

From: [George](#)
To: [Lemos, June](#)
Subject: Comment on tonight's closed session item 9A 21-664
Date: Monday, January 10, 2022 10:47:27 AM
Attachments: [21CV00595 - \(dragged\).pdf](#)

Honorable City Councilors and Staff,

This map of the Pudding Creek portion of the recent ludicrous eminent domain taking by the Mendocino Railway and their investors tells quite a story. Our community is, understandably, focused on the Noyo Headlands piece of this horrible, and in my opinion, very questionable legal maneuver. We should fight this on all fronts. But my focus in this comment is on the Pudding Creek taking.

Look at this map's story:

The City of Fort Bragg was in extended talks with State Parks, local non-profits and other important players when this very bad idea, dreamed up behind closed doors by G-P/KOCH and the Mendocino Railway and their investors, was sprung on our community without warning. This is a hostile act that disrupts years of work that has been done by our community to transfer this beautiful watershed to public use. In my opinion, this is an outrage. At the very least this is a total contradiction of the Mendocino Railway and their investors claim to want to work closely with our community. The restoration of these 70 acres, as well as the Noyo Headlands, to environmental health and maximum carbon sequestration benefit is the highest and best use of these precious lands. This does not mean a loss of jobs or a lesser economic benefit to our community. I look forward to public comment this evening. Thank you all for the work you are doing to protect our community.

George Reinhardt

GP Acquisition Parcels

Prepared for:

Mendocino Railway
100 West Laurel Street
Fort Bragg, CA 95437

Prepared under the supervision of:

Bradley Thomas, Land Surveyor
LACO Associates
3490 Regional Parkway, Suite A
Santa Rosa, CA 95403

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020-550-10

020-550-11

020-550-08

020-550-02

008-070-31

020-550-08

Pudding Creek Parcels		
Assessor Parcel Number	Acreage per Assessor	Acreage from GIS Mapping
020-550-02	45.0	44.1
020-550-08	4.8	12.8
020-550-10	0.6	0.6
020-550-11	11.9	11.9
008-070-31	8.1	0.5
TOTAL	70.4	69.9



The Parcel Areas were derived from Mendocino County Assessor Records and GIS mapping calculations. These Parcel Areas are to be considered approximate. A boundary line survey would be required for accurate Parcel Area determinations.

LACO



Please add this written public statement to the January 10, 2022 City Council's record of non agenda items.

From Bruce Broderick, a Fort Bragg resident.

First, let me state for the record that I support the implementation of a modern efficient rail system in our community. I do not support the extra baggage in the form of a theme park or resort hotels that Mendocino Railway is attempting to inflict on us under the guise of a public utility.

I want to talk specifically about the 476 Alger St. Eminent Domain Taking by Mendocino Railway that was concluded on June 6, 2021.

It appears that, from reading publicly available documents, that a portion of the Fort Bragg City staff and the Chief of the Fort Bragg Police Department were knowledgeable about and assisted in the Taking of this residential property for the benefit of Mendocino Railway. I understand that the property Taking via eminent domain by Mendocino Railway was initiated based on the persistent transient traffic as well as squatters on the property which caused a visual problem for passengers on the Skunk Train when passing the property. It is my understanding that the transient problem was the source of dozens of police calls to the property over several years. It is also my understanding that the largest source of the calls to the police regarding transients was from Mendocino Railway. It is my understanding that this transient traffic began occurring after the property owner was hit by an uninsured motorist and permanently hospitalized due to her injuries.

On Oct. 20, 2020 the City Manager Tabatha Miller, Police Chief Onel and others were sent an email communication describing Mendocino Railways plans to start an Eminent Domain process on the aforementioned property for the purpose of creating an entrance to a paid picnic and hiking area.

However, The Eminent Domain ruling for the aforementioned property signed by Judge Nadel on June 6, 2021 states, and I quote: "that the Mendocino Railway's acquisition of the Subject Property is necessary for maintenance and safety of its railroad operations adjacent to the Subject Property ("Project"), a public use."

The court ruling states that the property is necessary for maintenance and safety of its railroad. It doesn't say "an entrance to a paid picnic and hiking area". The statement in the court document, in my opinion was an untrue statement made in a court of law in order to acquire a necessary piece of property to further Mendocino Railways tourist trade interests and aid in the creation of a theme park in our Pudding Creek watershed area.

The court ruling also states that the Taken property is adjacent to railroad property. At the time of the Taking of the Alger St. property, there was no adjacent railroad property. Adjacent property did not exist until the conclusion of the Georgia Pacific Eminent Domain ruling on Nov. 17, 2021 when around 70 acres of Pudding Creek watershed was Taken by Mendocino Railway for purposes other than necessary maintenance of railroad property.

If Mendocino Railways plans for Alger St. are allowed to move forward, what is to become of the quiet neighborhood? Customer parking for tourist trade will become a priority while the residents learn to take a back seat to private corporate commerce. Quiet weekends will suddenly become increasingly chaotic as Skunk Train customers compete for available parking spaces on East Laurel St. and Alger St. while at the same time further stressing the City's resources by overwhelming Otis Johnson Park.

Was Robert Pinoli telling the truth when he stated in a Mendocino Voice article on Dec 17, 2021 that and I quote: “The city, for nearly a decade, had done nothing about it,” Pinoli said. “They could’ve taken the property, but literally the problems would spill over the hillside onto the railroad’s property so the city actually encouraged us to take that property.”

The City needs to reconcile its involvement with Mendocino Railway regarding its involve with this Taking of property.

The majority of residents are on your side in the coming litigation over the Public Utility status of Mendocino Railway. And the fewer things that are hidden the better.

