

Council Meeting of
January 26, 2010

Honorable Mayor and Members
of the City Council
City Hall
Torrance, California

Members of the Council:

SUBJECT: Community Services – Approval of the design concept, additional funding, and sale of property associated with the proposed park development on the Lomita corridor property.

Expenditure: \$272,740

RECOMMENDATION

Recommendation of the Community Services Director and the City Manager that City Council:

1. Approve the design concept for the park development.
2. Approve the transfer of funding from McMaster Park Redevelopment (FEAP 337) in the amount of \$89,787 and from Maintenance and Storage Building (FEAP 340) in the amount of \$182,953 to Lomita Right of Way – Corridor Park Project (FEAP 653) to cover the cost of additional amenities requested by the public.
3. Approve the sale of property to residents at a value of \$20.00 per square foot and appropriate any proceeds to the project (FEAP 653) and authorize the Mayor to execute all documents associated with the transaction(s).

Funding

Funding for the project (without options) is available in the Capital Project Budget (FEAP 653 Lomita Right of Way – Corridor Park Project). Additional funding is available for transfer from the McMaster Park Redevelopment Project (FEAP 337) and Maintenance and Storage Building (FEAP 340).

BACKGROUND

In 2007, the City Council asked the Community Services Department to begin a project to develop the Lomita Right of Way property into a corridor park (Attachment A). Funding of \$700,000 was identified for the project. The direction from Council was to gather community input as to what amenities should be included in the park and return in the future with a design concept and for additional funding, if necessary.

Park Design/Amenities

At the February 2008 meeting of the Parks and Recreation Commission, the public was invited to share their thoughts as to the types of amenities they would like to see incorporated in the design of the park. All residents within a 500 foot radius of the park site were notified. Additional notification was done with signs posted on the fence of the

property. The two Homeowners' Associations closest to the property (Seaside and Southwood Riviera) were also sent notices electronically for disbursement to their members.

The Commission meeting was well attended, the overall consensus was a desire for a simple passive park. While no official vote was taken, there was support for and against features like playground equipment, but definite opposition for active spaces such as basketball or tennis courts.

On January 12, 2010, staff held a community meeting to verify the thoughts expressed at the Commission meeting held in February of 2008. A meeting notice was once again mailed to the surrounding residents, posted on the fence, and e-mailed to the Homeowners' Associations. This meeting was also well attended, with more than fifty residents in attendance representing over thirty-five homes.

During the meeting staff and the landscape architect presented the basic layout and design of the park. This basic design included what staff and the community considered mandatory features: a wall on the north and south sides, an irrigation system, turf, a walkway, and security lighting. The costs of the basic design were covered by the funding previously approved for the project (Attachment B). A second option was shown with a full complement of features including playground equipment, trees, shrubs, shade structures, benches, and an additional path. While there was general concurrence with the basic design, the community did express interest in a few of the additional amenities. Staff explained that any additional elements would require Council to approve additional funding (Attachment C). The residents confirmed their desires for a simple passive park, and requested that the additional elements be included if grant funding is available. The basic design costs have been included, as well as the costs for the additional elements (Attachment D).

ANALYSIS

Staff is now bringing forward a sketch of the proposed park that includes the elements in the first option along with the amenities requested by the community (Attachment E). These additional amenities are expected to increase costs by \$272,740; Proposition 40 Grant funding is available in the McMaster Park Redevelopment Project (FEAP 337) and the Maintenance and Storage Building Project (FEAP 340). As the City's allocation of Proposition 40 funding is nearing its expiration, staff recommends a transfer of grant funds to this project to meet both the grant deadlines and the general consensus on the residents. Staff will return with anticipated maintenance costs as the project continues to move forward.

Property Line Issues

On May 20, 2008, Council approved a contract award to Land Concern Ltd in the amount of \$81,300 for architectural landscape services for the project. Land Concern immediately began the design process by completing an analysis of the project space, including a survey of the property. In completing this survey, Land Concern discovered that in several instances the fences of neighboring residents encroached on City property by up to 24" on

the south side and up to 36" on the north side, with the exception of the northwest corner where an additional encroachment existed (Attachment F).

Staff began working with the ten (10) neighboring residents to resolve the encroachment issues. Three meetings held: March 12, October 15, and November 7, 2009, each with the intent to establish lines of communication between staff and the residents and to provide clarification for all property line related issues. A resolution to the property line issue was proposed by giving the option of purchasing the land necessary to correct the encroachment, or not to purchase the land and have the City take back the encroached area. While the original goal was to maintain consistent property lines, the offer was made individually and did not require unanimous agreement among property owners. Adjustments would be made based on the decision of each resident.

Upon concluding discussions, the final offer made to the residents provided them three options for purchase, or the option to decline to purchase and the City would adjust back (Attachment G). Residents to the south were offered 24", and residents to the north were offered 36". These values represented the maximum encroachment on each side, yet allowed each resident, even those without encroachments, the opportunity to purchase the property at a discounted rate of \$20 per square foot (Attachment J). This price was discounted from the average value of undeveloped property in the area (\$60-\$70 per square foot (psf) based on the actual utility of the property and its linear nature. The offer included a deadline of January 14, 2010 which was extended to January 21, 2010. While two extensions have been requested, staff fears that any additional delays would jeopardize the funding source. The three options for purchase included:

1. Purchase the property in cash; or
2. Finance the purchase of the property over 60 months, with 0% for the first 12 months and 6% interest for the next 48 months; or
3. Place a lien on the property for the purchase amount to be due at the time of a title change.

The responses to the City's second offer are as follows:

Accepted offer to purchase: 5 Declined offer to purchase: 2

*As of January 21, 2010.

During the course of the meetings and subsequent discussions with the neighboring residents, issues such as the City giving the property to the homeowners, the type and style of wall/fence, the issuance of building permits versus survey information, and a discount greater than the \$20 per square foot rate were discussed (Attachments K & L). Staff feels that the \$20 rate is a reasonable discount, especially when you consider the costs associated with the additional surveys that the City will be responsible for to complete any sales transactions as well as recordation fees and other expenses associated with the sale of property. A list of questions was sent through e-mail to the City on January 8, 2010 that pertain to the property and the potential transactions. The letter and City response have been provided, as well as additional correspondence with the public (Attachments M – O).

The timeline to develop the park is constrained by the funding source; the park must be contracted and billed by December 31, 2010 in order to guarantee funding availability through Proposition 40. Should the neighboring residents be unable to commit to the purchase of the property, or should the Council request additional time in reaching a decision regarding the encroachments and purchase of property, staff will be prepared to work with the architect to develop a temporary solution that would allow the project to continue until a time when the property line issues have been resolved.

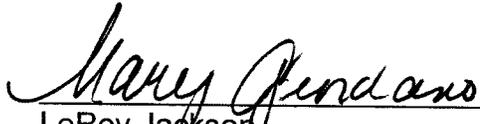
If this were the direction of the Council the City would construct a temporary fence along each side of the park; the encroachment would still have to be addressed but would allow for the project to move forward. The fences which encroach into the City property would be behind this temporary fence and would be allowed until a decision was made as to the final approach to the property line issue. Once resolved it would be the intent of the City to replace the temporary fences with a permanently constructed fence.

Respectfully Submitted,

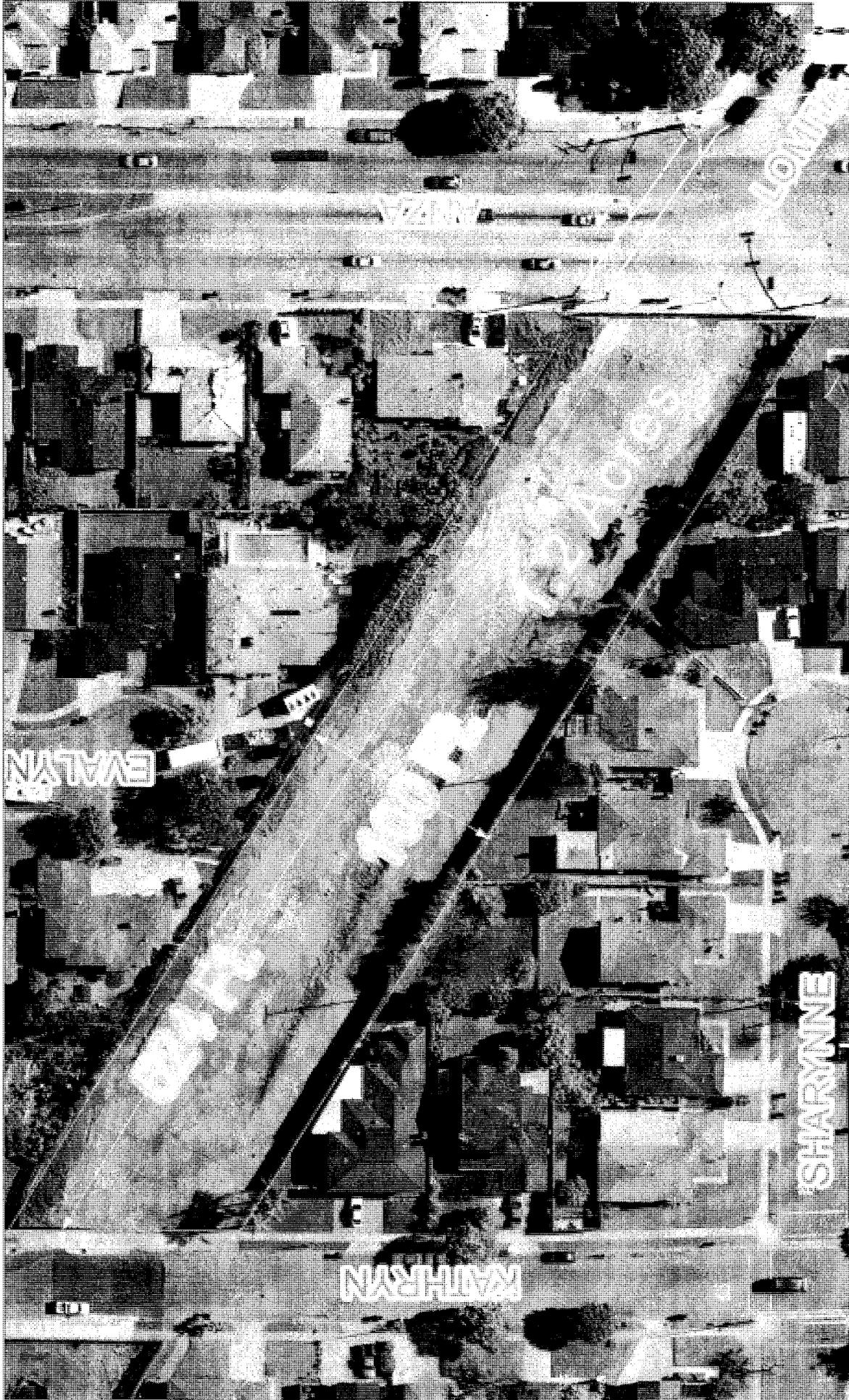

 John Jones
 Community Services Director


 Brian Sunshine
 Assistant to the City Manager

CONCUR:


 LeRoy Jackson
 City Manager

- Attachments:
- A) Aerial photo of property
 - B) Construction costs for first option
 - C) Construction costs for second option
 - D) Project budget
 - E) Design sketch of proposed park
 - F) Map of encroachments
 - G) Offer letter sent to homeowners
 - H) Original offer letter sent to homeowners
 - I) Response forms
 - J) Offer for purchase of land
 - K) Meeting minutes from March 12, 2009
 - L) Meeting minutes from October 15, 2009
 - M) List of questions from homeowners dated January 6, 2010
 - N) City responses to questions
 - O) Correspondence from residents
 - P) Proposed Project Budget Revision



Lines and photos are approximate, not to be used for establishing absolute or relative positions

Lomita Blvd. between Anza Ave. and Kathryn Ave.

