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ORIGINAL FILED

DEC 06 1995

6 Attorney for Petitioner
7 ALBERT HARRIS GERSTON, JR.

SUPERIOR COURT

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 FOR THE COUNTY OF LOS ANGELES

10
11 ALBERT HARRIS GERSTON, JR.,)

CASE NO. SS006351

12 Petitioner,)

PETITION FOR:

13 vs.)

1. ADMINISTRATIVE WRIT OF
MANDATE;

14 CALIFORNIA COASTAL COMMISSION,)
15 AN AGENCY OF THE STATE OF)
16 CALIFORNIA, STATE COASTAL)
17 CONSERVANCY, AN AGENCY OF THE)
18 STATE OF CALIFORNIA, MOUNTAINS)
19 CONSERVATION AND RECREATION)
20 AUTHORITY, A JOINT POWERS AGENCY)
21 CONSISTING OF THE SANTA MONICA)
22 MOUNTAINS CONSERVANCY AND THE)
23 CONEJO RECREATION AND PARK)
24 DISTRICT, STATE OF CALIFORNIA)
25 AND DOES 1 through 10,)
26 inclusive,)

2. DECLARATORY RELIEF;
3. PRELIMINARY INJUNCTION;
4. INVERSE CONDEMNATION.

27 Respondents.)

28 NOW COMES PETITIONER, Albert Harris Gerston, Jr. (hereinafter
"Gerston") who petitions the court for the Issuance of an
Administrative Writ of Mandamus Against the California Coastal
Commission, State Coastal Conservancy, Mountain Conservation and
Recreation Authority, and the State of California the respondents
herein, and for a Declaration of Rights, Injunctive Relief and a

1 Claim for Damages for Inverse Condemnation against the Respondents,
2 and each of them.

3 FIRST CAUSE OF ACTION FOR ADMINISTRATIVE WRIT OF MANDATE

4 (Against California Coastal Commission, State
5 Coastal Conservancy, Mountains Conservation
6 and Recreation Authority, State of California
7 and Does 1-10, Inclusive)

8 1. Petitioner Albert H. Gerston, Jr. (hereinafter "Gerston")
9 is, at all times relevant herein, an individual residing in the
10 City of Malibu, County of Los Angeles, State of California.

11 2. Respondent California Coastal Commission is, and at all
12 times mentioned herein was a state agency created pursuant to
13 Public Resources Code Section 30000 et seq., and is responsible for
14 implementing the Coastal Public Access Program as directed in
15 Section 30530 - 30534 of the Public Resources Code.

16 3. Respondent State Coastal Conservancy is, at all times
17 mentioned herein, was a state agency created pursuant to Public
18 Resources Code Section 31000 et seq., and is responsible for
19 accepting dedication of easements required to provide public access
20 to recreation and resources areas in the coastal zone as directed
21 in Section 31104.1 of the Public Resources Code.

22 4. Respondent Santa Monica Mountain Conservancy is, and at
23 all times mentioned herein, was a state agency created pursuant to
24 Public Resources Code Section 33000 et seq., to acquire real
25 property or any interest therein, including easements, in order to
26 carry out its purposes and objectives as directed in Section 33203
27 of the Public Resources Code.

28 5. Respondent Conejo Recreation and Park District is a non-
profit organization created to operate parks in the San Fernando

1 Valley. Conejo Recreation Parks District is a local public agency
2 within the meaning of Public Resources Code Section 31010.

3 6. Respondent Mountain Conservation and Recreation
4 Authority, is a joint powers agency consisting of the Santa Monica
5 Mountain Conservancy and Conejo Recreation and Park District within
6 the meaning of Public Resources Code Section 31010.

7 7. Petitioner Gerston is, at all times herein mentioned, the
8 fee-simple owner of a single family residence located on a beach
9 front lot commonly described 27348 Escondido Beach Road, Malibu,
10 California. Said beach front lot is part of a subdivision which
11 also includes a restaurant (Geoffreys) a condominium project
12 (Holiday House) as well as two other single family residences
13 (27350 and 27352 Escondido Beach Road).

14 8. On November 30, 1978 Petitioner's predecessor-in-interest
15 ("Stern") executed an Offer to Dedicate pursuant to the California
16 Coastal Act of 1976 and Sections 30000 through 30900 of the
17 California Public Resources Code, recorded as Instrument No. 78-
18 1378614. Stern made application to the California Coastal
19 Commission for the issuance of a permit for the conversion of ten
20 (10) apartment units to condominiums on the above-described real
21 property subject to the following condition that the owner grant
22 vertical access to give the public the privilege and right to pass
23 and repass over a strip of real property ten (10) feet in width
24 extending from the edge of the public right of way to the mean high
25 tide line of the Pacific Ocean.

26 9. The foregoing Offer to Dedicate was binding on the owner,
27 their heirs, assigns, or successors-in-interest and shall continue,
28 "until accepted in whole or in part at any time, by a public agency

1 or private association which, concurrently with such acceptance,
2 also agrees to accept responsibility for maintenance and liability
3 of the accessway". A true and correct copy of said Offer to
4 Dedicate is attached hereto and made a part hereof of Exhibit A.

5 10. On April 10, 1994 Petitioner's predecessor-in-interest
6 ("Stern") executed an Irrevocable Offer to Dedicate Public Access
7 Easement and Declaration of Restrictions, recorded as Instrument
8 No. 84-431672. Stern applied for approval of the subdivision of
9 the subject property which consisted of a 1.44 acre beach front
10 parcel into four parcels, the removal of an existing eleven (11)
11 unit apartment building which existed on the property and the
12 construction of three (3) level single family homes with the
13 existing restaurant on the property to remain. A true and correct
14 copy of said Irrevocable Offer to Dedicate Public Access Easement
15 is attached hereto and made a part hereof as Exhibit B.

16 11. This subdivision created the lot upon which Petitioner's
17 single family home was built. As a condition of granting the
18 permit for the proposed development, Stern as owner Offered to Re-
19 Dedicate the exact easement created in the Offer to Dedicate dated
20 November 30, 1978 and recorded as Instrument No. 78-1378614. The
21 location of the easement remained the same, subject, however, to
22 additional restrictions.

23 12. The new Offer to Dedicate imposed the additional
24 condition that the easement shall only be available for public pass
25 and re-pass when no other dry beach areas are available for lateral
26 public access.

27 13. As provided in Section 30212 of the California Public
28 Resources Code, a public beach accessway shall not be required to

1 be open to public use until a public agency or private association
2 agrees to accept responsibility for maintenance and liability of
3 the accessway.

4 14. On or about September 20, 1995, Respondent State Coastal
5 Conservancy formally accepted the Offer to Dedicate which now runs
6 through and adjacent to Petitioner's beach front lot.

7 15. On or about September 20, 1995 the State Coastal
8 Conservancy entered into a twenty (20) year Interagency Agreement
9 with the Mountain Conservation and Recreation Authority ("MRCA")
10 for the management of two (2) private vertical accessways which
11 include Petitioner's property and a neighboring parcel
12 approximately 100 yards away. They are referred to as
13 "Stern's/Vertical Offer to Dedicate" and "Shane/Vertical Offer to
14 Dedicate, respectively. A true and correct copy of the map of the
15 location of the Offers to Dedicate Public Access on Escondido Beach
16 in Malibu, is attached hereto and made a part hereof as Exhibit C.

17 16. On October 24, 1995 the California Coastal Commission
18 authorized the transfer of Twenty Five Thousand Dollars (\$25,000)
19 from the Malibu Beach Access Fund to the State Coastal Conservancy,
20 for the subsequent grant to MRCA to open, operate and maintain the
21 "Stern" and "Shane" accessway. Petitioner contends that said
22 action by the Commission was an abuse of discretion.

23 17. Petitioner is informed and believes and thereon alleges
24 that the MRCA has prepared "a Draft Management Plan" to open,
25 operate and maintain the "Stern" and "Shane" accessways and that
26 the Draft Management Plan has no budget which would determine the
27 feasibility of opening, operating and maintaining the two (2)
28 subject accessways. The Commission abused its discretion in

1 authorizing the release of said funds without a proper fiscal
2 budget.

3 18. Petitioner is informed and believes and thereon alleges
4 that the Draft Management Plan has no budgetary provision for the
5 purchase of liability insurance naming the Petitioner as an
6 additional insured on said policy of liability insurance in
7 violation of the condition related to accepting liability stated in
8 the Offer to Dedicate and has no budgetary provision for building
9 a stairway from Escondido Beach Road down the bluff to the beach,
10 or any budgetary provision for the annual maintenance of the
11 accessway.

