

Memorandum

To : The Conservancy
The Advisory Committee

Date: February 28, 2011

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

Subject: **Agenda Item 14: Consideration of resolution authorizing acceptance of Irrevocable Offer to Dedicate Property in Fee Title recorded June 20, 2005 to 2650 acres commonly known as Upper Las Virgenes Canyon Open Space, unincorporated Ventura County.**

Staff Recommendation: That the Conservancy adopt a resolution authorizing the action noticed above.

Legislative Authority: Public Resources Code Sections 33207(a) and 33211(c).

Background: As a result of adverse audit findings questioning certain grants, including education and interpretation grants, made by the Conservancy to the Mountains Recreation and Conservation Authority (MRCA) litigation was initiated by the MRCA against the Conservancy. The Conservancy had been required to make demand upon the MRCA to refund the grant funds. The MRCA disputed the legal grounds upon which the Conservancy made its demand. The MRCA had complied with the scope of each grant and had fully expended the grant funds. The parties were referred to mediation. Settlement was recommended by the mediator. The settlement was subsequently authorized by court order. The Conservancy agreed to accept in lieu of cash repayment of the grant funds dedication of the Upper Las Virgenes Canyon Open Space. Copies of the Mutual Release and Settlement Agreement and the Offer to Dedicate are appended.