Ref. ST-866 sheets 6 & 7



Jeffrey W. Gibson
Community Development Department

X:\Engineering\Projects\Anza\Anza.mxd - 2/20/13

LOMITA PARK

City of Torrance

ATTACHMENT B**Estimate of Probable Costs - Option 1**

January 20, 2010

ITEM	QTY.	UNIT	UNIT PRICE	TOTAL	INCL. PREV. WAGE
HARDSCAPE ITEMS					
NATURAL GRAY CONCRETE PAVING	4,572	S.F.	\$6.00	\$27,432.00	\$37,033.20
LOW MASONRY WALLS @ STREET ENTRY	243	L.F.	\$50.00	\$12,150.00	\$16,402.50
TAPERED CONC. REMOVABLE BOLLARD	2	EACH	\$825.00	\$1,650.00	\$2,227.50
PERIMETER FULL HEIGHT WALLS (6' HT)	1,050	L.F.	\$85.00	\$89,250.00	\$120,487.50
PERIMETER FULL HEIGHT PILASTERS**	13	EACH	\$800.00	\$10,400.00	\$14,040.00
TRASH RECEPTACLES	2	EACH	\$1,014.00	\$2,028.00	\$2,028.00
INSTALLATION OF SITE FURNITURE			ALLOW	\$2,000.00	\$2,700.00
PATH LIGHTING			ALLOW	\$22,000.00	\$29,700.00
HARDSCAPE SUBTOTAL				\$166,910.00	\$224,618.70

LANDSCAPED GREEN AREAS

ROUGH GRADING			ALLOW	\$75,000.00	\$101,250.00
IRRIGATION	46,896	S.F.	\$2.00	\$93,792.00	\$126,619.20
FINE GRADING	46,896	S.F.	\$0.10	\$4,689.60	\$6,330.96
WEED ABATEMENT	46,896	S.F.	\$0.15	\$7,034.40	\$9,496.44
SOIL PREP	46,896	S.F.	\$0.15	\$7,034.40	\$9,496.44
GROUNDCOVER MULCH	0	S.F.	\$0.30	\$0.00	\$0.00
TURF	46,896	S.F.	\$0.60	\$28,137.60	\$37,985.76
DRAINAGE SYSTEM			ALLOW	\$15,000.00	\$20,250.00
SPECIMEN TREES 48" BOX	0	EACH	\$1,000.00	\$0.00	\$0.00
SPECIMEN TREES 36" BOX	0	EACH	\$525.00	\$0.00	\$0.00
SPECIMEN TREES 24" BOX	0	EACH	\$220.00	\$0.00	\$0.00
SHRUBS 15 GAL	0	EACH	\$65.00	\$0.00	\$0.00
SHRUBS 5 GAL	0	EACH	\$16.00	\$0.00	\$0.00
SHRUBS 1 GAL	0	EACH	\$6.00	\$0.00	\$0.00
VINES 5 GALLON	30	EACH	\$25.00	\$750.00	\$1,012.50
INSTALL ONLY - FLOWERING CHERRY*	25	EACH	\$65.00	\$1,625.00	\$2,193.75
LANDSCAPE SUBTOTAL				\$233,063.00	\$314,635.05

GRAND TOTAL	\$399,973.00	\$539,253.75
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LOMITA PARK

City of Torrance

ATTACHMENT C**Estimate of Probable Costs - Option 2**

January 20, 2010

ITEM	QTY.	UNIT	UNIT PRICE	TOTAL	INCL. PREV. WAGE
HARDSCAPE ITEMS					
TUMBLED CONCRETE PAVERS	4,572	S.F.	\$10.00	\$45,720.00	\$61,722.00
DG "ADVENTURE TRAILS"	1,000	S.F.	\$3.00	\$3,000.00	\$4,050.00
LOW MASONRY WALLS @ STREET ENTRY	243	L.F.	\$50.00	\$12,150.00	\$16,402.50
TAPERED CONC. REMOVABLE BOLLARD	2	EACH	\$825.00	\$1,650.00	\$2,227.50
MASONRY PILASTER @ STREET ENTRY	2	EACH	\$10,000.00	\$20,000.00	\$27,000.00
PERIMETER FULL HEIGHT WALLS (6' HT)	1,050	L.F.	\$85.00	\$89,250.00	\$120,487.50
PERIMETER FULL HEIGHT PILASTERS**	13	EACH	\$800.00	\$10,400.00	\$14,040.00
BENCHES	3	EACH	\$1,354.00	\$4,062.00	\$4,062.00
TRASH RECEPTACLES	3	EACH	\$1,014.00	\$3,042.00	\$3,042.00
INSTALLATION OF SITE FURNITURE			ALLOW	\$5,000.00	\$6,750.00
PATH LIGHTING	5		ALLOW	\$22,000.00	\$29,700.00
PET STATION	1	EACH	\$400.00	\$400.00	\$540.00
			HARDSCAPE SUBTOTAL	\$216,674.00	\$290,023.50
	1				
LANDSCAPED GREEN AREAS					
ROUGH GRADING			ALLOW	\$75,000.00	\$101,250.00
IRRIGATION	41,376	S.F.	\$2.00	\$82,752.00	\$111,715.20
FINE GRADING	41,376	S.F.	\$0.10	\$4,137.60	\$5,585.76
WEED ABATEMENT	41,376	S.F.	\$0.15	\$6,206.40	\$8,378.64
SOIL PREP	41,376	S.F.	\$0.15	\$6,206.40	\$8,378.64
GROUND COVER MULCH	28,380	S.F.	\$0.30	\$8,514.00	\$11,493.90
TURF	12,996	S.F.	\$0.60	\$7,797.60	\$10,526.76
DRAINAGE SYSTEM			ALLOW	\$15,000.00	\$20,250.00
SPECIMEN TREES 48" BOX	0	EACH	\$1,000.00	\$0.00	\$0.00
SPECIMEN TREES 36" BOX	0	EACH	\$525.00	\$0.00	\$0.00
SPECIMEN TREES 24" BOX	30	EACH	\$220.00	\$6,600.00	\$8,910.00
SHRUBS 15 GAL	0	EACH	\$65.00	\$0.00	\$0.00
SHRUBS 5 GAL	2,800	EACH	\$16.00	\$44,800.00	\$60,480.00
SHRUBS 1 GAL	5,600	EACH	\$6.00	\$33,600.00	\$45,360.00
VINES 5 GALLON	50	EACH	\$25.00	\$1,250.00	\$1,687.50
INSTALL ONLY - FLOWERING CHERRY*	10	EACH	\$65.00	\$650.00	\$877.50
			LANDSCAPE SUBTOTAL	\$292,514.00	\$394,893.90
MISCELLANEOUS OPTION ITEMS					
TOT LOT					
TOT LOT CONC SUBBASE	2,290	S.F.	\$5.00	\$11,450.00	\$15,457.50
TOT LOT RUBBER SURFACE BASE	2,290	S.F.	\$13.00	\$29,770.00	\$40,189.50
TOT LOT STRUCTURE	1	EACH	ALLOW	\$35,000.00	\$35,000.00
TOT LOT INSTALLATION			ALLOW	\$15,000.00	\$20,250.00
TOT LOT THICKENED EDGE	185	L.F.	\$22.00	\$4,070.00	\$5,494.50
			MISCELLANEOUS SUB-TOTAL	\$95,290.00	\$116,391.50
			GRAND TOTAL	\$604,478.00	\$801,308.90



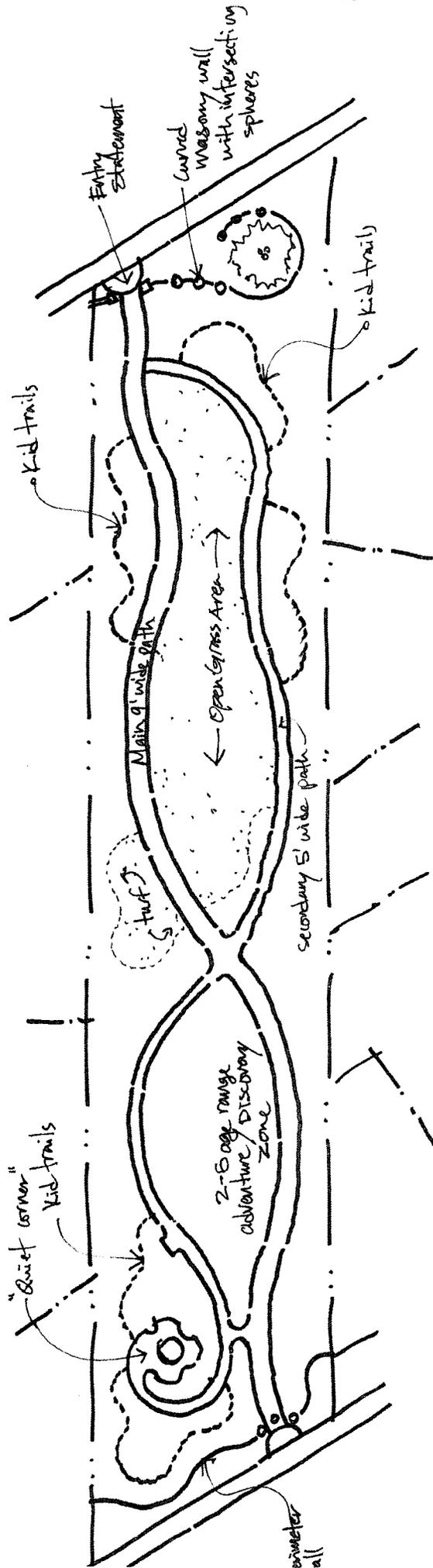
Lomita/Anza Park Development
Project Budget

	Option 1*	Option 2**
Landscape Architect - Land Concern	\$ 81,300	\$ 81,300
Construction Cost Estimates	\$ 539,254	\$ 801,309
5% Contingency	\$ 26,963	\$ 40,065
General Services Fees (5% of construction contract)	\$ 26,963	\$ 40,065
Other fees including Engineering and Inspection Fees	\$ 10,000	\$ 10,000
TOTAL	\$ 684,479	\$ 972,740

*Basic elements only

**With additional amenities requested by the public including a textured path, a small playground system, trees, shrubs, and benches.

ATTACHMENT E





**CITY OF
TORRANCE**

CITY MANAGER'S OFFICE

LeRoy J. Jackson
City Manager

Brian Sunshine
Assistant to the City Manager
(310) 618-5880
BSunshine@TorranceCA.Gov

December 21, 2009

Torrance, CA 90505

The City of Torrance has revised its previous formal offer dated November 23, 2009, allowing you to purchase a portion of vacated property adjacent to yours, in the Lomita Right of Way. This property is owned in fee by the City, and therefore cannot be given away, as that would constitute an unlawful gift of public funds. The vacant property is being offered to you at \$20 per square foot and includes a 36" section of the parcel along your existing property.

There has been a request to extend the deadline until February 15, 2010; the City cannot extend the deadline until that date however it can be extended until January 14, 2010 at 5:00 pm. The City is trying to work with you in this matter and has therefore revised its offer to allow for an interest free lien to be placed on the property to be paid out of escrow at change of title. This would resolve the property line issue now without immediate payment. This is our last, best, and final offer as the project needs to move forward.

This offer is for the property adjacent to:

Square Footage: 221
Value: \$20 x 221

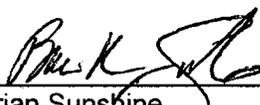
The deadline for this offer is set for **Thursday, January 14, 2010 at 5:00 pm**. Please respond by completing the attached sheet and returning it to the City of Torrance, Attn: Brian Sunshine, 3031 Torrance Blvd., Torrance CA 90503.

For those wishing to purchase the property, there are now three options:

1. Full payment in Cash
2. One (1) year interest free loan, with an additional 48 months at 6%, for term of 60 months.
3. Placement of a lien on the property that would be due at change of title.

Please note that any impacts to your property taxes will be your responsibility, as well as any updates to your homeowner's insurance. The City of Torrance appreciates your consideration of this offer. Should you have any questions regarding the offer, please contact me at (310) 618-5887, or by e-mail at BSunshine@TorranceCA.Gov.

Sincerely,



 Brian Sunshine
Assistant to the City Manager

Lomita/Anza Park Development Property Owners

221 Square Feet @ \$20/sq.ft.
Total: \$4,420

I, _____, have received the formal offer for the purchase of a portion of the property adjacent to mine. By checking the appropriate box below, I am responding to the City's offer.

Please check the box that applies.

