

From: [Dorothy Freeman](#)
To: [Marilyn Ezzy Ashcraft](#); [John Knox White](#); [Tony Daysog](#); [Trish Spencer](#); [Malia Vella](#)
Cc: [Lara Weisiger](#); [Manager Manager](#)
Subject: [EXTERNAL] Closed Session Item 4-C September 7, 2021
Date: Tuesday, September 7, 2021 1:52:06 PM

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

(Pursuant to Government Code § 54956.9)

CASE NAME: City of Alameda v. Union Pacific (Sweeney)

COURT: Superior Court of the State of California, County of Alameda

CASE NUMBERS: RG18921261

Dear Mayor Ashcraft and Council Members;

The Jean Sweeney Open Space Park Fund board members believe the 2.8 acres of Union Pacific Railroad (UP) land that the City of Alameda requested by eminent domain proceedings, and which was granted to the city by immediate possession by the California Superior Court, should be completed with the purchase of the entire 2.8 acres. While real property negotiations require closed session discussions we believe, through publicly available information, that the City Council has decided not to continue with the purchase of the southern border UP lands. The discussion to purchase the UP land was an agenda item and made in a public City Council meeting. We believe any decision to not purchase the majority of the land must also be made in public as an agenda item so the public can voice their opinion. Decisions to purchase public land or sell public land are decisions requiring public discussion.

We are also concerned that there is a perception by many in the public and in the city government that all the land behind the existing southern fence at Jean Sweeney Open Space Park is owned by Union Pacific Railroad. That fence was installed in a hurry to allow for the opening of the park in December 2018. It was known to us at that time that the fence was not placed on the UP property line.

A check of the land behind the fence on Google Earth, see attached with yellow line, shows that approximately 8 acres of land is located behind the present fence. The Union Pacific Railroad land equals only 4.52 acres. In addition an outline of the surveyed Union Pacific land, see blue outline, from the Superior Court of the State of California, County of Alameda case number RG189211261, superimposed over the Jean Sweeney Open Space Park, image also from Google Earth, shows that about approximately 4 acres of Jean Sweeney Park land is presently located behind the southern border fence.

We believe that it is necessary for the City of Alameda or the Union Pacific Railroad to stake out the survey line of Union Pacific Railroad land and erect a new fence to delineate the property line so the land owned by the City of Alameda can be cleaned up and returned to the public as part of the Jean Sweeney Open Space Park.

Article 22-12 of the City Charter provides in part that “the public parks of the City shall not be sold or otherwise alienated except pursuant to the affirmative votes of the majority of the electors voting on such a proposition”. Measure E initiative of 2002 that was passed by the people of Alameda sets aside any land owned by the Belt Line Railroad is zoned as Open Space and specifies any change to the zoning requires a vote of the people. It is imperative that the City of Alameda guarantee that any land behind the present fence that is Alameda

zoned open space parkland be returned to the Jean Sweeney Open Space Park since it cannot be included in negotiations with Union Pacific Railroad.

We believe that either the Union Pacific Railroad or the City of Alameda must designate the proper boundary of the Union Pacific Railroad land and a new fence be erected so the land that belongs to the Jean Sweeney Open Space Park can be cleaned up, added as part of the park, and made usable by the citizens of Alameda and park visitors to enjoy.

Respectfully,

Dorothy Freeman
Jean Sweeney Open Space Park Fund

Attachments: City Document designating Union Pacific Railroad land outline.

Google Earth image with Union Pacific Railroad land outlined in blue and Jean Sweeney Open Space Park land, outlined in yellow, presently between the fence and UP owned land.