To: Mayor Farrer and the Honorable Members of the City Council  
Prepared by: Nicole Benyamin, Assistant Civil Engineer  
Approved by: Rob DuBoux, Public Works Director/City Engineer  
Date prepared: February 21, 2020       Meeting date:       March 9, 2020  
Subject: Dedication of Roadway Easement to the City from Malibu Development Company LLC

RECOMMENDED ACTION: Adopt Resolution No. 20-12 authorizing the acceptance of the Dedication of Roadway Easement from Malibu Development Company LLC, to the City dedicating the property as described, and finding the same exempt from the California Environmental Quality Act.

FISCAL IMPACT: There is no fiscal impact associated with this action.

WORK PLAN: This item was not included in the Adopted Work Plan for Fiscal Year 2019-2020. This project is part of normal staff operations.

DISCUSSION: In 2008, The City approved the La Paz project at 23465 Civic Center Way for construction of a mixed-use shopping center consisting of retail, restaurant, and office space. In 2016, Malibu Development Company LLC (“MDC”) acquired the property.

In 2017, MDC revised the previously approved 2008 project and while under review with City staff, it was discovered that a portion of the existing sidewalk on Civic Center Way lies within MDC’s property limits. In order to maintain all sidewalks on Civic Center Way under public property, the project was conditioned under CDPA 17-009 to grant to the City a portion of land lying north of the existing Civic Center Way right of way line for public road, sidewalk, landscaping and related purposes. CDPA 17-009 was approved by the Planning Commission on January 21, 2020. Staff recommends the Council adopt Resolution No. 20-12 accepting the Dedication of Roadway Easement.

ATTACHMENT: Resolution No. 20-12
RESOLUTION NO. 20-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU
AUTHORIZING THE ACCEPTANCE OF THE DEDICATION OF ROADWAY
EASEMENT FROM MALIBU DEVELOPMENT COMPANY, LLC, TO THE
CITY DEDICATING THE PROPERTY AS DESCRIBED, AND FINDING THE
SAME EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY
ACT

The City Council of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. Recitals

A. On or about November 10, 2008, the City entered into a Development Agreement with Malibu La Paz Ranch, LLC, related to the property located at 3700 La Paz Lane; and

B. Malibu Development Company, LLC (MDC) acquired the property in 2016 and subsequently changed the address of the property to 23465 Civic Center Way; and

C. In 2017, MDC revised the previously approved 2008 project and as part of this revision, it was found that a portion of the existing sidewalks on Civic Center Way lies within MDC’s property. In order to maintain all sidewalks on Civic Center Way under public property, the revised project was conditioned under CDPA 17-009 to grant the City the portion of land for public road, sidewalk and landscaping related purposes. CDPA 17-009 was approved by the Planning Commission on January 21, 2020; and

D. The Dedication of Roadway Easement will be recorded after acceptance by the City.

SECTION 2. The City Council hereby approves and authorizes the acceptance of the Dedication of Roadway Easement from Malibu Development Company, LLC, to the City dedicating the property as described and depicted in Attachment 1, Dedication of Roadway Easement.

SECTION 3. The City Manager is authorized on behalf of the City to execute any and all documents necessary to consummate the acceptance of the Dedication of Roadway Easement to the City.

SECTION 4. Environmental Review

Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA) the City Council has analyzed the acceptance of the Dedication of Roadway Easement. The City Council has found that the acceptance of the Dedication of Roadway Easement is exempt from the provisions of CEQA pursuant to State CEQA Guidelines section 15061(b)(3) as there is no possibility the act of accepting these roadway easements may have a significant effect on the environment. The La Paz project was analyzed in a certified EIR and this action does not change that approved and vested development right in any manner. In addition, the owner of the property currently holds the rights that are to be granted. Finally, and alternatively, the acceptance of the Dedication of Roadway Easement is exempt from CEQA pursuant to State CEQA Guidelines section 15061 (minor alterations to land use limitations).
SECTION 5. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions and cause the Grant Deed to be recorded in the Office of the County Recorder.

PASSED, APPROVED, and ADOPTED this 9th day of March 2020.

_____________________________
KAREN FARRER, Mayor

ATTEST:

HEATHER GLASER, City Clerk
(seal)

APPROVED AS TO FORM:

CHRISTI HOGIN, City Attorney
RECORDING REQUESTED BY:
City of Malibu

WHEN RECORDED MAIL TO:
City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265

No Fee Per Government Code 6103

DEDICATION OF ROADWAY EASEMENT

Malibu Development Company LLC, a Delaware limited liability company, (hereinafter referred to as "Grantor"), hereby dedicates to the City of Malibu, a municipal corporation, within the County of Los Angeles, and State of California, and its successors and assigns (hereinafter referred to as "Grantee"), an easement and right of way for public road, sidewalk, landscaping and related purposes, in, on, over, under, across and along that certain real property in the City of Malibu, County of Los Angeles, State of California, described as follows:

Description of Grantor property attached as Exhibit "A"
Description and Plat of Easement Area attached as Exhibits "B" and "C"

Each party shall defend, indemnify and hold each other and their agents, representatives, members, attorneys, officers, affiliates, partners, contractors, employees, successors and assigns harmless from and against all claims, losses, damages, expenses, costs, actions and liabilities, including reasonable attorneys' fees, for death or injuries to all persons and damage to or loss of property occurring in the Easement Area arising out of each party's respective use, action or inaction with respect to the Easement Area.

