

Jennifer Bergstrom

From: Jennifer Bergstrom
Sent: Monday, May 03, 2021 9:56 AM
To: Jennifer Bergstrom
Subject: FW: May 3, 2021 City Council Closed Session Comment
Attachments: Benicia_CS_May3_21.pdf

From: [REDACTED]
Sent: Monday, May 3, 2021 8:53 AM
To: Lisa Wolfe <LWolfe@ci.benicia.ca.us>
Cc: 'George and Corrine' [REDACTED]
Subject: May 3, 2021 City Council Closed Session Comment

Ms. Wolfe,

Hope this find you well. I have attached a few comments that Corrine and I wanted to share with the Council Session, Agenda Item 1.A, 2). If that is appropriate, please share with them. If not, please let me know.

Thank you,

George Oakes Sr.

221-231 First Street, Benicia, CA 94510

Corrine and I wanted to share our experiences with the Leasing and subsequent purchase of the subject property. The following is a brief timeline of our experience since 2008 until this year.

April 2008 - May 2011, Leased and occupied 206 First Street for our business Twin Oaks Real Estate, Inc. This property was foreclosed upon and we vacated by moving to a leased space, 221-231 First Street. Demonstrating our desire to remain in business in Benicia.

May 2011 - March 2018, Leased 221-231 First Street for Twin Oaks Real Estate, Inc. Lease included four (4) parking spaces along the west side of "C" Street on the property owned by the 221 First Street LLC. These spaces are clearly depicted in the Lease Agreement.

While we were completing the move to 221-231 First Street we wanted to make sure the parking was in fact able to have a "Reserved" sign painted on each parking space. We queried the then current City of Benicia Attorney, Ms. Heather McLaughlin to determine if that was permissible. She assured us it was, and we painted the spaces with a Reserved sign on each.

Sometime in early 2018 Benicia Police Officer came to our Office he said was based upon a complaint from a neighboring business and informed Corrine the Reserved space indicators had to be removed as "we were not entitled to these spaces!" even after being told it was in the Lease, he directed the Reserves space signs be painted over and suggested we take up any issues with the Landlord. In an attempt to be reasonable citizens we painted over the reserved signs. The Landlord assured us that they owned the property, which a property tax record search confirmed.

In March of 2018 we purchased the property based upon the assurances of the Sellers. After the purchase we have been working to determine why we are being denied the use of our property. This has led to several actions, outlined below.

In January/February 2018 I requested from the City Clerk any information regarding the development of the two buildings of which our office is a part. I did receive several calls and was told they could find no information. I then took it upon myself to find additional information. We found many references including history with local citizens and interest groups, a law suite, as well as BCDC.

April 2019 Requested a meeting with the City Manager, Ms. Tinfrow to resolve this issue. We finally met in July 2019 with Ms. Tinfrow, then Police Chief Upson and the Economic Development Representative, Ms. Shawna Brekke-Read, we asked about the validity of the police Officers demand and why it was we could not enjoy the land we purchased and pay taxes on. Chief Upson told me the Benicia Police Department has no record of the officer actions and demands. We have several witnesses to his actions.

During the meeting in April 2019 Ms Tinfrow introduced the Ordinance 05-55 from 2005 as the official document for the final development of the property. As noted in our claim against the City of Benicia this does not appear to be the final document as no "Condition" was noted or required for the property to be developed, which as you know was completed and the necessary Certificate of Occupancy issued for all spaces in the 221 First Street LLC Development Plan. Accordingly, if a Dedication was required (we can find no requirement for this) why has the City taken upward of ten years to bring this action: a Condition of Permit would have required the Dedication before Occupancy or a firm plan in place to complete at the least. Why were the owners and Developers not aware of a dedication requirement? Why would the Owner Lease and then Sell a property with such a burden on the land? Please note, one of the Principles of the 221 First Street LLC, the site Developers, was the then Mayor of Benicia, Mr. Steve Messina. Mr. Messina was knowledgeable and up to date on all requirements before and after development yet has no knowledge of a Dedication requirement.

July 2018, Ms. Shawna Brekke-Read sent an email stating she would provide additional information and background for the City's demand for Dedication of the "C" street portion of our property. However, we have never received any additional information and as you may know Ms. Brekke-Read left employment with the City of Benicia shortly after that.

October 2019 Communication with Ms. Tinfrow in an attempt to attempt to resolve the question of Dedication of "C" Street and she referred us to the new City Attorney, Mr. Stock. We noted that we would still need to have more information and the City provided links to how other Cities managed their Dedication request form, etc. We notified them we were seeking assistance from our attorney.

2020 until today. Being denied the use of our property and the unexpected demand for the dedication of our property we felt it necessary to protect our interests and hired an attorney. That has resulted in this series of events leading to your Closed Session meeting May 3, 2021.

We are seeking unfettered use of our property as described in our Lease and subsequent Purchase Agreement that clearly show the land under the parking spaces belong to our Commercial unit located at 221-231 First Street. We have paid the taxes on the land since purchase and the prior owners paid them since completion of the development. Our POA manages and pays for the compliance with the BCDC Agreement to ensure public access to the waterfront while maintaining the water view along "C" street. As noted in the lawsuit, this impacts many Benician's. We are seeking a Final resolution to this issue.

Respectfully,

George N. Oakes Sr

Corrine M. Oakes


Benicia, CA 94510