- I do not wish to purchase the property
- OR**
- I wish to purchase the property *(select one payment option)*
 - Full payment in cash
 - One (1) year interest free loan, with an additional 48 months at 6%, for term of 60 months
 - Placement of a lien on the property that would be due at change of title.

Signature: _____ Date: _____

Print Name: _____



CITY OF
TORRANCE

CITY MANAGER'S OFFICE

LeRoy J. Jackson
City Manager

Brian Sunshine
Assistant to the City Manager
(310) 618-5880
BSunshine@TorranceCA.Gov

November 23, 2009

Torrance, CA 90505

The City of Torrance is formally offering you the opportunity to purchase a portion of vacated property adjacent to yours, in the Lomita Right of Way. This property is owned in fee by the City, and therefore cannot be given away, as that would constitute an unlawful gift of public funds. The vacant property is being offered to you at \$20 per square foot and includes a 36" section of the parcel along your existing property.

This offer is for the property adjacent to:

Square Footage: 560
Value: \$20 x 560

The deadline for this offer is set for Tuesday, December 8, at 5:00 pm. Please respond by completing the attached sheet and returning it to the City of Torrance, Attn: Brian Sunshine, 3031 Torrance Blvd., Torrance CA 90503.

For those wishing to purchase the property, there are two options:

1. Full payment in Cash
2. One (1) year interest free, with an additional 48 months at 6%, for term of 60 months.

Please note that any impacts to your property taxes will be your responsibility, as well as any updates to your homeowner's insurance. The City of Torrance appreciates your consideration of this offer. Should you have any questions regarding the offer, please contact me at (310) 618-5887, or by e-mail at BSunshine@TorranceCA.Gov.

Sincerely,

Brian Sunshine
Assistant to the City Manager

BS:JM:tlk:adminsvcs\projects\lomitarightofway\36in

ATTACHMENT IOFFICE OF THE
CITY MANAGER

09 DEC -7 PM 10:45

12/5/09

Dear Mr. Sunshine,

Thank you for your letter regarding the opportunity to purchase a portion of land in the Lomita Right of Way. We appreciate your time and effort in sending us these offers.

In reviewing your offer, we will need more time to make an informed decision on this.

Most of us are residents of Torrance and some of us have lived on our current properties for over 20 years. When we found out that our property lines would be moved and that we would have to pay for this adjustment we were surprised – and quite upset. We had come together as a community to try to create a park; having the city respond by proposing a move of long-established property lines has been a shock.

We need more time to decide how to respond to your offer. We have many questions and concerns that have not yet been answered. With the holiday season upon us, it is not the best time to try and get people together to discuss our options.

We will provide a response to your letter by February 15, 2010.

Thank you for your time,

Homeowners of the potential Lomita/Anza Park Development.

<u>Scott & Denise Honaker</u>	<u>Scott + Leslie Davison</u>
<u>Jeff & April Cherner</u>	<u>Mark & Cindy Krugman</u>
<u>Dore Barnard</u>	<u>Judy DeYoung - via e-mail</u>
<u>Michael & Michelle DiMarco</u>	<u>Shel & Virginia Michelson ^{via} e-mail</u>
<u>Tom & Karen Carver</u>	<u>_____</u>

Lomita/Anza Park Development Property Owners

OFFICE OF THE
CITY MANAGER
09 NOV 30 AM 11:03

22815 Anza

345 Square Feet @ \$20/sq.ft.
Total: \$6,900

I, DORA BARNARD, have received the formal offer for the purchase of a portion of the property adjacent to mine. By checking the appropriate box below, I am responding to the City's offer.

Please check the box that applies.

I do not wish to purchase the property
or

- I wish to purchase the property
- I wish to finance the purchase of the property (60 months)

Signature: Dora Barnard Date: 11-27-09

Print Name: DORA BARNARD

Lomita/Anza Park Development Property Owners

22721 Evalyn

320 Square Feet @ ~~\$20/sq.ft.~~ a price not to exceed \$20/sq ft ^{or}
Total: \$6,400

I, Daniel Sebo, have received the formal offer for the purchase of a portion of the property adjacent to mine. By checking the appropriate box below, I am responding to the City's offer.

Please check the box that applies.

- I do not wish to purchase the property
- or
- I wish to purchase the property
- I wish to finance the purchase of the property (60 months)

Signature: Daniel Sebo

Date: 12/4/09

Print Name: Daniel Sebo

OFFICE OF THE
CITY MANAGER
DEPT. 100 - 9 AM 10:30

OFFICE OF THE
CITY MANAGER

Lomita/Anza Park Development Property Owners

DEC 10 AM 10:05

22901 Anza

221 Square Feet @ \$20/sq.ft.
Total: \$4,420

I, _____, have received the formal offer for the purchase of a portion of the property adjacent to mine. By checking the appropriate box below, I am responding to the City's offer.

Please check the box that applies.

- I do not wish to purchase the property
- or
- I wish to purchase the property
- I wish to finance the purchase of the property (60 months)

Signature: _____ Date: _____

Print Name: _____

Lomita/Anza Park Development Property Owners

22812 Kathryn

270 Square Feet @ \$20/sq.ft.
Total: \$5,400

I, MARK K., have received the formal offer for the purchase of a portion of the property adjacent to mine. By checking the appropriate box below, I am responding to the City's offer.

Please check the box that applies.

1. I do not wish to purchase the property
or

2. I wish to purchase the property

3. I wish to finance the purchase of the property (60 months)

4. WE REQUEST AN EXTENSION TO FEB. 2010 TO GET MORE INFORMATION,

Signature: MARK KUMAGAWA Date: 12/04/09

Print Name: MARK KUMAGAWA

Lomita/Anza Park Development Property Owners

4507 Sharynne

124 Square Feet @ \$20/sq.ft.

Total: \$2,480

I, Scott & Leslie DAVISON, have received the formal offer for the purchase of a portion of the property adjacent to mine. By checking the appropriate box below, I am responding to the City's offer.

Please check the box that applies.

I do not wish to purchase the property
or

I wish to purchase the property

I wish to finance the purchase of the property (60 months)

We request more information and an extension to Feb 15, 2010

Signature: Leslie Davison Date: 12/4/09

Print Name: Leslie Davison

Lomita/Anza Park Development Property Owners

4503 Sharynne

197 Square Feet @ \$20/sq.ft.
Total: \$3,940

I, Tom & Karen Carmody, have received the formal offer for the purchase of a portion of the property adjacent to mine. By checking the appropriate box below, I am responding to the City's offer.

Please check the box that applies.

- I do not wish to purchase the property
- or
- I wish to purchase the property
- I wish to finance the purchase of the property (60 months)

Extension

Signature: Tom Carmody Karen Carmody Date: 12/5/09

Print Name: Tom Carmody Karen Carmody

Lomita/Anza Park Development Property Owners

4511 Sharynne

124 Square Feet @ \$20/sq.ft.

Total: \$2,480

I, Shel Michelson, have received the formal offer for the purchase of a portion of the property adjacent to mine. By checking the appropriate box below, I am responding to the City's offer.

Please check the box that applies.

I do not wish to purchase the property
or

I wish to purchase the property

I wish to finance the purchase of the property (60 months)

extension

Signature:  Date: 12-03-09

Print Name: Shel & Virginia Michelson

Lomita/Anza Park Development Property Owners

22900 Evalyn

108 Square Feet @ \$20/sq.ft.
Total: \$2,160

I, Michael DiMarco, have received the formal offer for the purchase of a portion of the property adjacent to mine. By checking the appropriate box below, I am responding to the City's offer.

Please check the box that applies.

I do not wish to purchase the property
or

- I wish to purchase the property
- I wish to finance the purchase of the property (60 months)

EXTENSION REQUEST

Signature: Michelle DiMarco
Michael DiMarco Date: 11/25/09

Print Name: Michelle DiMarco
Michael DiMarco

Lomita/Anza Park Development Property Owners

22730 Evalyn

560 Square Feet @ \$20/sq.ft.
Total: \$11,200

JEFF & APRIL
I, CHERNESS, have received the formal offer for the purchase of a portion of the property adjacent to mine. By checking the appropriate box below, I am responding to the City's offer.

Please check the box that applies.

- I do not wish to purchase the property
or
 I wish to purchase the property
 I wish to finance the purchase of the
property (60 months)

EXTENSION

Signature: Jeff Cherness

Date: 12/4/09

Print Name: JEFF CHERNESS

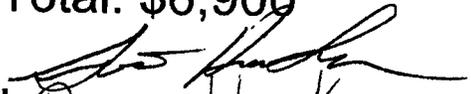
April Cherness

Lomita/Anza Park Development Property Owners

22716 Kathryn

345 Square Feet @ \$20/sq.ft.

Total: \$6,900


I, Denise Monaker, have received the formal offer for the purchase of a portion of the property adjacent to mine. By checking the appropriate box below, I am responding to the City's offer.

Please check the box that applies.

I do not wish to purchase the property
or

I wish to purchase the property

I wish to finance the purchase of the property (60 months)

I wish to have an extension

Signature:  Date: 12-3-09

Print Name: Scott & Denise Monaker

Lomita/Anza Park Development
Offer for Purchase of Land

Address	Square Footage	Cost @ \$20 sf	Agreed to Purchase
4503 Sharynne	197	\$3,940	No
4507 Sharynne	124	\$2,480	N/A*
4511 Sharynne	124	\$2,480	Yes
22716 Kathryn	345	\$6,900	Yes
22721 Evalyn	320	\$6,400	Yes
22730 Evalyn	560	\$11,200	Yes
22812 Kathryn	270	\$5,400	No
22815 Anza	345	\$6,900	No
22900 Evalyn	108	\$2,160	N/A*
22901 Anza	221	\$4,420	Yes

*No response had been received at the time of publication

**Lomita/Anza Park Development
Property Owners Meeting - Minutes**

Sea Aire Golf Course
22730 Lupine Drive, Torrance, CA
7:00 pm, Thursday, March 12, 2009

1. Welcome

Present: Michael DiMarco, 22900 Evalyn
Judy DeYoung, 22901 Anza
Tom and Karen Carmody, 4503 Sharynne
Jeff and April Cherness, 22730 Evalyn
Denise Honaker, 22716 Kathryn
Dan Sebo, 22721 Evalyn

Staff: John Jones, Community Services Director
Brian Sunshine, Assistant to the City Manager
Mike Wilson, Park Services Manager
Jason Minter, Senior Business Manager

2. Staff Introduction and Powerpoint Presentation

- Explanation of the Property Line issue identified by the Landscape Architect, including maps with property lines
- Discussion of "Preliminary Survey", with a more complete survey to be scheduled in the coming weeks

3. Questions/Comments from the Residents

- Most in attendance were surprised by the discovery of the property line issues
- Many assumed that the chain link fence surrounding the interior marked the property line
- One resident claimed 'squatters rights' to the area adjacent to their front yard
- Another resident in attendance voiced displeasure regarding a fence that had been constructed on City property with City issued permits; building staff didn't inform them that it wasn't on their property
- Many wanted to know how they could follow the progression of the project, including the survey information
- Many asked for copies of the maps included in the presentation
- Some mentioned that if they were going to lose property then they didn't want a park
- One resident asked about a timeline for the project

4. Staff Responses/Comments

- The results of the survey were preliminary, and a more complete survey will be scheduled in the coming weeks

- The chain link fence was installed merely to keep people off of the property, not define the area
- 'Squatter rights' do not exist when dealing with City-owned property
- Building permits do not take into consideration property lines, only the integrity of the structure being built
- All neighboring property owners will be informed by mail of each meeting
- All neighboring property owners will be provided with minutes from each meeting and a map showing the results of the preliminary survey
- Once the second survey is complete, the new map will be provided as well
- Anyone that had survey drawings done in the past were requested to provide copies of them to the City, especially if the results were different than that of the City survey
- The timeline for this project is subject to change based on the availability of funding. However, staff expect completion prior to 2011, in order to meet the grant deadlines

5. Meeting Adjourned: 8:00 PM

Attachment: Property Line Map with Variances

**Lomita/Anza Park Development
Property Owners Meeting - Minutes**

Sea Aire Golf Course
22730 Lupine Drive, Torrance, CA
7:00 pm, Thursday, October 15, 2009

1. Welcome

Present: Jeff and April Cherness, 22730 Evalyn
Chris Deyoung, 22901 Anza Ave.
Shel and Ginnie, Michelson, 4511 Sharynne Ln.
Denise Honaker, 22716 Kathryn
Cynthia Kumagawa, 22812 Kathryn
Dan Sebo, 22721 Evalyn
Tom and Karen Carmody, 4503 Sharynne

Staff: John Jones, Community Services Director
Brian Sunshine, Assistant to the City Manager
Jason Minter, Senior Business Manager

2. Staff Introduction

- Verification that residents received the minutes and maps from the March 12, 2009, meeting
- Confirmation of the findings from the "Preliminary Survey"
- Informed the neighbors of their maximum encroachments to the City's property (36" on the north side, 24" on the south side)
- Introduced the option of a possible purchase of the property to cover the encroachments, as the City can not give away government property
 - i. Straight purchase
 - ii. Possibility of putting a lien on title?

