

Thursday, March 17, 2016 » MORE AT FACEBOOK.COM/MYPVNEWS AND TWITTER.COM/PVPENINSULANEWS

## Guest commentary

# Ruling on parkland good

Our spectacular parkland (about one-fourth of the city's land) is one of the more important features making Palos Verdes Estates so special. This land is immensely valuable and for that reason it behooves all of us to defend against any land grabs.

It is my understanding that a Via Panorama (PVE) homeowner during the 40 or so years since purchasing his property in 1975, built extensive encroachments that include a sports field with a 22-foot high wall, extensive landscaping and walls, a gazebo, a stone paved driveway, 9-foot high pillars with lion statues, a wrought iron gate across this new driveway, and a row of 50-foot tall trees on about 1.7 acres of parkland surrounding his home. The city sent the homeowner letters every decade or so demanding that the encroachments be removed, but evidently these notices were ignored.

When the city threatened to bulldoze the encroachments, the homeowner then proposed a multiparty deal whereby the homeowner purchased the deed-restricted parkland for \$500,000 (\$400,000 to the homes association and \$100,000 to the city) and gave a tax-deductible gift of \$1.5 million to the school district.

Part of the deal included the PVP School District transferring to the city lots C and D, parkland located between Palos Verdes Drive West and PV High School, which was given to the district for use as open space or for schools. The district also dropped its

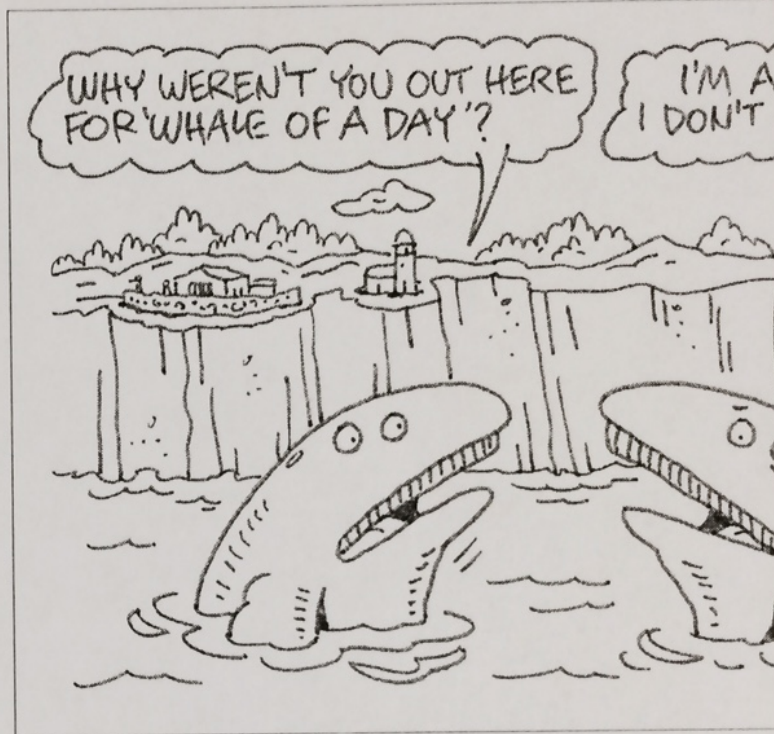
appeal of a 2011 court ruling barring the sale of those properties and agreed never to sell PVE land again in violation of the deed restrictions. All of this was executed in 2012 without any notification to the public.

In response, one of the neighbors on Via Panorama and some others sued the homes association, the city, and the property owner to reverse the sale. The Superior Court judge agreed, ordering in June that the land transaction be reversed, the encroachments removed, and called the actions of the city and homes association "ultra vires," or illegal.

The judge found that the court was being asked to litigate EXACTLY the same facts that had already been litigated in the 2010 school district lawsuit against the homes association and city over lots C and D, which the judge said was nuts.

The judge said that no one should ever attempt to sell parkland in the future unless it were to a public body that could legally maintain it as parkland for public recreational use. And if a sale was ever attempted, anyone could stop it without needing to file a new lawsuit by simply petitioning the court.

## Cartoonist's take



It is my understanding that the city of PVE says this is 'overreach.' If so, it is very good overreach since it anticipates someone in the future attempting to do this again. Understand that the same lawsuit has occurred two times, at great cost to the residents of our city - so it makes sense that the judge told the litigants to knock it off. In addition, the city's Municipal Code and the underlying Protective Restrictions from 1924 prohibit any encroachments on parkland so that is not and never will be legally at issue.

In summary, I believe the findings of the court should be accepted. The city and homes association and school district should compute exactly how much has been spent on this case, including the cost for lawyers, staff time, and everything else. The people should know how much our elected

officials have cost us.

Unfortunately, all the defendants have decided to appeal the ruling. This will delay implementation of the ruling at least 1-2 years and cause even more public resources to be wasted on legal fees trying to win what I believe is an unwinnable case.

Please join me in sending a letter to the city, school district and homes association to tell them never to attempt to sell parkland in the future and to accept the results of the current court case because the result is most favorable to our residents. If it is legal, I would also like to have any litigation in the future be paid for by the elected officials themselves - not by us!

*Jim Nyman is a former PVE city councilman and mayor. He also served for about four years on the PVE Financial Advisory Committee.*

## Your

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