



## REPORT TO CITY COUNCIL

**DATE:** APRIL 25, 2018

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM:** GREG RAMIREZ, CITY MANAGER 

**BY:** NATHAN HAMBURGER, ASSISTANT CITY MANAGER 

**SUBJECT:** REQUEST TO APPROVE RESOLUTION NO. 18-1864; GRANTING APPROVAL TO MOUNTAINS RECREATION & CONSERVATION AUTHORITY TO EXERCISE THE RIGHT OF EMINENT DOMAIN TO ACQUIRE REAL PROPERTY KNOWN AS LOS ANGELES TAX ASSESSOR'S PARCEL NUMBER 2064-006-001

---

The City received a written request from the Mountains Recreation & Conservation Authority (Attachment 1) seeking authorization to initiate the eminent domain process on a parcel of land that has been identified as necessary for the completion of the Liberty Canyon wildlife crossing over the U.S. 101 freeway in Agoura Hills.

The property is located at the intersection of Agoura Road and Vendell Place and is further identified as Los Angeles Tax Assessor Parcel Number 2064-006-001, as displayed in the attached exhibits. The property is approximately 11,900 square feet (less than 1/3 of an acre) according to tax assessor records. The property has been identified by MRCA as an important component to ensure that the proposed Liberty Canyon wildlife crossing can be constructed. Pursuant to Public Resources Code Section 5786.5, an entity that was formed with the power to acquire personal property by eminent domain, within the boundaries of the district, shall comply with the Eminent Domain Law under Title 7 of Part 3 of the Code of Civil Procedure, and its continues under subsection (c), that the district obtain approval from the incorporated city in which the land resides. Thus, MRCA is now making this formal request for the authority to initiate the eminent domain process.

Staff has reviewed the specific parcel, which is zoned Business Park – Office Retail (BP-OR), but currently would be a non-confirming lot due to its limited size and being adjacent to land owned by Santa Monica Mountains Conservancy and MRCA that is planned to be used for the proposed wildlife overcrossing. Based on this, and coupled with the fact that there is lack of public necessity by the City related to this particular property, staff does not see anything that would preclude the City Council from approving the MRCA request. Due to the fact that the City has worked collaboratively with the various agencies involved in the design of the proposed Liberty Canyon wildlife crossing, this offers the City Council an additional opportunity to support these efforts, while Caltrans works towards the completion of the overcrossing design and environmental review.

The City would not be obligated to handle any further tasks related to the transaction between the property owner and MRCA. Although the property owner appears to be open to working with the MRCA, for several reasons, a normal buyer/seller transaction does not appear to be possible.

Additionally, MRCA, as the agency requesting to initiate the eminent domain process, is responsible to notify the property owner no less than 20 days prior to the date in which the City Council acts on this request. MRCA has provided the City with this notification to ensure compliance with Public Resources Code Section 5786.5(c).

## **RECOMMENDATION**

It is recommended the City Council approve Resolution No. 18-1864; granting approval to Mountains Recreation & Conservation Authority to exercise the right of eminent domain to acquire real property known as Assessor Parcel's Number 2064-006-001.

Attachments: (1) Resolution No. 18-1864  
(2) Request letter from MRCA  
(3) Aerial photo  
(4) Los Angeles County Tax Assessor's Parcel map

**RESOLUTION NO. 18-1864**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, GRANTING APPROVAL TO MOUNTAINS RECREATION & CONSERVATION AUTHORITY TO EXERCISE THE RIGHT OF EMINENT DOMAIN TO ACQUIRE REAL PROPERTY KNOWN AS LOS ANGELES TAX ASSESSOR'S PARCEL NUMBER 2064-006-001**

WHEREAS, pursuant to Public Resources Code Section 5786.5 the Mountains Recreation and Conservancy Authority (MRCA) requested the City Council provide the MRCA Board authority to acquire real property through the exercise of eminent domain; and,

WHEREAS, MRCA was formed with the power to acquire personal property by eminent domain within its boundaries and is required to follow the Eminent Domain Law under Title 7 of Part 3 of the Code of Civil Procedure; and

WHEREAS, the property identified as Assessor's Parcel Number 2064-006-001 ("Property"), located within the incorporated boundaries of the City of Agoura Hills as well as the boundaries of MRCA and is sought to be acquired by the MRCA Board for the proposed Liberty Canyon wildlife crossing over the U.S. 101 freeway; and,

WHEREAS, MRCA and the Property owner are not able to record the sale of this land through a standard real estate transaction; and

WHEREAS, the City does not have an identified public necessity for the Property; and,

WHEREAS, the City has been active and collaborative stakeholder in the design and environmental review phase of the Liberty Canyon wildlife crossing; and

WHEREAS, Public Resources Code Section 5786.5(c) requires the MRCA Board notify the property owner at least 20 days before any date, which the City Council intends to act on such request; and

WHEREAS, the MRCA Board has properly provided the notification to the identified Property owner.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Agoura Hills as follows:

The City hereby authorizes the MRCA Board to exercise eminent domain proceedings in accordance with all California Code(s) to acquire the Property for use in constructing the Liberty Canyon wildlife crossing.