3. Questions/Comments from the Residents

- One resident asked about a timeline for the project
- One resident asked why they couldn't get a better deal, or be given the property
- One resident asked what would happen if they didn't agree to purchase the land
- One resident asked why they couldn't just leave it the way it was
- One resident asked who decided to make this a park

4. Staff Responses/Comments

- The project goal is to be completed before December 2010
- The City cannot give the property away, as it would be a gift of public funds, which is illegal
- The City would have to remove any structures/trees that encroached onto City property

- Once staff became aware of the encroachment, we were obligated to rectify it
- City Council directed staff to develop the vacant parcel into a park
- Staff reminded those in attendance that all neighboring property owners will be informed by mail of each meeting and that all neighboring property owners would be provided with minutes from each meeting

5. Meeting Adjourned: 8:45 PM

ATTACHMENT M

1/6/10

Dear Mr. Jackson and Mr. Sunshine,

One of the reasons we have asked for an extension is because most of the residents who are affected by the Lomita/Anza park construction have questions and concerns. We have compiled the following list and would like the opportunity to discuss these specific issues with you.

We would like to arrange a time to meet and talk about these issues before the neighborhood meeting on January 12. Please let us know when would be convenient. We will be available after 6:00 p.m.

Here the list of questions and concerns we would like to discuss:

1. Can the city just give us a better discount for the land cost because:

- a. It is not usable land. You're asking us to pay for something that is expensive and not beneficial. You never asked us to pay in the past, why now?
- b. We all have been on a crooked line for years, taking good care of both the city and our side.
- c. Our taxes will probably increase a little, but for no real benefit.
- d. Some plants or trees have been living there for some time, removing them or killing them is not environmentally correct. At least, keep them on existing lines for the new park landscaping. Most cities are going green.
- e. The size of the park will not be greatly affected. It's small to begin with, so four extra feet on the sides will not be noticed.

2. Why did the city allow (issue permits) to home owners to built a wall/fence and then later say that it was wrong. There is an ESTOPPEL bar which precludes someone from denying the truth of a fact which has been determined in an official proceeding or by an authoritative body. When no one was denied a permit and everyone built inside the assumed property line (chain link fence), how can the city now say it is wrong? All 10 home owners were under the same assumption and should not be penalized.

3. Why did real estate agents say that the chain link fence was the city property line? Why did all 10 home owners encroach unto to City property without knowing it by building their fences behind the chain link fence?

4. Can the city offer any other way to just give us the property to clear up the line issue easily? Are there special circumstances or a city policy to work it out without any money exchange? Maybe an easement or leasing the property. After the park is built, no one will care about the property lines for the next 100 years.

5. If we decide to buy any extra property (2 ft), where will this money go? How is it used?

6. What if some owners choose to buy the property and some do not. Will the park be designed around that or is it all or nothing?

7. Does the city have any record of past projects similar to ours? Did any previous homeowners get offers to buy unusable city property? Can we see some of these past locations in any part of the city?

8. We would like to know details of past park projects, and how and what type of a fence or wall was constructed.

9. How long (roughly) will the whole park construction take? During spring – summer? When is the park or perimeter wall design going to be finished?

10. Can the city give us an advance breakdown of the perimeter fence/wall schedule for our reference? The stakes showed us an approximate breakdown for our properties, but some of our properties are filled with ice plant or old fences.

11. After the City builds its wall/fence, will they help to leave extra soil or build up the foundation to level out both sides of the park? The elevation is not consistent so will the City just follow the existing grade?

12. During the demo process, and the fence building process, what kind of security measures will be taken? Will the end-fences remain locked? Will we have to accept open backyards between our neighbors for some time period? If so, we must consider our pets, small children's welfare and security of our property. Will a temporary fence be used?

13. Will the city be responsible to make sure the correct fence/wall is built (per code) to make sure properties with a pool are kept within code?

14. What will happen when the property line goes up to an existing fence- maybe even a couple inches away. How will the new fence/wall be built without destroying or damaging the existing fence?

15. Will the City demo the existing walls/fences/trees/plants and take care of all of the expenses? Will the City pay the labor cost to remove existing structures, the cost to remove the debris, and the cost to prepare the ground for the new structure?

16. Part of several of the home owner's property lines runs through concrete and wall block, will the city cut through it cleanly, or just smash it up with a bulldozer? What about sprinkler pipes near the line. Who will be responsible for re-laying the pipe? If the city damages anything else on our property, will the home owner be compensated? What advance preparations can be done to reduce/limit any chance of this happening?

Thank you for keeping our small group involved in the process of creating a new useable space for the community.

Please let us know what day(s) and time(s) work for you.

Sincerely,

The Residents of the Planned Lomita/Anza Park Area



CITY OF
TORRANCE

CITY MANAGER'S OFFICE

LeRoy J. Jackson
City Manager

Brian Sunshine
Assistant to the City Manager
(310) 618-5880
BSunshine@TorranceCA.Gov

January 14, 2010

Dear Homeowner:

The City received an e-mail on January 9, 2010 requesting information and responses to certain questions. The questions have been restated in this letter with answers following. There has also been a request for more time. As was stated in previous correspondence, the City is running into certain deadlines to move forward with the proposed park project. The City also understands your need to review this response, with that in mind the deadline is extended until close of business January 21, 2010. The deadline is required as City staff will be bringing an action item to the City Council on January 26, 2010 on the park project and whether the encroaching property owners wish to purchase the area of encroachment.

The following are the questions asked and the City response:

1. Can the city just give us a better discount for the land cost because:

a. It is not usable land. You're asking us to pay for something that is expensive and not beneficial. You never asked us to pay in the past, why now?

City Response: Once this project was initiated and the property survey was confirmed, the City was obligated to address the Property Line issue. The estimated land value for this area is approximately \$74.00 per square foot; the offer to sell the property at \$20.00 per square foot is a significant discount from the average value of the properties in the area.

b. We all have been on a crooked line for years, taking good care of both the city and our side.

c. Our taxes will probably increase a little, but for no real benefit.

d. Some plants or trees have been living there for some time, removing them or killing them is not environmentally correct. At least, keep them on existing lines for the new park landscaping. Most cities are going green.

City Response: City staff will work with the Landscape Architect to keep this project as 'Green' as possible. This project will include sustainable elements wherever possible.

e. The size of the park will not be greatly affected. It's small to begin with, so four extra feet on the sides will not be noticed.

City response: This project will be completed regardless of the width of the property. City Council has asked staff to work with neighboring residents to determine the amenities for the park, a welcome green space to the City's existing park system. As stated before in meetings with the adjacent residents, there is an encroachment on City-owned land. This must be addressed regardless of the size of the proposed park.

2. Why did the city allow (issue permits) to home owners to built a wall/fence and then later say that it was wrong. There is an ESTOPPEL bar which precludes someone from denying the truth of a fact which has been determined in an official proceeding or by an authoritative body. When no one was denied a permit and everyone built inside the assumed property line (chain link fence), how can the city now say it is wrong? All 10 home owners were under the same assumption and should not be penalized.

City response: Building permits require that plans be shown to the Building and Safety Department prior to construction, and that an inspection be done upon completion of the project. Property surveys are advised, but not required as part of the building process. The issuance of a permit does not estopp any issues prior to the permit; if there is an encroachment on City property it must be addressed when it is discovered. Finally, there is no adverse possession against a public agency.

3. Why did real estate agents say that the chain link fence was the city property line?

City Response: Unfortunately this is a civil issue with the respective real estate agents you believe misinformed you, the buyers, as to information about the property.

Why did all 10 home owners encroach unto to City property without knowing it by building their fences behind the chain link fence?

City Response: Of the 10 property owners, three do not encroach onto City property. The chain link fence was installed after most of the fences/walls as a method to secure the property

4. Can the city offer any other way to just give us the property to clear up the line issue easily?

City Response: No, that would constitute a gift of public funds.

Are there special circumstances or a city policy to work it out without any money exchange? Maybe an easement or leasing the property. After the park is built, no one will care about the property lines for the next 100 years.

City Response: The City offer of a lien on the property to be paid when the property changes owners is the best way to address this issue until the property is sold.

5. If we decide to buy any extra property (2 ft), where will this money go? How is it used?

City Response: The funding would likely go to support the park project, but it is ultimately at the discretion of the City Council.

6. What if some owners choose to buy the property and some do not. Will the park be designed around that or is it all or nothing?

City Response: Yes, the Landscape Architect is aware of this possibility of designing the border of the park around different property lines.

7. Does the city have any record of past projects similar to ours? Did any previous homeowners get offers to buy unusable city property? Can we see some of these past locations in any part of the city?

City Response: No, there is no history of this.

8. We would like to know details of past park projects, and how and what type of a fence or wall was constructed.

City Response: The most recent park projects that shared a fence/wall with residents were at Discovery Park in 2003 (22526 Ocean Ave.) and Sunnyglen in 1980 (5525 Del Amo Blvd). However, these projects made use of the existing block walls. The other recent projects, including Lago Seco (3920 Ocean), Sur La Brea (23610 Cabrillo), and Wilson, all did not share property lines with residents.

9. How long (roughly) will the whole park construction take? During spring – summer? When is the park or perimeter wall design going to be finished?

City Response: Actual park construction will take approximately 4-6 months. Final design for the project would be completed in the construction document preparation.

10. Can the city give us an advance breakdown of the perimeter fence/wall schedule for our reference? The stakes showed us an approximate breakdown for our properties, but some of our properties are filled with ice plant or old fences.

City Response: The survey stakes were placed 5' and 10' away from the property line. The location of the chain link fence has no relevance to the property line.

11. After the City builds its wall/fence, will they help to leave extra soil or build up the foundation to level out both sides of the park? The elevation is not consistent so will the City just follow the existing grade?

City Response: Grading recommendations for both sides of the fence would be determined by the landscape architect during the design phase of the project.

12. During the demo process, and the fence building process, what kind of security measures will be taken? Will the end-fences remain locked? Will we have to accept open backyards between our neighbors for some time period? If so, we must consider our pets, small children's welfare and security of our property. Will a temporary fence be used?

City Response: The entire jobsite would remain enclosed during the construction of the park, especially during the fence removal/installation phases.

13. Will the city be responsible to make sure the correct fence/wall is built (per code) to make sure properties with a pool are kept within code?

City Response: If the City constructs the wall it will be constructed to Code.

14. What will happen when the property line goes up to an existing fence- maybe even a couple inches away. How will the new fence/wall be built without destroying or damaging the existing fence?

City Response: Yes, the new property line would allow for construction of a City fence/wall on City property, leaving the existing walls intact if they were on private property.

15. Will the City demo the existing walls/fences/trees/plants and take care of all of the expenses? Will the City pay the labor cost to remove existing structures, the cost to remove the debris, and the cost to prepare the ground for the new structure?

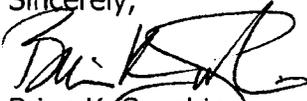
City Response: Yes, all demolition efforts would be included in the project.

16. Part of several of the home owner's property lines runs through concrete and wall block, will the city cut through it cleanly, or just smash it up with a bulldozer? What about sprinkler pipes near the line? Who will be responsible for re-laying the pipe? If the city damages anything else on our property, will the home owner be compensated? What advance preparations can be done to reduce/limit any chance of this happening?

City Response: Each of these issues would require further investigation by the landscape architect and project manager. Concrete saw cutting, irrigation modification, and the replacement of soil would likely be covered by the project. The City's goal would be to leave the property as clean and safe as possible.

