

MINUTE ITEM

1/23/69

29. 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 27 was presented to the Commission for information only, no Commission action being required.

Attachment

Calendar Item 27 (3 pages)

INFORMATIVE CALENDAR ITEM

1/69

27.

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 January 9, 1969:

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., 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.)

Final Report. The Judgment was corrected to amend the technical error in the description and the case is now closed.

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

(Suite 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.

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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.)

The State Lands Division is in correspondence with the Federal Government concerning the status of certain offshore rocks in the vicinity of Carpinteria as low tide elevations. If these rocks are low tide elevations, they will constitute base points for determining the seaward limits of State ownership and could substantially enlarge the extent of State ownership in this particular area.

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.)

All Trial Briefs have been submitted to the Court. All argument is yet to be heard before the Trial Judge, who has not yet indicated when this will be scheduled. (Note that in Kullberg vs. State of California, Sonoma County Superior Court Case No. 59332, which is related to the White case, the Pretrial Conference has been set for February 10, 1969, in Santa Rosa.)

INFORMATIVE CALENDAR ITEM 27. (CONTD.)

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.)

Appellant's Brief was received and filed on December 31, 1968.
The State's Brief as Appellee is due on January 30, 1969.

9. Case No. LA 29534 W.O. 5200.4007
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.)

Pursuant to the State Lands Commission's resolution of December 19, 1968, the Office of the Attorney General is preparing to intervene in pending litigation involving the ad valorem taxation of mineral rights in the Long Beach tidelands.

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.)

Orange County and The Irvine Company have resolved their differences as to the time of transfer of the Irvine properties. The County of Orange and The Irvine Company filed a Petition for Writ of Mandate in the Orange County Superior Court against the County Auditor, V. A. Heim, naming the State of California, acting through the State Lands Commission, as a real party in interest (Orange County Superior Court Case No. M-1105). The Attorney General filed a General Appearance on behalf of the State on December 23, 1968. The Petitioners are expected to file an Amended Petition in the near future. After this Amended Petition has been filed, the attorneys involved in this litigation will meet with a judge of the Orange County Superior Court to discuss the briefing schedule to be followed.