

MINUTE ITEM

21. STATUS OF MAJOR LITIGATION - W.O.s 2716, 4600, 4708, 4721, AND 503.461.

On Calendar Item 17 attached, Assistant Attorney General Jay L. Shavelson reported that there had been no substantial changes since the last meeting except in Case No. 30417, City of Morro Bay vs. County of San Luis Obispo and State of California, San Luis Obispo Superior Court. This case involves the question as to whether the city has succeeded to the trust title of the county to the tidelands now located within the limits of the City of Morro Bay. The City and the County are meeting to try to work out a satisfactory settlement. Representatives from the Office of the Attorney General have been attending these meetings, trying to encourage cooperation rather than litigation on this question, if at all possible.

Attachment

Calendar Item 17 (2 pages)

CALENDAR ITEM

INFORMATIVE

17.

STATUS OF MAJOR LITIGATION - W.O.s 2716, 4600, 4708, 4721, AND 503.461.

The following information is current as of February 10, 1965:

1. Case No. 747562 (now consolidated with Case No. 649466) W.O. 2716
People vs. City of Long Beach, et al.
Los Angeles County Superior Court
(Long Beach Boundary Determination, Chapter 2000/57)

No change since report of January 15, 1965; i.e., the second agreement required by the City of Long Beach under the terms of Ch. 138/64, 1st E.S., was filed on or about October 20, 1964. Further action in these proceedings will await final consummation of the Contractors' Agreement relating to the City's portion of the offshore area in the Long Beach Unit. These cases have been reassigned.

2. Case No. 805548 Civil W.O. 4600
Carl Whitson vs. City Manager, City Auditor, City of
Long Beach; State Lands Commission; State of California
Los Angeles County Superior Court
(Long Beach Unit and Long Beach Oil Revenues)

(Complaint for injunction and Declaratory Relief, praying that City Manager be enjoined from signing the proposed Long Beach Unit Agreement; that the City of Long Beach be enjoined from paying any oil or gas funds to the State of California; that it be declared that the private owners of Town Lots in the City of Long Beach are not bound by the Unit Agreement.)

No change since report of January 15, 1965; i.e., the time in which to file some sort of pleading has been continued until April 15, 1965.

3. Case No. 271,707 W.O. 4708
City of Coronado and R. J. Townsend vs.
San Diego Unified Port District, et al.
San Diego County Superior Court
(Formerly Case No. 528,114, San Francisco County Superior Court)

(Complaint for Injunction and Declaratory Relief, filed in San Francisco, together with Order to Show Cause returnable January 29, 1963, making allegations as to defective election procedures for formation of the Port District, unconstitutionality of the implementing legislation and that the State is without power to revoke prior grant of tidelands. City of Coronado alleges irreparable damage, a cloud on its right to the land granted in trust for the benefit of "its inhabitants", and alteration of its tax structure.)

Brief in Opposition to Motion of Appellees to Dismiss Appeal was filed by the City of Coronado in the U.S. Supreme Court on January 26, 1965. We are now awaiting action by the court.

INFORMATIVE CALENDAR ITEM 17. (CONTD.)

4. Case No. 5 Original in the United States Supreme Court W.O. 4721
United States vs. State of California
(Relating to the location of the offshore boundaries between
lands under the paramount jurisdiction of the United States and
lands owned by the State, for such purposes as minerals.)

(The immediate issues raised are whether the old case of the United States vs. State of California, which has been dormant since December of 1952, is moot or whether it can be reactivated despite the passage of the Submerged Lands Act of 1953.)

No change since report of January 15, 1965; i.e., this case was argued by Special Assistant Attorney General Richard Keatinge on December 7 and 8, 1964. The matter is now under submission, awaiting a decision by the United States Supreme Court.

5. Case No. 30417 W.O. 503.461
City of Morro Bay vs. County of San Luis Obispo and
State of California
San Luis Obispo Superior Court

(By Chapter 1076, Statutes of 1947, certain tide and submerged lands in the vicinity of Morro Bay were granted to the County of San Luis Obispo. On July 17, 1964, the City of Morro Bay was incorporated so as to include the area of the granted tidelands. The purpose of the present action is to determine whether or not the City of Morro Bay acquired title to these tide and submerged lands, as successor to the County, and whether the City must take immediate title to such lands or may postpone taking title to some future date.)

The State filed an Answer and Cross Complaint on January 29, 1965. Discussions are continuing with City and County representatives.