Thank you for your inquiries, please note that the City Council will have the consideration of the park and the fence on the January 26, 2010 City Council meeting. Please respond to the undersigned in writing on your decision with regard to the property line and method of purchase if you so choose.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian K. Sunshine", written over a circular stamp.

Brian K. Sunshine

Assistant to the City Manager

Sunshine, Brian

From: Judy DeYoung [judysgarden43@att.net]
Sent: Monday, December 14, 2009 2:25 PM
To: Sunshine, Brian; c
Subject: Parkway: anza/kathryn

Mr. Sunshine.

I live at 22901 Anza, S.W. side of the storm drain.. My son Chris DeYoung has been staying at my home, while I am in Carson City, Nv, taking care of my mother.. Chris has been handling some of my business affairs.. Chris signed the letter that was sent to all the residents whose property connects with the storm drain property. I am the legal owner of the property, which make the letter he inadvertently signed invalid. Could you please send another letter...

This has sure turned into a boondoggle.. The cities property line, has really caused a stir. We measured my 40 almost 41 foot frontage w/the "new"property line. Well, now my footage goes into the neighbors by 2ft.. His property goes into his neighbors by 2ft..all the neighbors south, have a 55 ft frontage.. so, I am assuming everyones lot will be encroaching on the next, continuing around the block to Kathryn...Something is not right.....

I am on a fixed income now, and this an expense I cannot afford.. I hate to think of hiring a surveyor just for my property.. I have a lot of questions, and am hoping for another meeting after the holidays.

All this problem over property that is not a buildable piece of land..All the money I put into my fence that is on a 6"cement foundation, my producing banana plants, rosebushes, and other flora that will be destroyed. Who will pay for the destruction and hauling away? If and when the 'park' gets put in, that land we once had will be just an unused piece of property with a new fence. I'm sorry, after reading this,, I will not let you destroy what I have.. I will take the fence apart myself, if I have to and move it, along with my plants..

Our property taxes will increase, maybe even double.. not because of the new footage, but, having their property reaccessed after many years.. I am sure the tax accessors' office will visit every home..

This is a community, where we help each other..I don't know what else to say,except maybe some concessions have to be made..

Have a good rest of the day,,,

Judy DeYoung

Sunshine, Brian

From: Judy DeYoung [judysgarden43@att.net]
Sent: Monday, December 14, 2009 7:46 PM
To: Sunshine, Brian
Subject: Re: Parkway: anza/kathryn

Mr. Sunshine,

Thankyou for your prompt reply.. I'm afraid returning the letter will take a bit of time.. My printer is not working, and a friend is printing it for me, and sending it up to me.. I will then send it post haste.

Thankyou, Judy DeYoung

.----- Original Message -----

From: Sunshine, Brian
To: Judy DeYoung
Sent: Monday, December 14, 2009 4:35 PM
Subject: RE: Parkway: anza/kathryn

Good Afternoon Mrs. DeYoung:

Thank you for your e-mail regarding the encroachment issue at the Lomita Right-Of-Way. The City has been working with the property owners to try and resolve this issue and the Options outlined have been done as a means to work out the encroachment issue with the least amount of impact. The options have been to either have the City take back the area of encroachment or for the sale of the property at a very discounted price to straighten out the issue.

I am attaching the form that went to your house so that you can review it and fill it out. If you have the ability to fax it back that would be great, my fax number is 310-618-2891; you can e-mail it back as well.

If you need to mail it please use the address below; if you have to mail it would you respond via e-mail of your decision as that would be appreciated.

Again thanks for your note,

Brian Sunshine

*** Please update your records. Our domain name (URL) has changed to: TorranceCA.Gov**

Brian K. Sunshine

Assistant to the City Manager

City of Torrance

3031 Torrance Boulevard

Torrance, CA 90503

310-618-5880 | 310-618-5887 (Direct) | 310-618-5891 (FAX) | bsunshine@torranceca.gov |

www.torranceca.gov

From: Judy DeYoung [mailto:judysgarden43@att.net]
Sent: Monday, December 14, 2009 2:25 PM
To: Sunshine, Brian; c
Subject: Parkway: anza/kathryn

Mr. Sunshine.

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Our property taxes will increase, maybe even double.. not because of the new footage, but, having their property reaccessed after many years.. I am sure the tax accessors' office will visit every home..

This is a community, where we help each other..I don't know what else to say,except maybe some concessions have to be made..

Have a good rest of the day,..
Judy DeYoung

Sunshine, Brian

From: Park Residents [parkresidents@hotmail.com]
Sent: Thursday, January 07, 2010 9:10 AM
To: Sunshine, Brian
Subject: E-mail to Mr. Jackson

Mr. Sunshine,

We tried to send our letter to Mr. Jackson also, but his e-mail that is on the web-site will not go through. It comes back as undeliverable. Can you please e-mail his e-mail to us or please forward our letter to him?

Thank you.

Your E-mail and More On-the-Go. Get Windows Live Hotmail Free. Sign up now.

Sunshine, Brian

From: Park Residents [parkresidents@hotmail.com]
Sent: Friday, January 08, 2010 9:05 AM
To: Sunshine, Brian
Subject: RE: E-mail to Mr. Jackson
Attachments: Park- concerns and questions.doc

Here is the attachment of our letter. It is some questions and concerns we have regarding the park.

Please let us know if you cannot open it.

Thanks.

From: BSUNSHINE@TorranceCA.gov
To: parkresidents@hotmail.com
Date: Thu, 7 Jan 2010 16:42:35 -0800
Subject: RE: E-mail to Mr. Jackson

Good afternoon:

I found your e-mail in the spam file, sorry for the delay. Is this the Lomita Right of Way issue? Which letter are you referencing? Also, his e-mail is the same as mine using ljackson.

Thank you and Happy New Year,

Brian

*** Please update your records. Our domain name (URL) has changed to: TorranceCA.Gov**

Brian K. Sunshine

Assistant to the City Manager

City of Torrance

3031 Torrance Boulevard

Torrance, CA 90503

310-618-5880 | 310-618-5887 (Direct) | 310-618-5891 (FAX) | bsunshine@torranceca.gov | www.torranceca.gov

From: Park Residents [mailto:parkresidents@hotmail.com]
Sent: Thursday, January 07, 2010 9:10 AM
To: Sunshine, Brian
Subject: E-mail to Mr. Jackson

Mr. Sunshine,

We tried to send our letter to Mr. Jackson also, but his e-mail that is on the web-site will not go through. It comes back as undeliverable. Can you please e-mail his e-mail to us or please forward our letter to him?

Thank you.

Your E-mail and More On-the-Go. Get Windows Live Hotmail Free. Sign up now.

Hotmail: Trusted email with powerful SPAM protection. Sign up now.

1/6/10

Dear Mr. Jackson and Mr. Sunshine,

One of the reasons we have asked for an extension is because most of the residents who are affected by the Lomita/Anza park construction have questions and concerns. We have compiled the following list and would like the opportunity to discuss these specific issues with you.

We would like to arrange a time to meet and talk about these issues before the neighborhood meeting on January 12. Please let us know when would be convenient. We will be available after 6:00 p.m.

Here the list of questions and concerns we would like to discuss:

1. Can the city just give us a better discount for the land cost because:
 - a. It is not usable land. You're asking us to pay for something that is expensive and not beneficial. You never asked us to pay in the past, why now?
 - b. We all have been on a crooked line for years, taking good care of both the city and our side.
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8. We would like to know details of past park projects, and how and what type of a fence or wall was constructed.
9. How long (roughly) will the whole park construction take? During spring – summer? When is the park or perimeter wall design going to be finished?
10. Can the city give us an advance breakdown of the perimeter fence/wall schedule for our reference? The stakes showed us an approximate breakdown for our properties, but some of our properties are filled with ice plant or old fences.
11. After the City builds its wall/fence, will they help to leave extra soil or build up the foundation to level out both sides of the park? The elevation is not consistent so will the City just follow the existing grade?
12. During the demo process, and the fence building process, what kind of security measures will be taken? Will the end-fences remain locked? Will we have to accept open backyards between our neighbors for some time period? If so, we must consider our pets, small children's welfare and security of our property. Will a temporary fence be used?
13. Will the city be responsible to make sure the correct fence/wall is built (per code) to make sure properties with a pool are kept within code?
14. What will happen when the property line goes up to an existing fence- maybe even a couple inches away. How will the new fence/wall be built without destroying or damaging the existing fence?
15. Will the City demo the existing walls/fences/trees/plants and take care of all of the expenses? Will the City pay the labor cost to remove existing structures, the cost to remove the debris, and the cost to prepare the ground for the new structure?
16. Part of several of the home owner's property lines runs through concrete and wall block, will the city cut through it cleanly, or just smash it up with a bulldozer? What about sprinkler pipes near the line. Who will be responsible for re-laying the pipe? If the city damages anything else on our property, will the home owner be compensated? What advance preparations can be done to reduce/limit any chance of this happening?

Thank you for keeping our small group involved in the process of creating a new useable space for the community.

Please let us know what day(s) and time(s) work for you.

Sincerely,

The Residents of the Planned Lomita/Anza Park Area

Sunshine, Brian

From: Park Residents [parkresidents@hotmail.com]
Sent: Tuesday, January 12, 2010 1:31 PM
To: Jackson, LeRoy
Cc: Sunshine, Brian; Jones, John; Giordano, Mary
Subject: RE: Park Questions

Mr. Jackson,

We would like to know if you had time to look over our questions and concerns?

Also, as you know we were given a deadline to respond to the letter regarding a few options of either buying, not buying or having a lien placed on our property. The deadline is January 14. We are not clear what the lien means to us as the property owners.

We look forward to seeing you all at the meeting tonight.

Thank you,

Residents of the Lomita/Anza Park

From: LJACKSON@TorranceCA.gov
To: parkresidents@hotmail.com
CC: BSUNSHINE@TorranceCA.gov; JJONES@TorranceCA.gov; MGIORDANO@TorranceCA.gov
Date: Fri, 8 Jan 2010 11:35:41 -0800
Subject: RE: Your lettet

I have your letter and will have staff review your question -- as you know an alternative offer was transmitted to you which would allow continued use of the property until such time as it is sold -- but we can address the other questions in this letter and get back to you as soon as possible. -- ljj

-----Original Message-----

From: Park Residents [mailto:parkresidents@hotmail.com]
Sent: Friday, January 08, 2010 9:39 AM
To: Jackson, LeRoy
Subject: RE: Your lettet

Mr. Jackson,

Attached is a letter of questions and concerns that we, the residents of the Lomita/Anza Park area, have.

As you know, a few years ago we started the idea of creating the park next to our homes. We asked a few council members to come out to our location to explain the benefits of having a nice green space. At the time Mayor Scotto was just running for mayor and he promised us he would make it happen.

When we heard there was going to be a grant, we were thrilled.

We gathered information on what type of park would be beneficial to our area. We visited and took photos of other parks, gathered information on 'green plants' that did not require a lot of watering. We had meetings with residents and talked about what they would like to see. The consensus was a sweet little park with benches to read books, a nice path to walk around with plants that bloomed and trees that offered shade for picnics.

We went to the public meeting and made sure people in our area attended to meeting, which was standing room only, to hear what the city's ideas were and to communicate our ideas. It sounded like we were all on the same page, which was so exciting.

Months later we had a meeting a Sea-Aire Park and were told that almost all of our properties were on city property. The meeting was bit hostile and we were told we needed to pay the city for the land or the city would take the land and build their fence. If we had fences, trees or landscaping they would be bulldozed down.

The residents that this is effecting are really upset about this. We have maintained this land for many many years and now after we worked so hard to help create a park, the discovery of the land issue is devastating.

We have been offered a few options, but we feel there must be a way to keep what we have and maintain it as we have for all of these years. All of us used the fence that is on our properties when we bought our homes, as the guide to our property lines.

Attached is a letter with some questions and concerns we have and we would like to have an opportunity to meet and discuss these with you.

Thank you for your time,

Residents of the Lomita/Anza Park

From: LJACKSON@TorranceCA.gov
To: parkresidents@hotmail.com
Date: Thu, 7 Jan 2010 16:45:03 -0800
Subject: Your lettet

Sorry it not come though -- you might be able to attatch to this note -- ljj

Hotmail: Trusted email with Microsoft's powerful SPAM protection. Sign up now.

