

REPORT TO CITY COUNCIL

DATE: SEPTEMBER 22, 2021

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: NATHAN HAMBURGER, CITY MANAGER

BY: KELLY FISHER, ACTING DIRECTOR OF PUBLIC WORKS

SUBJECT: ADOPTION OF RESOLUTION NO. 21-1987; DECLARING THAT CERTAIN PROPERTY LOCATED ON THE REMAINING WESTERLY PORTION OF VENDELL PLACE, NORTH OF AGOURA ROAD, IS EXEMPT SURPLUS LAND; AND APPROVE A QUITCLAIM DEED TRANSFERRING PROPERTY TO THE MOUNTAINS RECREATION AND CONSERVATION AUTHORITY

On June 24, 2020, the City Council approved Resolution No. 20-1943, vacating the remaining westerly portion of Vendell Place, north of Agoura Road. The land was originally right-of-way acquired by the State of California in conjunction with the U.S. 101 Freeway for fee ownership. After construction was completed, the State transferred the excess right-of-way to the County of Los Angeles, which was eventually inherited by the City upon incorporation. This portion of Vendell Place had not been used for years and was determined not to be an essential part of the transportation network within the City.

In January 2021, the Mountains Recreation and Conservation Authority (MRCA), which owns the parcels adjacent to the vacated Vendell Place right-of-way (Property), contacted staff inquiring if the City would consider transferring the Property to the MRCA.

On January 27, 2021, the MRCA submitted a Statement of Purpose Memorandum to the City confirming the Property would be used for the wildlife corridor and/or other public purposes in perpetuity.

Pursuant to the Surplus Land Act (Act), transferring public property requires the City Council to declare the Property as exempt surplus land. Per Government Code Sections 54221(f)(D) and (E) of the Act, exempt surplus land is defined as land, former street, right-of-way, or easement, which can be conveyed to an owner of an adjacent property and/or to another local, state, or federal agency for their use.

Based on the fact the Property is not planned to be used for future City operations, staff is recommending that the City Council adopt the attached resolution declaring the Property as exempt surplus land. In addition, staff recommends the City Council approve the attached Quitclaim Deed which transfers the Property to the MRCA, and relinquishes the City's interest in the surplus land.

It should be noted, if approved, a certified copy of the Resolution with the City's Council's determination that the Property is exempt surplus land, must to be submitted to the California Department of Housing and Community Development for its review at least thirty (30) days prior to execution of the Quitclaim Deed.

The proposed Resolution and Quitclaim Deed have been reviewed by the City Attorney and approved as to form.

RECOMMENDATION

Staff respectfully recommends the City Council:

1. Adopt Resolution No. 21-1987; declaring that certain property located on the remaining westerly portion of Vendell Place, north of Agoura Road, is exempt surplus land; and
2. Authorize the Mayor Pro Tem to sign the Quitclaim Deed on behalf of the City; and
3. Authorize the City Clerk to forward a certified copy of the Resolution to the California Department of Housing and Community Development; and
4. Authorize the City Clerk to forward the executed deed to the Los Angeles County Recorder's Office for recording.

Attachments: Resolution No. 21-1987
Quitclaim Deed
MRCA Statement of Purpose Memorandum

RESOLUTION NO. 21-1987

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, DECLARING THAT CERTAIN PROPERTY LOCATED ON THE REMAINING WESTERLY PORTION OF VENDELL PLACE, NORTH OF AGOURA ROAD, IN THE CITY OF AGOURA HILLS IS EXEMPT SURPLUS LAND, AND TAKING RELATED ACTIONS

WHEREAS, the City of Agoura Hills owns certain property located on the remaining westerly portion of Vendell Place, North of Agoura Road in the City of Agoura Hills, which is described on Exhibit "A" and depicted on Exhibit "B", attached hereto and incorporated herein by reference (the "Property"); and

WHEREAS, the City must comply with Government Code Sections 54220-54234 (the "Surplus Land Act") prior to taking any action to dispose of the Property; and

WHEREAS, the Surplus Land Act shall not apply to the disposition of the Property if the Property is exempt surplus land, as defined in Government Code Section 54221(f)(1); and

WHEREAS, pursuant to the Surplus Land Act, the City Council must take formal action in a regular public meeting to declare that the Property is exempt surplus land, as supported by written findings; and

