

83-108579

RECORDED IN OFFICIAL RECORDS
RECORDER'S OFFICE
LOS ANGELES COUNTY
CALIFORNIA
21 MIN. PAST 4 P.M. DEC 23 1981

1 Return Original To and
2 Recording Requested By:

STATE COASTAL CONSERVANCY
1330 BROADWAY, SUITE 1100
OAKLAND, CA 94612

FREE C

FREE L

6 IRREVOCABLE OFFER TO DEDICATE

13 14

13

7 I. WHEREAS, Dr. Roger S. Wolk, Kenneth R. Chiate, Jeanette Chiate, Marilyn
8 S. Wolk are the record owners, hereinafter referred to as "owners," of the
9 real property located at 27900 Pacific Coast Highway, Malibu, Los Angeles
10 County, California, legally described as particularly set forth in attached
11 Exhibit A hereby incorporated by reference and hereinafter referred to as the
12 "subject property"; and

13 II. WHEREAS, the California Coastal Commission, hereinafter referred to
14 as "the Commission," is acting on behalf of the People of the State of
15 California; and

16 III. WHEREAS, the People of the State of California have a legal interest
17 in the lands seaward of the mean high tide line; and

18 IV. WHEREAS, pursuant to the California Coastal Act of 1976, the owners
19 applied to the Commission for a coastal development permit for subdivision of
20 a 5.3-acre parcel into two parcels of 2.6 and 2.7 acres each on the subject
21 property; and

22 V. WHEREAS, a coastal development permit no. PE-80-2707 was granted on
23 April 9, 1980, and amended by 5-81-44(A1) on July 22, 1981, by the Commission
24 in accordance with the provisions of the Staff Recommendation and Findings
25 shown in attached Exhibit B and hereby incorporated by reference, subject to
26 the following conditions:

27 //

RECORDED IN OFFICIAL RECORDS
RECORDER'S OFFICE
LOS ANGELES COUNTY
CALIFORNIA
31 MIN. PAST 9 A.M. JAN 26 1983

15

This document is being recorded to add a previously-
omitted acknowledgment by notary public.

1 Prior to the issuance of permit, the applicant shall execute and record
2 a document in a form and content approved by the Executive Director of the
3 Commission irrevocably offering to dedicate to an agency approved by the
4 Executive Director an easement for public pedestrian access from Pacific
5 Coast Highway to the shoreline. Such easement shall be recorded free of prior
6 liens and clear of encumbrances which the Executive Director determines may
7 affect the interest being conveyed or post bond to cover the encumbrances.

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

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

14 VIII. WHEREAS, the Commission found that but for the imposition of the above
15 condition, the proposed development could not be consistent with the public
16 access policies of Section 30210 through 30212 of the California Coastal Act
17 of 1976 and that therefore in the absence of such a condition, a permit could
18 not have been granted;

19 NOW, THEREFORE, in consideration of the granting of permit no. FE-80-2707
20 and 5-81-44(A1) to the owners by the Commission, the owners hereby offer to
21 dedicate to the People of California an easement in perpetuity for the pur-
22 poses of public pedestrian access to the shoreline located on the subject
23 property ten feet wide and as specifically set forth by attached Exhibit C
24 hereby incorporated by reference. The location of the easement as set forth
25 in Exhibit C has been modified from that shown in Document 8-1161952 as
26 recorded in the County of Los Angeles on November 13, 1980. This document
27 is a substitute for Document 8-1161952.

1 This offer of dedication shall be irrevocable for a period of twenty-one
 2 (21) years, measured forward from the date of recordation, and shall be
 3 binding upon the owners, their heirs, assigns, or successors in interest to
 4 the subject property described above. The People of the State of California
 5 shall accept this offer through the County of Los Angeles, the local
 6 government in whose jurisdiction the subject property lies, or through a
 7 public agency or a private association acceptable to the Executive Director
 8 of the Commission or its successor in interest.

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~~81-1259943~~

1 Acceptance of the offer is subject to a covenant which runs with the land,
2 providing that the offeree to accept the easement may not abandon it but
3 must instead offer the easement to other public agencies or private associations
4 acceptable to the Executive Director of the Commission for the duration of
5 the term of the original offer to dedicate. The grant of easement once made
6 shall run with the land and shall be binding on the owners, their heirs, and
7 assigns.

