

Erpelding Vertical Access Easement

Property Information:

20802 Pacific Coast Highway
APN: 4450-7-18

Owner: Jay L. Kester, Jay K. Kester Trust [check], same address

The five foot wide vertical easement on the eastern property line. Currently blocked by gate [and fence?]. Steep slope to the beach; would likely need stairs. Easement accesses Las Flores Beach, a narrow, eroded beach.
[check: condition of beach]
[how far from other accessways???

Lateral easement is 25 feet in width from the MHTL.

Parking on PCH is congested.

Legal Information:

Vertical and lateral easements were recorded in 1980 and accepted by Conservancy on Dec. 29, 1982. However, on may 10, 1982 the OTDs were re-recorded to include the CCC acknowledgment. SCC didn't know documents had been re-recorded and accepted the 1980 documents. Problem?

Access Facilities Need:

major: stairs, as well as minor amenities, trash cans, gates, signs.

Costs:

Major

Comments:

Property owners are currently blocking the easement and have never responded to our letters regarding the issue.

20802 PCH

Permit A-421-78 Erpelding (originally Olympian Hotel/Jacoby)

APN 4450-7-18

Jan. 17, 1979: Permit No. A-421-78 (Olympian/Jacoby) for 2 stry, 2 bdrm house/bulkhead/drain pipe alterations. Permit requires vertical DR over 6' of western property line. Special language: "Applicant shall also provide an area for stairs down from the vertical accessway, if necessary, to the beach seaward of the structure." Lateral also required.

Permit amend to conform with stringline. *request change in stringline? approved??*

July 7, 1980: Permit transferred to Erpelding. Erpelding's permit same vertical condition, but this time it's an OTD.

Plans from 1978, labled "staff working copy", show only 5' on western property line.

1996

Kester, Jay and Deborah

agent: Barsocchini and Assoc.

permit waiver for fencing. Plans show about 5' on western edge of property. Fencing likely blocks vertical since on the street side of the property line. Cannot quite tell from plans.

CALIFORNIA STATE COASTAL CONSERVANCY

1330 BROADWAY, SUITE 1100
OAKLAND, CA 94612-2530
ATSS 541-1015
TELEPHONE 510/286-1015
FAX 510/286-0470



August 6, 1993

Mr. Jay Kester or Current Owner of 20802 Pacific Coast Highway
20802 Pacific Coast Highway
Malibu, California 90265-0000

Dear Mr. Kester or Current Owner:

This letter concerns the dedication of a lateral and vertical easement executed by you or a previous owner on May 10, 1982. The easements were recorded in the Official Records of Los Angeles County as Instrument Numbers 82-480826 and 82-480827 to satisfy a condition to coastal development permit number 421-78. As the holder of the aforementioned easements, the Conservancy is authorized to conduct periodic site visits; thus I am formally notifying you about a visit which will take place during the week of August 30, 1993.

The standard procedure for site visits is for Conservancy staff to meet with the landowner, or his/her representative, and be escorted onto the property to view the easement. If meeting the Conservancy representative is inconvenient for you and the property is accessible (no fences or private roads) it is not necessary for you to be there. If you do not wish to accompany me please consider this letter as notice that I will be entering the property.

