State of California—The Resources Agency

SANTA MONICA MOUNTAINS CONSERVANCY
Los Angeles River Center & Gardens
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Memorandum

To : The Conservancy
The Advisory Committee

Date: August 22, 2005

From : Joseph T. Edmiston, FAICP, Executive Director

Subject: **Agenda Item 9(b): Consideration of resolution authorizing the quitclaim of certain encroachment parcels to correct deed recorded December 29, 2000 as 00-2035153 to Vista Pacifica Homes, LLC., Baldwin Hills, and correction of transfer of Control and Possession of State Owned Real property recorded December 29, 2000 as 00-2035154 by Transfer of Jurisdiction or other document.**

Staff Recommendation: That the Conservancy quitclaim the encroachment parcels to correct the legal descriptions to the above described documents.

Legislative Authority: Section 33211 of the Public Resources Code provides in relevant part that the Conservancy may do any and all things necessary to carry out the purposes of the Conservancy Act.

Background: The Conservancy acquired the Vista Pacific property in December of 2000 and transferred jurisdiction of same to the Department of Parks and Recreation (DPR). The developer/grantor Vista Pacifica Homes, LLC. had disclosed the existence of six encroachments unto the property. These parcels were carved out of the area to be developed and Vista Pacifica intended to convey the parcels to the applicable property owners at the time the final map was recorded. When Vista Pacifica, instead, sold the property to the Conservancy it was agreed that Vista Pacifica would reserve the encroachment parcels from the legal description. A legal description was drafted to effect the reservations. Instructions were given to the title company to attach the legal description that reserved the encroachment parcels to the grant deed conveying title to the Conservancy, but the title company failed to follow this instruction. The error was discovered by DPR during a survey of the property.