8 Executed on this 11th day of December, 1981, in the
9 City of Los Angeles, County of Los Angeles, Calif

10 Signed: Kenneth R. Chute Dated: 12/11/81

11 _____
12 Type or Print Name of Above Signed: Roger S. Walk by
Kenneth R. Chute
in Power of attorney - attorney in fact

13 Signed: Marilyn S. Walk by Type or Print Name of Above
14 Kenneth R. Chute, attorney in fact

15 _____ Signed: Jeanette Chute by Kenneth R.
16 Type or Print Name of Above Chute, attorney in fact

17 _____
18 Type or Print Name of Above

17 STATE OF CALIFORNIA

18 COUNTY OF

19 On _____, before the undersigned, a

20 Notary Public in and for said State, personally appeared _____

21 _____

22 whose names are subscribed to the within instrument, and acknowledge that they
23 executed the same.

24 _____
25 Notary Public in and for said County and
26 State

27 _____

(Individual)

TITLE INSURANCE AND TRUST 5
A FIDELITY COMPANY

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } SS.

~~81-1239943~~

On December 11, 1981 before me, the undersigned, a Notary Public in and for said State, personally appeared Kenneth R. Cheate

STAPLE HERE
_____, 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.

Signature Marlyn A. Garant
MARLYN A. GARANT



83- 108579

(Attorney in Fact)

STATE OF CALIFORNIA }
COUNTY OF Los Angeles } SS.

On December 11, 1981 before me, the undersigned, a Notary Public in and for said State, personally appeared Kenneth R. Cheate

STAPLE HERE
known to me to be the person whose name is subscribed to the within instrument, as the Attorney in fact of Jeanette Cheate and acknowledged to me that he subscribed the name of Kenneth R. Cheate thereto as principal and his own name as Attorney in fact.

WITNESS my hand and official seal.

Signature Marlyn A. Garant
MARLYN A. GARANT
Name (Typed or Printed)



83- 108579

(This area for official notarial seal)

(Attorney in Fact)

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } SS.

On December 11, 1981 before me, the undersigned, a Notary Public in and for said State, personally appeared Kenneth R. Cheate

STAPLE HERE
known to me to be the person whose name is subscribed to the within instrument, as the Attorney in fact of Roger S. Walk and Marilyn S. Walk and acknowledged to me that he subscribed the name of Roger S. Walk and Marilyn S. Walk thereto as principals and his own name as Attorney in fact.

WITNESS my hand and official seal.

Signature Marlyn A. Garant
MARLYN A. GARANT
Name (Typed or Printed)

~~81-1250943~~



83- 108579

(This area for official notarial seal)

1 This is to certify that the offer of dedication set forth above dated
 2 December 11, 1981, and signed by Kenneth R. Chiate, Mrs. Mrs. Roger
 3 Wolk, Jeanette Chiate, owner(s), is hereby acknowledged by the
 4 undersigned officer on behalf of the California Coastal Commission pursuant
 5 to authority conferred by the California Coastal Commission when it granted
 6 Coastal Development Permit No. 5-81-35 on April 9, 1980 and the
 7 California Coastal Commission consents to recordation thereof by its duly
 8 authorized officer.

9 Dated: December 21, 1981

10 Cynthia K Long
 11 Cynthia K Long LEGAL COUNSEL
 12 California Coastal Commission

13 STATE OF CALIFORNIA
 14 COUNTY OF SAN FRANCISCO

15 On December 21, 1981, before the undersigned, a Notary Public in
 16 and for said State, personally appeared Cynthia K Long
 17 Legal Counsel known to me to be the authorized representative
 18 of the California Coastal Commission and known to me to be the person who
 19 executed the within instrument on behalf of said Commission, and acknowledged
 20 to me that such Commission executed the same.