12 19. Petitioner also contends that the existing public
13 accessways at Paradise Cove, Escondido Creek and the opening of the
14 Shane existing accessway, (reflected in Exhibit "C" attached
15 hereto), provide sufficient access to the one mile stretch of
16 Escondido Beach. Therefore the current Offer to Dedicate does not
17 require that the Petitioner make available the public beach
18 accessway on his property since these other dry beach areas have
19 been, or are now available for lateral public access.

20 20. Petitioner also contends that the acceptance of the
21 subject Offer to Dedicate public access easement constitutes an
22 outright taking of an uncompensated, permanent nature which
23 violates that the Takings Clause of the Fifth Amendment as
24 incorporated against the State by the Fourteenth Amendment.

25 21. Petitioner further contends that the action of the State
26 Coastal Conservancy is unlawful as it exceeds its jurisdiction
27 since the City of Malibu has certified its Land Use Plan and
28 therefore the State Coastal Conservancy has no authority to

1 undertake any actions relating to the acceptance of the
2 Petitioner's Offer to Dedicate until the City of Malibu acts in
3 deciding if acceptance of the Petitioner's Offer to Dedicate is
4 feasible.

5 22. Petitioner seeks a Writ of Mandate directed to the
6 Respondents that finds that; (1) the Respondent's actions in
7 accepting the public access easement and attempting to open said
8 accessway without procuring a policy of liability insurance naming
9 the Petitioner as an additional insured is a violation of the
10 condition contained in the easement; (2) Petitioner need not open
11 his public beach access when other dry beach areas are available;
12 (3) Respondents acceptance of Petitioner's public access beach
13 easement violates the Takings Clause and therefore Petitioner
14 should be compensated and, (4) the action by the State Coastal
15 Conservancy exceeds their authority since the City of Malibu has
16 certified its Land Use Plan (5) the action taken by the Coastal
17 Commission in authorizing the release of funds was an abuse of
18 discretion.

19 23. The Petitioner has exhausted his administrative remedies
20 and has no plan, speedy, or adequate remedy at law outside of
21 administrative mandamus.

22 24. The Petitioner is obligated to pay its attorney for the
23 prosecution of this action and will ask leave of the court to amend
24 this petition for the sum self paid when the same has been
25 ascertained. Actions of the Respondents hereinabove related are
26 arbitrary and capricious within the meaning of Government Code
27 Section 800 and warrant an award of attorney's fees to Petitioner.
28

1 SECOND CAUSE OF ACTION FOR DECLARATORY RELIEF
2 (Against California Coastal Commission, State
3 Coastal Conservancy, Mountains Conservation
4 and Recreation Authority, State of California
5 and Does 1-10, Inclusive)

6 25. The Petitioner refers and realleges the allegations
7 contained in paragraphs 1-24 hereof, as though fully set forth
8 herein.

9 26. The California Coastal Act ("CCA") prohibits the opening
10 for public use any accessway required as a condition of a Coastal
11 Development permit unless until a responsible third party (i.e.,
12 local government, any other public agency with the authority to
13 hold and manage land, private and non-profit associations) agrees
14 to accept responsibility for maintaining them.

15 27. The California Constitution guarantees the public the
16 right of access to state waters, which includes the Ocean. This
17 Constitutional provision is not self-implementing. Public access
18 policies incorporated into the Coastal Act seek to carry out this
19 Constitutional guarantee. (See Section 30210-12 of the Public
20 Resources Code) along the California Coast.

21 28. The Coastal Commission is charged with the responsibility
22 of enhancing public access opportunities to and along the coast.
23 The Commission may share the public access responsibilities with
24 other public agencies i.e., State Coastal Conservancy, Regional
25 Agencies, such as joint powers entities and regional park and/or
26 open space district and local governmental entities such as county
27 and city park departments.

28 29. In carrying out its mandate, the Commission has, in
 appropriate circumstances applied conditions to coastal development

1 permits that permit applicants to record an Offer to Dedicate
2 ("OTD") to an entity acceptable to the Commission's executive
3 directors and easement for public access to the beach or along the
4 shore line.

5 30. In 1979 the Legislature amended the Coastal Act and added
6 Sections 30530-34 for the creation of the Coastal Public Access
7 Program. This legislation transferred the responsibility for
8 preparation of a Coastal Public Access Program from the California
9 Department of Parks and Recreation to the Commission and the
10 Conservancy. Malibu has been recognized as an area lacking
11 sufficient public access opportunities and has therefore been
12 designated a high priority area. In 1980 the Commission
13 established a Malibu Beach Access Fund to help defray cost of
14 opening and maintaining new vertical accessways.

15 31. Petitioner contends that the accessway to the beach which
16 goes through the parking lot of a popular restaurant called
17 Geoffreys will result in a high volume of auto and pedestrian
18 traffic and because of the on sale liquor license on the premises
19 of Geoffreys many of these pedestrians will be intoxicated when
20 they attempt to walk down the steep vertical accessway to the
21 beach. A policy of liability insurance in the amount of Five
22 Million Dollars (\$5,000,000) should be procured to protect the
23 Petitioner who should be named as an additional insured on said
24 policy. Even though managing entities are partially shielded from
25 liability under the Recreation Use Statute (Civil Code Section 846
26 enacted in 1963) and public entities and public employees have been
27 granted limited immunity from certain types of liability, as a
28 practical matter, if an individual injures himself along a beach

1 accessway the fee simple owner of the property remains liable and
2 therefore would be named as a defendant in any lawsuit. A
3 homeowner's policy of liability insurance would then be required to
4 indemnify and defend the homeowner. The inevitable result is that
5 the homeowner would be faced with either higher premiums due to the
6 increased risk, or the insurance company would drop coverage for
7 the property owner because of the increased risk since there is no
8 obligation to continue coverage to the homeowner.

9 32. A controversy has arisen between the Petitioner and the
10 Respondents as to the applicability and implementation of the
11 conditions attached to the Offer to Dedicate with respect to the
12 issue of acceptance of liability and the determination as to
13 whether there is other beach areas available which would negate the
14 opening of Petitioner's easement.

15 33. Petitioner also contends that the acceptance of the
16 accessway by the State Coastal Conservancy is an unlawful taking of
17 his property and that the Petitioner is entitled to compensation
18 for the diminution in value of his property if the accessway is
19 opened.

20 34. Petitioner also contends that the action of the State
21 Coastal Conservancy exceeds their jurisdiction in view of the fact
22 that the City of Malibu has certified its Land Use Plan.

23 35. Petitioner also contends that the action of the Coastal
24 Commission releasing money from the Malibu Beach Access Fund
25 without a budget to determine feasibility is an abuse of
26 discretion.

27 36. An actual controversy has arisen and now exists between
28 Petitioner and Respondents concerning their respective rights and

1 duties regarding the opening of the public beach accessway on
2 Petitioners property.

3 37. Petitioner desires a judicial determination of his rights
4 and duties and a declaration as to whether his interpretation and
5 implementation of the conditions and circumstances attached to the
6 opening of the accessway is correct.

7 38. A judicial declaration is necessary and appropriate at
8 this time under the circumstances in order that Petitioner may
9 ascertain his rights and duties arising from the Offer to Dedicate.

10 THIRD CAUSE OF ACTION FOR PRELIMINARY INJUNCTION
11 (Against California Coastal Commission, State
12 Coastal Conservancy, Mountains Conservation
and Recreation Authority, State of California
and Does 1-10, Inclusive)

13 39. The Petitioner refers and realleges the allegations
14 contained in paragraphs 1-37 hereof, as though fully set forth
15 herein.

16 40. Petitioner hereby request the court for the issuance of
17 a Preliminary Injunction enjoining and restraining the above-named
18 Respondents and their officers, agent, employees, representatives,
19 and all persons acting in concert or participating with them, from
20 engaging in, or performing, directly or indirectly any and all of
21 the following acts:

22 a. Attempting to open, operate, maintain, or commence
23 any construction of any stairway on or through Petitioner's
24 property affected by the public access easement to the beach during
25 the pendency of this action.

26 41. Unless the court grants Petitioner the Preliminary
27 Injunction against Respondents, Petitioner will suffer great harm
28 in that a stairway must first be constructed on Petitioner's

1 Property and if the accessway is opened and a member of the public
2 is injured on Petitioner's property, Petitioner will be liable for
3 damages.

4 42. Respondents' threatened wrongful conduct, until and
5 unless enjoined and restrained by order of this court will cause
6 great and irreparable injury to Petitioner.

7 43. Petitioner has no remedy at law for the injuries which
8 are threatened, therefore Petitioner seeks to invoke the equitable
9 power of the court and requests the above-described injunctive
10 relief.

11 FOURTH CAUSE OF ACTION FOR INVERSE CONDEMNATION
12 (Against California Coastal Commission, State
13 Coastal Conservancy, Mountains Conservation
and Recreation Authority, State of California
and Does 1-10, Inclusive)

14 44. The Petitioner refers and realleges the allegations
15 contained in paragraphs 1-43 hereof, as though fully set forth
16 herein.