The Easement shall run with and burden the Grantor Property.
Grantor: EXECUTED this 13th day of February, 2020.

MALIBU DEVELOPMENT COMPANY LLC, a Delaware limited liability company

By: __________________________
Name: Bryan Gordon
Title: CEO

NOTARY

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 this 13th day of February, 2020, before me, J. Marc Melanson, a Notary Public, personally appeared Bryan Gordon 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(ies), and that by his/her/their signature(s) on the instrument, the person(s), or the entity on behalf of which the person(s) acted, executed the instrument.

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

Witness my hand and official seal.

Signature: __________________________

(SEAL)
Exhibit “A”
Legal Description of Grantor Property

PARCEL A:

That portion of the Rancho Topanga Malibu Sequit, in the City of Malibu, County of Los Angeles, State of California, as confirmed to Matthew Keller by Patent recorded in Book 1, Page 407, et seq. of Patents, in the Office of the County Recorder, described as follows:

Commencing at the northerly corner of the land described in the Deed to Jaco Dekker, recorded in Book 22063, Page 104 of Official Records of said County; thence along the northerly line of said land of Dekker, South 36°03’22” East a distance of 357.36 feet to the westerly corner of Parcel 2 of Certificate of Compliance 99-03 recorded June 8, 1999 as Instrument No. 99-1040533 of Official Records of said County and the most westerly corner of the land described in the grant deed to the City of Malibu recorded as Instrument No. 20200172871 of Official Records of said County; thence along the westerly line of said Parcel 2 of Certificate of Compliance 99-03 to the land and the westerly line of Parcel 1 of Certificate of Compliance 98-01 recorded May 19, 1998 as Instrument No. 98-838333 of Official Records of said County, South 19°41’00” East a distance of 555.00 feet; thence along said westerly line of the land described in the grant deed to the city and said westerly line of Parcel 1 of Certificate of Compliance 98-01, South 21°36’25” East a distance of 425.91 feet; thence North 75°41’35” East a distance of 35.25 feet to the Point of Beginning; thence continue:

1st North 75°41’35” East a distance of 256.96 feet to the easterly line of said Parcel 1 of Certificate of Compliance 98-01 and westerly line of the land described in the Deed from Nancy T. Mandel to General Telephone Company of California recorded as Document No. 1046 on April 16, 1969, of Official Records of said County; thence along said easterly line of Parcel 1 and westerly line of the land of General Telephone Company of California,

2nd North 02°32’35” East a distance of 131.25 feet; thence continue along said easterly line of Parcel 1 and the easterly line of said Parcel 2 of Certificate of Compliance 99-03 and said westerly line of the land of General Telephone Company of California,

3rd North 10°15’10” West a distance of 631.61 feet to the northwest corner of said land of General Telephone Company of California; thence,

4th South 79°44’30” West a distance of 9.00 feet; thence,

5th North 46°42’58” West a distance of 89.20 feet; thence,

6th North 18°35’27” West a distance of 76.68 feet; thence,

7th South 79°33’53” West a distance of 244.64 feet to an angle point in the southeasterly boundary of said Grant. Deed to the City of Malibu, thence along the southeasterly line thereof the following courses:

8th South 24°12’24” West a distance of 172.87 feet; thence,

9th South 02°12’21” West a distance of 36.08 feet to an angle point in the easterly boundary of said Grant Deed to the City of Malibu; thence along said easterly line the following courses:

10th South 19°41’00” East a distance of 330.00 feet; thence,

11th South 21°36’25” East a distance of 429.81 feet to the Point of Beginning.

Except the southerly 30.00 feet of said land condemned for road purposes by decree recorded on May 02, 1962 in book D1601, Page 166 of Official Records of said County.