21 Witness my hand and official seal.

22
 23 Fay Thomas
 24 Notary Public in and for said County and
 25 State
 26 FAY THOMAS
 27 NOTARY PUBLIC-CALIFORNIA
 CITY AND COUNTY OF
 SAN FRANCISCO
 My Commission Expires Dec. 14, 1984

~~81-1259943~~

EXHIBIT A

County of Los Angeles, State of California,

Parcel 2 of Parcel Map No. 7543 as per map thereof filed
in Book 135 Pages 58 and 59 of Parcel Maps, in the Office
of the County Recorder of Said County.

~~81- 1259943~~

83- 108579

EXHIBIT A

Memorandum

CALIFORNIA COASTAL COMMISSION
SOUTH COAST-REGION V
P. O. Box 1450
Long Beach, CA 90801
(213) 590-5071 (714) 846-0648

~~81-1259943~~

TO: STATE COMMISSION
FROM: MICHAEL L. FISCHER, EXECUTIVE DIRECTOR
SUBJECT: REQUEST FOR AMENDMENT TO PERMIT NO. P/PE-80-2707 (KENNETH/JEANETTE CHIATE & ROGER/MARILYN WOLF)

PROCEDURES

In the case of permits issued by the Commission under the Coastal Act of 1976, the Commission regulations (Section 13166) permit applicants to request approval by the Commission of amendments to the project or permit conditions. The Commission may approve an amendment if it finds that the revised development is consistent with the Coastal Act. The staff recommends that the Commission hold a public hearing on the amendment request, and at the close of the public hearing, vote on the request.

1. Project Description. The project approved in the original permit application P-80-2707, and permit extension PE-80-2707 was the subdivision of a 5.3 acre parcel into two parcels of 2.6 acres and 2.7 acres each. The extension request was submitted by the applicant in order to resolve the question of the location of the vertical easement condition which the South Coast Regional Commission had found, after public hearing, would offer mitigation measures (in addition to a lateral access easement condition and no further subdivision until in conformance with the LCP of Los Angeles County) and thus could be found to be in conformance with the provisions of Chapter 7 of the California Coastal Act of 1976.

The vertical access condition was the subject of a great deal of discussion with both the South Coast Regional Commission staff and the State Commission legal staff in an attempt to locate a vertical easement which would be acceptable to all parties concerned. On November 18, 1980 an Irrevocable Offer to Dedicate (#80-1161952) a vertical access was recorded in the official records of Los Angeles County. A portion of that offer reads, in part, that:

"...The easement may be resited subject to issuance of a permit by the Regional Commission or the Commission where there is no Regional Commission. Improvements to the access easement may be required as a condition of the issuance of the permit."

At the time prior to the recordation, the applicant indicated in a letter to the Commission (File P-2707, August 20, 1979) that he owned only the parcel which was the subject of the above-referenced permit, and had no legal interest in an adjacent one-acre parcel. Since that time, the applicant purchased an interest in the adjoining one-acre parcel and recently applied for a permit to build a single-family dwelling on the one-acre parcel. The application for permit SF-80-7555 (Appeal 844-81) was approved and the permit has been issued.

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EXHIBIT B

The applicant has also submitted a request to construct a single-family dwelling on the 2.6 acre parcel, application for permit SF-81-7867 which was scheduled for hearing before the South Coast Regional Commission on June 1, 1981. A condition of approval on the requested application was for the applicant to construct the vertical access easement specifically as set forth in the recorded document #80-1161952.

Prior to the June 1, 1981 hearing, the applicant requested that the condition be changed allowing him to construct the vertical access easement in another location (a portion of which would be located on the one-acre parcel adjoining the 2.6 acre parcel). He was advised by staff to request a continuation of permit SF-81-7867 (85-81-35) until such time as an amendment request could be placed on a calendar before the Commission for the relocation of the vertical access easement (85-81-47/17).

2. Proposed Amendment. The applicant states that the relocation of a portion of the vertical access over the one-acre parcel is now feasible since the applicant has a legal interest in the property. The applicant also states that because of the shape of the 2.6 acre parcel, the installation of a drain, and the relocation of the existing roadway, a better pedestrian access location can be provided which essentially provides a 10 foot vertical pedestrian access easement in the same location as initially required by the South Coast Regional Commission insofar as the easement runs from Pacific Coast Highway to the commencement of the one-acre parcel, and then"to run through the one-acre property (approximately 10 to 15 feet to the east of where it is currently located on the recorded offer to dedicate to the ocean end of the one-acre parcel, and then to run through the subject parcel to the beach in essentially the same location as previously dedicated". (See Exhibit 1.)