17 45. The above-described conduct engaged in by Respondents is
18 unreasonable and caused the taking and damaging of Petitioner's
19 above-described property to which Respondents have not been
20 compensated.

21 46. Respondents' above-described activities have caused the
22 diminution in the value of the Petitioner's property in an amount
23 according to proof at trial.

24 47. In attempting to utilize Petitioner's property and
25 easement, Respondents have been acting under the color of statutes
26 of the State of California, and Certified Malibu Land Use Plan and
27 the regulations and interpretive guidelines of the Commission and
28 have deprived Petitioner of rights and privileges secured by the

1 Constitution and laws of the United States by denying Petitioner
2 due process of law, and by taking Petitioner's property without
3 payment of just compensation or compensation whatsoever.

4 48. The Petitioner is entitled to interest on the diminution
5 of value of his property from and after the date of its taking by
6 the Respondents in an amount to be determined at trial.

7 49. As a further direct and proximate result of the actions
8 of the Respondents and each of them, Petitioner has employed
9 lawyers and experts in order to prosecute this action as incurred
10 and will incur legal fees and costs in reasonable amount.
11 Petitioner is entitled to recover such expenses pursuant to the
12 provisions of 42 U.S.C. §1987.

13 50. At the time of the decision to accept Petitioner's Offer
14 to Dedicate the Respondents knew or should have known that to use
15 Petitioner's property was a misuse of the police powers and would
16 result in depriving Petitioner of all economic use and value of his
17 property, and denial of Petitioner's rights to due process and
18 equal protection of the law.

19 51. The Respondents acts constituted a taking of the
20 Petitioner's property for public use without payment of just
21 compensation, or any compensation, in violation of Article I,
22 Section 19 of the Constitution of the State of California, the
23 Fifth and Fourteenth Amendment of the United States Constitution,
24 and in violation of the ruling handed down by the United States
25 Supreme Court in the case entitled Nollan v. California Coastal
26 Commission, (1987) 483 U.S. 825.

27 52. As a further direct, and proximate consequence of the
28 actions of the Respondents, Petitioner has employed lawyers and

1 experts in order to prosecute this action and has incurred and will
2 incur, legal fees and costs in reasonable amounts. The Petitioner
3 is entitled to recover such expenses pursuant to the provisions of
4 California Code of Civil Procedure Section 1036.

5 53. Petitioner requests that after the issuance of the Writ
6 of Mandate requested in the First Cause of Action herein, and the
7 Declaration of Rights and Injunctive Relief, the court award
8 damages for inverse condemnation as Petitioner has been deprived
9 and continues to be deprived of any and all use of his property in
10 violation of 42 U.S.C. §1983 from the date of said writ until
11 trial. Said deprivation has damaged and will continue to damage
12 Petitioner according to proof at trial.

13 WHEREFORE, Petitioner prays for judgment as follows:

14 1. For an Administrative Writ of Mandate directed to the
15 Respondents ordering them to set aside their decision to accept
16 Petitioner's Offer to Dedicate and/or to enforce the conditions
17 attached thereto;

18 2. For a declaration that the special conditions attached to
19 the easement are valid and enforceable;

20 3. For a declaration that the use of Petitioner's property
21 by the State of California, acting through the Respondents, is an
22 unlawful taking of property without payment of just compensation
23 and therefore invalid;

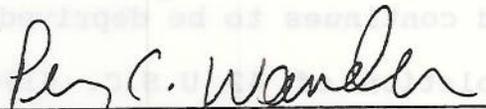
24 4. For a declaration that the action of the State Coastal
25 Conservancy exceeds its jurisdiction;

26 5. For a Declaration that California Coastal Commission
27 abused its discretion;

- 1 6. For an injunction prohibiting the Respondents from
2 opening the public accessway through Petitioner's property;
3 7. For damages in a sum according to proof at trial;
4 8. For reasonable attorney's fees, and costs, together with
5 interest thereon, from the date judgement is satisfied; and
6 9. For such other and further relief as the court deems
7 proper.

8
9 DATED: December 6, 1995

LAW OFFICES OF PERRY C. WANDER

10
11 
12 PERRY C. WANDER, ESQ.
13 Attorney for Petitioner
14 ALBERT HARRIS GERSTON, JR.

VERIFICATION

I have read the foregoing PETITION FOR: 1. ADMINISTRATIVE WRIT OF MANDATE; 2. DECLARATORY RELIEF; 3. PRELIMINARY INJUNCTION; 4. INVERSE CONDEMNATION and know its contents.

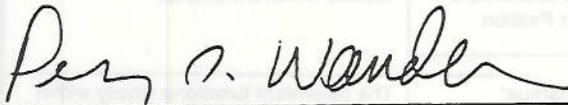
____ I am a party to this action. The matters stated in it are true of my own knowledge except as to those matters which are stated on information and belief and, as to those matters, I believe them to be true.

____ I am ____ an officer ____ a partner ____ a ____ of a party to this action and am authorized to make this Verification for and on its behalf. I make this Verification for that reason. I have read the foregoing document and know its contents. The matters stated in it are true of my own knowledge except as to those matters which are stated on information and belief and, as to those matters, I believe them to be true.

x I am one of the attorneys for Petitioner Albert H. Gerston, Jr., a party to this action. Such party is absent from the aforesaid county where such attorneys have their offices and I make this Verification for and on behalf of that party for that reason. I have read the foregoing document and know its contents. I am informed and believe and on that ground allege that the matters stated in it are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 6th day of December , 1995, at Beverly Hills, California.



Perry C. Wander, Esq.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

SHORT CASE TITLE
Gerston v. California Coastal, etc. et al.

CASE NUMBER

CERTIFICATE OF ASSIGNMENT

File this certificate with all cases presented for filing in all districts of the Los Angeles Superior Court.

JURY TRIAL NON-JURY TRIAL TIME ESTIMATED FOR TRIAL 2 HOURS / DAYS.

The undersigned declares that the above entitled matter is filed for proceedings in the West District of the Los Angeles Superior Court under Section 392 et seq., Code of Civil Procedure and Rule 2 (c) and (d) of this court for the reasons checked below. The address of the accident, performance, party, detention, place of business, or other factor which qualifies this case for filing in the above designated district is (address information not required for non-tort cases filed in Central District):

NAME: (INDICATE TITLE OR OTHER QUALIFYING FACTOR) Albert H. Gerston, Jr.			ADDRESS: 27348 Escondido Beach Road		
(CITY) Malibu	(STATE) CA	(ZIP CODE) 90265	Malibu, CA 90265		

