

MINUTE ITEM

3/31/66

36. STATUS OF MAJOR LITIGATION - W.O.s 2716, 1839.16, 503.461, 2875.15, AND 503.479.

The attached Informative Calendar Item 39 was presented to the Commission for information only, no Commission action being required.

Attachment

Calendar Item 39 (2 pages)

INFORMATIVE

39.

STATUS OF MAJOR LITIGATION - W.O.s 2716, 1839.16, 503.461, 2875.15, AND 503.479.

The following information is current as of March 21, 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.

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3. Case No. 30417 W.O. 503.461
City of Morro Bay vs. County of San Luis Obispo and
State of California
San Luis Obispo County 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 tide-lands. 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.)

A review of the situation is in process, with the cooperation of the City of Morro Bay and the County of San Luis Obispo. The County is turning records over to the City.

4. Case No. 107490 W.O. 2875.15
People vs. Pacific Fluorite Company, et al.
San Bernardino County Superior Court

(Action (1) to eject Pacific Fluorite 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.)

No change; i.e., Pretrial conference was held on January 28, 1966, and trial was set for May 31, 1966.

5. Case No. 160,926 W.O. 503.479
Town of Emeryville vs. The State of California
Sacramento County Superior Court

(Action in declaratory relief to determine whether a proposed plan of development is in conformity with the trust under which tide and submerged lands were granted to the Town of Emeryville by the State of California.)

On March 11, 1966, the Complaint was amended to provide a revised plan of development which is presently under review by the State Lands Division.