

Sale of Submerged Parcels adjacent to Fernside Boulevard

City Council Meeting
July 2, 2024

Background

- 2016: City Council approved transfer of submerged parcels from Army Corps to City and 92 property owners
- Submerged parcels adjacent to 84 residential parcels sold for \$10,000 each, based on 2016 appraisal.
- City retained submerged areas adjacent to six residential parcels that had three public pathways/easements
- 2021: City Council approved revised easements with four property owners that had public pathways and relinquished the City's rights on the other pathway
- Two are public access easements and one easement (at Fairview) is a view corridor; public access to the water is currently fenced per Council direction
- 2023: City Council approved final map creating seven submerged lots (six adjacent to residential parcels and one City-owned to estuary midline)
- Feb and May 2024: City Council directed staff to get updated appraisals as to the six submerged parcels and information was provided to Council in closed session

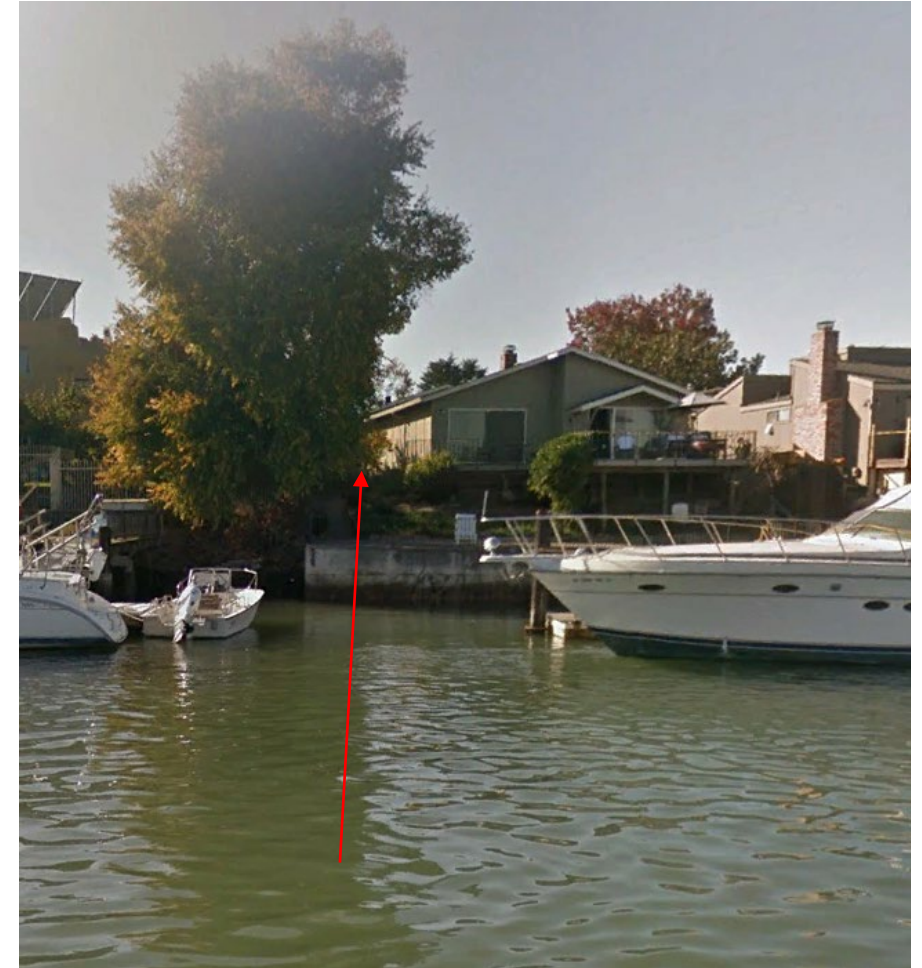
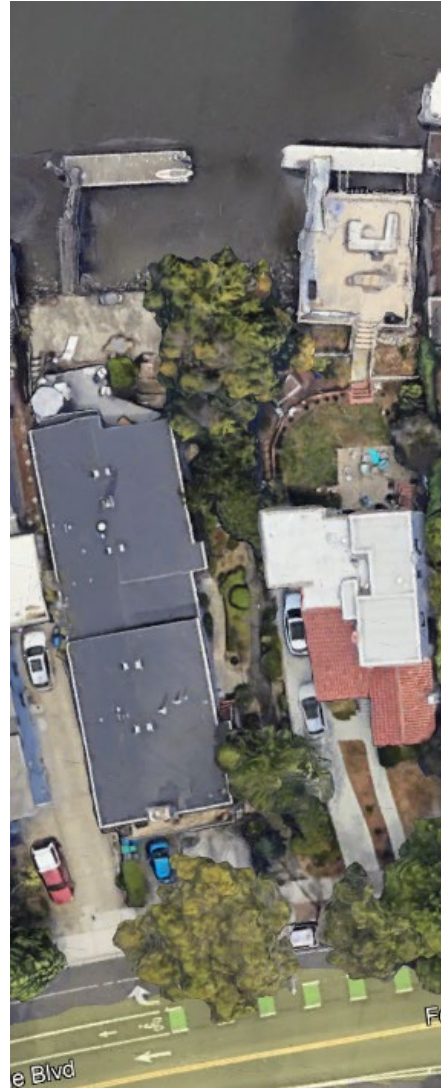
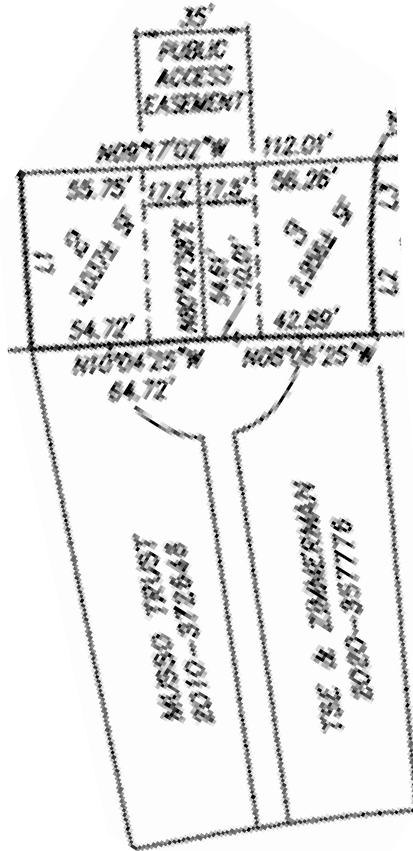
Adjacent Pathway Locations



