



MOUNTAINS RECREATION & CONSERVATION AUTHORITY

Los Angeles River Center & Gardens
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MEMORANDUM

TO: The Governing Board

FROM:  Joseph T. Edmiston, FAICP, Hon. ASLA, Executive Officer

DATE: August 23, 2010

SUBJECT: **Agenda Item IV(e): Consideration of claim submitted by Fireman's Fund Insurance**

Staff Recommendation: That the Governing Board deny the claim submitted by Fireman's Fund Insurance.

Background:

On or about February 6, 2010, heavy winter rains resulted in a land failure in Nichols Canyon that involved a portion of the MRCA-owned Trebek Open Space.

A property owner whose hillside home suffered some damage in the event has previously filed a claim which was denied by this Board. The claim in question here was subsequently submitted by that homeowner's insurance company, based on the same set of facts.

The MRCA has not altered or improved the property since its acquisition and it remains in a natural condition. As such, staff has determined that the MRCA enjoys the protection afforded under Government Code Section 831.25 which states that public agencies are not liable for landslide related damage to others' off site property when the landslide is caused by natural conditions.

There is no resolution necessary for this item. An affirmative vote on this agenda item will deny the claim.