

CONE FEE TRUST

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Submitted in PLUM Committee
Council File No: 16-0597
Item No. 9
Deputy: Comm from Public

June 28, 2016

Councilmember Jose Huizar
Chair, Planning and Land Use Management Committee
City of Los Angeles
200 N. Spring Street
Los Angeles, CA 90012

VIA HAND DELIVERY

RE: Agenda Item 9; City Council File Number 16-0597
Proposed West Adams-Baldwin Hills-Leimert New Community Plan – Continuance Request

Dear Honorable Councilmember Huizar:

As an owner of real property within the Inglewood Oil Field (“Oil Field” or “IOF”), the Cone Fee Trust (“CFT”) has reviewed the proposed West Adams-Baldwin Hills-Leimert New Community Plan (“Plan”).

As an overview, while we appreciate the City’s corresponding updates to the proposed West Adams-Baldwin Hills-Leimert New Community Plan (the “Plan”) that clarify jurisdictional boundaries related to the Inglewood Oil Field and modified references to “One Big Park,” without the removal of “One Big Park” or the Baldwin Hills Park Master Plan (“Park Master Plan”). These changes do not go far enough to address the issues presented in our prior correspondence and that of our oil operator, Freeport McMoRan Oil and Gas, LLC (“FM O&G”). We are in agreement with FM O&G’s comments concerning the Plan, which catalogues a variety of significant problematic areas of the Plan which remain unaddressed. **With these issues unaddressed, CFT urges the City Planning Commission to continue this item until the concerns of CFT, FM O&G and other Inglewood Oilfield Landowners have been fully addressed and resolved.**

CFT renews its objections and concerns as previously indicated and supplements same with the following discussion.

First, the Plan continues to errantly make references to the IOF – apparently as part of the City’s efforts to fulfill existing or future park requirements – as ultimately being converted into a park. These references are legally and factually erroneous and, if published or relied on in any respect, would reflect substantial misrepresentations of fact. Any such references in the Plan to future use as a “park,” or to the Baldwin Hills Park Master Plan or “One Big Park” and must be removed from any documentation and abandoned as a justification or rationale for any action by the City.

As the City’s principals should recall from the Baldwin Hills Community Standards District (CSD) proceedings and final approved documents (and prior litigation with CFT, et al.), the County rejected the description and inclusion of any reference to the Oil Field as subject to future use as a

“park,” the existence of a “Baldwin Hills Park Master Plan” or the description of private property as “One Big Park” (a phrase erroneously coined by the Baldwin Hills Conservancy, among other groups and individuals associated therewith). The City’s inclusion in its packet of the “the Baldwin Hills Park Master Plan ” concept is, therefore, at odds with both (a) the County’s established and legislatively enacted position on the subject and (b) the fact that **CFT’s property, along with the lion’s share of most if not all of the real property in the IOF, is not designated “Open Space,” but is private property.**

Here, in connection with the CSD proceedings and post-adoption proceedings, **County Counsel advised the County and the County agreed that similar “Baldwin Hills Park Master Plan” language and maps, which had sought to be included by various third party, property-rights-interference groups, were properly removed from the CSD so as to avoid exposing the County to liability for inverse condemnation. Not dissimilarly and with the same good cause, the County appears to have followed its prior conclusion (in the CSD proceedings) by, in connection with the General Plan draft, also removing the “Baldwin Hills Park Master Plan” and “One Big Park” references to avoid needless liability associated with misrepresenting CFT’s ownership rights and that of the other private property owners in the IOF and purporting to limit the future use of CFT’s private property and that of the other private property owners in the IOF.**