CHECK ONLY ONE NATURE OF ACTION

NATURE OF ACTION	GROUND	NATURE OF ACTION	GROUND
<input type="checkbox"/> A7100 Vehicle Accident <input type="checkbox"/> A7210 Med Malpractice <input type="checkbox"/> A7200 Other Personal Inj. <input type="checkbox"/> A7220 Product Liability <input type="checkbox"/> A6050 Other Malpractice <input type="checkbox"/> A6012 Collection/Note <input type="checkbox"/> A6040 Injunct Relief <input type="checkbox"/> A6030 Declar Relief <input type="checkbox"/> A6170 Late Claim Relief <input type="checkbox"/> A6000 Other Compl. (Specify): _____	Local Rule 2 sets forth the provisions for mandatory filings in the Central District and optional filings in the Central District or District other than the Central District in "Los Angeles County." If this is a Class Action mark this box: <input type="checkbox"/> Class Action	<input type="checkbox"/> A5520 Regular Dissolution <input type="checkbox"/> A5525 Summary Dissolution <input type="checkbox"/> A5530 Nullity <input type="checkbox"/> A5510 Legal Separation <input type="checkbox"/> A6135 Foreign Support <input type="checkbox"/> A6136 Foreign Custody <input type="checkbox"/> A6122 Domestic Violence <input type="checkbox"/> A6130 Family Law Complaint-Other <input type="checkbox"/> A6132 Paternity <input type="checkbox"/> A6131 DA Paternity (DA use only) <input type="checkbox"/> A6133 DA Agreement (DA use only)	One or more of the party litigants resides within the district. ** (Not a requirement for filing in Central District—Rule 2) Child resides or deceased father's probate would be filed in the district. **
<input type="checkbox"/> A6011 Contract <input checked="" type="checkbox"/> A7300 Eminent Domain/Inverse Condemnation: <input type="checkbox"/> A6020 Landlord/Tenant <input type="checkbox"/> A6060 Real Property Rights	Performance in the district is expressly provided for. ** The property is located within the district. **	<input type="checkbox"/> A6101 Agency Adoption <input type="checkbox"/> A6102 Independent Adoption <input type="checkbox"/> A6104 Stepparent Adoption <input type="checkbox"/> A6103 Adult Adoption <input type="checkbox"/> A6106 Sole Custody Petition <input type="checkbox"/> A6105 Abandonment	Petitioner resides within the district. ** or Consent to out-of-state adoption, consensor resides within the district. **
<input type="checkbox"/> A6140 Admin Award <input type="checkbox"/> A6160 Abstract <input type="checkbox"/> A6141 Sister State Judgment	The administrative tribunal is located within the district ** The judgment debtor holds property within the district **	<input type="checkbox"/> A6210 Probate Will-Letters Testamentary <input type="checkbox"/> A6211 Probate Will-Letters Administration <input type="checkbox"/> A6212 Letters of Administration <input type="checkbox"/> A6213 Letters of Special Administration <input type="checkbox"/> A6214 Set. Aside Sm. Estate (\$602 PC) <input type="checkbox"/> A6215 Spousal Property <input type="checkbox"/> A6216 Succession to Real Property <input type="checkbox"/> A6217 Summary Probate (7660 PC) <input type="checkbox"/> A6218 Real Prop./Sm. Value (13200 PC) <input type="checkbox"/> A6230 Conservatorship P & E <input type="checkbox"/> A6231 Conservatorship Person <input type="checkbox"/> A6232 Conservatorship Estate <input type="checkbox"/> A6233 Medical Treatment without Consent <input type="checkbox"/> A6240 Guardianship P & E <input type="checkbox"/> A6241 Guardianship Person <input type="checkbox"/> A6242 Guardianship Estate <input type="checkbox"/> A6243 Spouse Lacks Capacity <input type="checkbox"/> A6254 Trust Proceedings <input type="checkbox"/> A6200 Probate Other	Decedent resided within the district ** or Decedent resided out of the district, but held property within the district. ** or Petitioner, conservatee or ward resides within this district. **
<input type="checkbox"/> A7221 Asbestos Pers. Inj. <input type="checkbox"/> A6070 Asbestos Prop. Dam. <input type="checkbox"/> A6134 R.E.S.L. <input type="checkbox"/> A6111 Minor's Contract <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Name Change <input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6100 Other Petition (Specify): _____	Must be filed in the Central District One or more of the party litigants resides within the district. **	<input type="checkbox"/> A6244 Trust Proceedings <input type="checkbox"/> A6200 Probate Other (Specify): _____	
<input checked="" type="checkbox"/> A6151 Mandamus* <input type="checkbox"/> A6152 Prohibition* <input type="checkbox"/> A6150 Other Writ* (Specify) _____	The defendant functions wholly within the district. **	<input type="checkbox"/> A6260 Comp Minor's Claim (Specify): _____	
<input type="checkbox"/> A6600 H.C. Family Law	Child is held within the District **		

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and this declaration was executed on December 6, 1995 at Beverly Hills, California

**Or, Rule 2 allows optional filing in Central District.

Ray C. Wander
 (SIGNATURE OF ATTORNEY/FILING PARTY)

* Perogative writs concerning a court of inferior jurisdiction shall be filed in Central District.

THE COURT MAY IMPOSE SANCTIONS OR OTHER PENALTIES FOR FAILURE TO FILE IN THE PROPER DISTRICT.

78-1378614

Old Offer To Dedicate (prior to current subdn) ~~access on the beach.~~

RECORDING REQUESTED BY AND MAIL TO:

California Coastal Commission/
South Coast Region
P.O. Box 1450
Long Beach, Ca. 90801

RECORDED IN OFFICIAL RECORDS OF LOS ANGELES COUNTY, CA
27:1111 PAST 32 PM DEC 12 1978

ITEM # 14

OFFER TO DEDICATE

1/12/79
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This instrument is made this 20th day of November, 1978, by Charles H. Stern, B.F.S., a partner in, Joanne Stern, Leonard Gilman, Lee Gilman, Arthur Malin, Naomi Malin, Lee Freeman, Dorothy Freeman, Jack Grossblat, and Estelle Grossblat (collectively referred to hereafter as "Owner" or "Permittee").

WHEREAS, pursuant to the California Coastal Act of 1976, Sections 30000 through 30900 of the California Public Resources Code, Owner made Application No. P-2130 to the California Coastal Commission, South Coast Region, for the issuance of a permit for the conversion of ten (10) apartment units to condominiums on certain real property owned by the Owner and more particularly described on Exhibit "A" hereto; and

WHEREAS, said Commission determined to grant said application and issue a permit for the conversion of ten (10) apartment units to condominiums on said real property subject to the following condition, imposed for the benefit of the Public, and without agreement to which by Owner, said Commission could not grant the permit:

The Permittee grants vertical access to give the public the privilege and right to pass and repass over a strip of Owner's said real property ten (10) feet in width and extending from the edge of the public right-of-way to the mean high tide line of the Pacific Ocean, to be along existing stairway.

NOW, THEREFORE, in consideration of the issuance of said development permit, and of the benefit conferred thereby on the subject property, Owner hereby irrevocably offers to grant, for the benefit of the Public, vertical access to give the Public the privilege and right to pass and repass over a strip of Owner's real property ten (10) feet in width and extending from the edge of the public right-of-way to the mean high tide line of the Pacific Ocean, which strip of real property is in the County of Los Angeles, State of California and which is more particularly described on Exhibit "B" hereto.

The foregoing offer is binding on the Owner, their heirs, assigns or successors in interest, and shall continue (i) until accepted in whole or in part at any time by a public agency or private association which, concurrently with such acceptance, also agrees to accept responsibility for maintenance and liability of the accessway; or (ii) until revoked, modified or terminated with the approval of said Commission. As provided in Section 30212 of the California Public Resources Code, the public beach accessway shall not be required to be opened to public use until a public agency or private Association agrees to accept responsibility for maintenance and liability of the accessway.

Permittee acknowledges that any revocation, modification or termination of the foregoing offer without the approval of said Commission shall constitute a violation of said development permit and shall subject Permittee or any other violator thereof to civil action for violation of the terms of said development permit and of the Coastal Act of 1976.

Nothing shall become payable to Permittee, nor to the successors or assigns of Permittee, for the agreement herein set forth.

Executed the date above written.

B.P.S., A Partnership

By Charles H. Stern
Charles H. Stern, Partner

Charles H. Stern
Charles H. Stern

John F. Stern
John F. Stern

By: Charles H. Stern
Charles H. Stern,
Attorney-In-Fact

Leonard Gilman Lee Gilman
Leonard Gilman Lee Gilman

By: Charles H. Stern By: Charles H. Stern
Charles H. Stern, Attorney-In-Fact Charles H. Stern, Attorney-In-Fact

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Arthur Halin
Arthur Halin

Naomi Halin
Naomi Halin

By: Charles H. Stern
Charles H. Stern,
Attorney-In-Fact

By: Charles H. Stern
Charles H. Stern,
Attorney-In-Fact

Leo Freeman
Leo Freeman

Dorothy Freeman
Dorothy Freeman

By: Charles H. Stern
Charles H. Stern,
Attorney-In-Fact

By: Charles H. Stern
Charles H. Stern,
Attorney-In-Fact

Jack Crossblat
Jack Crossblat

Estelle Crossblat
Estelle Crossblat

By: Charles H. Stern
Charles H. Stern,
Attorney-In-Fact

By: Charles H. Stern
Charles H. Stern,
Attorney-In-Fact

78-1378614

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

On November 30, 1978, 1978, before me,

undersigned, a Notary Public in and for said County and State, personally appeared Charles H. Stern, known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.

WITNESS my hand and official seal

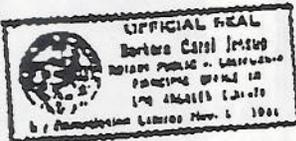


Barbara Carol Jessup
Notary Public in and for
said County and State

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

On November 30, 1978, 1978, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Charles H. Stern, known to me to be the person whose name is subscribed to the within instrument, as Attorney-in-Fact of Joanne Stern, Leonard Gilman, Lee Gilman, Arthur Malin, Naomi Malin, Lee Freeman, Dorothy Freeman, Jack Grossblat and Estelle Grossblat, and acknowledged to me that he subscribed the names of Joanne Stern, Leonard Gilman, Lee Gilman, Arthur Malin, Naomi Malin, Lee Freeman, Dorothy Freeman, Jack Grossblat and Estelle Grossblat thereto and his own name as Attorney in-Fact for the foregoing individuals.

WITNESS my hand and official seal



Barbara Carol Jessup
Notary Public in and for
said County and State

78-1378614

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.

