

MINUTE ITEM

10/26/67

51. 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 Executive Officer submitted the following additional report in connection with Informative Calendar Item 53 attached:

Case No. 892790

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 City of Los Angeles has dismissed this action.

Attachment

Calendar Item 53 (3 pages)

53.

STATUS OF MAJOR LITIGATION - W.O.s 2716, 1839.16, 503.461, 2875.15, 503.481, 503.523, 503.521, 503.510, 4721, AND 503.527.

The following information is current as of October 13, 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., The City is being contacted by the Attorney General's Office to urge them to obtain the necessary information so that this matter may be moved along more quickly than in the past.

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.)

A Motion has been made to consolidate this case for purposes of trial with the case by the same name brought by the Division of Highways, Case No. 59173.

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 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 new map from the City of Morro Bay has been received and is now being checked out by the State's engineers. The State has asked the City of Morro Bay for data supporting the map.

INFORMATIVE CALENDAR ITEM 53. (CONTD.)

4. Case No. 10,490 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.)

A proposed Judgment, pursuant to Stipulations for Entry of Judgment, has now been filed.

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.)

Appraisal has been made for purpose of settlement, and settlement conference is to be held after Plaintiff checks the appraisal.

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 Court sustained the State of California's Demurrer to the First Amended Complaint, and gave the City of Los Angeles until October 11, 1967, in which to replead. No repleading has been received to date, and informally it has been indicated that the City of Los Angeles may drop the litigation.

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.

INFORMATIVE CALENDAR ITEM 53. (CONTD.)

- 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 tide-lands 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.

- 10. Case No. 57239 W.O. 503.527  
 White vs. State of California  
 Sonoma County Superior Court

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

State's Answer filed; and Plaintiff has submitted Interrogatories, to be answered by October 24, 1967.