Hotmail: Free, trusted and rich email service. Get it now.

Sunshine, Brian

From: Park Residents [parkresidents@hotmail.com]
Sent: Wednesday, January 13, 2010 2:04 PM
To: Sunshine, Brian
Subject: Deadline

Dear Mr. Sunshine,

We are grateful that your office is working on some questions and concerns that we have regarding the property lines. We are asking for more time on our decision with the options we are given. Some of us need to have a few questions answered before we can make a decision.

We would like to ask for two more weeks. Please let us know if this is agreeable.

Thank you for your time,

Park Residents

Hotmail: Powerful Free email with security by Microsoft. Get it now.

Sunshine, Brian

From: Park Residents [parkresidents@hotmail.com]
Sent: Wednesday, January 13, 2010 2:44 PM
To: Sunshine, Brian
Subject: RE: Deadline

Thank you for your response. We really appreciate your attention to this and responding to us individually.

Best,

Park Residents

From: BSUNSHINE@TorranceCA.gov
To: parkresidents@hotmail.com
Date: Wed, 13 Jan 2010 14:26:24 -0800
Subject: RE: Deadline

Good afternoon:

I have received the request and the letter requesting more information. I will be responding via letter to each property owner to the request for more time as well as the list of questions. I will correspond in this fashion as I do not know who I am corresponding with and if this is a representation of all the property owners. I hope you understand I want to make sure everyone gets the information.

Thank you
Brian

*** Please update your records. Our domain name (URL) has changed to: TorranceCA.Gov**
Brian K. Sunshine
Assistant to the City Manager
City of Torrance
3031 Torrance Boulevard
Torrance, CA 90503
310-618-5880 | 310-618-5887 (Direct) | 310-618-5891 (FAX) | bsunshine@torranceca.gov |
www.torranceca.gov

From: Park Residents [mailto:parkresidents@hotmail.com]
Sent: Wednesday, January 13, 2010 2:04 PM
To: Sunshine, Brian
Subject: Deadline

Dear Mr. Sunshine,

We are grateful that your office is working on some questions and concerns that we have regarding the property lines. We are asking for more time on our decision with the options we are given.

1/21/2010

Some of us need to have a few questions answered before we can make a decision.

We would like to ask for two more weeks. Please let us know if this is agreeable.

Thank you for your time,

Park Residents

Hotmail: Powerful Free email with security by Microsoft. Get it now.

Hotmail: Free, trusted and rich email service. Get it now.

Sunshine, Brian

From: Judy DeYoung [judysgarden43@att.net]
Sent: Wednesday, January 13, 2010 10:15 PM
To: Sunshine, Brian; c
Subject: Re: Lomita Right of Way offer letter

Mr. Sunshine,

I drove down here 530 miles to Torrance as I was told the homeowners issues with the city would be talked about at the meeting last evening....I was subsequently informed that the meeting was to go over lighting, security etc., for the park....I will more than likely be signing the paperwork that was sent to me for a lien on my property,, (which will at that time destroy my credit rating) I want paperwork that displays all the "specs" size of property, dimensions etc.. that I will be acquiring from the city of Torrance..

I asked Jason Pinter last evening, that after the homeowners acquire the property from the city, will our fences then be safe from being torn down.. He could not answer me.. I was shocked. Since, it is now our property, how can you then still tear it down.?. The homeowners, we still have many unanswered questions... We are asking for a two week extension....We need to have the city work with the homeowners.. we need this extra time..so we may get our answers.. You are getting our money, all we need are some answers.....I don't think that is asking too much...

Thankyou, Judy DeYoung

From: Sunshine, Brian
To: Judy DeYoung
Sent: Monday, December 21, 2009 4:30 PM
Subject: Lomita Right of Way offer letter

Mrs. DeYoung:

The City has revised its offer letter (copy attached). We have the authority to offer a lien against the property to be paid when title is transferred; this may not change your outlook on this but I wanted to make you aware. Please take a look and respond. The letter is coming hard copy but I wanted to e-mail as I am not sure if you are back in town.

Happy holidays,

Brian

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Brian K. Sunshine

Assistant to the City Manager

City of Torrance

3031 Torrance Boulevard

Torrance, CA 90503

310-618-5880 | 310-618-5887 (Direct) | 310-618-5891 (FAX) | bsunshine@torranceca.gov |

www.torranceca.gov

Sunshine, Brian

From: Sunshine, Brian
Sent: Thursday, January 14, 2010 5:34 PM
To: 'Park Residents'; 'Judy DeYoung'
Subject: Response to questions Lomita Right of Way-proposed park
Attachments: response to Letter from Lomita Right of Way residents.pdf

A letter is being sent out to each of the homeowners with responses to questions received from the e-mail address parkresidents@hotmail.com. As a courtesy I am sending a PDF copy of this letter to the aforementioned e-mail address.

Please note in the letter that the deadline has been extended one more week and closes at close of business January 21, 2010, the other item is that this matter will be taken to the City Council on January 26, 2010.

Thank you

Brian K. Sunshine

*** Please update your records. Our domain name (URL) has changed to: TorranceCA.Gov**

Brian K. Sunshine

Assistant to the City Manager

City of Torrance

3031 Torrance Boulevard

Torrance, CA 90503

310-618-5880 | 310-618-5887 (Direct) | 310-618-5891 (FAX) | bsunshine@torranceca.gov |

www.torranceca.gov



CITY OF TORRANCE

CITY MANAGER'S OFFICE

LeRoy J. Jackson
City Manager

Brian Sunshine
Assistant to the City Manager
(310) 618-5880
BSunshine@TorranceCA.Gov

January 14, 2010

Dear Homeowner:

The City received an e-mail on January 9, 2010 requesting information and responses to certain questions. The questions have been restated in this letter with answers following. There has also been a request for more time. As was stated in previous correspondence, the City is running into certain deadlines to move forward with the proposed park project. The City also understands your need to review this response, with that in mind the deadline is extended until close of business January 21, 2010. The deadline is required as City staff will be bringing an action item to the City Council on January 26, 2010 on the park project and whether the encroaching property owners wish to purchase the area of encroachment.

The following are the questions asked and the City response:

1. Can the city just give us a better discount for the land cost because:

a. It is not usable land. You're asking us to pay for something that is expensive and not beneficial. You never asked us to pay in the past, why now?

City Response: Once this project was initiated and the property survey was confirmed, the City was obligated to address the Property Line issue. The estimated land value for this area is approximately \$74.00 per square foot; the offer to sell the property at \$20.00 per square foot is a significant discount from the average value of the properties in the area.

b. We all have been on a crooked line for years, taking good care of both the city and our side.

c. Our taxes will probably increase a little, but for no real benefit.

d. Some plants or trees have been living there for some time, removing them or killing them is not environmentally correct. At least, keep them on existing lines for the new park landscaping. Most cities are going green.

City Response: City staff will work with the Landscape Architect to keep this project as 'Green' as possible. This project will include sustainable elements wherever possible.

e. The size of the park will not be greatly affected. It's small to begin with, so four extra feet on the sides will not be noticed.

City response: This project will be completed regardless of the width of the property. City Council has asked staff to work with neighboring residents to determine the amenities for the park, a welcome green space to the City's existing park system. As stated before in meetings with the adjacent residents, there is an encroachment on City-owned land. This must be addressed regardless of the size of the proposed park.

2. Why did the city allow (issue permits) to home owners to built a wall/fence and then later say that it was wrong. There is an ESTOPPEL bar which precludes someone from denying the truth of a fact which has been determined in an official proceeding or by an authoritative body. When no one was denied a permit and everyone built inside the assumed property line (chain link fence), how can the city now say it is wrong? All 10 home owners were under the same assumption and should not be penalized.

City response: Building permits require that plans be shown to the Building and Safety Department prior to construction, and that an inspection be done upon completion of the project. Property surveys are advised, but not required as part of the building process. The issuance of a permit does not estopp any issues prior to the permit; if there is an encroachment on City property it must be addressed when it is discovered. Finally, there is no adverse possession against a public agency.

3. Why did real estate agents say that the chain link fence was the city property line?

City Response: Unfortunately this is a civil issue with the respective real estate agents you believe misinformed you, the buyers, as to information about the property.

Why did all 10 home owners encroach unto to City property without knowing it by building their fences behind the chain link fence?

City Response: Of the 10 property owners, three do not encroach onto City property. The chain link fence was installed after most of the fences/walls as a method to secure the property

4. Can the city offer any other way to just give us the property to clear up the line issue easily?

City Response: No, that would constitute a gift of public funds.

Are there special circumstances or a city policy to work it out without any money exchange? Maybe an easement or leasing the property. After the park is built, no one will care about the property lines for the next 100 years.

City Response: The City offer of a lien on the property to be paid when the property changes owners is the best way to address this issue until the property is sold.

5. If we decide to buy any extra property (2 ft), where will this money go? How is it used?

City Response: The funding would likely go to support the park project, but it is ultimately at the discretion of the City Council.

6. What if some owners choose to buy the property and some do not. Will the park be designed around that or is it all or nothing?

City Response: Yes, the Landscape Architect is aware of this possibility of designing the border of the park around different property lines.

7. Does the city have any record of past projects similar to ours? Did any previous homeowners get offers to buy unusable city property? Can we see some of these past locations in any part of the city?

City Response: No, there is no history of this.

8. We would like to know details of past park projects, and how and what type of a fence or wall was constructed.

City Response: The most recent park projects that shared a fence/wall with residents were at Discovery Park in 2003 (22526 Ocean Ave.) and Sunnyglen in 1980 (5525 Del Amo Blvd). However, these projects made use of the existing block walls. The other recent projects, including Lago Seco (3920 Ocean), Sur La Brea (23610 Cabrillo), and Wilson, all did not share property lines with residents.

9. How long (roughly) will the whole park construction take? During spring – summer? When is the park or perimeter wall design going to be finished?

City Response: Actual park construction will take approximately 4-6 months. Final design for the project would be completed in the construction document preparation.

10. Can the city give us an advance breakdown of the perimeter fence/wall schedule for our reference? The stakes showed us an approximate breakdown for our properties, but some of our properties are filled with ice plant or old fences.

City Response: The survey stakes were placed 5' and 10' away from the property line. The location of the chain link fence has no relevance to the property line.

11. After the City builds its wall/fence, will they help to leave extra soil or build up the foundation to level out both sides of the park? The elevation is not consistent so will the City just follow the existing grade?

City Response: Grading recommendations for both sides of the fence would be determined by the landscape architect during the design phase of the project.

12. During the demo process, and the fence building process, what kind of security measures will be taken? Will the end-fences remain locked? Will we have to accept open backyards between our neighbors for some time period? If so, we must consider our pets, small children's welfare and security of our property. Will a temporary fence be used?

City Response: The entire jobsite would remain enclosed during the construction of the park, especially during the fence removal/installation phases.

13. Will the city be responsible to make sure the correct fence/wall is built (per code) to make sure properties with a pool are kept within code?

City Response: If the City constructs the wall it will be constructed to Code.

14. What will happen when the property line goes up to an existing fence- maybe even a couple inches away. How will the new fence/wall be built without destroying or damaging the existing fence?

City Response: Yes, the new property line would allow for construction of a City fence/wall on City property, leaving the existing walls intact if they were on private property.

15. Will the City demo the existing walls/fences/trees/plants and take care of all of the expenses? Will the City pay the labor cost to remove existing structures, the cost to remove the debris, and the cost to prepare the ground for the new structure?

City Response: Yes, all demolition efforts would be included in the project.

16. Part of several of the home owner's property lines runs through concrete and wall block, will the city cut through it cleanly, or just smash it up with a bulldozer? What about sprinkler pipes near the line? Who will be responsible for re-laying the pipe? If the city damages anything else on our property, will the home owner be compensated? What advance preparations can be done to reduce/limit any chance of this happening?

City Response: Each of these issues would require further investigation by the landscape architect and project manager. Concrete saw cutting, irrigation modification, and the replacement of soil would likely be covered by the project. The City's goal would be to leave the property as clean and safe as possible.