WHEREAS, Government Code Section 54221(f)(1)(D) defines exempt surplus land to include land that a local agency is transferring to another local, state, or federal agency for the agency's use; and

WHEREAS, Government Code Section 54221(f)(1)(E) also defines exempt surplus land to include land that is a former street, right-of-way, or easement, and is conveyed to an owner of an adjacent property; and

WHEREAS, the Property will be transferred to the Mountains Recreation and Conservation Authority ("MRCA"), a California joint powers authority for MRCA's use towards the wildlife corridor, and on that basis the City Council desires to declare the Property exempt surplus land pursuant to Government Code Section 54221(f)(1)(D); and

WHEREAS, the City also proposes to transfer the Property, which is former right-of-way, to MRCA, who is the owner of land which is adjacent to the Property, and on that basis the City Council desires to declare the Property exempt surplus land pursuant to Government Code Section 54221(f)(1)(E); and

WHEREAS, pursuant to the Surplus Land Act Guidelines issued by the California Department of Housing and Community Development ("HCD") to interpret and implement the Surplus Land Act, the City Council's determination that the Property is exempt surplus land must be provided to HCD for its review at least 30 days prior to

disposition.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AGOURA HILLS
HEREBY RESOLVES AS FOLLOWS:**

SECTION 1. That the above recitals are true and correct and are a substantive part of this Resolution.

SECTION 2. That the City Council hereby finds that Property is former right-of-way, the Property is not being used and is not planned to be used for City work or operations, is not necessary for the City's use within the meaning of the Surplus Land Act, and the Property is necessary for MRCA's use as a wildlife corridor.

SECTION 3. That the City Council hereby declares the Property is exempt surplus land as defined in Government Code Section 54221(f)(1)(D) and (E) of the Surplus Land Act provided the City conveys the Property to the owner of an adjacent property or the Property is necessary for MRCA's use towards the wildlife corridor.

SECTION 4. That staff of the City are hereby authorized and directed to submit a copy of this Resolution to HCD in accordance with the Surplus Land Act Guidelines.

SECTION 5. That the staff and officers of the City are hereby authorized, jointly and severally, to take any other such actions as they deem necessary or proper to effectuate the purposes of this Resolution, and all actions previously taken are hereby ratified.

SECTION 6. That the City Council hereby finds that the actions are not subject to the California Environmental Quality Act ("CEQA") because they are activities that are excluded from the definition of a project by section 21065 of the Public Resources Code and section 15378(b) of the State CEQA Guidelines. This action declares the Property exempt surplus land and directs staff to effectuate the purpose of this Resolution. This is administrative activity of government which will not result in direct or indirect physical changes to the environment. No commitment to any project is being made at this time. CEQA review requirements must be completed before any commitment to a project occurs and appropriate environmental review pursuant to CEQA will be completed at such time.

SECTION 7. That the Mayor Pro Tem shall sign and the City Clerk shall attest to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 22nd day of September, 2021, by the following vote to wit:

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

Deborah Klein Lopez, Mayor Pro Tem

ATTEST:

Kimberly, M. Rodrigues, City Clerk

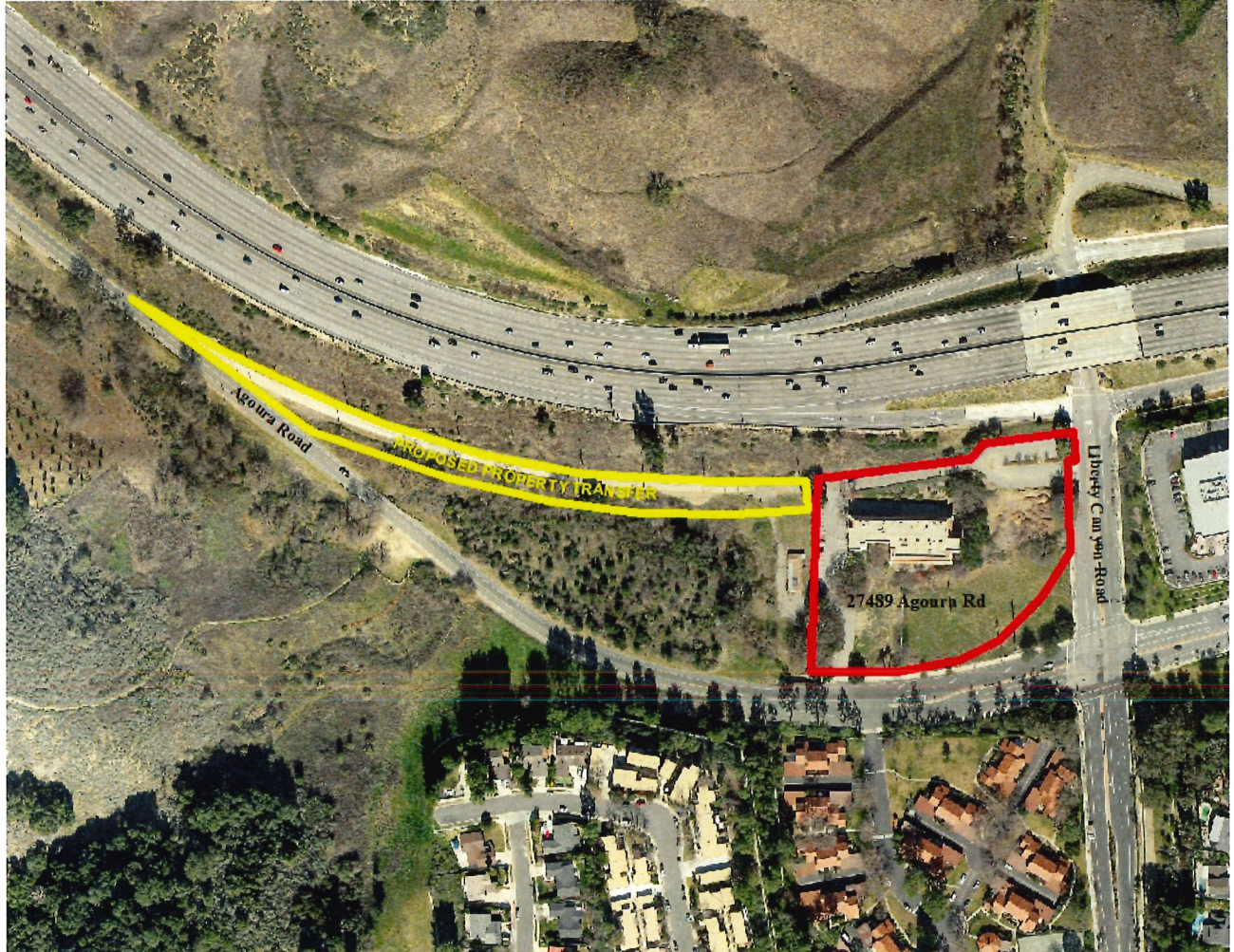
EXHIBIT A

LEGAL DESCRIPTION OF SUBJECT PROPERTY

THAT PORTION OF THE NORTHWEST 1/4 OF THE SOUTHWEST ¼ OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 18 WEST, SAN BERNARDINO MERIDIAN IN THE CITY OF AGOURA HILLS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF VENTURA BOULEVARD (VENDELL PLACE) 100 FEET WIDE, PER DEED TO STATE OF CALIFORNIA RECORDED IN BOOK 9593 PAGE 147 OF OFFICIAL RECORDS AND SHOWN ON TRACT NO. 8871 RECORDED IN BOOK 173 PAGE 35 OF MAPS IN SAID COUNTY, BOUNDED ON THE EAST BY THE NORTHERLY PROLONGATION OF THE EAST LINE OF LOT 22, WHICH BEARS NORTH 00° 35' 08" EAST AS SHOWN ON TRACT NO. 8871 RECORDED IN BOOK 173 PAGE 35 OF MAPS BOUNDED ON THE NORTH BY THE SOUTHERLY RIGHT-OF-WAY LINE OF VENTURA FREEWAY (FEDERAL HIGHWAY 101) AS SHOWN ON STATE OF CALIFORNIA RIGHT OF WAY MAP NO F 2217.1-1 AND F 2217-8 AS FILED IN CALTRANS SURVEY AND MAPPING DEPARTMENT DISTRICT HEADQUARTERS NO. 7 AND BOUNDED ON THE SOUTHWEST BY THE NORTH WESTERLY PROLONGATION OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF AGOURA ROAD (60 FEET WIDE) WHICH BEARS N 52° 03' 30" WEST AS SHOWN ON SAID TRACT NO. 8871 AND ALSO SHOWN AS PARCEL NO. 23 OF THAT CERTAIN INSTRUMENT RECORDED 12/16/1930 IN BOOK 10507 PAGE 168 OF OFFICIAL RECORDS OF SAID COUNTY.





