

## REPORT TO CITY COUNCIL

**DATE: SEPTEMBER 25, 2024**

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

**FROM: NATHAN HAMBURGER, CITY MANAGER**

**BY: RAMIRO ADEVA, ASSISTANT CITY MANAGER**

**SUBJECT: APPROVE RESOLUTION NO. 24-2083, AUTHORIZING AND APPROVING THE DONATION OF FIVE (5) PARCELS (APNs 2061-032-902, 2061-032-903, 2061-032-904, 2061-032-905, AND 2061-032-906) TO THE MOUNTAINS RECREATION AND CONSERVATION AUTHORITY (MRCA) AND RELATED QUITCLAIM DEED AND APPROVE MEMORANDUM OF UNDERSTANDING WITH MRCA AND AUTHORIZE CITY MANAGER TO EXECUTE SAID DOCUMENTS**

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On December 14, 2022, the City approved a Donation Agreement with Creekside Terrace that transferred five (5) parcels (APNs 2061-032-902, 903, 904, 905, and 906) to the City for open space purposes and other limited purposes. The Donation Agreement included language that required the City to do a subsequent transfer of title of the properties to the Santa Monica Mountains Conservancy (SMMC) within one year of the closing of the property transfer to the City.

On December 21, 2023, a First Amendment to the Donation Agreement was executed between the City and Creekside Terrace to (1) extend the deadline for the transfer of the property and (2) to add the Mountains Recreation and Conservation Authority (MRCA) as an additional potential donee.

Although both SMMC and MRCA have the ability to accept donations of land, MRCA's process can be done more expeditiously and before the expiration date of the Donation Agreement. Therefore, the City has chosen to complete the donation of the aforementioned parcels to MRCA instead of SMMC.

As part of their process for considering land donations, MRCA conducted an inspection of the property to assess existing conditions and made two requests regarding the land donation:

1. Subsequent to the transfer of title from the City to the MRCA, the City will retain responsibility for clearing any dirt, mud, water, or other run-off that flows onto the adjacent City-owned road from the property, unless MRCA makes physical changes or improvements to the property without providing prior written notice to the City.

2. The MRCA will not be liable for clearing debris or run-off onto the public, City-owned road adjacent to the property, unless MRCA makes physical changes or improvements to the property without providing prior written notice to the City. As set forth in the MOU, MRCA has agreed to undertake seasonal monitoring and maintenance of the property.

As a result, the City worked closely with MRCA to draft the attached Memorandum of Understanding (MOU) to memorialize the details of this agreement.

The proposed MOU has been reviewed by the City Attorney and approved as to form.

### **FISCAL IMPACT**

The action of donating the five (5) City-owned parcels (APNs 2061-032-902, 903, 904, 905, and 906) would have no additional fiscal impact to the adopted Fiscal Year 2024-25 Budget. Additionally, any cost associated with retaining some maintenance responsibility regarding runoff onto the adjacent City-owned road from the property will be minimal and can be fully absorbed within the approved Fiscal Year 2024-25 public works maintenance budgets.

### **RECOMMENDATION**

Staff respectfully recommends the City Council approve Resolution No. 24-2083:

1. Approving the donation of five (5) City-owned parcels (APNs 2061-032-902, 903, 904, 905, and 906) between the City of Agoura Hills and Mountains Recreation and Conservation Authority (MRCA), and
2. Providing the City Manager the authority to execute the Quitclaim Deed and related MOU and give all consents and approvals and notices hereunder on behalf of City, and to execute non-substantial amendments of this MOU, provided they are in writing.

Attachments: A. Resolution No. 24-2083  
B. Quitclaim Deed (Donation)  
C. Memorandum of Understanding (MOU)

Attachment 1

*Resolution No. 24-2083*

**RESOLUTION NO. 24-2083**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, APPROVING THE DONATION OF FIVE (5) PARCELS (APNs 2061-032-902, 903, 904, 905, AND 906) TO THE MOUNTAINS RECREATION AND CONSERVATION AUTHORITY (MRCA) AND RELATED QUITCLAIM DEED AND MEMORANDUM OF UNDERSTANDING (MOU) AND AUTHORIZE CITY MANAGER TO EXECUTE SAID DOCUMENTS**

**WHEREAS**, the City of Agoura Hills ("City") has agreed to donate and grant to the Mountains Recreation and Conservation Authority (MRCA) five (5) parcels of property, specifically APNs 2061-032-902, 903, 904, 905, 906 ("City Properties"), as described in the Quitclaim Deed attached as Exhibit "B" and Memorandum of Understanding (MOU) attached as Exhibit "A" to this Resolution and incorporated herein by this reference; and

**WHEREAS**, in order to provide for the orderly and efficient execution of documents relating to the donation of the City Properties, the City Council desires to authorize the City Manager to execute documents necessary to effectuate the conveyance to MRCA of interests in the City Properties; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AGOURA HILLS DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:**

Section 1. The City Council does hereby find that the above recitals are accurate and are hereby incorporated and made part of this Resolution by reference.

Section 2. The City Council hereby approves the MOU between the City and MRCA, attached as Exhibit "A" and incorporated herein by this reference, and conveys the interests in the City Properties, that certain real property conveyed by the Quitclaim Deed, set forth in Exhibit "B".

Section 3. The City Council hereby authorizes the City Manager to complete and execute the MOU attached as Exhibit "A" and the Quitclaim Deed attached as Exhibit "B" and incorporated herein by this reference, and any other documents reasonable or necessary in connection therewith, and directs the City Manager to deliver said documents with respect to the City Properties.