Thank you for your inquiries, please note that the City Council will have the consideration of the park and the fence on the January 26, 2010 City Council meeting. Please respond to the undersigned in writing on your decision with regard to the property line and method of purchase if you so choose.

Sincerely,



Brian K. Sunshine
Assistant to the City Manager

Sunshine, Brian

From: Park Residents [parkresidents@hotmail.com]
Sent: Friday, January 15, 2010 8:39 AM
To: Sunshine, Brian
Subject: RE: Response to questions Lomita Right of Way-proposed park

Mr. Sunshine,

Thank you for the letter with responses to our questions.

If we were to take the lien option, will that show up on our credit report?

Thanks,

Park Residents

From: BSUNSHINE@TorranceCA.gov
To: parkresidents@hotmail.com; judysgarden43@att.net
Date: Thu, 14 Jan 2010 17:33:35 -0800
Subject: Response to questions Lomita Right of Way-proposed park

A letter is being sent out to each of the homeowners with responses to questions received from the e-mail address parkresidents@hotmail.com. As a courtesy I am sending a PDF copy of this letter to the aforementioned e-mail address.

Please note in the letter that the deadline has been extended one more week and closes at close of business January 21, 2010, the other item is that this matter will be taken to the City Council on January 26, 2010.

Thank you

Brian K. Sunshine

*** Please update your records. Our domain name (URL) has changed to: TorranceCA.Gov**

Brian K. Sunshine

Assistant to the City Manager

City of Torrance

3031 Torrance Boulevard

Torrance, CA 90503

310-618-5880 | 310-618-5887 (Direct) | 310-618-5891 (FAX) | bsunshine@torranceca.gov |

www.torranceca.gov

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Sunshine, Brian

From: cherjef@aol.com
Sent: Friday, January 15, 2010 10:16 AM
To: Sunshine, Brian
Subject: Re: Lomita right-of-way

It does not answer my questions.
Thank you.
April Cherness

In a message dated 1/15/2010 9:42:19 A.M. Pacific Standard Time, BSUNSHINE@TorranceCA.gov writes:

A response was mailed yesterday you should receive it by tomorrow.
Thank you
Brian

From: cherjef@aol.com <cherjef@aol.com>
Sent: Friday, January 15, 2010 8:10 AM
To: Sunshine, Brian <BSUNSHINE@TorranceCA.gov>
Subject: Lomita right-of-way

Mr. Sunshine,

We are not able to sign any agreement as there are several issues outstanding at this time. The list of concerns sent by our group of homeowners to Mr. Jackson and yourself is still unanswered, thus making any decision premature.

Specific to our home:

- 1) We need to know that a 5 ft. high (on our side as per code) pool-secure fence will be constructed.
- 2) If the grade is be lower on the park side, then we need to know that a proper retaining wall system will be incorporated into the fence (as per code).
- 3) We need to know who will be paying for the removal of the 10 leyland cypress trees that will be destroyed in the process of constructing the fence.
- 4) Will the chain link fence be removed by the city regardless of the decision on purchasing extra land.

Answers to these questions would be greatly appreciated as soon as possible.
Thank you,
April and Jeff Cherness

Sunshine, Brian

From: Judy DeYoung [judysgarden43@att.net]
Sent: Saturday, January 16, 2010 8:21 AM
To: Sunshine, Brian
Subject: Re: Lomita Right of Way offer letter

BRIAN,

Would you be able to tell me the name of the company that did the surveying of the property lines?

Thanks, Judy

----- Original Message -----

From: Sunshine, Brian
To: Judy DeYoung
Sent: Thursday, January 14, 2010 8:09 AM
Subject: RE: Lomita Right of Way offer letter

Judy:

I think we will be able to work out a one week extension so that more questions can be answered. I am sorry that you did not get the answers you were looking for at the meeting the other night; I do know it was to address the overall park concept and not the homeowners that about the property. If you would like please give me a call at 310-618-5887, that is my direct line, I would be happy to try and answer your questions. If I am not in, leave a voice message on when would be a good time to chat.

Thanks,

Brian

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Brian K. Sunshine

Assistant to the City Manager

City of Torrance

3031 Torrance Boulevard

Torrance, CA 90503

310-618-5880 | 310-618-5887 (Direct) | 310-618-5891 (FAX) | bsunshine@torranceca.gov |

www.torranceca.gov

From: Judy DeYoung [mailto:judysgarden43@att.net]
Sent: Wednesday, January 13, 2010 10:15 PM
To: Sunshine, Brian; c
Subject: Re: Lomita Right of Way offer letter

Mr. Sunshine,

I drove down here 530 miles to Torrance as I was told the homeowners issues with the city would be talked about at the meeting last evening....I was subsequently informed that the meeting was to go over lighting, security etc., for the park....I will more than likely be signing the paperwork that was sent to me for a lien on my property,, (which will at that time destroy my credit rating) I want paperwork that displays all the

"specs" size of property, dimensions etc.. that I will be acquiring from the city of Torrance..

I asked Jason Pinter last evening, that after the homeowners acquire the property from the city, will our fences then be safe from being torn down.. He could not answer me.. I was shocked. Since, it is now our property, how can you then still tear it down.?. The homeowners, we still have many unanswered questions... We are asking for a two week extension....We need to have the city work with the homeowners.. we need this extra time..so we may get our answers.. You are getting our money, all we need are some answers.....I don't think that is asking too much...

Thankyou, Judy DeYoung

From: Sunshine, Brian
To: Judy DeYoung
Sent: Monday, December 21, 2009 4:30 PM
Subject: Lomita Right of Way offer letter

Mrs. DeYoung:

The City has revised its offer letter (copy attached). We have the authority to offer a lien against the property to be paid when title is transferred; this may not change your outlook on this but I wanted to make you aware. Please take a look and respond. The letter is coming hard copy but I wanted to e-mail as I am not sure if you are back in town.

Happy holidays,

Brian

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310-618-5880 | 310-618-5887 (Direct) | 310-618-5891 (FAX) | bsunshine@torranceca.gov |

www.torranceca.gov

Sunshine, Brian

From: Judy DeYoung [judysgarden43@att.net]
Sent: Saturday, January 16, 2010 11:07 AM
To: Sunshine, Brian
Subject: Re: Lomita Right of Way offer letter

Terrific, Thankyou----- Original Message -----

I can get you the info when I am back in the office Tuesday

From: Judy DeYoung <judysgarden43@att.net>
Sent: Saturday, January 16, 2010 8:20 AM
To: Sunshine, Brian <BSUNSHINE@TorranceCA.gov>
Subject: Re: Lomita Right of Way offer letter

BRIAN,

Would you be able to tell me the name of the company that did the surveying of the property lines?
 Thanks, Judy

----- Original Message -----

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To: Judy DeYoung
Sent: Thursday, January 14, 2010 8:09 AM
Subject: RE: Lomita Right of Way offer letter

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Thanks,

Brian

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Brian K. Sunshine

Assistant to the City Manager

City of Torrance

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310-618-5880 | 310-618-5887 (Direct) | 310-618-5891 (FAX) | bsunshine@torranceca.gov |

www.torranceca.gov

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To: Sunshine, Brian; c
Subject: Re: Lomita Right of Way offer letter

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Happy holidays,

Brian

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Brian K. Sunshine

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City of Torrance

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Torrance, CA 90503

310-618-5880 | 310-618-5887 (Direct) | 310-618-5891 (FAX) | bsunshine@torranceca.gov |

www.torranceca.gov

Sunshine, Brian

From: HONAKER FAMILY [honaker42@msn.com]
Sent: Tuesday, January 19, 2010 10:45 AM
To: Sunshine, Brian
Subject: Lien-property Anza and Lomita Park

Mr. Sunshine,

If we were to have to get a lien on our property, will that show up on our credit report?

Sincerely,

Scott and Denise Honaker
22716 Kathryn Avenue

Sunshine, Brian

From: Sunshine, Brian
Sent: Tuesday, January 19, 2010 11:32 AM
To: 'HONAKER FAMILY'
Subject: RE: Lien-property Anza and Lomita Park

Good morning:

I do not believe that it will appear on your credit report as we will not report it as a loan; it will appear on title reports as a lien on the property that must be satisfied at time of property transfer.

Hope that helps,

Brian

*** Please update your records. Our domain name (URL) has changed to: TorranceCA.Gov**

Brian K. Sunshine

Assistant to the City Manager

City of Torrance

3031 Torrance Boulevard

Torrance, CA 90503

310-618-5880 | 310-618-5887 (Direct) | 310-618-5891 (FAX) | bsunshine@torranceca.gov |

www.torranceca.gov

From: HONAKER FAMILY [mailto:honaker42@msn.com]

Sent: Tuesday, January 19, 2010 10:45 AM

To: Sunshine, Brian

Subject: Lien-property Anza and Lomita Park

Mr. Sunshine,

If we were to have to get a lien on our property, will that show up on our credit report?

Sincerely,

Scott and Denise Honaker
22716 Kathryn Avenue

Sunshine, Brian

From: cherjef@aol.com
Sent: Wednesday, January 20, 2010 11:06 AM
To: Sunshine, Brian
Subject: Re: Lomita right-of-way

Mr. Sunshine,

We would still like the answer to the following two questions please.

- 1) Will the chain-link fence (and ivy) which is on our property be removed by the City?
- 2) What will be done about the 15+ year old Leyland Cypress trees that are planted on our property but have root systems and branches that extend across property lines? We have 10 of them.

Thank you.

April and Jeff Cherness

In a message dated 1/15/2010 9:42:19 A.M. Pacific Standard Time, BSUNSHINE@TorranceCA.gov writes:

A response was mailed yesterday you should receive it by tomorrow.
Thank you
Brian

From: cherjef@aol.com <cherjef@aol.com>
Sent: Friday, January 15, 2010 8:10 AM
To: Sunshine, Brian <BSUNSHINE@TorranceCA.gov>
Subject: Lomita right-of-way

Mr. Sunshine,

We are not able to sign any agreement as there are several issues outstanding at this time. The list of concerns sent by our group of homeowners to Mr. Jackson and yourself is still unanswered, thus making any decision premature.

Specific to our home:

- 1) We need to know that a 5 ft. high (on our side as per code) pool-secure fence will be constructed.
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- 3) We need to know who will be paying for the removal of the 10 leyland cypress trees that will be destroyed in the process of constructing the fence.
- 4) Will the chain link fence be removed by the city regardless of the decision on purchasing extra land.

Answers to these questions would be greatly appreciated as soon as possible.

Thank you,
April and Jeff Cherness

Sunshine, Brian

From: Sunshine, Brian
Sent: Wednesday, January 20, 2010 2:58 PM
To: cherjef@aol.com
Subject: RE: Lomita right-of-way

April and Jeff:

I am not sure I understand the questions; I will respond based on my interpretation and if this is not what you are asking about feel free to e-mail me clarification or give me a call at 310-618-5887.

1) Will the chain-link fence (and ivy) which is on our property be removed by the City?

Answer - The chain link fence and ivy is on City property and would be removed as part of the proposed park project so that a new fence could be constructed; in addition if you opt not to purchase the area in our latest offer, other encroachments into City owned property would also be removed.

2) What will be done about the 15+ year old Leyland Cypress trees that are planted on our property but have root systems and branches that extend across property lines? We have 10 of them.

Answer – I believe the trees are in the City right of way, if you choose not to purchase the area of encroachment then in order to bring the new fence area to the City's property line they would be removed. If you purchase the area then the roots may need some pruning in order to construct the new fence.

I hope this addresses your questions, if not feel free to give me a call.

Brian

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www.torranceca.gov

From: cherjef@aol.com [mailto:cherjef@aol.com]

Sent: Wednesday, January 20, 2010 11:06 AM

To: Sunshine, Brian

Subject: Re: Lomita right-of-way

1/21/2010

Mr. Sunshine,

We would still like the answer to the following two questions please.

- 1) Will the chain-link fence (and ivy) which is on our property be removed by the City?
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Answers to these questions would be greatly appreciated as soon as possible.

Thank you,

April and Jeff Cherness

Sunshine, Brian

From: cherjef@aol.com
Sent: Wednesday, January 20, 2010 9:33 PM
To: Sunshine, Brian
Cc: Brewer, Tom
Subject: Re: Lomita right-of-way

Mr. Sunshine,

Unfortunately, we are getting some conflicting answers from different City officials concerning our unresolved questions. In order to make a decision to buy the extra property, we need to be sure we have the correct information. Here is another form of the same questions that need a definite answer.