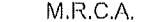

EXHIBIT B

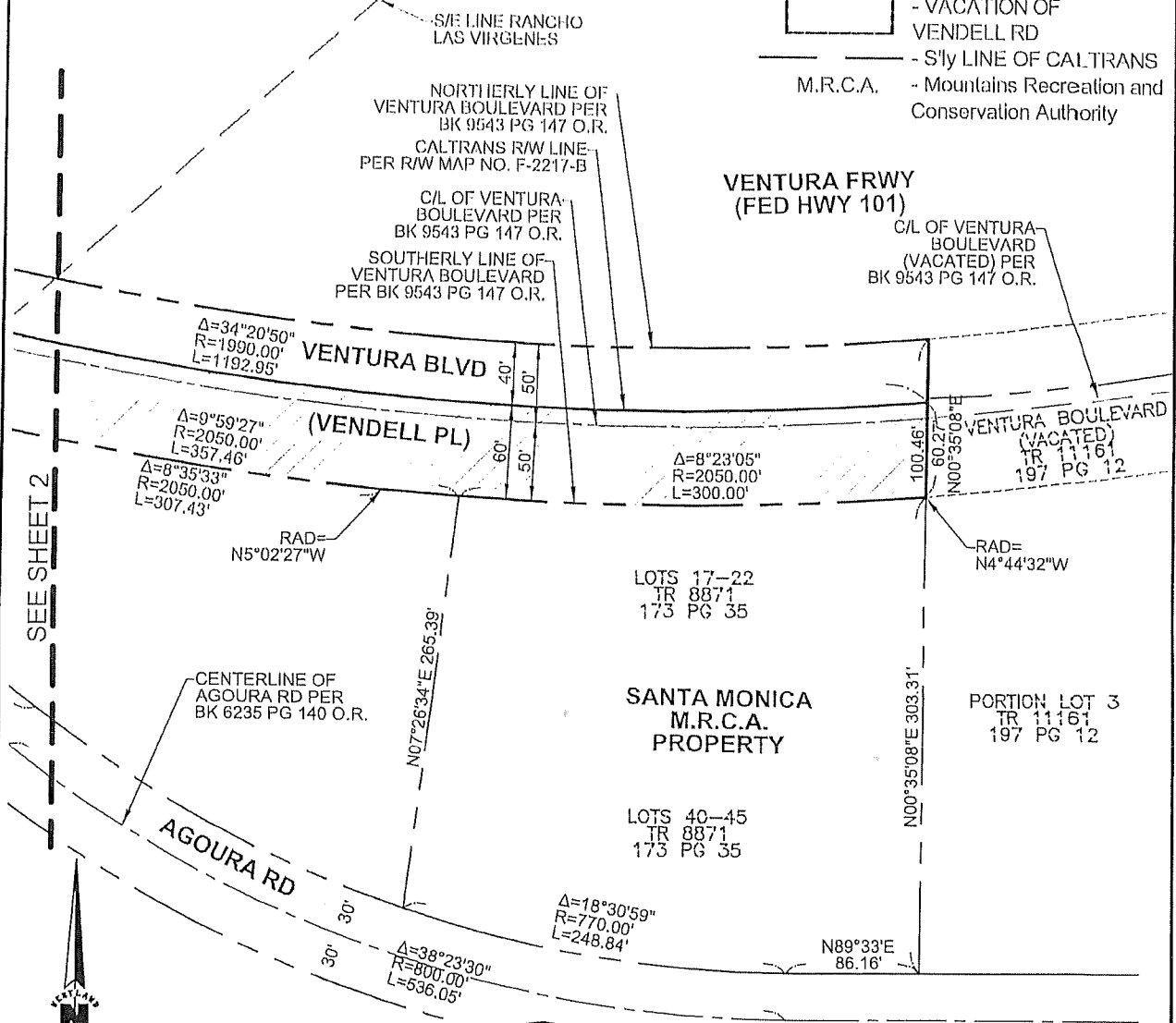


NOTE: EXHIBIT "B" IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT A SURVEY OF PLAN.