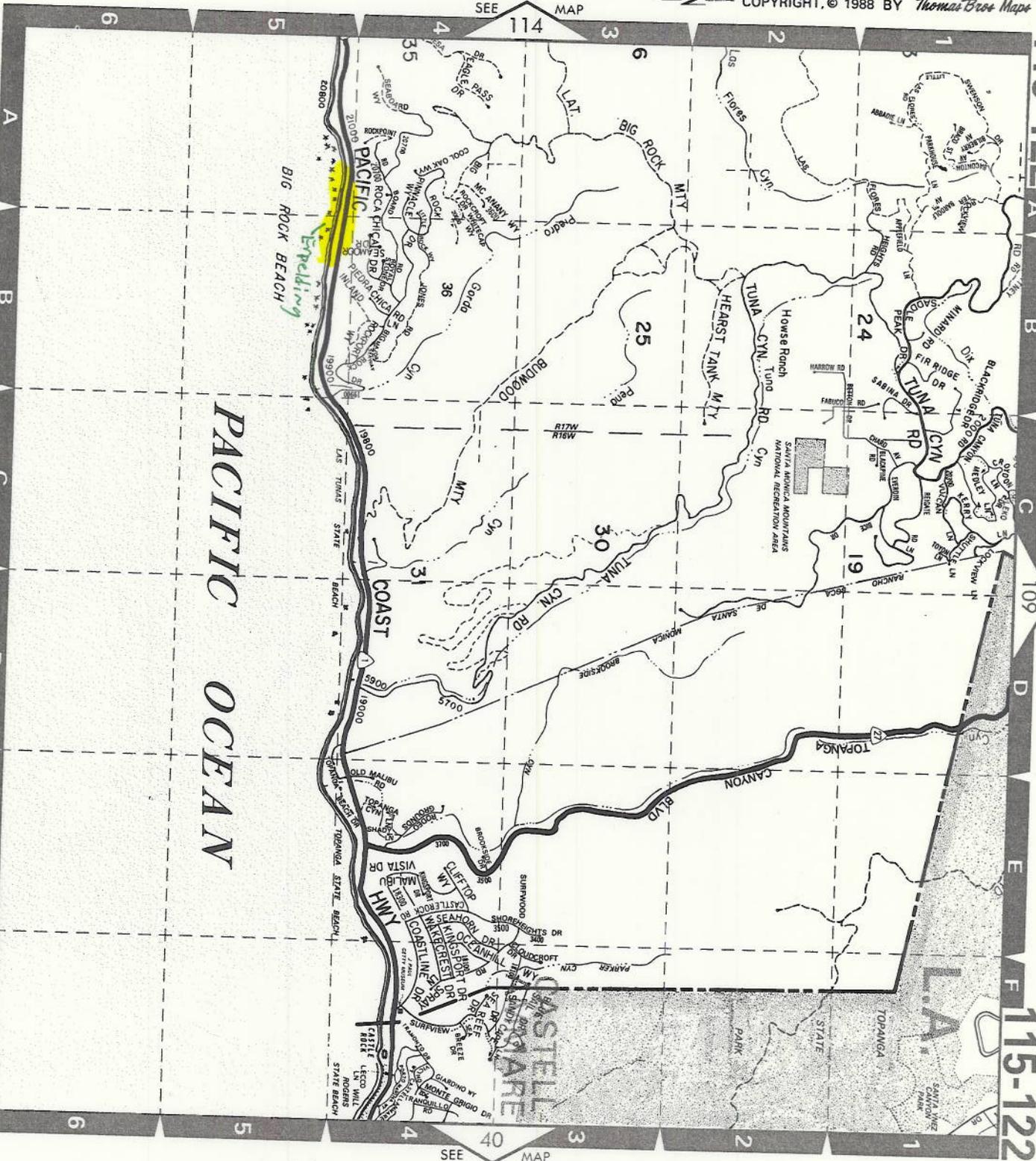
If you wish to escort me onto the easement, please contact me as soon as possible so we can coordinate a convenient time for the visit. If you do not respond by August 23, 1993, I will assume that you do not want to accompany me on the visit.

If you have any questions please do not hesitate to contact me. I can be reached at the above address or by telephone at (510) 286-4168.

Sincerely,

A handwritten signature in cursive script, appearing to read "Edward Owens".

Edward Owens
Dedications and Donations Program



1988 ANGELES CO.

CALIFORNIA STATE COASTAL CONSERVANCY

1330 BROADWAY, SUITE 1100
OAKLAND, CA 94612-2530
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September 15, 1993

Mr. David Leanse
Shoop and Leanse
23440 Civic Center Way, #103
Malibu, CA 90265

Dear Mr. Leanse:

This letter is to follow up on our phone conversation of 9/14/93. As you know, the Coastal Conservancy holds two public access easements over real property owned by Mr. Jay Kester at 20802 Pacific Coast Highway, Malibu, California. As you requested, I have enclosed copies of the two public access easements and the Coastal Conservancy's acceptance of them.

These easements grant to the Coastal Conservancy the right to open for public use a five-foot-wide corridor for pedestrian access to and from the shoreline ("vertical" access easement) and a 25-foot-wide corridor for pedestrian access along the shoreline ("lateral" access easement.) However, as I mentioned, the Coastal Conservancy is not a management agency and the vertical easement will remain closed until the Conservancy locates a management agency and opens this easement to public use. The Conservancy does consider the lateral easement, which simply allows the public to use the beach, to be open.

