

MINUTE ITEM

3/1/66

47. STATUS OF MAJOR LITIGATION - W.O.s 2716, 1839.16, 503.461, 2875.15,
AND 4721.

Supplementing Informative Calendar Item 43 attached, the Executive Officer reported with respect to the case of the City of Morro Bay vs. County of San Luis Obispo and State of California, Case No. 30417, San Luis Obispo County Superior Court, that allegations made by the City of Morro Bay in connection with the type of administration over the granted tide and submerged lands are now under review by the staff of the State Lands Division from a technical and audit standpoint in order to determine their applicability or utility in the litigation as it has been filed. The review is being conducted with the full cooperation of the City of Morro Bay and the County of San Luis Obispo.

Attachment

Calendar Item 43 (3 pages)

CALENDAR ITEM

INFORMATIVE

43.

STATUS OF MAJOR LITIGATION - W.O.s 2716, 1839.16, 503.461 AND 2875.15.

The following information is current as of February 14, 1966:

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; i.e., the City of Long Beach has submitted to the Office of the Attorney General a proposed Decree pursuant to the provisions of Ch. 138/64, 1st E.S. This proposed Decree has been examined by the technical staff of the State Lands Division and by the Office of the Attorney General, and suggested revisions have been conveyed to the City of Long Beach. It is anticipated that a Decree will be entered very soon.

2. Case No. 55800 W.O. 1839.16
 People vs. Monterey Sand Co. et al.
 Monterey County Superior Court

(Action for declaratory relief, damages for trespass, quiet title, accounting, and injunction. It is alleged that the Monterey Sand Company is trespassing upon tide and submerged lands owned by the State, and is removing valuable sand deposits from said lands without paying any royalty to the State.)

No change; i.e., after hearing on November 12, 1965, on Defendants' Motion for Order to Compel Further Answers to Interrogatories, the Court ordered the Plaintiff to file a further answer to one of the interrogatories, and denied Defendants' motion as to the other interrogatories.

Plaintiff complied with the Court's order and filed a further answer to an interrogatory.

INFORMATIVE CALENDAR ITEM 43. (CONTD.)

3. Case No. 30417
City of Morro Bay vs. County of San Luis Obispo and State
of California
San Luis Obispo County Superior Court

W.O. 503.461

(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.)

No change; i.e., the Superior Court of the County of San Luis Obispo, on September 2, 1965, entered an Order holding that the tidelands granted to the County of San Luis Obispo passed automatically from the County to the City of Morro Bay upon the date of incorporation of the City of Morro Bay on July 17, 1964, pursuant to Government Code Section 34332. This Order resolves many but not all issues in the above-entitled litigation. The City and the County are taking steps to resolve the accounting problems.

4. Case No. 107490
People v. Pacific Flourite Company, et al.
San Bernardino County Superior Court

W.O. 2875.15

(Action (1) to eject Pacific Flourite Co. of California (a California corporation) from Section 16, T. 17 N., R. 13 E., S.B.M., San Bernardino County; (2) to quiet the State's title; and (3) to obtain an accounting for rents and profits -- mineral trespass.)

Pretrial conference was held on January 28, 1966, and trial was set for May 31, 1966.

INFORMATIVE CALENDAR ITEM 43. (CONTD.)

5. Case No. 5 Original in the United States Supreme Court
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.)

W.O. 4721

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

The Court entered its Decree on January 31, 1966. The Decree adopted, in part, California's position by refusing to insert language requested by the United States to the effect that the list of types of inland waters set forth in the Decree be all inclusive. Now that the Decree has been entered, it is incumbent upon the State and the United States to implement the decree by applying its principles to the actual coastline of the State. If differences should arise between the parties as to how the Decree should be implemented, these controversies may be settled by the United States Supreme Court pursuant to the jurisdiction reserved in the Decree.