On November 30, 1978, before me the

undersigned, a Notary Public in and for said County and State, personally appeared Charles H. Stern, known to me to be one of the partners of S.F.S., a partnership, the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

WITNESS my hand and official seal



Barbara Carol Lewis
Notary Public in and for
said County and State

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This is to certify that the offer to dedicate set forth above, dated November 30, 1978 and signed by Charles H. Stern, as principal, as a partner of S.F.S. a partnership, and as Attorney-in-fact for said partnership of the subject property, Permittee, is hereby approved by order of the California Coastal Commission, South Coast Region, on _____ and said Commission consents to recordation thereof by its Executive Director, its duly authorized officer.

Date 12-4-78

By [Signature]
Chairman, California Coastal Commission, South Coast Region

STATE OF CALIFORNIA)
COUNTY OF Los Angeles) ss.

On this 4th day of December, 1978, before me, the undersigned Notary Public, personally appeared Donald E. Wilson, known to me to be the Chairman of the California Coastal Commission, South Coast Region, and known to me to be the person who executed the foregoing instrument on behalf of said Commission, and acknowledged to me that such Commission executed the same.

Witness my hand and official seal the day and year in the certificate first above written.

[Signature]
Notary Public in and for the County of Los Angeles State of California



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DESCRIPTION:

PARCEL 1:

A PARCEL OF LAND BEING A PORTION OF THE RANCHO TOPANCA MALISU SQUIT, 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 OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT ENGINEER'S STATION 665 PLUS 94.17 IN THE CENTER LINE OF THE 80 FOOT STRIP OF LAND DESCRIBED IN THE DEED FROM T. R. CADWALADER, TRUSTEE, ET AL., TO THE STATE OF CALIFORNIA, RECORDED IN BOOK 15228 PAGE 342, OFFICIAL RECORDS, SAID ENGINEER'S STATION BEING AT THE WESTERLY EXTREMITTY OF THE CERTAIN COURSE DESCRIBED IN SAID DEED AS NORTH 87 DEGREES 39 MINUTES 53 SECONDS EAST 1511.31 FEET; THENCE ALONG SAID CENTER LINE NORTH 87 DEGREES 39 MINUTES 53 SECONDS EAST 602.43 FEET; THENCE SOUTH 2 DEGREES 20 MINUTES 05 SECONDS EAST 168.59 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 57 DEGREES 42 MINUTES 53 SECONDS WEST 113.87 FEET; THENCE SOUTH 2 DEGREES 20 MINUTES 05 SECONDS EAST TO THE LINE OF ORDINARY HIGH TIDE OF THE PACIFIC OCEAN; THENCE EASTERLY ALONG SAID TIDE LINE TO THE INTERSECTION THEREOF WITH A LINE WHICH BEARS SOUTH 2 DEGREES 20 MINUTES 05 SECONDS EAST FROM THE TRUE POINT OF BEGINNING; THENCE NORTH 2 DEGREES 20 MINUTES 05 SECONDS WEST TO THE TRUE POINT OF BEGINNING.

EXCEPT THE EASTERLY 47.5 FEET THEREOF.

EXCEPTING THEREFROM AS CONTAINED IN THE DEED FROM MARSHHEAD LAND COMPANY, RECORDED IN BOOK 17121 PAGE 43, OFFICIAL RECORDS:

A. ALL MINERALS, OIL, PETROLEUM, ASPHALTUM, GAS, COAL AND OTHER HYDROCARBON SUBSTANCES, CONTAINED IN, ON, WITHIN AND UNDER SAID LAND BUT WITHOUT RIGHT OF ENTRY.

B. ALL LITTORAL RIGHTS WITH THE FULL AND EXCLUSIVE RIGHT TO PRESERVE AND PROTECT SAID LITTORAL RIGHTS.

ALSO EXCEPT ANY PORTION OF SAID LAND LYING OUTSIDE OF THE PATENT LINES OF THE RANCHO TOPANCA MALISU SQUIT, AS SUCH LINES EXISTED AT THE TIME OF THE ISSUANCE OF THE PATENT, WHICH WAS NOT FORMED BY THE DEPOSIT OF ALLUVION FROM NATURAL CAUSES AND BY IMPERCEPTIBLE DEGREES.

PARCEL 2:

A PARCEL OF LAND IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, BEING A PORTION OF THE RANCHO TOPANCA MALISU SQUIT, AS CONFIRMED TO MATTHEW KELLER, BY PATENT RECORDED IN BOOK 1 PAGES 407, ET SEQ., OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHERLY LINE OF THE 80 FOOT STRIP OF LAND DESCRIBED IN THE DEED FROM T. R. CADWALADER, ET AL., TO THE STATE OF CALIFORNIA, RECORDED IN BOOK 15228

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EXHIBIT "A"

PAGE 142 OF OFFICIAL RECORDS OF SAID COUNTY, SAID POINT OF BEGINNING BEING NORTH 87 DEGREES 39 MINUTES 55 SECONDS EAST 602.43 FEET AND SOUTH 2 DEGREES 20 MINUTES 05 SECONDS EAST 40 FEET FROM ENGINEERS CENTER LINE STATION 665 PLUS 94.17 AT THE WESTERLY EXTREMITY OF THAT CERTAIN COURSE DESCRIBED IN SAID DEED AS NORTH 87 DEGREES 39 MINUTES 55 SECONDS EAST 1311.31 FEET; THENCE SOUTH 2 DEGREES 20 MINUTES 05 SECONDS EAST 128.39 FEET TO THE NORTHEASTERLY CORNER OF THE PARCEL OF LAND DESCRIBED IN A DEED FROM MARBLEHEAD LAND COMPANY TO LULA JAMES JONES, RECORDED IN BOOK 17121 PAGE 43 OF OFFICIAL RECORDS OF SAID COUNTY, SAID NORTHEASTERLY CORNER BEING THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 32 DEGREES 30 MINUTES 00 SECONDS EAST 35.01 FEET; THENCE SOUTH 2 DEGREES 20 MINUTES 05 SECONDS EAST TO A POINT IN THE ORDINARY HIGH TIDE LINE OF THE PACIFIC OCEAN; THENCE WESTERLY ALONG THE MEANDERINGS OF SAID ORDINARY HIGH TIDE LINE TO A POINT WHICH BEARS SOUTH 2 DEGREES 20 MINUTES 05 SECONDS EAST FROM THE TRUE POINT OF BEGINNING, SAID POINT BEING ON THE EASTERLY BOUNDARY OF THE HEREINAFORE MENTIONED PARCEL; THENCE NORTH 2 DEGREES 20 MINUTES 05 SECONDS WEST TO THE TRUE POINT OF BEGINNING.

EXCEPTING FROM SAID LAND ALL OIL, GAS AND HYDROCARBON SUBSTANCES IN OR ON SAID LAND, BUT WITHOUT THE RIGHT TO GO UPON SAID LAND TO EXTRACT SAID SUBSTANCES, AS RESERVED BY MARBLEHEAD LAND COMPANY, IN DEED RECORDED IN BOOK 20337 PAGE 123, OF OFFICIAL RECORDS.

ALSO EXCEPT ANY PORTION OF SAID LAND LYING OUTSIDE OF THE PATENT LINES OF THE RANCHO TOPANGA MALIBU SEQUIT, AS SUCH LINES EXISTED AT THE TIME OF THE ISSUANCE OF THE PATENT, WHICH WAS NOT VOIDED BY THE DEPOSIT OF ALLUVION FROM NATURAL CAUSES AND BY IMPERCEPTIBLE DEGREES.

PARCEL 3:

A PARCEL OF LAND IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, BEING A PORTION OF THE RANCHO TOPANGA MALIBU SEQUIT, AS CONVEYED TO MATTHEW KELLER, BY PATENT RECORDED IN BOOK 1 PAGE 407, ET SEQ., OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT ENGINEERS STATION 665 PLUS 94.17 IN THE CENTER LINE OF THE 80 FOOT STRIP OF LAND DESCRIBED IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED IN BOOK 15228 PAGE 142 OF OFFICIAL RECORDS OF SAID COUNTY, AT THE WESTERLY EXTREMITY OF THAT CERTAIN COURSE IN SAID CENTER LINE DESCRIBED AS NORTH 87 DEGREES 39 MINUTES 55 SECONDS EAST 1311.31 FEET; THENCE SOUTH 2 DEGREES 20 MINUTES 05 SECONDS EAST 50 FEET; THENCE PARALLEL WITH SAID CENTER LINE NORTH 87 DEGREES 39 MINUTES 55 SECONDS EAST 212.04 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 87 DEGREES 39 MINUTES 55 SECONDS EAST 110 FEET TO THE WESTERLY LINE OF THE LAND DESCRIBED IN THE DEED TO BUDLEY B. MURPHY, RECORDED ON OCTOBER 29, 1946 AS INSTRUMENT NO. 1028