Containing 314,302 square feet or 7.22 acres of land.
PARCEL B:

That portion of the Rancho Topanga Malibu Seuit, in the City of Malibu, County of Los Angeles, State of California, as confirmed to Matthew Keller by Patent recorded in Book 1, Page 407, et seq. of Patents, in the Office of the County Recorder, described as follows:

Commencing at the most northerly corner of the land described in the Deed to Jacob Dekker, recorded in Book 22063, Page 104 of Official Records of said County; thence along the northeasterly line of said land of Dekker, South 36°09’22” East a distance of 357.36 feet to the most westerly corner of the land described in the grant deed to the City of Malibu recorded as Instrument No. 20200172971 of Official Records of said County; thence along the northwest line thereof North 42°35’46” East a distance of 535.43 feet to an angle point in the northwest boundary of Parcel 2 of Certificate of Compliance 99-03 recorded June 8, 1999 as Instrument No. 99-1040533 of official records of said county and the Point of Beginning; thence along the boundary of said Parcel 2, the following courses,

1st North 47°24’00” West a distance of 300.00 feet; thence,

2nd North 42°36’00” East a distance of 252.04; thence,

3rd South 46°40’53” East a distance of 528.03 feet; thence,

4th South 36°50’43” West a distance of 214.36 feet; thence,

5th South 46°40’53” East a distance of 105.00 feet; thence,

6th North 17°54’55” East a distance of 77.85 feet; thence,

7th South 03°31’20” East a distance of 313.57 feet; thence,

8th South 79°44’50” West a distance of 170.93 feet to an angle point in the boundary of said Parcel 2 and the northwest corner of Deed to General Telephone Company of California, recorded April 18, 1969 as Document No. 1046 of Official Records of said County; thence departing the boundary of said Parcel 2,

9th South 79°44’50” West a distance of 9.00 feet; thence,

10th North 45°42’58” West a distance of 69.20 feet; thence,

11th North 18°55’27” West a distance of 76.68 feet; thence,

12th South 79°33’58” West a distance of 244.64 feet to a point on a non-tangent curve concave northwesterly with a radius of 396.00 feet, a radial line to the center of said curve bears North 37°27’19” West, said point being an angle point in the southeasterly boundary of said Grant Deed to the City of Malibu; thence along said southeasterly boundary and said curve,

13th Northeasterly through a central angle of 40°52’23” an arc distance of 282.49 feet to a point on a non-tangent curve concave southeasterly with a radius of 352.51 feet, a radial line to the center of said curve bears South 62°15’03” East; thence along said curve,

14th Northeasterly through a central angle of 22°04’36” an arc distance of 135.86 feet; thence leaving said curve along a non-tangent line,

15th North 39°41’39” West a distance of 78.04 feet to the Point of Beginning.

Containing 251,700 square feet or 5.78 acres of land.

EXHIBIT A
EXHIBIT "B"
Legal Description of Easement Area

That portion of the Rancho Topanga Malibu Sequit, in the County of Los Angeles, State of California, as confirmed to Matthew Keller by Patent recorded in Book 1, Page 407, et seq. of Patents, in the Office of the County Recorder, described as follows:

Commencing at the most northerly corner of the land described in the Deed to Jacob Dekker, recorded in Book 22063, Page 104 of Official Records of said County; thence along the northeasterly line of said land of Dekker, South 36°09′22″ East a distance of 357.36 feet; thence along the easterly line of said land of Dekker, South 19°41′00″ East a distance of 555.00 feet; thence South 21°36′25″ East a distance of 375.50 feet to an intersection with the proposed north right-of-way line of Civic Center Way as shown on C.S.B. Map B-5022; thence along said proposed right-of-way line, North 75°41′35″ East a distance of 35.29 feet to the Point of Beginning; thence continue along said proposed right-of-way line,

1st North 75°41′35″ East a distance of 52.58 feet to the point of curvature of a tangent curve of said proposed right-of-way line concave southerly with a radius of 2050.00 feet; thence along said curve;

2nd Northeasterly through a central angle of 06°13′28″ an arc distance of 222.71 feet to an intersection with the westerly line of the land described in the deed from Nancy T. Mandel to General Telephone Company of California recorded as Document No. 1046 on April 18, 1969, in Official Records of said county, with a radial line to said point bearing North 37°27′19″ West; thence along the westerly line of said land;

3rd South 02°32′55″ West a distance of 8.27 feet to an intersection with the north right-of-way line of Civic Center Way as shown on C.S.B. Map B-5445; thence along said right-of-way line,

4th South 75°41′35″ West a distance of 269.88 feet; thence,

5th North 21°36′25″ West a distance of 20.16 feet to the said Point of Beginning.

Containing an area of approximately 4568 square feet and shown on the attached Exhibit "C".

This description was prepared by me or under my direction in conformance with the Land Surveyor's Act.

Chris Nelson, PLS 6385

6-7-17-19

Date

Page 1 of 1
CERTIFICATE OF ACCEPTANCE
AND CONSENT TO RECORDATION OF
ROADWAY DEDICATION

This is to certify that the interest in real property as herein dedicated from Malibu Development
Company LLC, a Delaware limited liability company to the City of Malibu, a municipal
corporation of the State of California, is hereby accepted by the undersigned City Clerk on
behalf of the City Council, pursuant to the action of the City Council at its meeting of
________________________ and the grantee consents to recordation thereof by its duly
authorized officer.

Dated: _________________________

City of Malibu

by ____________________________

City Clerk