MINUTE ITEM 11/21/68

47. STATUS OF MAJOR LITIGATION - W.O.s 2716, 503.461, 503.481, 503.521, 503.510, 4721, 503.527, 1339, 503.554, 5200.400V, AND 4926.

The attached Calendar Item 45 was presented to the Commission for information only, no Commission action being required.

Attachment
Calendar Item 45 (3 pages)

STATUS OF MAJOR LITIGATION - W.O.s 2716, 503.461, 503.481, 503.521, 503.510, 4721, 503.527, 1339, 503.554, 5200.400V, AND 4926.

The following information is current as of November 7, 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)

Progress is being made towards the preparation of a final decision, and the Attorney General's Office is hopeful that a proposed Decree may be presented to the Court in the near future.

2. 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 trial was concluded on October 14, 1968, and Judgment has been entered pursuant to Stipulation of the parties.

3. 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., Tentative Settlement Agreement being readied for presentation to Commission.

4. 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., Parties are preparing a Stipulation of Facts to be used at the trial, date of which has not yet been set.

5. 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.

6. 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., The Solicitor General of the United States and the Solicitor for the Department of the Interior were notified of oil-and-gas lease offers adjacent to Carpinteria, and indicated no objection thereto.

7. 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., Case went to trial. Trial was conducted in Sonoma County, with Judge Manker presiding, on September 24, 25, and 26, 1968. Case was submitted on the record, and the Judge has requested trial briefs and oral arguments at times to be determined later.

8. 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.)

Awaiting Appellants' Opening Brief.

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9. Case No. LA 29534 W.O. 5200.400V
Atlantic Oil Company, et al. vs. County of Los Angeles, et al. and Humble Oil & Refining Company, et al. vs. City of Los Angeles
Supreme Court of the State of California

(An action by various oil companies to recover ad valorem taxes. It is anticipated that this case may constitute a significant precedent which could affect State revenues from the Long Beach tidelands in excess of $100 million.)

The State Lands Commission's position in this case was argued before the California Supreme Court on October 14, 1968. The case was taken under submission and a decision is expected within the next few months.

10. Case No. 4 Civil 9344 in the State Supreme Court W.O. 4926
County of Orange, et al. vs. Heim, State of California--Real Party in Interest

(Petition for Writ of Mandate involving the legality of the Upper Newport Bay Exchange approved by the State Lands Commission.)

No proceeding has been filed in the Supreme Court to this date. The Irvine Company has notified the Orange County Board of Supervisors that it intends to rescind the contract unless the Board consents to an immediate transfer of title to the Irvine Company properties to the County. This move has been opposed by the Orange County Assessor, and the matter is not yet resolved. The County Counsel of Orange County has stated that he will keep the Attorney General's Office informed of developments.