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IN BOOK 23922 PAGE 1 OF OFFICIAL RECORDS OF SAID COUNTY; THENCE ALONG SAID WESTERLY LINE NORTH 2 DEGREES 26 MINUTES 29 SECONDS WEST TO THE NORTHWEST CORNER OF SAID LAST MENTIONED LAND, SAID NORTHWEST CORNER BEING A POINT IN THE SOUTHERLY LINE OF THE HEXAGONALY DESCRIBED 80 FOOT STRIP OF LAND; THENCE ALONG SAID SOUTHERLY LINE NORTH 77 DEGREES 39 MINUTES 55 SECONDS EAST 280.39 FEET; THENCE SOUTH 2 DEGREES 20 MINUTES 05 SECONDS EAST 128.59 FEET TO THE NORTHEASTLY CORNER OF THE LAND DESCRIBED IN THE DEED FROM MARSHFIELD LAND COMPANY TO LULA JANET JAMES, RECORDED IN BOOK 17121 PAGE 43 OF OFFICIAL RECORDS OF SAID COUNTY; THENCE ALONG THE NORTHERLY LINE OF SAID LAST MENTIONED LAND SOUTH 5 DEGREES 42 MINUTES 55 SECONDS WEST 113.67 FEET TO THE NORTHWESTLY CORNER OF SAID LAST MENTIONED LAND; THENCE ALONG THE WESTERLY LINE OF SAID LAST MENTIONED LAND SOUTH 2 DEGREES 30 MINUTES 05 SECONDS EAST TO THE ORDINARY HIGH TIDE LINE OF THE PACIFIC OCEAN; THENCE WESTERLY ALONG THE MEANDERINGS OF SAID ORDINARY HIGH TIDE LINE TO THE SOUTHEAST CORNER OF THE LAND DESCRIBED IN THE DEED TO R. JACK NEWMAN, RECORDED ON NOVEMBER 5, 1931, AS INSTRUMENT NO. 220, IN BOOK 37565 PAGE 6 OF OFFICIAL RECORDS OF SAID COUNTY; THENCE ALONG THE EASTERLY LINE OF SAID LAST MENTIONED LAND NORTH 9 DEGREES 05 MINUTES 00 SECONDS WEST TO THE NORTHEAST CORNER OF SAID LAST MENTIONED LAND; THENCE ALONG THE NORTHERLY LINE OF SAID LAST MENTIONED LAND AND ALONG THE NORTHERLY LINE OF THE LAND DESCRIBED AS PARCEL NO. 1, IN THE DEED TO SAMMY COHEN AND WIFE, RECORDED ON OCTOBER 10, 1956, AS INSTRUMENT NO. 21, IN BOOK 52539 PAGE 18 OF OFFICIAL RECORDS OF SAID COUNTY; SOUTH 77 DEGREES 05 MINUTES 55 SECONDS WEST 90.09 FEET TO THE NORTHWEST CORNER OF SAID LAST MENTIONED LAND; THENCE ALONG THE WESTERLY LINE OF SAID LAST MENTIONED LAND SOUTH 9 DEGREES 05 MINUTES 00 SECONDS EAST TO SAID ORDINARY HIGH TIDE LINE; THENCE WESTERLY ALONG SAID ORDINARY HIGH TIDE LINE TO THE SOUTHEAST CORNER OF THE LAND DESCRIBED AS PARCEL NO. 1 IN THE DEED TO MARGRIT MUNK AND HANNA FINICHEL, RECORDED ON JANUARY 31, 1950 AS INSTRUMENT NO. 345, IN BOOK 32123 PAGE 300 OF OFFICIAL RECORDS OF SAID COUNTY; THENCE ALONG THE EASTERLY AND NORTHERLY LINES OF SAID LAST MENTIONED LAND NORTH 8 DEGREES 45 MINUTES 11 SECONDS WEST AND SOUTH 80 DEGREES 08 MINUTES 19 SECONDS WEST 73.95 FEET TO A LINE THAT BEARS SOUTH 2 DEGREES 21 MINUTES 41 SECONDS EAST FROM THE TRUE POINT OF BEGINNING; THENCE NORTH 2 DEGREES 21 MINUTES 41 SECONDS WEST 228.23 FEET TO SAID TRUE POINT OF BEGINNING.

EXCEPT THEREFROM THAT PORTION OF SAID LAND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LAND DESCRIBED AS PARCEL 1 IN DEED TO SAMMY COHEN AND WIFE, RECORDED ON OCTOBER 10, 1956, AS INSTRUMENT NO. 21 IN BOOK 52539 PAGE 18 OF SAID OFFICIAL RECORDS; THENCE ALONG THE WESTERLY LINE OF SAID LAST MENTIONED LAND SOUTH 9 DEGREES 05 MINUTES 00 SECONDS EAST TO SAID ORDINARY HIGH TIDE LINE; THENCE WESTERLY ALONG SAID ORDINARY HIGH TIDE LINE TO THE SOUTHEAST

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CORNER OF THE LAND DESCRIBED AS PARCEL NO. 1 IN THE DEED TO MARGRIT WIDR AND HALMA FENICHEL, RECORDED ON JANUARY 1, 1950 AS INSTRUMENT NO. 3451 IN BOOK 3213 PAGE 308 OF OFFICIAL RECORDS OF SAID COUNTY; THENCE ALONG THE EASTERN LINE OF SAID LAST MENTIONED LAND NORTH 8 DEGREES 14 MINUTES 11 SECONDS WEST TO THE NORTHEASTLY PROLONGATION OF SAID COURSE IN THE NORTHERLY LINE OF SAID LAND; THENCE SOUTH EAST HAVING A BEARING AND LENGTH OF NORTH 80 DEGREES 08 MINUTES 19 SECONDS EAST 73.95 FEET; THENCE ALONG THE NORTHEASTLY PROLONGATION OF SAID CERTAIN COURSE NORTH 80 DEGREES 08 MINUTES 19 SECONDS EAST TO THE NORTHERLY PROLONGATION OF THE WESTERLY LINE OF SAID LAND DESCRIBED IN DEED TO SAMMY COHEN AND WIFE IN BOOK 32539 PAGE 18 OF OFFICIAL RECORDS OF SAID COUNTY; THENCE SOUTHERLY ALONG SAID PROLONGATION OF THE POINT OF BEGINNING.

ALSO EXCEPT ANY PORTION OF SAID LAND LYING OUTSIDE OF THE PATENT LINES OF THE RANCHO TOPANGA MALINU SEQUIT, AS SUCH LINES EXISTED AT THE TIME OF THE ISSUANCE OF THE PATENT, WHICH WAS NOT FORMED BY THE DEPOSIT OF ALLUVION FROM NATURAL CAUSES AND BY UNPERCEPTIBLE DEGREES.

ALSO EXCEPT FROM A PORTION OF SAID LAND ALL OIL, GAS AND HYDROCARBON SUBSTANCES IN OR ON SAID LAND, BUT WITHIN THE RIGHT TO GO UPON SAID LAND TO EXTRACT SAID SUBSTANCES, AS RESERVED BY MARBLEHEAD LAND COMPANY, IN DEED RECORDED IN BOOK 20337 PAGE 122, OFFICIAL RECORDS.

ALSO EXCEPT FROM A PORTION OF SAID LAND ALL OIL, GAS, AND ALL OTHER HYDROCARBON SUBSTANCES IN OR ON SAID LAND, BUT WITHOUT THE RIGHT TO GO UPON SAID LAND TO EXTRACT SAID SUBSTANCES, AS RESERVED BY MARBLEHEAD LAND COMPANY, IN DEED RECORDED IN BOOK 13268 PAGE 1.0, OFFICIAL RECORDS.

PARCEL 4:

AN EASEMENT FOR THE CONSTRUCTION, MAINTENANCE, REPAIR AND ALTERATION OF SANITARY SEWER LEACH FIELD FACILITIES AND APPURTENANCES OVER, UNDER AND ACROSS THAT CERTAIN PARCEL OF LAND IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, BEING A PORTION OF THE RANCHO TOPANGA MALINU SEQUIT, AS COMPLIED TO MATTHEW KELLER, BY PATENT RECORDED IN BOOK 1 PAGE 407, ET SEQ., OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE LAND DESCRIBED AS PARCEL NO. 1 IN THE DEED TO SAMMY COHEN AND WIFE, RECORDED ON OCTOBER 10, 1956, AS INSTRUMENT NO. 321, IN BOOK 32539 PAGE 18 OF OFFICIAL RECORDS OF SAID COUNTY; THENCE SOUTHERLY ALONG THE WESTERLY PROLONGATION OF THE NORTHERLY LINE OF SAID PARCEL NO. 1, SOUTH 77 DEGREES 04 MINUTES 55 SECONDS WEST, 27.00 FEET; THENCE NORTH 09 DEGREES 05 MINUTES 00 SECONDS WEST, 35.20 FEET TO THE NORTHERLY LINE OF THE LAND DESCRIBED IN THE DEED TO VIRGINIA MURPHY, RECORDED ON AUGUST 29, 1972, AS INSTRUMENT NO. 3839, IN BOOK D-5544 PAGE 823 OF OFFICIAL RECORDS OF SAID COUNTY; THENCE EASTERLY

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ALONG SAID NORTHERLY LINE NORTH 80 DEGREES 08 MINUTES 19
SECONDS EAST, 26.94 FEET TO THE NORTHEAST CORNER OF SAID
LAND; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID
LAND SOUTH 09 DEGREES 01 MINUTES 00 SECONDS EAST, 137
FEET TO THE POINT OF BEGINNING.

