

# PALOS VERDES PENINSULA NEWS

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## PALOS VERDES ESTATES

# All defendants to appeal June land swap ruling

By Priscella Vega and Megan Barnes

Despite vocal community opposition, both the Palos Verdes Estates City Council and the Palos Verdes Homes Association announced decisions days apart to appeal a judge's ruling declaring illegal the transfer of 1.7 acres of land to a private couple in 2012.

The June ruling in Los Angeles Superior Court, siding against both the homes association and the city of Palos Verdes Estates,

reversed the land swap and gave a victory to a group of residents that sued over the deal. The land swap had settled a disagreement between the school district and homes association over the purchasing rights of two separate parcels.

The couple, Robert and Delores Lugliani, filed a notice of appeal in October to challenge the judgement, which ordered the removal of encroachments, including a gazebo, athletic field and iron gate surrounding their Via Panorama property.

City Attorney Christi Hogin announced the city council's unanimous decision to appeal on Tuesday. Unlike previous meetings, where a dozen residents urged the council not to appeal — arguing it would waste taxpayer money and go against the community's interests — no members of the public addressed the council.

"Having tried unsuccessfully to resolve that matter out of court and in light of the appeals that have already been filed by the homes association and by the real parties and interests, the Luglia-

nis, in that matter, the city council unanimously voted to appeal the judgment in that case," Hogin said. "We know that the community is going to want to know the basis for the city's decision and the city is going to be updating the website and providing an explanation in the near future."

Hogin did not immediately respond to requests for comment Wednesday.

She has stated previously that the judgement threatens public parkland.

# Appeal

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In a statement released Nov. 5 announcing the Palos Verdes Homes Association's decision to appeal, board President Mark Paullin said the judgment requires that the homes association remove the encroachments despite the fact that the PVHA has not owned the property since 1939, when all the open space was transferred to the city.

"The judgment attempts to unwind the memorandum of understanding by which the PVHA settled its

case against the school district and prevented any future efforts to change the use of any school sites in the city," the statement said. "Such interference with the memorandum of understanding by the court is an improper interference with PVHA's discretion and is a threat to the PVHA's efforts to protect open space."

Jeffrey Lewis, an attorney representing John Harbison and other residents against the city and homes association in the case, said that the court ruling does not attempt to unwind the memorandum of understanding. As long as the property remains public parkland, he said, the PVHA could deed the land to the city just as it did in 1939.

"Challenging the ruling on appeal enhances the PVHA's ability to 'cash in' and sell parkland," Lewis said.

Lewis said he was not surprised by the city council's decision to appeal.

"This is the same body that voted to sell out the public interest in the first place. The city appears to have little regard to the wishes of its residents or the fiscal impact of pursuing the appeal," Lewis said. "I would task the city council, as Judge Meiers did, to name one resident of the city who favors selling parkland. All you will hear is crickets."

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