

MINUTE ITEM

5/25/67

56. STATUS OF MAJOR LITIGATION - W.O.s 2716, 1839.16, 503.461, 2875 15, 503.481, 503.513, 503.521, 503.510, AND 4721.

The attached Calendar Item 56 was presented to the Commission for information only, no Commission action being required.

Attachment

Calendar Item 56 (3 pages)

CALENDAR ITEM

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INFORMATIVE

56.

STATUS OF MAJOR LITIGATION - W.O.s 2716, 1839.16, 503.461, 2875.15, 503.481, 503.513, 503.521, 503.510, AND 4721.

The following information is current as of May 11, 1967:

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., Continued progress is being made towards the preparation of a Decree that should settle most of the substantial title problems in the Long Beach Harbor District. However, this process is proving somewhat time-consuming in light of the complexities of the problems and the large number of parcels involved.

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.)

Inspection was made of some of Defendant's documents. Additional inspection will be required.

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.)

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3. Case No. 30417 (contd.)

W.O. 503.461

After authorization by the Commission for execution of the settlement agreement, errors were discovered in the description as compared with the map which was produced by the City of Morro Bay to be attached to the agreement as an exhibit. These errors have been corrected, and the City Council of the City of Morro Bay is presently acting upon the corrected description. As soon as the Lands Division staff has the City of Morro Bay's new resolution, the matter will be submitted to the Commission for its final approval.

4. Case No. 107490

W.O. 2875.15

People vs. Pacific Fluorite  
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.)

Remaining Defendant has tentatively agreed to settlement. Separate Stipulations for Entry of Judgment as to all Defendants are now being prepared.

5. 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.)

Investigation completed. Settlement conferences being held.

6. Case No. 892790

W.O. 503.513

City of Los Angeles vs. City of Long Beach, et al.  
Los Angeles County Superior Court

(An action by the City of Los Angeles against the cities of Long Beach and Oakland, alleging that the said cities have violated the provisions of the State's grants of lands, in trust, within their harbor districts by entering into alleged discriminatory agreements.)

Demurrer to the Answer was filed May 8, 1967.

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7. Case No. 903714 W.O. 503.521  
Standard Oil Company v. City of Carpinteria, et al.  
Los Angeles County Superior Court

(Challenge by Standard of the appraised value set by the State Lands Commission on the State's interest in tide and submerged lands proposed to be annexed by the City of Carpinteria.)

Demurrers overruled. Respondents given leave to answer.

8. Case No. 892295 W.O. 503.510  
Miller vs. City of Santa Monica, et al.  
Los Angeles County Superior Court

(An action by private upland owners involving title to tidelands that have artificially accreted. Both the State Lands Commission and the Division of Beaches and Parks have interests to protect.)

No change; i.e., the City and the State have not filed any Demurrer or Answer as yet. However, the City and the State have entered into a Stipulation with the Plaintiffs in lieu of a preliminary injunction. The Stipulation restrains the Plaintiffs from building in the disputed area, and restrains the City and the State from removing any improvements thereon.

9. 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. A Supplemental Decree was entered in this case, settling the principal controversies between the State and the United States, but reserving jurisdiction in the United States Supreme Court to settle any remaining controversies.)

No change; i.e., As previously reported, correspondence between the Office of the Attorney General and the Solicitor General of the United States indicates the possibility that further proceedings may be necessary to resolve legal questions relating to the ownership of submerged lands in the vicinity of Santa Barbara and Anacapa Islands and other submerged lands off-lying Carpinteria, California. The Solicitor for the Department of the Interior has been contacted in an effort to evolve an interim working agreement relating to controverted areas off Carpinteria pending a Court adjudication.