

MINUTE ITEM

10/27/66

46. STATUS OF MAJOR LITIGATION - W.O.s 2716, 1839.16, 503.461, 2875.15, 503.479, AND 503.481.

The attached Calendar Item 46 was presented to the Commission for information only, no Commission action being required.

Attachment

Calendar Item 46 (2 pages)

CALENDAR ITEM

10/66

INFORMATIVE

46.

STATUS OF MAJOR LITIGATION - W.O.s 2716, 1839.16, 503.461, 2875.15, 503.479, AND 503.481.

The following information is current as of October 13, 1966:

1. Case No. 747552 (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.)

As of the writing of this calendar item, it is anticipated that Answers to the State's Interrogatories will be filed on October 17, 1966.

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, Stats. 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.)

INFORMATIVE CALENDAR ITEM 46 (CONTD.)

An executive session is to be held at Morro Bay on October 21, 1966, of a Subcommittee of the Joint Legislative Tidelands Committee and representatives of the City, the County, and the State, in an attempt to work out a settlement of differences.

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; and (2) to quiet the State's title; and (3) to obtain an accounting for rents and profits -- mineral trespass.)

No change; i.e., The Trial Briefs have been submitted by all parties, including the State, and the question as to the State's title is presently under submission. If the State's title is upheld, further proceedings may be necessary to determine the question of damages.

5. Case No. 160926 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.)

Matter in abeyance at request of Town of Emeryville.

6. Case No. 21087 W.O. 503.481  
Thomas P. Raley vs. State of California  
Yolo County Superior Court

(Suit to quiet title to land adjacent to the Sacramento River.)

No change; i.e., Interrogatories of Defendants answered.  
Matter under investigation.