

MINUTE ITEM

8/21/67

23. STATUS OF MAJOR LITIGATION - W.O.s 2716, 1839.16, 503.461, 2875.15, 503.481, 503.513, 503.521, 503.510, 4721, AND 503.527.

The attached Calendar Item 19 was presented to the Commission for information only, no Commission action being required.

Attachment

Calendar Item 19 (3 pages)

19.

STATUS OF MAJOR LITIGATION - W.O.s 2716, 1839.16, 503.461, 2875.15, 503.481, 503.513, 503.521, 503.510, 4721, AND 503.527.

The following information is current as of August 7, 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 and Copying of Certain Documents, pursuant to Order to Produce, scheduled for August 15 through 18, 1967.

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.)

No change; i.e., The attorney for the City of Morro Bay has raised additional questions concerning the correctness of the description that was used in the Agreement. This description was based upon a map provided by the City of Morro Bay. The checking of this description was supposed to have been completed on June 2, 1967. However, the State Lands Division has not yet received a corrected description.

INFORMATIVE CALENDAR ITEM 19. (CONTD.)

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.)

Pursuant to authorization given by the State Lands Commission on July 27, 1967, the Attorney General's Office will be filing Stipulations for Entry of Judgment with the Court.

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

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

No change; i.e., Appraisals are being made, and settlement conferences are continuing.

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.)

The State concurrently filed an Answer and a Demurrer to the First Amended Complaint for Declaratory Relief. The Demurrer will be heard by the Court on August 29, 1967, together with the Demurrers of the other Defendants.

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.)

No change; i.e., 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.)

INFORMATIVE CALENDAR ITEM 19. (CONTD.)

8. Case No. 892295 (contd.)

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
United States vs. State of California

W.O. 4721

(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.

10. Case No. 57239
White vs. State of California
Sonoma County Superior Court

W.O. 503.527

(Quiet title action against the State to determine a property boundary along the Petaluma River, Sonoma County.)

State's answer filed. Meeting for settlement pending.