

CALIFORNIA STATE COASTAL CONSERVANCY

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TELEPHONE 510/286-1015
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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.

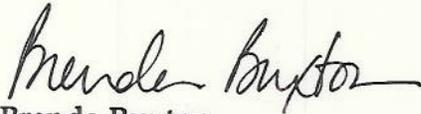
Inspection by Conservancy staff determined that there is a gate across the vertical access easement. This violates the Conservancy's vertical access easement by blocking it.

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