which specified the rights and obligations of the parties concerning the Boeckmann Subdivision, the Jerde Easement, and Jerde Strip.

The terms of the Agreement clearly specify that the Jerde Easement and the Jerde Strip were to be utilized solely to serve the Boeckmann Subdivision. The agreement provides that, if the Jerde Easement is not required for the Boeckmann Subdivision, Boeckmann must quitclaim the Jerde Easement to Jerde. Similarly, the Agreement provides that Boeckmann will quitclaim to Jerde, at no cost, Boeckmann's interest in the Jerde Strip in the event its dedication for street-widening purposes is not required for the Boeckmann Subdivision.

Although attempts were made by Jerde to obtain quitclaims of the Jerde Easement and Jerde Strip from Boeckmann prior to the City's acquisition of the Boeckmann Property, in order to avoid delaying the transfer of the Boeckmann Property to the City, the quitclaim transactions were not completed prior to closing escrow. Jerde has requested that the quitclaim transactions be concluded.

The City Attorney has opined that the City is bound by the terms of the Agreement as a successor in interest to Boeckmann and, in accordance with established easement and contract law, the City is required to comply with the terms of the Agreement and quitclaim the Jerde Easement to Jerde. Similarly, the City is a successor in interest to Boeckmann's rights related to the Jerde Strip. The Agreement provides that any portion of the Jerde Strip not needed for the Boeckmann Subdivision shall be quitclaimed to Jerde, at no cost to Jerde.

REPORT OF GENERAL MANAGER

PG. 3

NO. 05-100

The restrictions on the transfer of dedicated park property set forth in City Charter Section 594 do not apply to the quitclaims of the Jerde Easement and Jerde Strip as the City's rights and obligations to the Jerde Easement and Jerde Strip are set forth in the Agreement. The City Attorney has advised staff that both the Jerde Easement and Jerde Strip may legally be quitclaimed to Jerde, and that the City would never be able to use the property interests for any legal purpose. As a government agency, the City will not be charged a fee to record/file the quitclaim deed with the Los Angeles County Recorder's Office.

Department staff has determined that the subject action is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Article III, Section 1, Class 5 (4) and (22) of the City CEQA Guidelines (and corresponding State CEQA Guidelines Section 15305) as a conveyance of a minor easement including a street, alley, or walkway easement, and as a release of agreements on property involving lot ties, public easements, dedications, and submittal of plans, respectively.

Staffs from Operations West and Council District 11 have been consulted and concur with this report's recommendations.

Report prepared by Drew Tolliffe, Real Estate and Asset Management.