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LEGAL DESCRIPTION

12

That portion of the Rancho Topanga Malibu Sequit, as confirmed to Matthew Keller by patent recorded in Book 1 Page 402 of Records of Patents in the office of the County Recorder of Los Angeles County, State of California, included within a strip of land as described as follows:

PARCEL I

A strip of land 10 feet wide, lying 5 feet on each side of the following described centerline:

Beginning at the intersection of the southerly line of Pacific Coast Highway 100 feet wide, with easterly line of Parcel 3 in deed to PROPERTY DEVELOPMENT LTD, a limited partnership, recorded in Book D-6399 Page 53 Official Records of said County; thence along said southerly line South 87°39'39" West 7.00 feet to the true point of beginning; thence along the following courses and distances; South 44°35'17" West 17.29 feet; South 29°57'13" West 34.03 feet; South 6°30'34" West 12.59 feet; South 32°20'31" West 17.73 feet; South 1°52'40" West 30.52 feet; South 70°21'44" West 49.34 feet; South 41°52'40" West 19.47 feet; South 4°03'14" West 15.26 feet; North 63°18'33" East 47.60 feet; South 12°09'19" East 4.77 feet; South 42°20'52" West 48.97 feet; South 16°50'50" West 18.79 feet and North 37°42'55" East 66.63 feet to the easterly line of Parcel 1 of said deed recorded in Book D-6399 Page 53 Official Records.

The sideline of said strip of land to terminate northerly at the southerly line of said Pacific Coast Highway and southerly at said easterly line of Parcel 1.

PARCEL II

A 10 foot strip of land lying westerly of and adjacent to the easterly line of Parcel I of said deed recorded in Book D-6399 Page 53 Official Records, extending from the southerly line of the strip of land described above as Parcel I, southerly to the mean high tide line of the Pacific Ocean.

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EXHIBIT "A"

Offer made
prior to current
map being recorded

Need map
showing propy
described on
Exhibit A

84- 4311

Recording Requested by and
When Recorded, Mail To:
California Coastal Commission
631 Howard Street, 4th Floor
San Francisco, California 94105
Attention: Legal Department

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IRREVOCABLE OFFER TO DEDICATE PUBLIC ACCESS EASEMENT
AND
DECLARATION OF RESTRICTIONS

FREE N
19

THIS IRREVOCABLE OFFER AND DEDICATION OF PUBLIC ACCESS EASEMENT AND
DECLARATION OF RESTRICTIONS (hereinafter "Offer") is made this ____ day of
March, 1984, by the parties set forth on Schedule I hereto,
(hereinafter referred to as "Grantor").

I. WHEREAS, Grantor is the legal owner of a fee interest of certain real
properties located in the County of LOS ANGELES, State of California,
and described in the attached Exhibit A (hereinafter referred to as the
"Property"); and

II. WHEREAS, all of the Property is located within the coastal zone as defined
in Section 30103 of the California Public Resources Code (which code is
hereinafter referred to as the "Public Resources Code"); and

III. WHEREAS, the California Coastal Act of 1976, (hereinafter referred to as
the "Act") creates the California Coastal Commission (hereinafter referred to
as the "Commission") and the South Coast Regional Commission
(hereinafter "Regional Commission") and requires that any development approved
by the Commission or Regional Commission must be consistent with the policies
of the Act set forth in Chapter 3 of Division 20 of the Public Resources Code;
and

IV. WHEREAS, Pursuant to the Act, Grantor applied to the Commission or
Regional Commission for a permit to undertake development as defined in the Act
within the coastal zone of LOS ANGELES County (hereinafter
the "Permit"); and

RECORDED IN OFFICIAL RECORDS
RECORDER'S OFFICE
LOS ANGELES COUNTY
CALIFORNIA
21 MIN. 10 A.M. APR 10 1984
PAST.

1 V. WHEREAS, a coastal development permit (Permit No. 5-83-517) was
2 granted on DECEMBER 14, , 1983 , by the Commission in accordance
3 with the provision of the Staff Recommendation and Findings, Exhibit B,
4 attached hereto and hereby incorporated by reference, subject to the following
5 condition:

6 Lateral Access. Prior to transmittal of a permit, the
7 Executive Director shall certify in writing that the following condition
8 has been satisfied. The applicant shall execute and record a document,
9 in a form and content approved in writing by the Executive Director of
10 the Commission, irrevocably offering to dedicate to a public agency or
11 a private association approved by the Executive Director, an easement
12 for public access and passive recreational use along the shoreline.
13 The document shall also restrict the applicant from interfering with
14 present use by the public of the areas subject to the easement prior
15 to acceptance of the offer.

16 The easement shall include all areas from the mean high tide line
17 landward to a location 10' seaward of the toe of the seawall, except
18 that the 10' strip between the required easement and the toe of the
19 seawall shall be available for public pass and repass when no other
20 dry beach areas are available for lateral public access. Such easements
21 shall be recorded free of prior liens except for tax liens and free of
22 prior encumbrances which the Executive Director determines may affect
23 the interest being conveyed. The offer shall run with the land in favor
24 of the People of the State of California, binding successors and assigns
25 irrevocable for a period of 21 years, such period running from the
26 date of recording.

27 VI. WHEREAS, the subject property is a parcel located between the first
public road and the shoreline; and

VII. WHEREAS, under the policies of Sections 30210 through 30212 of the
California Coastal Act of 1976, public access to the shoreline and along the
coast is to be maximized, and in all new development projects located between
the first public road and the shoreline shall be provided; and

VIII. WHEREAS, the Commission found that but for the imposition of the above
condition, the proposed development could not be found consistent with the
public access policies of Section 30210 through 30212 of the California Coastal

1 Act of 1976 and that therefore in the absence of such a condition, a permit
2 could not have been granted;

3 IX. WHEREAS, it is intended that this Offer is irrevocable and shall constitute
4 enforceable restrictions within the meaning of Article XIII, Section 8 of the
5 California Constitution and that said Offer, when accepted, shall thereby
6 qualify as an enforceable restriction under the provision of the California
7 Revenue and Taxation Code, Section 402.1;

8 NOW THEREFORE, in consideration of the granting of Permit No. 5-83-517
9 to the owner(s) by the Commission, the owner(s) hereby offer(s) to dedicate to
10 the People of California an easement in perpetuity for the purposes of
11 public access and passive recreational use along the shoreline
12 _____
13 _____

14 located on the subject property. The easement shall include all areas from the
15 mean high tide line landward to a location 10' seaward of the toe of the sea-
16 wall, except that the 10' strip between the required easement and the toe of
17 the seawall shall be available for public pass and repass when no other dry
beach areas are available for lateral public access.
reference.

18 1. BENEFIT AND BURDEN. This Offer shall run with and burden the Property
19 and all obligations, terms, conditions, and restrictions hereby imposed shall
20 be deemed to be covenants and restrictions running with the land and shall be
21 effective limitations on the use of the Property from the date of recordation
22 of this document and shall bind the Grantor and all successors and assigns.
23 This Offer shall benefit the State of California.

24 2. DECLARATION OF RESTRICTIONS. The Grantor is restricted from inter-
25 fering with the ^{present} use by the public of the area subject to the offered easement
26 for public access. This restriction shall be effective from the time of
27 recordation of this Offer and Declaration of Restrictions.

APR 10 1984

1 3. ADDITIONAL TERMS, CONDITIONS, AND LIMITATIONS. Prior to the opening
2 of the accessway, the Grantee, in consultation with the Grantor, may record
3 additional reasonable terms, conditions, and limitations on the use of the
4 subject property in order to assure that this Offer for public access is
5 effectuated.

6 4. CONSTRUCTION OF VALIDITY. If any provision of these restrictions is
7 held to be invalid or for any reason becomes unenforceable, no other provision
8 shall be thereby affected or impaired.

9 5. SUCCESSORS AND ASSIGNS. The terms, covenants, conditions, exceptions,
10 obligations, and reservations contained in this Offer shall be binding upon
11 and inure to the benefit of the successors and assigns of both the Grantor
12 and the Grantee, whether voluntary or involuntary.