EXHIBIT "B"

LEGEND:

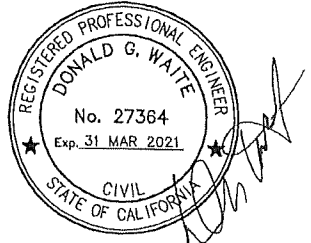
-  - PARCEL LINE
-  - STREET CENTERLINE
-  - VACATION OF VENDELL RD
-  - S'ly LINE OF CALTRANS
-  - M.R.C.A.
-  - Mountains Recreation and Conservation Authority



SEE SHEET 2



SCALE: 1" = 100'




PREPARED BY:  ID #: JPA.LibertyCyn
WESTLAND CIVIL, INC.
 CIVIL ENGINEERS PLANNING / DESIGN LAND SURVEYORS
 558 ST. CHARLES DR, SUITE 202, THOUSAND OAKS, CA, 91360
 (805) 495-1330 FAX: (805) 446-9125

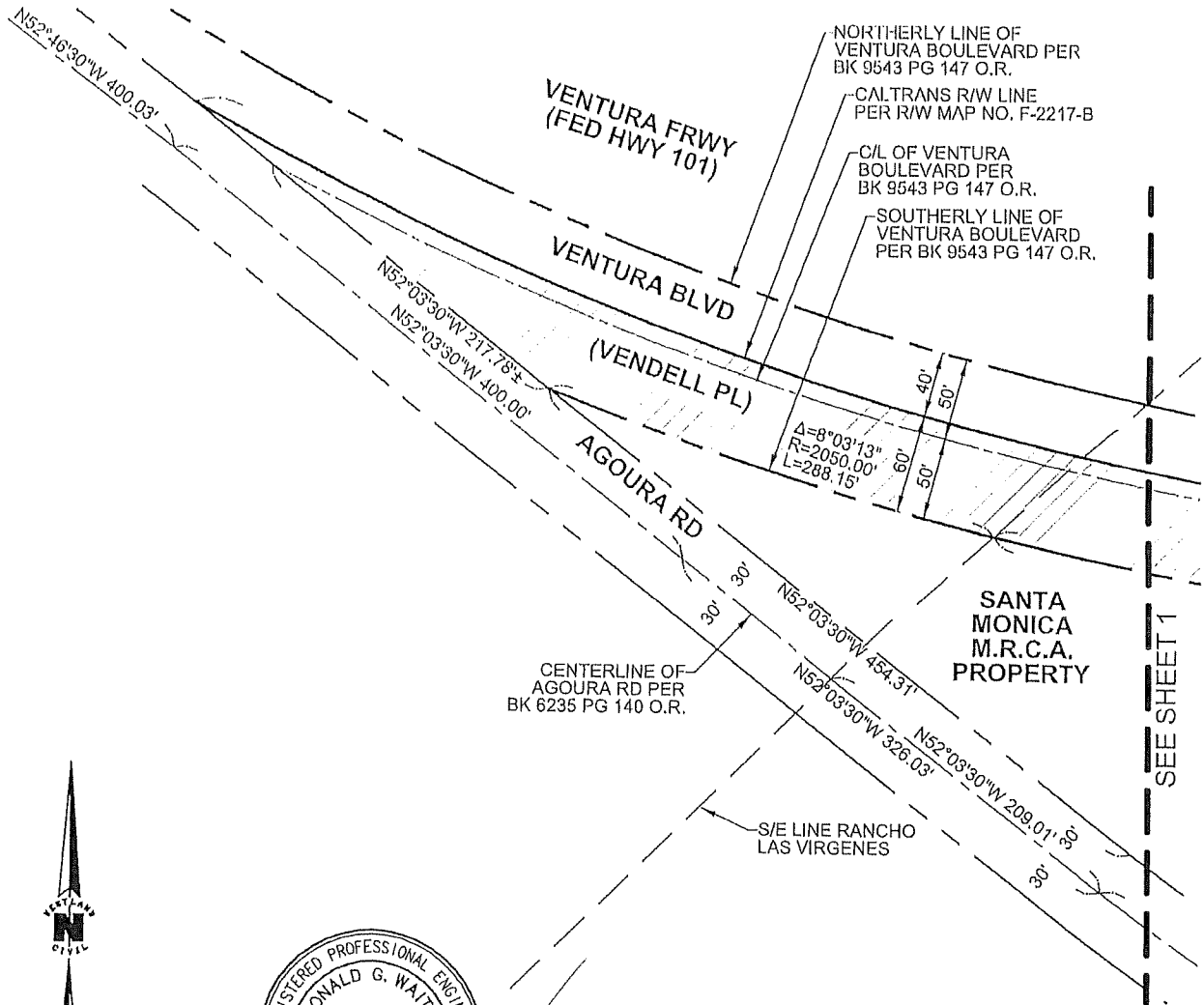
EXHIBIT "B"
VACATION OF VENTURA BLVD
(VENDELL PL)
 27489 LIBERTY CYN,
 AGOURA HILLS, CA
 DATE SUBMITTED: 6-15-2020 SHEET 1 OF 2

