

Harbor Bay Isle's manmade lagoon is like Wild Kingdom

TO A CITY kid like me, the area around Harbor Bay Isle's manmade lagoons is like Wild Kingdom. A walk along the lagoon path is the closest this snake-fearing, lipstick-wearing writer will ever get to a safari. Needless to say, I did not submit an application for "Survivor."

I have enjoyed learning about animals — OK, mostly ducks — in my almost seven years of village living. For one thing, the creatures of the manicured lagoon have distinct territories. Like the white and brown geese with, well, a goose egg on his head, I guess the poor, homely bird must have gotten beamed by a rogue pine cone. In any case, he is always near the same tree at the same bend in the walking trail.

Likewise with the world's least



discriminating cat, an orange tabby that rolls around inviting tummy rubs from anyone who passes by. Friendly, yes, but she never leaves the same two-foot square section of sidewalk. Walk past her and she goes back to all fours and waits for the next traveler.

A male and female mallard make their home on the cover of one complex's fenced-in swimming pool. I imagine that these two believe they have reached some upper echelon of duckdom, the proof being that they have

their own electric blue pond in a gated community. Of course, they have to join the "little ducks" for food since a chlorinated pool is a poor source of pond life.

Humans provide everything from bread crusts to bird seed to peanuts for lagoon inhabitants. Our feathered friends have even learned where and when some regulars appear each day. They fly, run and hydroplane towards certain gathering places like commuters trying to catch the 7:10 San Francisco bus. They head straight at a walker on the path, stop six inches in front of his feet, then dart away seconds before the walker trips in an attempt to miss stepping on the furry thing. In the fall fattening-up season, squirrels have been known to chase reluctant benefactors down the trail.

Canada geese appear periodically, on vacation from the nearby golf course I guess. They dominate any feeding frenzy as if they know that they are better looking than the average duck and those squawky, black birds called Moore hens, mud hens or coots, depending on who you believe in my family.

The closest I've ever been to a pelican, the official bird of my home state, is at this manmade California lagoon. I also like to watch herons land their solid bodies on the skinniest upper branches of tall trees. Cormorants, I have learned, are not entirely waterproof. They are better able to swim after fish, but they must stand on the bank and fully open their wings to dry out.

The image evokes one phrase in my mind: "Hey mister, wanna buy a watch?"

Spring and summer brings the lagoon's cutest inhabitants — baby ducks. Sometimes I hear them, their little chirps emitted like homing beacons, before I see them paddling around in packs.

I remember the first time I spotted a nest. I was so mesmerized by all those eggs in a neat pile that I leaned in closer for a look. The next sound I heard was the slap of Mamma Duck's orange feed on the concrete. She squawked so loudly that I actually ran because I realized that a duck, no matter how enraged, couldn't do much to hurt me.

One Sunday morning, I passed by and saw the mother duck sitting on her nest. She looked vaguely uncomfortable, as if something was poking her. Something was. Little pointed beaks. I watched as a few ducks pecked

their way out of thinning shells while other yellow fuzz balls were already tucked under mom's wing. I told everyone at work about my experience. The native Californians called me a city kid.

True, I'm no Marlin Perkins. But a walk with Alameda's shoreline birds, plus a few cats and squirrels, provides the right dose of nature to break up a civilized workday.

Suzanne T. Storar's column appears Wednesdays in the Accenti and every Thursday in the Alameda Times-Star. Send information about Alameda's interesting people, places and events to her in care of the Alameda Times-Star, 401 13th Street, Oakland, 94612. Material can be faxed to her at (510) 523-6601 or e-mailed to ststorar@aol.com.

Fight over Alameda Belt Line continues

By Leslie Fulbright
STAFF WRITER

ALAMEDA — Sitting in a library researching the history of a tract of land she visualizes as a green park or walking trail, long-time Alameda resident Jean Sweeney stumbled upon a 1924 agreement between the city and a group of railroad owners.

It documents the city's sale of a 22-acre railroad tract — known as the Belt Line — to four property owners more than 75 years ago, and basically says the city can buy back the land at any time, as long as the owners are given one year notice and reimbursed for their investment costs.

Everyone had forgotten about it.

Not surprisingly, upon learning of the agreement, city leaders expressed interest in the land and quickly gave notice of Alameda's intent to purchase it. But the group of rail owners doesn't want to sell the tract. They have been negotiating with a developer since 1998 and were close to selling the property, close to closing an estimated \$15 million deal.

The belt line tract is just south of the Marina Village Business Park, bordered by Constitution Way, Sherman Street and Eagle and Atlantic avenues. With the agreement, the city can buy back the property for thousands and then sell it for millions — even if it is to the same developer.

The group of rail owners recently filed a lawsuit attempting to stop the city from purchasing the land, claiming its constitutional rights are being violated. The suit acknowledges the agreement, but charges the city with trying to circumvent its obligation to compensate the owners for the taking of private property. The rail owners attorneys point to the California Constitution, which prohibits the taking of private property for public use without just compensation.

"Their argument is ridiculous," said Alameda Deputy City At-

orney David Brandt. "They are trying to say it is not a valid contract, but it is perfectly clear. It was signed by the owners and gives us the right to purchase."