**PASSED, APPROVED, AND ADOPTED** this 25<sup>th</sup> day of April 2018, by the following vote to wit:

AYES:        ()  
NOES:        ()  
ABSTAIN:    ()  
ABSENT:     ()

---

William Koehler, Mayor

ATTEST:

---

Kimberly M. Rodrigues, MMC, City Clerk



**MOUNTAINS RECREATION & CONSERVATION AUTHORITY**  
Los Angeles River Center & Gardens  
570 West Avenue Twenty-Six, Suite 100  
Los Angeles, California 90065  
Phone (323) 221-9944 Fax (323) 221-9934

March 23, 2018

Greg Ramirez, City Manager  
City of Agoura Hills  
30001 Ladyface Court  
Agoura Hills, CA 91301

Via USPS and Electronic Mail:  
[gramirez@ci.agoura-hills.ca.us](mailto:gramirez@ci.agoura-hills.ca.us)

### **Request Pursuant to Public Resources Code Section 5786.5(c)**

Dear Mr. Ramirez,

As you know, the Mountains Recreation and Conservation Authority (MRCA) is working with a coalition of local and state agencies to construct the Liberty Canyon wildlife crossing ("Crossing") over the 101 freeway located in the City of Agoura Hills ("City"). While the MRCA owns and operates properties on either side of the freeway at this location, we have identified a small inholding of privately owned property (the "Property") directly adjacent to MRCA land that we believe is of importance to the construction of the Crossing. The Property is located at Agoura Road and Vendell Place, and is further identified as Los Angeles Tax Assessor's Parcel Number 2064-006-001. (See attached assessor's map.)

The MRCA has had discussions with the purported owner of the Property, Keith Morrison, who claims he inherited from his deceased mother. Mr. Morrison is a willing seller and has indicated his desire to transfer the Property to the MRCA as soon as possible. Unfortunately, Mr. Morrison's mother is still listed as the record owner of the property and Mr. Morrison has been unable to locate the documents necessary to clear up these issues of title.

In an attempt to successfully acquire the Property with clear title and Mr. Morrison's consent, the MRCA has begun the process to acquire the property through eminent domain. Pursuant to Public Resource Code Section 5786.5(c), before the MRCA can formally exercise its powers of eminent domain, we must first obtain the approval of the Agoura Hills City Council.<sup>1</sup> As such, the MRCA hereby formally requests the approval of the City Council to initiate this action.

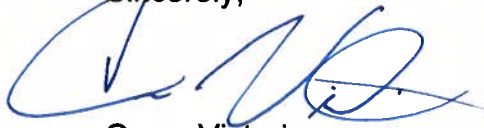
<sup>1</sup> Section 5786.5(c) reads, in part, "before a district may exercise the power of eminent domain, it shall first obtain the approval of the city council if the property is located in incorporated territory..."

City of Agoura Hills  
March 23, 2018  
Page 2

Under the relevant statute, the MRCA must also provide the owner of the Property no less than 20 days notice of the date on which the City Council will act on this request. We would greatly appreciate the City's consideration of this request at your earliest convenience.

If you have any questions regarding this request, please feel free to contact me directly at (323) 221-9944 ext. 142 or via email at [oscar.victoria@mrca.ca.gov](mailto:oscar.victoria@mrca.ca.gov).