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants, subject to the condition below, an amendment to the subject permit on the grounds that, as conditioned, the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program in conformity with the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Conditions.

The amendment is subject to the following conditions:

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EXHIBIT B

1. Prior to issuance of the permit, the Executive Director shall certify in writing that the following condition has been satisfied. The applicant shall execute and record a document, in a form and content approved by the Executive Director of the Commission, irrevocably offering to dedicate to an agency approved by the Executive Director, an easement for public pedestrian access to the shoreline. Such easement shall be ten (10) feet wide located along the easterly portion of Assessor's Parcel Map #4460-32-14 in a southerly direction, thus following the most westerly portion of Assessor's Parcel Map #4460-32-13 to its most southerly end, and again reentering Assessor's Parcel Map #4460-32-14 following the most easterly portion in a southerly direction and extend from the Pacific Coast Highway to the mean high tide line of the Pacific Ocean. Such easement shall be recorded free of prior liens except for tax liens and free of prior encumbrances which the Executive Director determines may affect the interest being conveyed.

The offer shall run with the land in favor of the People of the State of California, binding successors and assigns of the applicant or landowner. The offer of dedication shall be irrevocable for a period of 21 years, such period running from the date of recording.

2. Prior to issuance of permit, the applicant shall submit documentation which shows all legal interest in the subject parcels (APM #4460-32-13 and APM #4460-32-14), and shall submit a letter signed by all parties having legal interest in subject parcels which approves the recordation ~~and~~ construction of the vertical access easement on said parcels.