13 6. TERM. This irrevocable offer of dedication shall be binding for
14 a period of 21 years. Upon recordation of an acceptance of this Offer by the
15 Grantee, this Offer and terms, conditions, and restrictions shall have the
16 effect of a grant of access easement in gross and perpetuity that shall run
17 with the land and be binding on the parties, heirs, assigns, and successors.

18 //
19 //
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1 Acceptance of the Offer is subject to a covenant which runs with the land,
2 providing that the first offeree to accept the easement may not abandon it
3 but must instead offer the easement to other public agencies or private
4 associations acceptable to the Executive Director of the Commission for the
5 duration of the term of the original Offer to Dedicate.

6
7 Executed on this _____ day of March at Los Angeles,
8 California

9
10 Dated: March, 1984 Signed see signature page attached
11 Owner

12
13 STATE OF CALIFORNIA }
14 COUNTY OF _____ } ss

15
16 On _____, 19____, before me, the undersigned
17 Notary Public, personally appeared _____
18 _____ and _____

19 known to me to be the persons whose names are subscribed to the foregoing
20 instrument and acknowledged to me that they executed the same.

21 Witness my hand and official seal the day and year in this certificate
22 first above written.

23
24 _____
25 Notary Public, in and for the
26 County of _____
27 State of California

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SCHEDULE I

B.F.S., a general partnership, as to an undivided fifty percent (50%) interest; Charles H. Stern, a married man, as to an undivided twenty percent (20%) interest; Leonard Gilman, a married man, as to an undivided five percent (5%) interest; Arthur Malin, a married man, as to an undivided five percent (5%) interest; Estelle Grossblat, Executrix of the Estate of Jack Grossblat, as to an undivided ten percent (10%) interest; and Dorothy Freeman, Successor Trustee of the Freeman Family Trust dated July 27, 1978, as to an undivided ten percent (10%) interest.

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SIGNATURE PAGE

B.F.S., a general
partnership

By Charles H. Stern
Charles H. Stern,
Partner

Charles H. Stern
CHARLES H. STERN

Leonard Gilman
LEONARD GILMAN

By Charles H. Stern
Charles H. Stern, his
Attorney in Fact

Arthur Malin
ARTHUR MALIN

By Charles H. Stern
Charles H. Stern, his
Attorney in Fact

Estelle Grossblat
ESTELLE GROSSBLAT,
Executrix of the Estate
of Jack Grossblat

By Charles H. Stern
Charles H. Stern, her
Attorney in Fact

Dorothy Freeman
DOROTHY FREEMAN,
Successor Trustee of
the Freeman Family Trust

By Charles H. Stern
Charles H. Stern, her
Attorney in Fact

Joanne Stern
JOANNE STERN

By Charles H. Stern
Charles H. Stern, her
Attorney in Fact

Lee Gilman
LEE GILMAN

By Charles H. Stern
Charles H. Stern, his
Attorney in Fact

Naomi Malin
NAOMI MALIN

By Charles H. Stern
Charles H. Stern, her
Attorney in Fact

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EXHIBIT "A"

JN84100
MARCH 8, 1984
RAY M.

LEGAL DESCRIPTION

A PORTION OF PARCEL 2 AS SHOWN ON PARCEL MAP NO. 10823, IN THE UNINCORPORATED TERRITORY OF LOS ANGELES COUNTY, STATE OF CALIFORNIA PER MAP FILED IN BOOK 111 PAGES 5 THROUGH 7 INCLUSIVE OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHERLY TERIMUS OF THAT CERTAIN COURSE IN THE EASTERLY LINE OF SAID PARCEL 2 HAVING A BEARING AND DISTANCE OF NORTH 2°20'05" WEST 199.50 FEET; THENCE ALONG THE BOUNDARIES OF SAID PARCEL 2 THE FOLLOWING COURSES:

1. SOUTH 2°20'05" EAST 199.50 FEET; THENCE
2. SOUTH 75°15'00" WEST 120.35 FEET; THENCE
3. NORTH 9°05'00" WEST 142.43 FEET; THENCE
4. SOUTH 77°04'55" WEST 90.09 FEET; THENCE
5. NORTH 9°05'00" WEST 33.76 FEET; THENCE
6. NORTH 64°59'20" EAST 45.72 FEET; THENCE
7. NORTH 13°05'31" WEST 22.07 FEET; THENCE LEAVING THE BOUNDARY OF SAID PARCEL 2 NORTH 84°57'30" EAST 51.19 FEET; THENCE NORTH 77°16'36" EAST 139.89 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.7042 ACRES MORE OR LESS.

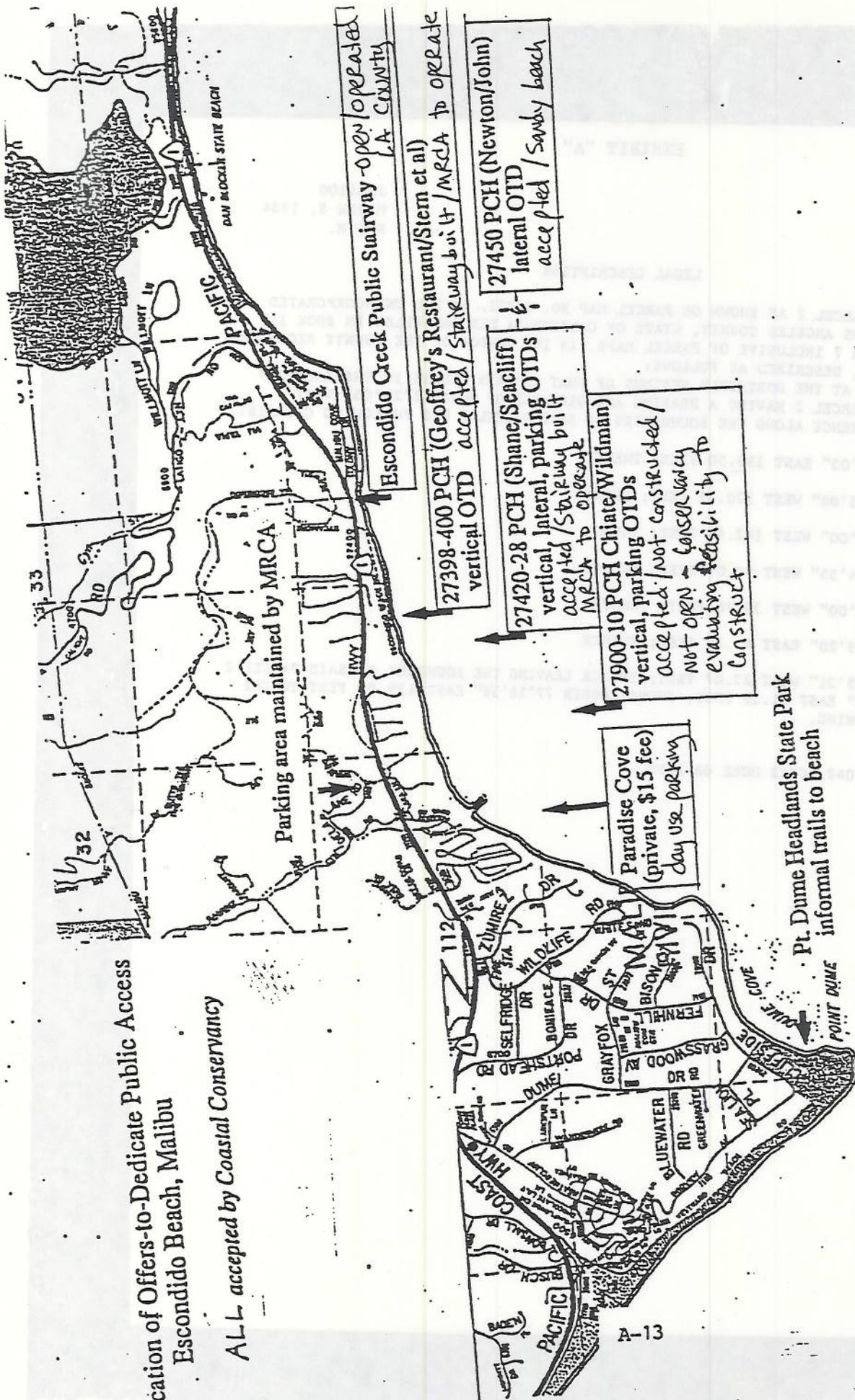
EXHIBIT NO.

APPLICATION NO.

APR 10 1984

Location of Offers-to-Dedicate Public Access
Escondido Beach, Malibu

ALL accepted by Coastal Conservancy



scale:

1 mile

EXHIBIT NO. 1
APPLICATION NO.
MALIBU BEACH
ACCESS FUND