

**From:** [Shelby S](#)  
**To:** [City Clerk](#); [Tracy Jensen](#); [Tony Daysog](#); [Greg Boller](#); [Michele Pryor](#); [Marilyn Ezzy Ashcraft](#); [Tod Hickman](#)  
**Subject:** [EXTERNAL] CC Item 2026-5622 01/20/26: Alameda Point/Tidelands Trust is NOT "surplus land", not owned by the City Act=illegal action =NO SURF PARK  
**Date:** Sunday, January 18, 2026 7:54:27 PM

---

**Item 2026-5622** is presented as a routine administrative action on the consent calendar that attempts to designate *State-owned Public Trust tidelands* at Alameda Point as municipal "surplus" land under Gov Code § 54221.

However, what is presented as a routine consent item is actually an illegal attempt to paper over Public Trust title restrictions and manufacture an "appearance" of City-authority to lease Public Trustlands to a private commercial developer.

**The problem with this "maneuver" is that it's totally illegal—Technically, its called: Unauthorized alienation of trust property  
= The monstrosity of a commercial Surf Park is prohibited.**

**This item is FAR from a routine consent item.—it actually constitutes criminal fraud and must be withdrawn.**

**Here's why:**

- ✓ The City doesn't own the land—they are a *trustee agency* with fiduciary duties
- ✓ A trustee cannot convey, lease, or encumber trust property not authorized under the Trust
- ✓ Development must comply with the Tidelands Exchange Act (hello!)
- ✓ Development at Alameda Point must comply the Base Reuse Plan (Bonta Bill)

Public Trust lands and federally encumbered lands at Alameda Point are subject to development constraints under a multitude of superior laws that specially prohibit this action, and no local agency may lawfully preempt those superior law constraints. (Stats. 2000, ch. 1015; 10 U.S.C. §§ 2667, 2687; 42 U.S.C. § 11411, Gov. Code § 54221(f)(1)(J)).

*(Alternatively--if not withdrawn, both Tony Daysog and Greg Boller must recuse themselves due to conflicts of duty with (respectively): BCDC Enforcement duties at Alameda Point and consumer protection duties that prohibit participation in City proprietary acts)*

**Want more law? Here you go:**

- 1. The City Cannot surplus land it doesn't own**  
*(California Constitution, Article X, § 3; Gov. Code § 54221(b)(1); PRC § 6009.1)*

Public Trust lands are sovereign lands owned by the State of California. The Surplus Land Act permits a local agency to surplus land only when it owns the land outright in fee simple and has lawful authority to dispose of it.

The City does not own these lands; it holds them solely as **trustee** for the people of the State, subject to the Public Trust Doctrine and continuing State Lands Commission oversight.

**Any action premised on City fee-simple ownership is therefore ultra vires and void ab initio.**

**=NO SURF PARK**

## **2. Title-Laundering Has No Lawful Effect and Cannot Confer Vested Rights**

*(California Constitution, Article XI, § 7; CA Civil Code § 1104, §§ 1462 & 1468)*

The City's reliance on the Surplus Land Act in this context constitutes an improper attempt to **launder title on paper** and create the false appearance that land subject to binding state and federal encumbrances is freely disposable and eligible for private development.

California law does not permit a public agency to manufacture or launder title through procedural designations. Any action purporting to clear title, expand authority, or legitimize prohibited development through surplus procedures is legally invalid and ultra vires.

Using the surplus process to present prohibited development as lawfully approvable is legally ineffective and subject to reversal, enforcement action, and statutory penalties.

**Any approvals, leases, or agreements predicated on this false construct are void ab initio and do not confer vested rights.**

**= NO SURF PARK**

## **3. Binding Encumbrances Are Not Extinguished by Surplussing**

*(Ca. Constitution, Civ. Code §§ 1104, 1462, 1468)*

All state and federal encumbrances affecting Alameda Point **run with the land and bind all successors**, regardless of any local designation as "surplus" or "exempt surplus." Under California law, a local agency may convey or lease **only the estate it lawfully holds**, and all trust obligations, deed restrictions, and federal conditions remain fully enforceable. (Civ. Code §§ 1104, 1462, 1468.) A surplus determination does not clear title, expand the City's authority, or extinguish Public Trust obligations or federal conveyance restrictions.

**Any development inconsistent with those binding constraints remains prohibited, and any action premised on the contrary assumption is ultra vires and void ab initio.**

**= NO SURF PARK**

## **4. Remember the Naval Air Station Alameda Public Trust Exchange Act?**

*(Stats. 2000, ch. 1015; U.S. Constitution, Article VI, cl. 2 (Supremacy Clause))*

**Specifically**, the Trust lands at Alameda Point (Exhibit 1) are expressly governed by the Naval Air Station Alameda Public Trust Exchange Act (Stats. 2000, ch. 1015) and authorizes use of trust lands only for trust-consistent purposes, short-term, revocable,

and subordinate, and **MUST NOT** interfere with public access, navigation, commerce, fisheries, or other trust uses; they may not be privatized, alienated, or developed for non-trust purposes.

**Any lease or development inconsistent with trust purposes is prohibited regardless of ultra vires local approvals.**

**=NO SURFPARK**

### **5. The Surplus Land Act Requires Compliance with the Federal BRAC Reuse Plan—Bonta to the rescue!**

*(Gov. Code § 54221(f)(1)(J), 10 U.S.C. § 2687, 10 U.S.C. § 2667, 42 U.S.C. § 11411; U.S. Constitution, Article VI, cl. 2)*

All land at Alameda Point—including both Public Trust lands and non-trust parcels—is subject to binding federal conveyance restrictions imposed under the Economic Development Conveyance (EDC) and continue to govern permissible land uses, development intensity, public access, and open-space requirements regardless of any subsequent local designation.

All development at Alameda Point must comply with conditions imposed by the EDC Agreement and analyzed in the Alameda Point EIR. The **Bonta** Bill (AB 2319) specifically requires exempt surplus land to implement the federally approved reuse plan. It does not expand the City's authority, does not remove federal encumbrances, or allow development that violates the zoning code (AMC 30-4.24(b)(viii) AP-OS, Open Space).

**Therefore, any recordation, designation, or finding that fails to expressly acknowledge these controlling encumbrances is legally invalid and criminally fraudulent.**

**= NO SURF PARK**

### **Quick Summary**

(This is something you could put on a flash card so you don't forget again.)

**A surplus or exempt-surplus designation cannot extinguish, modify, override, or circumvent federal conveyance restrictions, which continue to run with the land and bind all successors.**

**The Exchange Act, Reuse Plan, and EIR all require:**

- **Continuous public access corridors**
- **Physical access to the shoreline**
- **Protection of view corridors**
- **Open space preservation**
- **Compatibility with trust uses**

**Any development that:**

- **Walls off land**
- **Charges admission**
- **Restricts access**
- **Obstructs views**
- **Converts open space to private control**

**= Violates the trust, regardless of how it's labeled.**

**=NO SURF PARK**

*Now how about you guys stop messing around, before one of you gets arrested, hmmm??*