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EXHIBIT
B

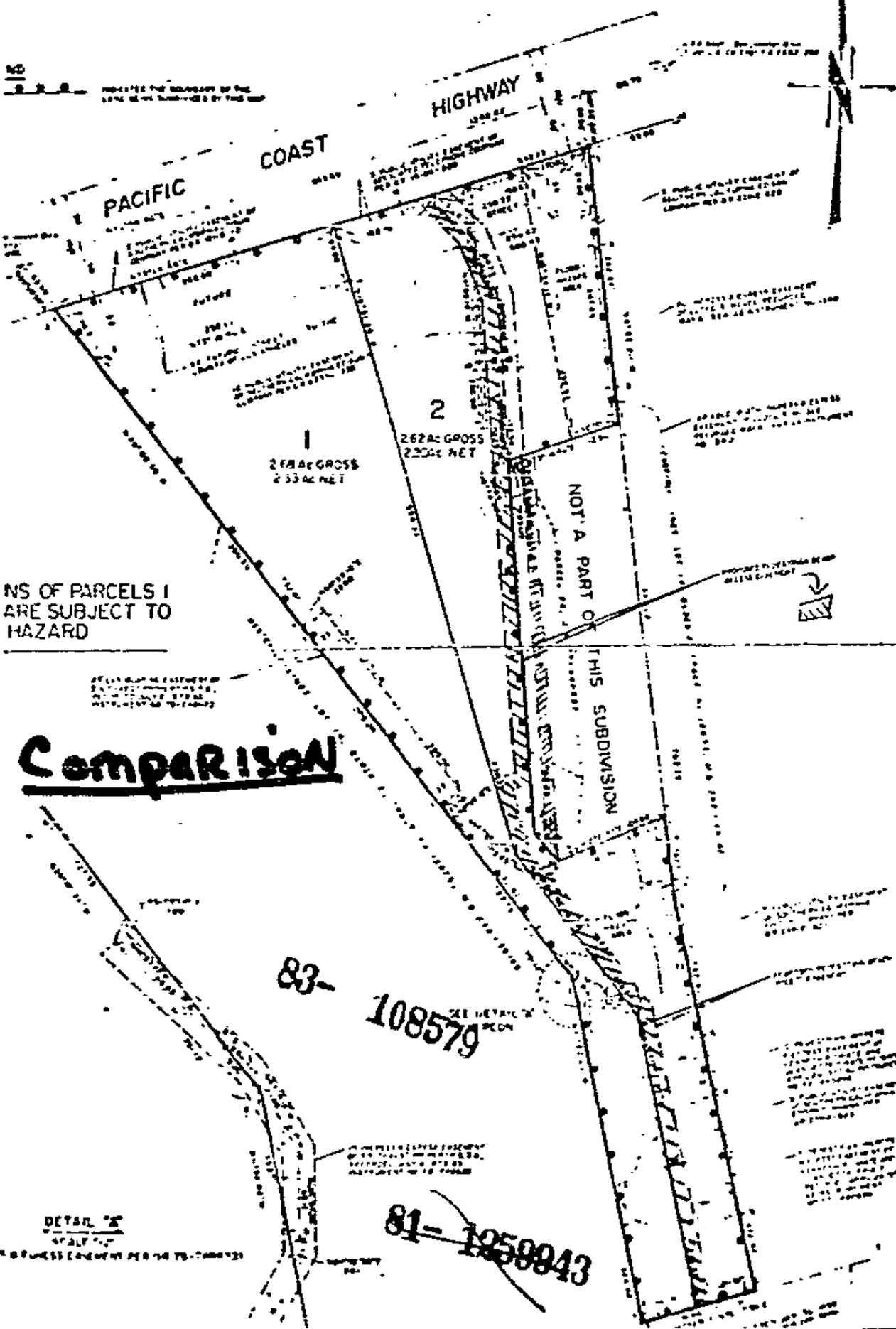
PARCE MAP NO. 754

IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF LOS ANGELES
STATE OF CALIFORNIA