NOTE: EXHIBIT "B" IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT A SURVEY OF PLAN.

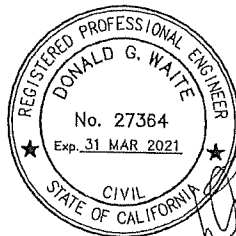
EXHIBIT "B"

LEGEND:

- - - - - PARCEL LINE
- - - - - STREET CENTERLINE
- VACATION OF VENDELL RD
- - - - - S/E LINE OF CALTRANS
- M.R.C.A. - Mountains Recreation and Conservation Authority



0 100
SCALE: 1" = 100'



SEE SHEET 1

PREPARED BY:

ID #: JPA.LibertyCyn



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27489 LIBERTY CYN,
AGOURA HILLS, CA

DATE SUBMITTED: 6-15-2020

SHEET 2 OF 2

Recording Requested By,
And When Recorded, Mail To:

Mountains Recreation and Conservation
Authority

with a copy to:

City of Agoura Hills
30001 Ladyface Court
Agoura Hills, CA 91301
Attn: City Clerk

APN:

(Space above this line reserved for Recorder's use)

This instruction is exempt from Recording Fees (Govt. Code Section 27383).

Documentary Transfer Tax is \$0; exempt conveyance to a public entity, and conveyance for no consideration. Property is in the City of Agoura Hills, County of Los Angeles, California.

QUITCLAIM DEED

The CITY OF AGOURA HILLS, a California municipal corporation ("Grantor"), hereby quitclaims to the MOUNTAINS RECREATION AND CONSERVATION AUTHORITY, a California joint powers authority ("Grantee"), all right, title and interest it may have in, under and to that certain real property in the City of Agoura Hills, County of Los Angeles, State of California described on Exhibit "A" attached hereto, without representation or warranty, express or implied, and in its current "AS IS" condition, subject to all matters of record and all matters that would be visible upon a diligent inspection of the real property.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed on _____, 2021.

GRANTOR:

CITY OF AGOURA HILLS

By: _____
Print Name: _____
Title: _____

Exhibit "A"

Legal Description of Property

THAT PORTION OF THE NORTHWEST A OF THE SOUTHWEST ¼ OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 18 WEST, SAN BERNARDINO MERIDIAN IN THE CITY OF AGOURA HILLS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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CALIFORNIA ALL PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

On _____ before me, _____
Notary Public, _____ personally appeared _____, who 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, and that by his/her/their signature(s) on the instrument the person(s), or the entity(ies) upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Place Notary Seal Above


Signature of Notary Public



MOUNTAINS RECREATION & CONSERVATION AUTHORITY
KING GILLETTE RANCH
26800 Mulholland Highway
Calabasas, California 91302
Phone (818) 878-0866 Fax (818) 878-0508

Memorandum

To: City of Agoura Hills

From: Rorie Skei, Chief Deputy Executive Officer 

Subject: Statement of Purpose -- Permanent future public use of vacated portion of Vendell Road

Date: January 27, 2021

The purpose of this Memorandum is to officially confirm that the Mountains Recreation and Conservation Authority (MRCA) will use any and all portions of Vendell Road vacated to the MRCA by the City of Agoura Hills for wildlife corridor or other public purposes, in perpetuity.