Submerged Parcel Final Map Easements

- Four submerged parcels, adjacent to the parcels with publicly accessible pathways, have public access easements for public, vehicular and emergency access from landside easement area and shoreline
- Two submerged parcels, adjacent to the parcels with view corridor pathway, have view corridor easements for scenic view purposes.
- For all six parcels, staff proposes existing docks may remain (and be replaced) but additional construction blocking access or view of water not be allowed
- City would meet and confer prior to constructing any improvements in easement area
- City would provide indemnification for public's use of the easements on the submerged parcels
- City owns the open water parcel to Oakland/Alameda midline to ensure it remains open to recreational and commercial traffic

Pathway near High Street



Pathway near High Street - Photos



TODAY



2018

Pathway near High Street - Photos

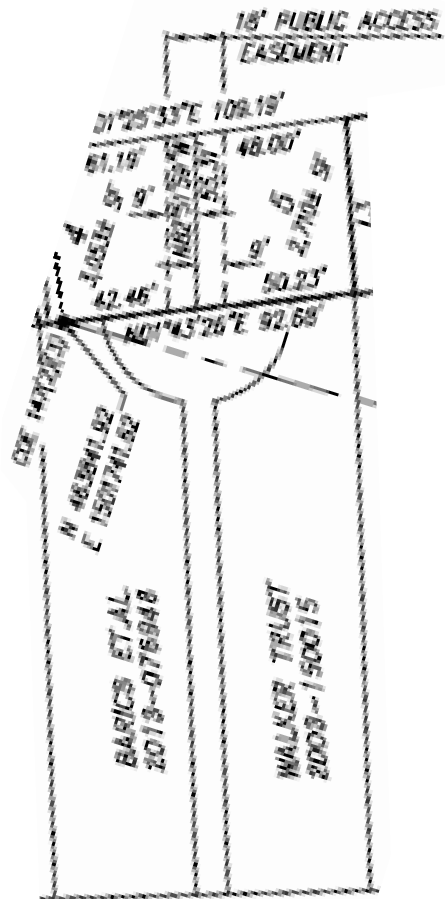


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2018

Pathway at Monte Vista Avenue



Pathway at Monte Vista Avenue - Photos



TODAY

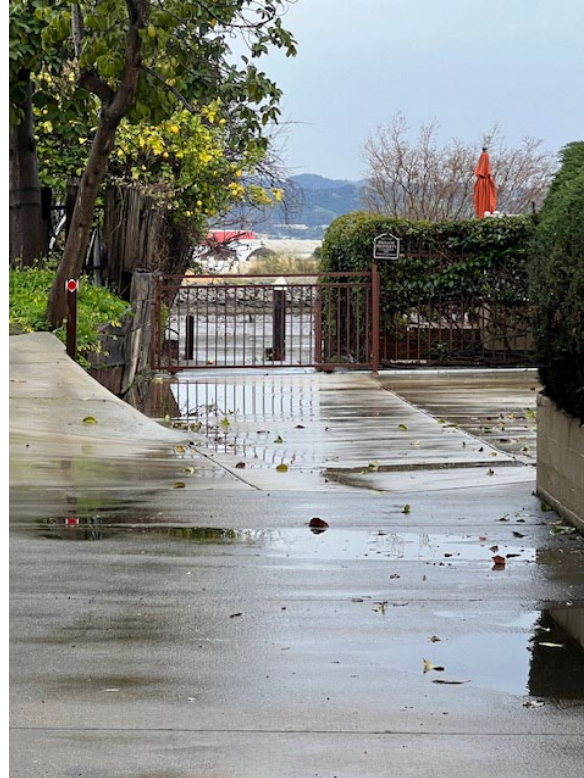


2018

Relinquished Pathway at Fairview Avenue



TODAY



2018

Appraisals

Adjoining Property	Appraised Value	Public Access Easement Width	Scenic View Easement
3227 Fernside	\$10,000	17.5 feet	
3229 Fernside	\$10,000	17.5 feet	
3267 Fernside	\$12,500	9 feet	
3301 Fernside	\$12,500	9 feet	
3335 Fernside	\$14,000	None	Yes
3341 Fernside	\$14,000	None	Yes

Resident Communication

- Shared appraisals with adjoining owners and ongoing discussions to address questions and concerns.
- Expressed desire to retain and replace in kind their existing docks and to be consulted when the City considers public improvements affecting such docks. To address, staff recommends including following language:
 - (a) allow the owners to retain and maintain their existing docks
 - (b) allow replacement of docks in the future that is similar in kind, size and within the existing dock footprint (so long as such replacement complies with regulations of any regulatory agency such as BCDC)
 - (c) provide that the City would meet and confer with them before constructing any improvements in the easement area that the City deemed necessary
 - (d) take into consideration the owners' dock when the City is considering such public improvements
 - (e) indemnify them for injuries to members of the public using the easement area

Next Steps

- Introduce an ordinance authorizing the sale of the six submerged parcels and declaring the six parcels as surplus property to comply with the California Surplus Land Act
- Once SLA requirements have been satisfied, direct staff to execute the Purchase and Sale Agreements – price and terms for City's sale of individual parcels to private property owners at the appraised fair market value