Section 4. The City Council hereby consents to the recordation of the Quitclaim Deed for interests in the City Properties.

Section 5. The City Clerk shall certify to the adoption of the Resolution and shall cause the Resolution and her certification to be entered in the Book of Resolutions of the Council of the City.

**PASSED, APPROVED AND ADOPTED** this 25<sup>th</sup> day of September, 2024, by the following vote to wit:

AYES:            (  
NOES:            (  
ABSENT:         (  
ABSTAIN:        (  
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Illece Buckley Weber, Mayor

ATTEST:

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Kimberly M. Rodrigues, MMC  
City Clerk

**Attachment 2**

***Quitclaim Deed (Donation)***

Recording Requested By,  
And When Recorded, Mail To:

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

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

APN: 2061-032-902, 903, 904, 905 and 906

THE UNDERSIGNED GRANTOR  
DECLARES

This instruction is exempt from Recording  
Fees (Govt. Code Section 27383, Revenue  
and Taxation Code Sec. 11922).

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

**QUITCLAIM DEED**  
**(Donation)**

CITY OF AGOURA HILLS, a California municipal corporation ("Grantor"), hereby remises, releases, and forever quitclaims to the MOUNTAINS RECREATION AND CONSERVATION AUTHORITY, a local joint exercise of powers agency, established pursuant to Section 6500, et seq., of the Government Code ("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, subject to (i) all matters of record; and (ii) all matters that would be revealed by an ALTA survey and diligent inspection of the real property.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed on September 25, 2024.

**GRANTOR:**

CITY OF AGOURA HILLS,  
a California municipal corporation

By: City of Agoura Hills

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Exhibit "A"

Legal Description of Property

[APNS: 2061-032-902; 2061-032-903; 2061-032-904; 2061-032-905 and 2061-032-906]

The land in the City of Agoura Hills, County of Los Angeles, State of California, described as follows:

PARCELS 3 THROUGH 7, INCLUSIVE OF PARCEL MAP NO. 73033, IN THE CITY OF AGOURA HILLS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 383, PAGES 58 TO 73 INCLUSIVE OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM AN UNDIVIDED ONE-HALF INTEREST IN AND TO ALL OIL, GAS AND OTHER HYDROCARBONS SAVED AND SOLD FROM SAID LAND, AS RESERVED BY ESER WIKHOLM ET UX., IN DEED RECORDED DECEMBER 30, 1953, IN BOOK 43495, PAGE 30, OFFICIAL RECORDS.

APNS: 20621-032-902; 2061-032-903; 2061-032-904; 2061-032-905 and 2061-032-906



Attachment 3

*Memorandum of Understanding (MOU)*

## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") is entered into on this September 25, 2024 by and between the CITY OF AGOURA HILLS, on behalf of itself and all future successors-in-interest, ("City") and the MOUNTAINS RECREATION AND CONSERVATION AUTHORITY, a local joint exercise of powers agency established pursuant to Section 6500, *et seq.*, of the Govt. Code (MRCA) (together, the "Parties").

### Recitals

- A. Whereas the City owns five parcels of real property located along Agoura Road in Agoura Hills, California (APNs: 2061-032-902; 2061-032-903; 2061-032-904; 2061-032-905 and 2061-032-906) "Property") and intends to convey Property to the MRCA;
- B. Whereas the Property is currently predominantly in a natural and unimproved condition, and as such both the City and the MRCA, as a successor-in-interest, would be immune from liability due to land failure caused by natural conditions under California Government Code Section 831.25;
- C. Whereas conditions on the Property and in the area may require maintenance that MRCA is unable to undertake; and
- D. Whereas the MRCA intends to accept the Property, subject to the terms of this MOU.

NOW, THEREFORE, in consideration of the foregoing Recitals, which are incorporated herein by this reference, the City and the MRCA hereby agree to the following:

- 1. Subsequent to the transfer of title from the City to the MRCA, the City will retain responsibility for clearing any dirt, mud, water, or other run-off that flows onto the adjacent City-owned road from the Property and will ensure the adjacent City-owned road is clean and usable, unless MRCA makes physical changes or improvements to the Property without providing prior written notice to the City.
- 2. The MRCA will not be liable for clearing debris or run-off onto the public, City-owned road adjacent to the Property, unless MRCA makes physical changes or improvements to the Property without providing prior written notice to the City. The MRCA will undertake seasonal monitoring and maintenance of the Property.
- 3. Notice: All communications about this MOU and the Property should be directed to:

If to City:

City of Agoura Hills  
30001 Ladyface Court  
Agoura Hills, CA 91301

Attn: City Manager  
E-mail: NHamburger@agourahillscity.org

If to MRCA:

Mountains Recreation and Conservation Authority  
570 West Avenue 26, Suite 100  
Los Angeles, CA 90065  
Attn: Joseph T. Edmiston  
E-mail: joseph.edmiston@mrca.ca.gov

With a Copy to:  
570 West Avenue 26, Suite 100  
Los Angeles, CA 90065  
Attn: Jeff Maloney  
Telephone 323-221-9944, ext. 101  
E-mail: jeff.maloney@mrca.ca.gov

IN WITNESS WHEREOF, the Parties have caused this MOU to be executed by their duly authorized representatives on the date and year set forth below.

**City of Agoura Hills:**

X

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**MRCA:**

Mountains Recreation and Conservation  
Authority, a Joint Exercise of Powers Agency

By: \_\_\_\_\_  
Name: Amy Lethbridge  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_