Bruce Broderick

From: [Linda Jupiter](#)
To: [Lemos, June](#)
Subject: Mendocino Railway Co. and their investors
Date: Monday, January 10, 2022 3:22:52 PM

Dear June,
I'll try to make tonight's meeting, but just in case, please add this to the record.

Hope 2022 is being good for you and yours.

Regards,
Linda

Dear City Council members,
What's happening here in Fort Bragg is a microcosm of what's happening nationwide right now. Corporations are strong-arming their way into communities and taking over without any concern for the environment, community rights, and more.

The more I read about the Hart brothers (who, interestingly, seem quite heartless), the more concerned I am for the future of our town. Will we soon be a company town with employees continuing to be paid minimum wages with no benefits, and unable to afford to live here? Is that what we want for Fort Bragg?

Thank you for standing up to the illegal maneuvers of this company. I support you 100%.

Sincerely,
Linda Jupiter
Fort Bragg

From: [Mike Thomas](#)
To: [Lemos, June](#)
Cc: [Virginia Ann Newcomb](#); [Linda Hockett](#); [Liles, Jason](#); [Dan Gjerde](#)
Subject: City Council meeting 01-10-22
Date: Monday, January 10, 2022 3:59:28 PM

Greetings Mayor Norvell and members of the Fort Bragg City Council,

I'm writing to express our support for the City's effort to challenge the Mendocino Railway's status as a Class III Common Carrier, and hopefully strip their immunity from control or oversight afforded to such railroads. Our hope is that Mendocino County, California State agencies and elected officials will join in this effort.

We recognize the Skunk Train's economic value to the community and understand their interest in growing their business, but not on our land. The Skunk Train president and/or their General Counsel acknowledged Mendocino Railway's responsibility for building a trail on land they "believed" was theirs. This happened during the summer and fall of 2020. They claimed the trail had to be built on our specific properties to clear a major transient encampment and a 15-yard collection of camp debris; and, so they could routinely patrol to prevent future encampments. However, we regularly walk on our properties and have never encountered such a large scale encampment, mainly because of presence and because our land in that location is so steep. In addition to its questionable justification, the trail encroached on several contiguous parcels in the Pudding Creek basin, without notification to or permission from effected property owners. Due to their action, we became NIMBYs...literally.

When provided with a partial survey of the trail that clearly showed property lines and the encroachment, Mendocino Railway officials asked the land owners to meet on site to discuss how the railroad might be able to continue use of the trail. We declined their offer and explained the private nuisance and liability issues caused by construction of their trail. We asked for an engineer's evaluation of safety and slope stability to be used as the basis for a proper restoration plan. We also asked that they provide us with some form of liability insurance.

Mendocino Railway said they would undertake restoration of our land if the survey they planned to order showed the trail was on our property, which it did. While waiting for the report, we were repeatedly asked if we would somehow allow them to use our land. We were even invited by one of their attorneys to participate in a mediation session with a retired judge that they recommended to discuss how the matter could be resolved. Presumably another attempt to secure their use of our properties. We have consistently told them our land will remain private and that we want trails on railroad property that lead to the trail on our property removed, and that we want our land restored.

In August of 2021, we received an engineer's report and a written "restoration" proposal, both of which minimized the problems caused by the trail. We also received a communication from one of their attorneys asserting that Mendocino Railway has no liability for the trail or responsibility for indemnifying us, or for providing a restoration plan. In December we informed them that the report had overlooked some problems and that any restoration work on our property would require all necessary permits. We advised them we would cooperate in the application process.

A few days later they presented the same restoration narrative (with no mention of permits)

and said if the land owners agreed, upon completion of the restoration work proposed by the engineer, the attorney would prepare the necessary documents to reflect that all concerned parties agree that problem had been resolved. Their communication at this point felt to us like a delay tactic. We advised them that we remain willing to cooperate with the permitting process but that they were not to undertake any restoration work on our properties until permits were obtained.

Our problems caused by the Skunk Train seem relatively small when compared to the potential impacts that could happen if their development plans for the mill property and the Pudding Creek basin come to fruition without oversight. Does Alger Street become a parking lot for activities on the property acquired by eminent domain? Will hundreds of new homes be built without a complete hydrological study to assess the impacts on a finite water supply? Will development protect sensitive cultural or environmental areas? Will the Mendocino Railway/Skunk Train live up to their self-proclaimed status as “ecological stewards” as they develop their business plan? Will effected property owners be notified of their plans or will we be left out of the process and on our own to deal with the problems? Will other land owners be subjected to imminent domain claims to enable private commercial ventures?

Based on our experience, they need oversight! If our extensive record of communications over the past fifteen months will help the Fort Bragg legal team achieve that goal, please let us know.

Respectfully,

Mike and Anne Thomas
Linda Hockett
Ann Newcomb

From: [Susan Sisk](#)
To: [Lemos, June](#)
Subject: For the Agenda -- Skunk Takeover
Date: Monday, January 10, 2022 9:35:35 AM

The "Robber Baron" tactic of Eminent Domain being questionably used by The Mendocino Railway is a horrible takeover of Ft. Bragg's most beautiful places. I believe the City Council needs to use every asset at its disposal to fight this. I live on West St. The thought of an amusement park like train rolling through the Noyo Headlands to a big tourist hotel is an absolute horror. Where does the water and sewer come from for their plans? The buildings they already have been entrusted to care for are eyesores. When will they turn their greedy gaze to my street and condemn it for their own use? I urge the City Council to get active on what I believe is the greatest threat to our town we have ever seen.

Thank you.
Susan Sisk
644 West Street
Ft Bragg