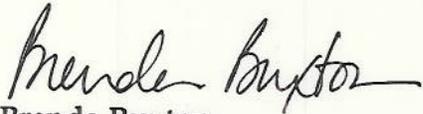
Inspection by Conservancy staff determined that there is a gate across the vertical access easement. This violates the Conservancy's vertical access easement by blocking it.

The Conservancy, to meet its responsibilities, must assure that this violation is remedied. To remedy this violation, we would like Mr. Kester to either remove the gate or seek the Conservancy's permission to keep the gate in place during the period that the accessway is officially closed. Permission to retain the gate temporarily, however, would not mean that the Conservancy had in any way surrendered its easement or waived any rights in it. Furthermore, even if the Conservancy gives permission for temporary retention of the gate, once the Conservancy is ready to open the easement, Mr. Kester would be obliged to oversee and pay for the removal of the gate. During the period that the gate remained in place, Mr. Kester would be required to provide Conservancy staff with a key or combination to the gate.

Mr. David Leanse
September 15, 1993
Page Two

I look forward to receiving a response in writing by October 15, 1993. If you have any questions about these easements, please contact me at 510-286-0753.

Sincerely,

A handwritten signature in cursive script that reads "Brenda Buxton". The signature is written in black ink and is positioned above the printed name and title.

Brenda Buxton
Project Manager

Easement Monitoring Form

Property Contact

- * Current Property Owner: Kester, Jay
- * Address of Property Owner: 20802 Pacific Coast Highway
Malibu, California
- * Phone Number(s): (818) 951-1002
- * Original Grantee: Erpelding, Frank & Lynn

* If applicable,

Property Owner's Representative: Attorney: David Leanse
Address: _____

Phone Number(s): (310) 456-1957

Easement Information

* Location of Property: 20802 Pacific Coast Highway
Malibu, CA 90265

* Directions to easement: Drive north on Pacific Coast Highway
toward the Las Flores Canyon Boulevard intersection.

* Description of what easement protects [fill out before site visit]: _____

The vertical easement provides access to the beach.
The lateral easement provides access along the beach.

Any comments from previous visits that are relevant to this visit [violations to check, natural features to check, etc]: _____

Site Information

Description of easement appearance during site visit [include vegetation, topography, natural and human-made features]:

Steps were placed in the area of the vertical to provide safe access to the beach.

Description of surrounding area [houses, other development, etc]:

The vertical is between two homes situated on Pacific Coast Highway where there is high speed traffic proceeding around a curving portion of the highway.

Note the boundaries of the easement [use natural as well as human-made features]:

Two resident homes border the right and left sides of the vertical

Compliance Information

Any alterations to easement area? [what, when, by whom, why]:

The vertical easement is altered in the way of a gate placed at the entrance point. The current owner did not state who placed the gate on the easement. The owner did show me how a visitor could slide an arm between two bars and unlock the gate. My arm could not fit between the bars to unlock the gate.

Does easement appear in compliance with conditions of Offer-to-Dedicate?

The gate at the entrance to the vertical could constitute a lack of compliance or violation. The lateral easement seems to be maintained in a state of compliance.

Monitoring Form, page three

Additional comments:

Inspector Information

Inspected by: Edward Owens

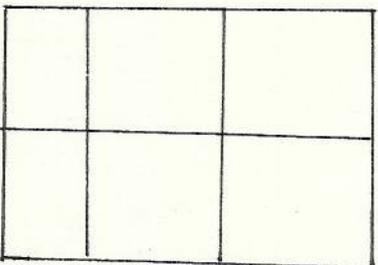
Method of inspection: site visit other

Additional persons present at inspection:
Kester's lawyer David Leanse (310) 456-1957