Please answer the following based on the assumption **we are not going to purchase any property.**

We have a very long vinyl fence, a row of about 10 large trees, and a very long section of City owned chain link fence filled with ivy. All 3 of these items probably have some part of it on City property. How will the demolition/building of the park wall be accomplished? Is the City only going to "take out" those portions of the 3 items that encroach and leave the rest alone? That seems like a very difficult task being that each item is one continuous linear section. Will the City possibly take down several large shade trees for the park to enjoy and leave only a portion of them? I need to know how this will work exactly before we can make a decision. You did answer on a previous e-mail (question #14) that the city will pay for the demolition/removal of items removed by the city. I need confirmation that this is still true.

Now, please answer the following assuming **we will purchase the property.**

If the City builds a wall 1-3 feet in front of our vinyl fence and the City chain link fence covered with ivy, will those items remain as is. There would then be a 1-3 foot unusable section that would be a trash collector and small animal trap. Will the City take down the vinyl fence and chain link fence if requested at their expense? Or would we be responsible for taking that down? If the home owner is responsible for this expense, that would mean we would have to pay thousands of dollars on top of the purchase price.

Please answer the 2 scenarios completely so we can then make a decision on what is best for us.

Thank you,

Jeff and April Cherness

In a message dated 1/20/2010 2:57:57 P.M. Pacific Standard Time, BSUNSHINE@TorranceCA.gov writes:

April and Jeff:

I am not sure I understand the questions; I will respond based on my interpretation and if this is not what you are asking about feel free to e-mail me clarification or give me a call at 310-618-5887.

1) Will the chain-link fence (and ivy) which is on our property be removed by the City?

Answer - The chain link fence and ivy is on City property and would be removed as part of the proposed park project so that a new fence could be constructed; in addition if you opt not to purchase the area in our latest offer, other encroachments into City owned property would also be removed.

2) What will be done about the 15+ year old Leyland Cypress trees that are planted on our property but have root systems and branches that extend across property lines? We have 10 of them.

Answer – I believe the trees are in the City right of way, if you choose not to purchase the area of encroachment then in order to bring the new fence area to the City's property line they would be removed. If you purchase the area then the roots may need some pruning in order to construct the new fence.

I hope this addresses your questions, if not feel free to give me a call.

Brian

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From: cherjef@aol.com [mailto:cherjef@aol.com]

Sent: Wednesday, January 20, 2010 11:06 AM

To: Sunshine, Brian

Subject: Re: Lomita right-of-way

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From: cherjef@aol.com <cherjef@aol.com>
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Subject: Lomita right-of-way

Mr. Sunshine,

We are not able to sign any agreement as there are several issues outstanding at this time. The list of concerns sent by our group of homeowners to Mr. Jackson and yourself is still unanswered, thus making any decision premature.

Specific to our home:

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- 3) We need to know who will be paying for the removal of the 10 leyland cypress trees that will be destroyed in the process of constructing the fence.
- 4) Will the chain link fence be removed by the city regardless of the decision on purchasing extra land.

Answers to these questions would be greatly appreciated as soon as possible.

Thank you,

April and Jeff Cherness

Sunshine, Brian

From: Sunshine, Brian
Sent: Thursday, January 21, 2010 9:59 AM
To: cherjef@aol.com
Subject: RE: Lomita right-of-way

Jeff and April:

The responses to your questions are in red italic, your original questions is in black. I hope this helps in your decision.

Thank you,

Brian

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Please answer the following based on the assumption **we are not going to purchase any property.**

We have a very long vinyl fence, a row of about 10 large trees, and a very long section of City owned chain link fence filled with ivy. All 3 of these items probably have some part of it on City property. How will the demolition/building of the park wall be accomplished? *A temporary fence will be installed to protect the park property and ensure that there is no public access to the neighboring lots. Then the entire fence and all encroachments (trees, shrubs, concrete) will be removed as seamlessly as possible.* Is the City only going to "take out" those portions of the 3 items that encroach and leave the rest alone? *Yes. The chain link fence that the City installed a few years ago will be removed, including the ivy covered sections.* That seems like a very difficult task being that each item is one continuous linear section. Will the City possibly take down several large shade trees for the park to enjoy and leave only a portion of them? *The current design concept for the park does not include the existing trees in the encroachment.* I need to know how this will work exactly before we can make a decision. You did answer on a previous e-mail (question #14) that the city will pay for the demolition/removal of items removed by the city. I need confirmation that this is still true. *Yes, all demolition of the fence and encroachments will be included in the project.*

Now, please answer the following assuming **we will purchase the property.**

If the City builds a wall 1-3 feet in front of our vinyl fence and the City chain link fence covered with ivy, will those items remain as is. There would then be a 1-3 foot unusable section that would be a trash collector and small animal trap. Will the City take down the vinyl fence and chain link fence if requested at their expense? *If you purchased the property, the City would not touch the existing vinyl fence. Because the City installed the chain link fence, it would be removed as a part of the project and replaced with the new fence/wall.* Or would we be responsible for taking that down? *No.* If the home owner is responsible for this expense, that would mean we would have to pay thousands of dollars on top of the purchase price.

Please answer the 2 scenarios completely so we can then make a decision on what is best for us.

Thank you,

Jeff and April Cherness

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Cc: Brewer, Tom

Subject: Re: Lomita right-of-way

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part of the proposed park project so that a new fence could be constructed; in addition if you opt not to purchase the area in our latest offer, other encroachments into City owned property would also be removed.

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Answers to these questions would be greatly appreciated as soon as possible.

Thank you,

April and Jeff Cherness

Sunshine, Brian

From: cherjef@aol.com
Sent: Thursday, January 21, 2010 11:20 AM
To: Sunshine, Brian
Subject: Lomita right-of-way

Mr.Sunshine,
Thank you for your response.

- 1) We do want a park to be built.
- 2) Please answer one last question...

By code, a swimming pool fence must be 5' in elevation. The Environmental Department for the City of Torrance assures me that this means 5' above our property elevation. Would you please confirm this for us.

Thank you.
Jeff and April Cherness

Sunshine, Brian

From: Sunshine, Brian
Sent: Thursday, January 21, 2010 1:35 PM
To: cherjef@aol.com
Subject: RE: Lomita right-of-way

The fence has to be 5' in elevation at grade from the outside of the fence

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Jeff and April Cherness

(Proposed Project Budget Revision)

ATTACHMENT P

City of Torrance

653**Capital Improvement Project Request Form****Type of Project:**

Equipment Automation Infrastructure Facilities Other

Project Location: Lomita Right of Way Property located between Anza and Kathryn Avenues

Department: Community Services
Park Services Division

Project Title: Lomita Right of Way--Corridor Park Project

Description:

Develop unused area into green/trail space

Justification:

The proposed project would upgrade a highly visible space at the junction of Anza Avenue and Lomita Boulevard. The area currently contains piping and is fenced in; by adding green space or trail-like features to the area, a highly traveled area in Torrance would be enhanced.

Proposed improvements could include turf, a walking path with security lighting, park benches, a drinking fountain, low maintenance landscaping, fitness equipment, a small picnic shelter, and a tot-lot. In addition, the proposal includes a hard barrier to block vehicular traffic from Lomita Boulevard. The Department is anxious to begin the project by soliciting public input and integrating their ideas into a park development plan.

The current estimate for this project is \$700,000, not including additional park maintenance staff. This estimate includes the cost of a landscape architect, as well as project management and construction costs. The total acreage for this proposed green space is 1.2 acres.

Additional Funding Request Justification:

In January 2010 construction cost estimates were received from the Landscape Architect. The project budget covered only basic park amenities including turf, an irrigation system, a walkway with security lighting, and a wall for the north and south sides. At the community meetings the public requested additional elements, including shade trees, a small play area for young children, benches, and a walkway that discourages skateboarding. These additional elements will require a transfer of Proposition 40 funds in the amount of \$272,740 from FEAP 337 and FEAP 340. These projects will not be completed prior to the Proposition 40 grant deadlines. Staff will be requesting City Council's approval of this transfer on January 26, 2010.

December 2007 Update:

New Project--The Parks and Recreation Commission plans to get feedback from the neighborhood at its January meeting for potential park design elements and potential concerns.

June 2008 Update:

The Parks and Recreation Commission solicited information from the neighborhood about the new park at its January meeting; the meeting was well attended by the residents and many ideas were discussed at that time. The information was collected and forwarded to a landscape architect who is currently creating a preliminary design based on the community feedback, staff comments, and technical data (storm drain information, slopes, traffic, etc.). Once the design has been reviewed by staff, it will be presented to the community for additional input before being finalized.

September 2008 Update:

The City's Land Management staff is evaluating property lines in regards to the boundaries of the actual park. In addition, the project team is investigating new ideas on boundary fencing on either side of the park due to soil conditions being too poor to accommodate cinder block walls.

December 2008 Update:

There has been no development on finalizing the property lines for the park. The landscape architect has created a preliminary design and provided basic costs. Once the boundary and fence issues have been resolved, the concept will be submitted to the community for feedback.

March 2009 Update:

Surveys have been completed and are being updated with Los Angeles County. Staff are assessing the property lines and soil studies to determine the next steps of the project.

June 2009 Update:

Staff have met with residents regarding property lines but the discussions are ongoing.

September 2009 Update:

Staff have met with residents again to resolve the property line issues. The funding for this project is Proposition 40 grant funds which have a sunset date of March 2011. If the issues surrounding the property cannot be resolved in a reasonable time, the grant may need to be allocated to other recreation-based projects to meet the expenditure deadlines.

December 2009 Update:

The City offered to purchase the disputed land from the residents, but found mixed results. The majority of the residents asked for more time to consider through February. The City will begin moving forward with design. Staff also met with the community to finalize the project amenities given the funds for the project. The landscape architecture firm will be providing finalized project costs by January 2010.

Project Costs

Estimated Project Implementation Cost			
Additional Personnel Requirements:			
# of positions (within department)	_____		
Annual labor costs (with benefits)			
Additional Personnel Requirements:			
# of positions (support department)	_____		
Annual labor costs (with benefits)	\$		
Equipment	\$	50,000	
Materials	\$	272,740	Additional Funding Request
Professional Services	\$	650,000	
Land	\$		
TOTAL	\$	972,740	New Total Project Budget

Status of Land: No land involved City owned Not yet acquired

Estimated Annual Ongoing Operating and Maintenance Costs			
<input checked="" type="checkbox"/> None			
Additional Personnel Requirements: .5			
# of position(s) - within department	_____		
Annual labor costs (with benefits)		\$	50,000
Additional Personnel Requirements:			
# of position(s) - support department	_____		
Annual labor costs (with benefits)		\$	
Professional Services/Contracts		\$	1,500
Materials		\$	1,500
Equipment		\$	500
Other: _____			
TOTAL		\$	53,500

Project Time Line

<u>Description</u>	Fiscal Year Ending June 30				
	2005	2006	2007	2008	2010
Survey/Design					X
Plans/Specifications					X
Purchase/Construction					X
Other: _____					

Project Financing						
<u>Financing Source</u>	Fiscal Year Ending June 30					
	2005	2006	2007	2008	2010	TOTAL
Proposition 40 Per Capital swapped with Gen. Fund with FEAP-337 per council item dated 11/20/2007 12C				\$625,000	(200,000)	\$425,000
General Fund-Swapped Prop 40 with FEAP709 (Pond renovation)- 12/2/2009					200,000	200,000
Additional Funding Request:						
Prop 40-From FEAP337-McMaster Park Redev.					89,787	89,787
Prop 40-From FEAP340-Maintenance & Storage Building					182,953	182,953
Prop 40 Roberti Z'Berg Grant				75,000		75,000
TOTAL				\$700,000	\$272,740	\$972,740
Less offsetting revenue						
Net project request				\$700,000	\$272,740	\$972,740

Vehicle Request Approval (if necessary)		Automation Request Approval (if necessary)	
_____	_____	_____	_____
Department Head Signature	Date	Department Head Signature	Date

Requested by:		Department Priority # _____
Department Head Signature	Date	