

October 3, 2023

To: The Alameda City Council

From: Dani and Don Musso - property owners of 3227 Fernside Blvd.

Re: 10/3/23 Meeting Agenda Item # 5-G Adoption of Resolution Approving
Final Map Tract 8570

We own the property at 3227 Fernside Blvd, depicted on page 11 of the Final Map Tract 8570, as #2 on the drawing. Our property, along with 3229 next door, currently has one of the public access pathways constructed to allow the public to view the water.

A few years ago, when the City approached us about the plans to build the public access pathway between 3227 and 3229 Fernside Blvd, we signed over the land for the path to the City at no cost to the City of Alameda and received in return a permanent easement for our two duplex units to have entrances to the path for the purposes of entering and exiting those units.

Recently we were told that the Alameda Planning Board was proposing a permanent easement to be attached to the submerged lands behind our property prior to those submerged lands being sold to us, the property owner. We spoke to the head of the Planning Board and he explained to us that the City currently has no plans to develop public access on the submerged lands but that the City would not be allowed to come back to us in the future if the permanent public access easement wasn't secured prior to the sale.

While we had no initial objection to the public access pathway giving the public a scenic easement to view the water behind our property, we feel strongly that asking us to pay for submerged lands that we will lose the permanent use of and that may be developed in the future, further affecting our property values negatively, is unfair to ask of us. Even if the City of Alameda never intends to build any sort of public access area on the submerged lands, we will effectively lose the use of that easement land (17-1/2 feet) and we will have many restrictions placed on the remaining submerged land that is adjacent to the permanent easement.

First and foremost we would like to ask the City Council to deny the proposed 35' permanent public access easement on the submerged lands behind 3227 and 3229 Fernside Blvd. We would happily grant the City an easement for emergency purposes but we object to a permanent public access easement. We have sent two letters to Council members in the last two years explaining our opposition to this proposal. As it is, the public access pathway that has been open to the public for the last six months is rarely used by the public and offers zero parking availability on Fernside Blvd. The City has also not maintained the cleanliness of the pathway as promised. There are piles of leaves and debris collecting and our tenants have seen no City of Alameda maintenance personnel on the path which was one of our original concerns.

If the Council decides to vote in favor of the permanent public access easement behind our property, then we ask the Council to agree to significantly adjust the proposed \$10,000 price tag that the City of Alameda wants to charge us to buy the submerged land. Other property owners along the estuary paid \$10,000 for their submerged land but they have no restrictions to the use of that land and they will not suffer additional negative impact to their property values in the way that we will suffer if the City at some point in the future decides to begin the process of developing something on the public access easement.

We are only asking for what is fair.... don't further impact the value of our land by creating an easement for a potential use that may or may not ever be realized. If you insist on granting the permanent public easement then please don't be convinced that we should have to pay the same cost for the submerged land when we will have far less rights to that land and our property values will already suffer as a result of it.

We will be attending the City Council meeting on 10/3/23 via Zoom and we will ask to speak on this agenda item - this letter has been sent to you in advance so that you understand our position on Agenda item #5-G.

Thank you for your time and consideration.

Best Regards,

Dani and Don Musso
Musso Trust
3227 Fernside Blvd.

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