

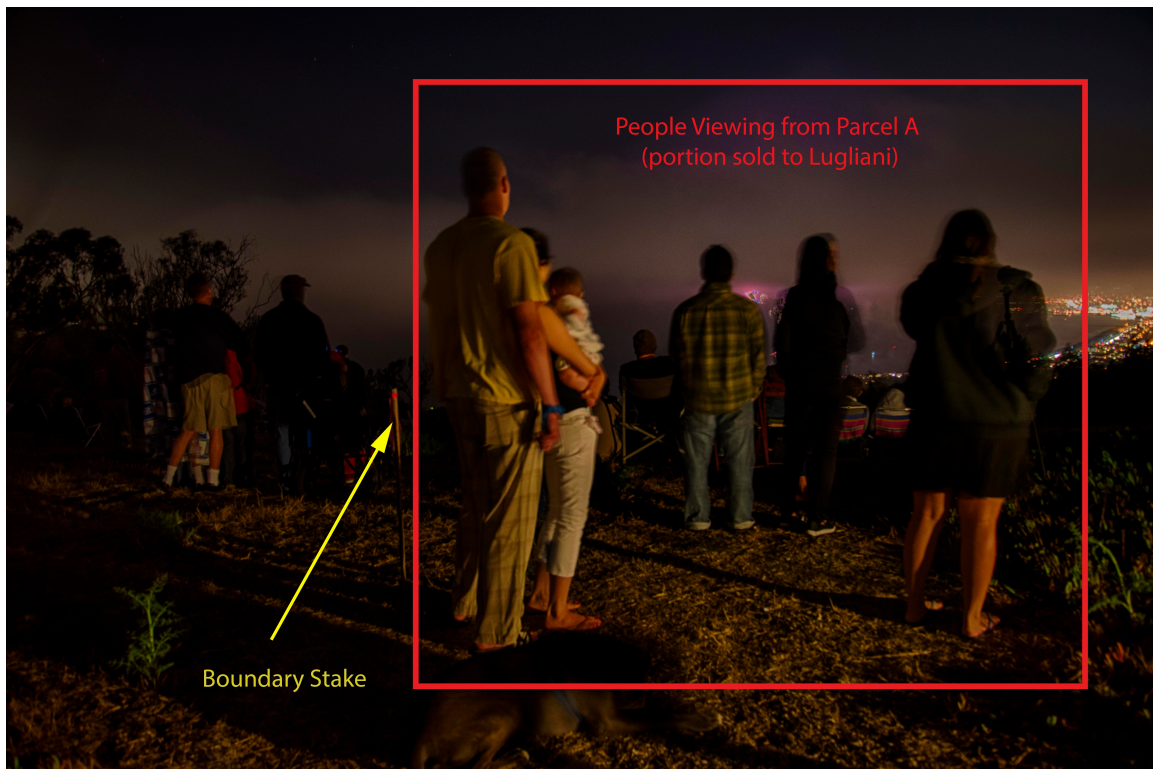
July 17, 2013

Honorable Palos Verdes Estates City Councilmembers:

We would like to set the record straight on the statements made in your posting on "Legal Matters" on your website. On that page, your website says:

"The photo (below), submitted to the City by Mr. Harbison, is adjacent to Parcel A and is public right-of-way and City-owned open space (indicated above in yellow), which is not the subject property nor in contention with this lawsuit or subject to the MOU."

This statement is only partially true, since some of the people are standing on the portion of parkland that has been retained by the City. However, the statement misses the fact that some of the people were actually standing and sitting on the parkland property purchased by the Luglianis. You can see that in this photo noting the boundary stake at the left (hence everyone to the right of the stake is on the Lugliani purchased property).



Further, the parkland property sold represents about half of the area directly abutting the street. The only reason that half the people were not on the Lugliani parkland property is because of the blockage caused by all the encroachments and large trees that were illegally built and planted by the Luglianis. Had the Luglianis left the parkland in its original state, the people enjoying the fireworks would have been spread evenly across the entire open space, including that area blocked by the Lugliani encroachments.

900 via panorama, 90274

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Finally, the legal "demurrer" brief submitted to the Court this week by Mr. Lugliani's attorney once again misrepresents the true nature of the property conveyed by describing it as "steep inaccessible open space." The same characterization has been made repeatedly by the City Attorney in her staff reports and verbal comments in City Council Meetings. Such propagation of misinformation (despite repeated corrections by us in our communications to the City Council and Planning Commission) should cease. While **some** of the parkland sold is indeed on a steep slope, that is not true for **all** of it; in particular it is definitely not true for the part directly on Via Panorama that people actively use (and would likely use more if not obstructed by the Lugliani encroachments). Further, steep slopes are not necessarily inaccessible -- we frequently hike on similar steep parkland slopes in Palos Verdes. Whether or not it is steep and inaccessible is irrelevant to the case (because it is illegal to sell any parkland regardless of its inaccessibility), but we object to the characterization since that misinformation is being used by the City and by Mr. Lugliani's attorney to justify to the public that they are not giving up much.

Our motivation in sending you these photos is to make it absolutely clear that:

1. The portion of the parkland that runs along Via Panorama is not "inaccessible." In contrast, there is not even a curb and it would be easy to roll a wheelchair onto the field.
2. People do use and enjoy the property as it runs along Via Panorama, as shown in the photos.
3. Therefore, representing the property as "inaccessible" and not used at all by the public is a **totally inappropriate distortion of the facts** and serves no purpose other than to fool the public into thinking that it is not losing much by the transfer to private ownership

The PVE City "Legal Matters" page on the website also characterizes that our concern centers on the encroachments:

"Under the MOU and the deed conveying the property, the parties anticipate certain limited accessory uses on a designated portion of Parcel A (such as a sport court, gazebo and a BBQ). CEPC appears to take issue with this aspect of the transaction above all else and its lawsuit seeks to undo the real estate transaction."

To be clear, we are indeed concerned about the encroachments. However, **our principal reason for filing the lawsuit is that we are deeply concerned about the dangerous precedent of selling open space parkland and, if applied on a broader basis, the long-term implications of that in our very special community.** We are not the only people concerned – over 100 people have signed letters in opposition to the transaction and over 70% of those letters opposing the transaction came from outside the neighborhood. This broad support should convince you that this is indeed a much more expansive issue than views and encroachments in a local neighborhood.

Respectfully submitted,
John and Renata Harbison

As members of Citizens for Enforcement of Parkland Covenants