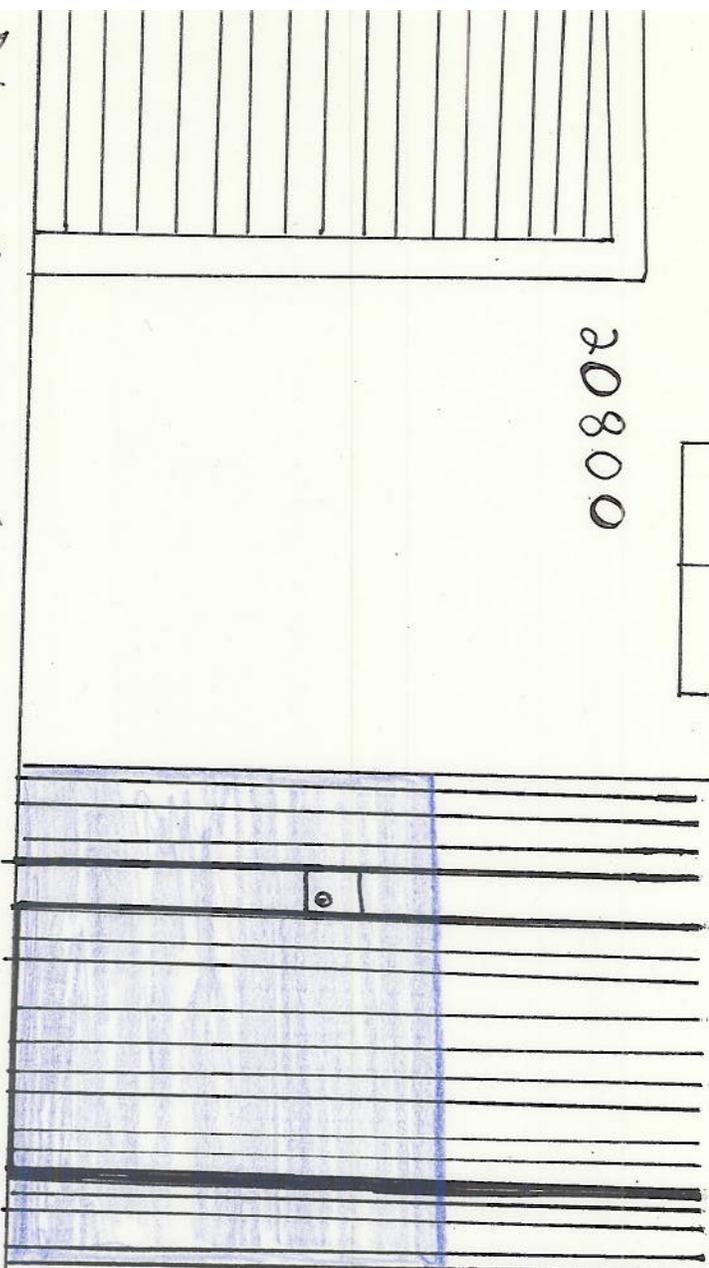
Signature of Inspector _____

Date September 7, 1993

Attached: maps photos other Drawing of gate because I could not afford film.

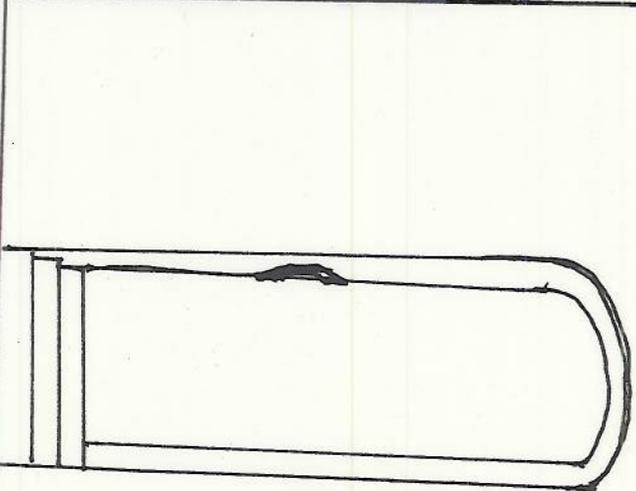


20800



The gate locks through Kester was able to reach through the space between the bars and opened it. This gate could be a violation of the easement agreement

Date of Monitoring: September 2, 1993



There are steps situated behind the gate which lead to the beach

20802

Dedication at 20802 Pacific Coast Highway
Current Property Owners: Kester, Jay
Grantee: Erpelding, Frank & Lynn