11

18

INDICATE THE BOUNDARY OF THE
LOCAL BEING SUBDIVIDED BY THIS MAP



PARCELS 1
AND 2
ARE SUBJECT TO
HAZARD

Comparison

83-108579

81-1258943

DETAIL "A"
SCALE 1/4"
FOR BEST RESULTS SEE THE PLAN SHEET

RECORDERS PLEASE
POOR RECORDS REFER TO
QUALITY OF ORIGINAL DOCUMENT

EXHIBIT
B

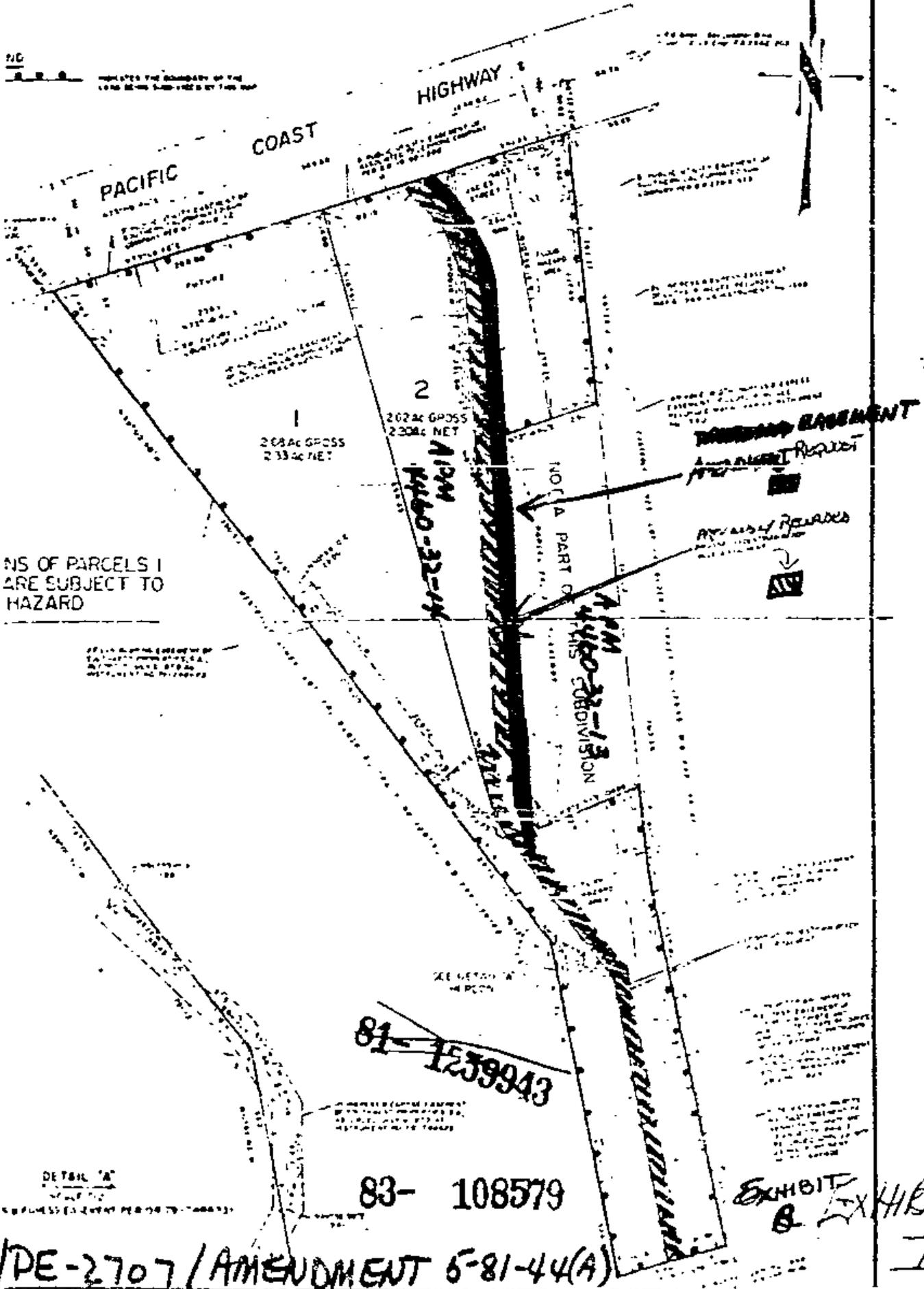
PARCEL MAP NO. 754

IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF LOS ANGELES
STATE OF CALIFORNIA

12

NG

INDICATES THE BOUNDARY OF THE
LAND BEING SUBMITTED BY THIS MAP



PARCELS 1
ARE SUBJECT TO
HAZARD

IF THIS MAP IS USED FOR THE
PURPOSES OF THE STATE
REVENUE AND TAXATION
DEPARTMENT, THE STATE
REVENUE AND TAXATION
DEPARTMENT WILL BE
RESPONSIBLE FOR THE
CORRECTNESS OF THE
INFORMATION CONTAINED
HEREIN.

DETAIL "A"

FOR FURTHER INFORMATION REFER TO THE
OFFICE OF THE COUNTY CLERK, LOS ANGELES, CALIFORNIA

81-1239943

83-108579

EXHIBIT B EXHIBIT I

P/PE-2707 / AMENDMENT 5-81-44(A)

