

MOUNTAINS RECREATION AND CONSERVATION AUTHORITY

Special Meeting
January 6, 2010; Item IV
Resolution No. 10-

RESOLUTION OF THE GOVERNING BOARD OF THE MOUNTAINS RECREATION AND CONSERVATION AUTHORITY AUTHORIZING AMENDMENT TO COVENANTS, CONDITIONS, AND RESTRICTIONS, TRACT 10630, LECHUZA BEACH, MALIBU, TO PROVIDE FOR THE ENFORCEMENT OF PROVISIONS OF THE MALIBU MUNICIPAL CODE AND/OR THE MOUNTAINS RECREATION AND CONSERVATION AUTHORITY PARK ORDINANCE OVER SUCH PORTIONS OF SAID TRACT 10630 AS ARE OWNED BY THE AUTHORITY, AND TO PROVIDE FOR THE EQUAL ENFORCEMENT OF SUCH CC&R'S, AND FOR OTHER PURPOSES.

Resolved, That the Governing Board of the Mountains Recreation and Conservation Authority hereby:

1. INCORPORATES the administrative record as evidenced by the Public Records Act request of the Malibu-Encinal Homeowners Association dated November 2, 2009, as an integral part of the findings herein.
2. FINDS that amendment of the covenants, conditions, and restrictions (CC&R's) to Tract 10630, Lechuza Beach, Malibu, is categorically exempt from the environmental impact report requirements of the California Environmental Quality Act.
3. FINDS that the CC&R's (§ 2(b)) permit the Authority to change or modify any restriction in the CC&R's affecting Lots 140, 142-156, 76, U, I and the washed out portion of A, because the Authority is owner of two thirds of the area within 300 feet of each of these lots.
4. FINDS that beach user conflicts currently exist that arise from a purported conflict between rules and regulations of the Malibu-Encinal Homeowners Association and the provisions of the Malibu Municipal Code and/or the Mountains Recreation Authority Park Ordinance, and that an amendment to the CC&R's is necessary in order to effectuate orderly planning and to provide for the consistent and non-discriminatory application of rules with respect to the beachfront lots acquired by the Authority.
5. AUTHORIZES the Executive Officer to amend the covenants, conditions, and restrictions (CC&R's) of Tract 10630 so as to make applicable thereto the Malibu Municipal Code and/or the Mountains Recreation and Conservation Authority Park Ordinance, and such other provisions of a management plan that the Authority may approve, to the end that all such regulations are consistent and apply equally to all members of the public on an equal footing with members of the Malibu-Encinal Homeowners Association.
6. FURTHER AUTHORIZES the Executive Officer to take any and all actions he may deem necessary to carry out the provisions of this resolution.

7. THE AMENDMENTS AUTHORIZED by this resolution are declarative of existing law and any amendments to the Tract 10630 CC&R's are meant to exemplify and make explicit the provisions thereof, and shall not be construed as a new enactment.

Chairperson

AYES:
NOES:
ABSTAIN:
ABSENT:

I HEREBY CERTIFY that the foregoing resolution was adopted a special meeting of the Governing Board of the Mountains Recreation and Conservation Authority, duly noticed and held according to law, at Thousand Oaks, California, on the 6th day of January, 2010.

Dated: _____

Executive Officer