MINUTE ITEM 12/28/67

41. STATUS OF MAJOR LITIGATION - W.O.s 2716, 1839.20, 503.461, 2875.15, 503.481, 503.521, 503.510, 4721, AND 503.527.

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

Attachment
Calendar Item 39 (3 pages)

STATUS OF MAJOR LITIGATION - W.O.s 2716, 1839.20, 503.461, 2875.15, 503.481, 503.521, 503.510, 4721, AND 503.527.

The following information is current as of December 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. 59173 (Highway Case No. 55800) W.O. 1839.20
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.)

Defendants' Motion for Leave to Amend Answer to Complaint was granted, subject to the Plaintiffs' right to use certain admissions made by Defendants in their Original Answer.

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.)

The map problem still has not been resolved. Peter Kardell, City Attorney for Morro Bay, failed to keep the appointment on November 21. A new appointment was made for December 8, 1967. Mr. Kardell called on December 7, stating that he also would not be able to keep this appointment. He still has not delivered the material requested to substantiate his map changes, and the staff is waiting for him to furnish these data.

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.)

Payment of stipulated amount of damages has been received.

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.)

No change; i.e., Appraisal data has been exchanged, and settlement conference will be held.

6. 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.

7. 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.

8. 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.

9. 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.)

No change; i.e., State has answered Interrogatories submitted by Plaintiff.