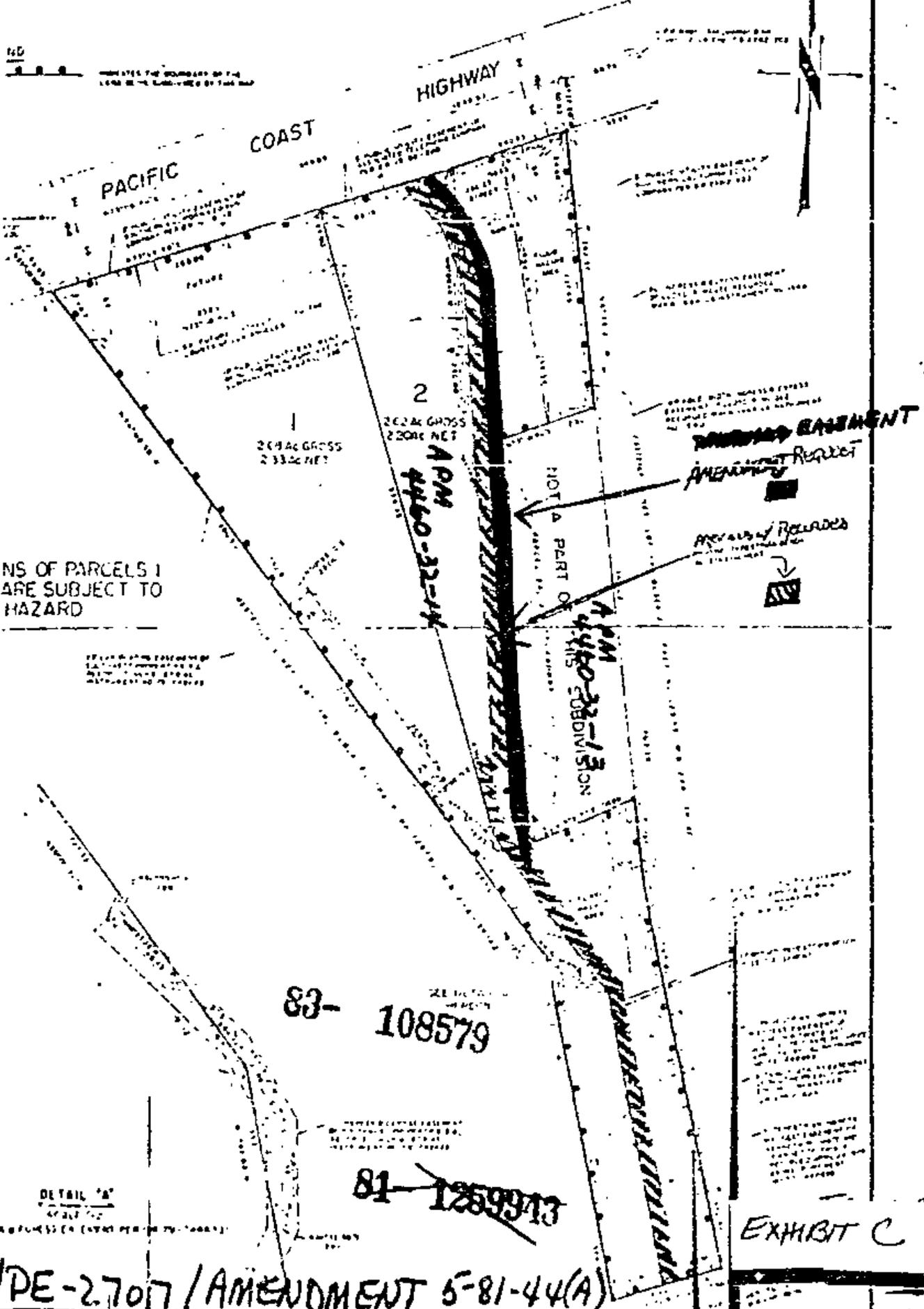
7

PARCEL MAP NO. 754

IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF LOS ANGELES
STATE OF CALIFORNIA

ND

INDICATES THE BOUNDARY OF THE
LOCAL SEWER TUNNELS OF THE MAP



PACIFIC COAST

HIGHWAY

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2

26946 GROSS
23326 NET

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APM
4460-33-14

NOT A PART OF

APM
4460-33-13
SUBDIVISION

REMOVED EASEMENT
AMENDMENT 5-81-44(A)

RECORDS OF RECORDS

LOTS OF PARCELS 1
ARE SUBJECT TO
HAZARD

IF YOU DO NOT HAVE A COPY OF
THIS MAP, YOU SHOULD CONTACT
THE ENGINEER AT THE ADDRESS
BELOW.

83-108579

81-1259943

DETAIL 'A'

EXHIBIT C

P/PE-2707 / AMENDMENT 5-81-44(A)

CALIFORNIA COASTAL COMMISSION
631 Howard Street, San Francisco 94105 — (415) 543-8555

RECORDING ACKNOWLEDGMENT FORM

County Recorder's Office
County of Los Angeles

This is to state that the Offer to Dedicate
dated December 11, 1981
executed by Kenneth C. Jeanette Christie, Mr. & Mrs. Roger Wold
and acknowledged by the Coastal Commission was filed as set forth below.

Document Recorded

on _____ as No. _____

Vol. _____ Page _____

BY: _____

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