

MINUTE ITEM

24. STATUS OF MAJOR LITIGATION - W.O.s 3019, 2224, 2274.2, AND 2716.

Following presentation of Calendar Item 29 attached, the Executive Officer called upon Deputy Attorney General Jay L. Shavelson for an oral progress report on the Long Beach Boundary Determination pursuant to Chapter 2000/57.

Mr. Shavelson explained that an action entitled People vs. City of Long Beach (L.A. Sup. Ct. No. 747,562) was filed on June 13, 1960, and that simultaneously a Petition in the earlier action entitled People vs. City of Long Beach (L.A. Sup. Ct. 683824) was filed, and a Stipulation entered. These new actions are substantially identical, but the reason for filing the new action is that it is questionable as to whether the entire action is within the reserved jurisdiction of the former action "People vs. Long Beach". The complaint in the new action has been served on the City of Long Beach and upon the Board of Harbor Commissioners, and the Petition has been served on the City Attorney. A request was made by the City Attorney for an extension of the time in which to plead until September 16, 1960, and in light of the very bulky nature of the Complaint and the fact that the City of Long Beach has a new City Attorney, this request was considered reasonable and therefore a Stipulation was signed extending the time to plead to September 16.

Attachment

Calendar Item 29 (2 pages)

CALENDAR ITEM

INFORMATIVE

29.

STATUS OF MAJOR LITIGATION - W.O.s 3019, 2224, 2274.2 AND 2716.

The following is current as of June 8, 1960:

1. Case No. 800-58 WM Civil W.O. 3019
U.S. vs. Anchor Oil Corporation, et al.
U.S.D.C., Southern District, Los Angeles County
(Long Beach Subsidence Matter)

(Request by U.S. for court order to shut down Wilmington Field if satisfactory subsurface repressuring programs for land-surface-subsidence alleviation are not put into operation.)

No change in status since report given at meeting of October 29, 1959; i.e., A copy of the plaintiff 'United States' reply to the State's counterclaim was received on August 12, 1959. Discovery proceedings have commenced. Plaintiff United States has served written interrogatories on various co-defendants but not on defendant State of California. It is anticipated that defendants will serve written interrogatories on the Federal Government.

2. Case No. 683824 W.O. 2224
People vs. City of Long Beach
Los Angeles County Superior Court
(Alamitos Bay Quitclaim Litigation)

(Settlement of question as to whether title to oil and gas is vested in City or State in lands granted to City by State and subsequently quitclaimed to State by City.)

On May 25, 1960, the trial judge issued a seven-page letter-opinion ruling in favor of the City of Long Beach. His ultimate conclusion is that the restriction as to use (condition subsequent) in the quitclaim deed is valid and enforceable. Apparently, the court does not question, and the City conceded, that the State own the quitclaimed lands in fee plus the minerals therein contained. Rather the court is of the opinion that recovery of oil under authority of the State will breach the condition subsequent and re-vest title in trust in the City of Long Beach. There is no forfeiture of title involved in this case because the State has not been guilty of any breach to date. Moreover, the trial court is of the opinion that the tide and submerged lands granted to the State by the 1932 quitclaim deed are still subject to the Long Beach tidelands trust, that only the

CALENDAR ITEM 29. (CONTD.)

legislature can terminate such statutory trust and that legislature has not done so in this case. Under such a construction, even if the State had been permitted to develop the area in question for oil production, the quit-claimed lands would have a status similar to the balance of the Long Beach granted tidelands so that Long Beach would be entitled to one-half of the oil revenues therefrom. Formal Findings of Fact and Conclusions of Law have not been signed or filed. It is the intention of the office of the Attorney General to pursue an appeal in this matter.

3. Case No. 70717 W.O. 2274.2
County of Orange vs. State of California, et al.
Orange County Superior Court

(Claim by Orange County that a legislative grant to the County of tide and submerged lands in Newport Bay conveyed to the County all tide and submerged lands within the County (with the exception of a grant to the City of Newport Beach).)

The office of the Attorney General advises that there has been no development during the past month.

4. Long Beach Boundary Determination, Chapter 2000/57 W.O. 2716

The Attorney General's office, upon instructions of the State Lands Commission, has taken steps towards the filing of an action against the City of Long Beach in this matter, and the filing of a petition in the case of People vs. Long Beach, Los Angeles County Superior Court No. 649,466. It is anticipated that both the Complaint and the Petition will be on file at the time of the Commission's June meeting. A representative of the Attorney General will make an oral report as to progress at this meeting.