The “Baldwin Hills Park Master Plan ” concept (and the myriad attempts of groups and officials to mischaracterize the future use of CFT (and other Oil Field owners’ private property) property as simply already guaranteed for a park) was erroneously conceived and configured in an improper attempt to convert private property for public use without the private property owners’ consent and without due process or lawful authority. Perhaps, initially, those efforts stemmed from the misguided notion that the CFT (and other Oil Field owners’) property was somehow designated “Open Space.” It is not. In April 2012, the County acknowledged that many of the parcels of private property in the oil field are not now and never were designated “Open Space.” The County’s long overdue acknowledgment (and rejection of years of mischaracterization by those seeking to *de facto* convert private property into Open Space) continues to prohibit all groups’ (including but not limited to the State, City of Los Angeles, BHRCA and Baldwin Hills Conservancy, and Baldwin Hills Park Lands) use of these misleading maps, depictions, descriptions and characterizations in an effort, overtly or otherwise, to convert private property to future park use.

We trust that the City will remove all “Baldwin Hills Park Master Plan” and “One Big Park” (and any such similar) references which purport to describe or depict or assign a future use of the Oil Field as a park. Please notify all those who are involved in the preparation of these presentations, submissions, planning and drafting that no further maps or depictions, descriptions or content (which purport to show or refer to the private property in the Oil Field as converted or to be converted to some state or public use) should be prepared, supplied or published in any medium.

Second, and for the same reasons addressed above, the City’s reliance upon and reference to the “Baldwin Hills Master Plan” (BHMP) is, itself, legally untenable. The BHMP is premised on the erroneous assumption that the Oil Field is designated “Open Space.” As CFT (and other Oil Field owners’) property is private property, the City’s reliance on a plan which itself hinges on the false foundation that the Oil Field properties are designated “Open Space,” is doomed from the start. The County knows as much and has prudently distanced itself from such depictions and

mischaracterizations which mislead the public about the property rights and the status of the Oil Field owners' properties as private property. The City, too, is well served by abandoning any references to the BHMP so as to avoid further risk of liability for inverse condemnation. BHMP is not law, has not been adopted by any government or quasi-government agency as law, and is merely a vision on the part of the Baldwin Hills Conservancy in an attempt to illegally attempt to organize a park for the Baldwin Hills area on property that they do not own and that is private property that is not designated Open Space as previously believed. The City needs to be aware of the legal ramifications of endorsing the "One Big Park" (or such similar) plan that actively seeks to restrict private property, mischaracterize that private property to attempt to devalue same and convert its use to a park use without compensation and impose impermissible exactions for that purpose; To the extent that the Plan includes the One Big Park (or similar) concept, such statements can well be considered acts advocating inverse condemnation. *Klopping v. City of Whittier*, 8 Cal.3rd 39 (1972). The inclusion of the One Big Park (and similar) or BPMP references in the City's Plan would reflect an effort by the City to devalue our land and restrict our rights as land owners to use our land as we choose. There is simply no legal or factual rationale for the City to travel down this road.

Third, the Plan cites the creation of trails on current utility easements, while the agreements for these easements have the land as private property and when the easement ends the land reverts back to the private property owner. Such trail references should be removed.

Fourth, overall, the City's Plan does not present in a manner that lends itself to the type of transparency which Los Angeles citizens are entitled. Knowing full well that the inclusion of photographs that are not in the Plan or for that matter even in the City of Los Angeles - see page 3-2 (with photo attached)- misleads the public to believe that the IOF is both in the Plan and under the jurisdiction of the City. In fact, the IOF is located 92% in Los Angeles County and 8% in the City of Culver City and the City of Los Angeles has absolutely no jurisdiction over the field or the right to include the land in the Plan. We appreciate the removal of this misleading photograph from the updated Plan.

While we acknowledge the removal of one of our requested changes, we strongly urge a continuance until these additional items have been addressed and resolved. Should you wish to discuss, please contact me. Please ensure these comments are included as part of the City's record of comments pursuant to, among other statutes and regulations, CEQA Regulation 15084. All rights and remedies are reserved.

Sincerely,

CONE FEE TRUST



Liz Gosnell, Trust Agent