In 1918, the city of Alameda constructed a municipal beltline railroad along Clement Avenue to provide rail service to industries producing goods for World War I. The original route continued until 1924, when the city wanted to extend the railroad to serve a large industrial project. City staff studied the viability of the proposed extension and concluded it would not be financially feasible to undertake the project.

In 1924, the city agreed to sell the beltline to the Atchison, Topeka and Santa Fe Railway; and the Western Pacific Railroad Corp. Those groups later united to form the Alameda Belt Line group. Under that name, they began constructing extensions and operating as a rail carrier.

The provision unveiled in the agreement Sweeney discovered states the city "shall have the right at any time to purchase the beltline railroad including all extensions for a sum equal to the original cost, together with the cost of any and all additional investments and extensions made by the Alameda Belt Line, provided that the city give one year's previous notice."

Attorneys for the ABL group claim numerous capital investments were made, including expensive pieces of private property which enabled the group to expand its operations within the

city. The Belt Line Group contends the 75-year-old provision to purchase the group and all extensions thereof is void as a matter of law and equity and that the parties who made the agreement meant for the provision to insure the industrial properties along the waterfront would be served by rail.

ABL attorneys have not provided any information about their investment costs.

"We have some ideas of what they spent but no paperwork since the 1930s," Brandt said. "They completed their last extension back in the 1940s. The city is only required to pay the original cost plus the cost of the extension."

In November of 1998, the Belt Line group began negotiations with Sun Country developers for the use of the property as both a commercial and residential development. In January of 1999, the group entered into a purchase and sale of the railyard to Mike Valley, of Sun Country.

"The city was aware of that sale," ABL attorneys claim. "In an attempt to obtain the group's property without payment of just compensation and without providing notice the city adopted the ordinance expressing their wish to purchase."

"The city has no right to acquire Alameda Belt Line and its property under the circumstances and for the value assessed by the city," the suit states. "The city intends to use the provision to re-

acquire ABL and its property for an amount substantially below what is just and to use the property for a public purpose such as a greenbelt or park, or to obtain the proceeds from the sale of the parcel to Sun Country which are substantially greater than the city intends to pay."

Valley's contract with the group pre-dates the city's notice to purchase, so Brandt said it will most likely take precedence over the city's notice. So the city would most likely be required to sell Valley the land at the price negotiated by ABL.

ABL claims the city is wrongful in its interference with its use and disposition of the property. "The city is preventing ABL from disposing of its property by taking steps to acquire it for public use without payment," the suit states. ABL attorneys say the group has no fair, speedy or adequate remedy at law for the threatened actual and continuing conduct of the city in that it would be impossible for ABL to determine the precise amount of damage the group will suffer if the city is not restrained.

The lawsuit filed May 31 is an attempt to stop the city from its purchase of the beltline. City attorneys will answer the suit, before attempting some sort of arbitration.

"We haven't talked to their attorneys yet," Brandt said of ABL's lawyers. "We don't know if they want to mediate."

Sweeney, who Brandt said should be commended for finding the agreement, continues to circulate her petition to keep the space open. Ironically, the document she found will in no way help her struggle to keep the abandoned property as park space with a pond, bridges and maybe a butterfly garden for the school children as she wished.

"I have a suspicion (Sweeney's) initiative would not be legally enforceable," Brandt said. "The land cannot be confiscated from its legal owner."

A change of name, but same old, friendly service

ALAMEDA BUREAU OF Electricity has a new name — Alameda Power and Telephone. But it's sticking to its customer-friendly old ways.



father (contractor Frank Stote) was building Sun Simeon for legendary publisher William Randolph Hearst.

The great love of Hearst's life, Marion Davies, wanted to give little Carol a dashdshund puppy.

"But my father said no," Carol recalls. "He said Mr. Hearst was a generous and very kind boss. It just wouldn't be right to accept gifts from him too."

Denise Codiga, the real estate lady, ought to write a book, she knows so much about the houses we live in.

Her father, the late Ed Agnew, created the lovely Fernside Marina on vacant land where kids rode bikes and sometimes fell into the estuary.

Denise's mother, Mickey Agnew, was our town's most beautiful Realtor for years.

And "Bud" Codiga, Denise's late husband, is remembered not only as a Realtor but as the one and only Depression-era Alameda High School student who drove up to school every morning in his own blue Ford convertible.

Everett Johannes, former Alameda Times-Star managing editor, can't get over Alameda Theatre ending up as a sidewalk cafe.

When you call, a real live-human being, not a record, answers. There's no "press one, press two, press three." No canned music. No Spanish, French, Latin or Pig Latin. And — praise be! — no "stay on the line and wait your turn."

I called the other day and it was great to talk to somebody instead of something. It took me back, say, to the days when Ruth Kalen presided over the City Hall switchboard. Ruth always answered by the second ring, and put you right through to any office you asked for.

That's a far cry from bank and business phone service these days. Even my Alameda doctor's phone service has gone high tech. You wait, wait, wait.

"What if I happened to be dying?" I asked my doctor once. "What if you kept me on hold and I was dying?"

"Dial 911," he advised.

Met any famous people? Most of us have at one time or another.

For instance, Carol Paden — wife of retired orthodontist Bill Paden and mother of practicing orthodontist Bill Paden (the middle names are different) — used to know blond and beautiful movie star Marion Davies.

It happened while Carol's

Board names new school chief for Island