Sincerely,

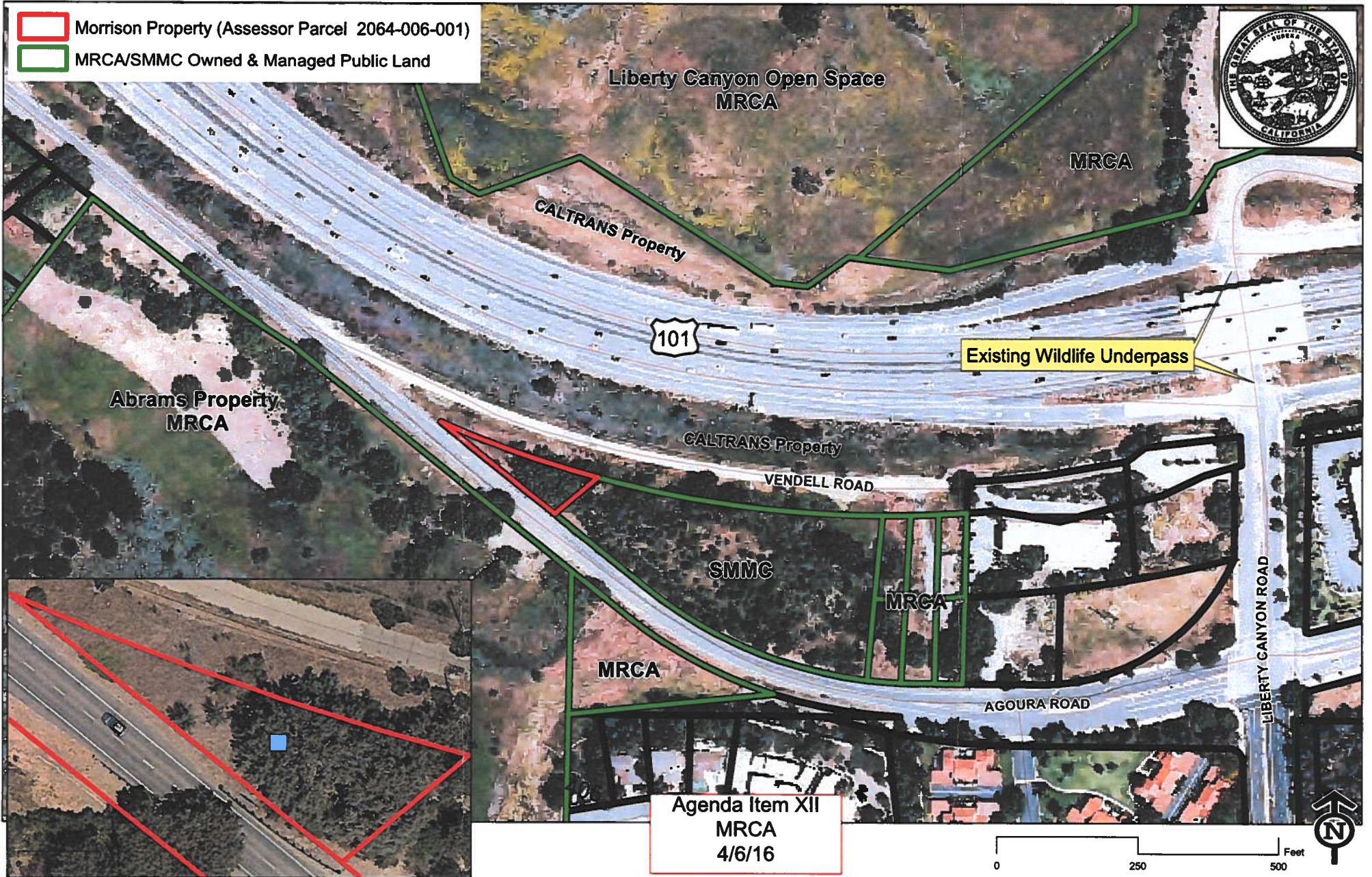


Oscar Victoria  
Staff Counsel

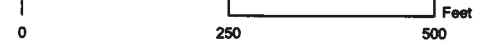
CITY OF AGOURA HILLS  
2018 MAR 26 PM 1:41  
CITY CLERK



-  Morrison Property (Assessor Parcel 2064-006-001)
-  MRCA/SMMC Owned & Managed Public Land



Agenda Item XII  
MRCA  
4/6/16





2064	6 SHEET	P. A. 2063-6 & 7 2064-5	TRA 4920 11463 18408 1755 8853 11484 4915 10195 11482	REVISED 831201802-84 88021303003001	88010802007002 800228 830301	830519 950207 86101604004001-02	1999010810002001-02 1999101402002006-02 2002082806012001-02	2015021802-24 20150311 2016110802023001-02	2016110802024004-02,23 2018022221002004-02,23	SEARCH NO	OFFICE OF THE ASSESSOR COUNTY OF LOS ANGELES COPYRIGHT © 2002
------	------------	-------------------------------	---	---	------------------------------------	---------------------------------------	---	--	--	-----------	---

2018

PARTITION OF THE RO  
LAS VIRGENES  
SCC 2898  
CF 138

BK  
2052

RTE 101  
F M 12022-1

FRWY

VENTURA

VENDELL 11464

AGOURA

MAPPING AND GIS  
SERVICES  
SCALE 1" = 100'

POR PABLO REYES POR  
724.14 AC ALLOT  
11900±SF

11463

USE LINE OF  
RO LAS VIRGENES

POR SEC 25 (FRAC)  
T1N, R18W

PL

PM 395

CONSERVATION 23

25

3 POR  
STATE  
900  
2.84±AC

TRACT NO 8871

300

28260±SF  
1730±<sup>2</sup> CONS  
860±SF

3 POR  
32  
41890±SF  
6500±<sup>2</sup> CONS  
36290±SF

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

BK  
2063

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

TRACT NO 11161

POR SW 1/4 SEC 25  
T1N R18W

DETAIL  
NO SCALE

DATE PRINTED: 3/5/2018 10:08:46 AM  
DATE SAVED: 3/5/2018 10:08:29 AM