

# Memorandum

To : The Conservancy  
The Advisory Committee

Date: June 28, 2010

From :   
Joseph T. Edmiston, FAICP, Hon. ASLA, Executive Director

Subject: **Agenda Item 9(b): Consideration of resolution authorizing settlement of a claim against the Los Angeles County Metropolitan Transit Authority for damages to a kiosk and other property at Temescal Gateway Park.**

Staff Recommendation: That the Conservancy adopt the attached resolution recommending authorizing settlement of a claim against the Los Angeles County Metropolitan Transit Authority for damages to a kiosk and other property at Temescal Gateway Park.

Legislative Authority: Section 33211 of the California Public Resources Code.

Background: On, October 21, 2009, a Los Angeles County Metropolitan Transit Authority (“MTA”) bus entered Temescal Gateway Park with the intent of making a “u-turn.” As the MTA driver was attempting to enter the lower parking lot driveway, the bus clipped the underside of a kiosk, causing damage to the roof and exposed beams. Other damage was sustained to a barrier adjacent to the kiosk along with the gate on the opposite side of the driveway.

Mountains Recreation and Conservation Authority (“MRCA”) staff submitted a claim to the MTA for compensation for damages. MTA formally denied the claim, but agreed to forward the matter to a claims adjuster for payment for damages.

MTA’s adjuster, working with MRCA staff, determined that compensation for the repairs would total seven thousand eight hundred seventy five dollars and eleven cents (\$7,875.11) and the MTA has offered that amount to the MRCA for settlement of the claim. MRCA staff is comfortable that this amount will cover all costs.

The MRCA governing board has authorized the acceptance of the settlement. As owner of the fee title to Temescal Gateway Park, staff has determined that it would be appropriate for the Conservancy to confirm the acceptance of the settlement.