MINUTE ITEM 4/25/68

51. STATUS OF MAJOR LITIGATION - W.O.s 2716, 1839.20, 503.461, 2875.15, 503,481, 503.521, 503.510, 4721, 503.527, 1339, AND 503.554.

The attached Calendar Item 52 was presented to the Commission for information only, no Commission action being required.

Attachment
Calendar Item 52 (3 pages)

INFORMATIVE CALENDAR ITEM 4/68

52.

STATUS OF MAJOR LITIGATION - W.O.s 2716, 1839.20, 503.461, 2875.15, 503.481, 503.521, 503.510, 4721, 503.527, 1339, AND 503.554.

The following information is current as of April 10, 1968:

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.)

Trial date of July 8, 1968, has been set.

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 State Lands Division's survey crew has checked the monuments covering the description, and has verified that the monuments were improperly located. They are being relocated, and the description is being revised. The matter will be completed as soon as the new description is available.

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.)

Staff engineer has inspected the property and is of the opinion that the site clearance program has been completed.

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., Settlement conference has been held to review respective appraisals, and revised settlement proposal is under review.

6. Case No. 903714 W.O. 503.521
Standard Oil Company vs. 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., Parties are preparing a Stipulation of Facts to be used at the trial, date of which has not yet been set.

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.)

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 offlying 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. Letter has been sent to the Solicitor General by the Attorney General's Office, informing him of the State's intentions with regard to disputed lands off Carpinteria, Santa Barbara County.

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.)

Pre-trial conference set for June 17, 1968.

10. Case No. 48620 W.O. 1339
Alameda Conservation Association, et al. vs. W.O. 503.554
State of California, et al.
United States District Court, Northern District

(Action for declaratory relief and an injunction against the State of California, certain of its officers and officials, and Leslie Salt Co., seeking to invalidate the boundary settlement and exchange of lands between the State of California and Leslie Salt Co.)

The United States District Court issued its Decision on April 3, 1968, dismissing the action against the State, et al.