

MINUTE ITEM

10/2/69

34. STATUS OF MAJOR LITIGATION - W.O.s 2716, 503.521, 2400.54, 503.510, 4721, 503.527, 503.562, 1339, 503.554, 503.546, 4926, 503.456, 503.587, 1839.24, 6987, 1839.28, AND 503.539.

The attached Calendar Item 33 was presented to the Commission for information only, no Commission action being required.

Attachment

Calendar Item 33 (4 pages)

33.

STATUS OF MAJOR LITIGATION - W.O.s 2716, 503.521, 2400.54, 503.510, 4721, 503.527, 503.562, 1339, 503.554, 503.546, 4926, 503.456, 503.587, 1839.24, 6987, 1839.28, AND 503.539.

The following information is current as of September 18, 1969:

1. Case No. 747562 (now consolidated with Case No. 649466) W-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 Office of the Attorney General, in cooperation with the State Lands Division, is examining the latest draft of a proposed Decree by the City of Long Beach.

2. Case No. 903714 W-503.521
 Standard Oil Company, et al. vs. W-2400.54
 City of Carpinteria, et al.
 Los Angeles County Superior Court

(Challenge By Standard, et al. 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.)

Proposed settlement (see Calendar Item No. 28 of agenda for Commission meeting of April 28, 1969) requires revised annexation ordinance by the City of Carpinteria. This ordinance is subject to a referendum election scheduled for October 21, 1969.

3. Case No. 892295 W-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.

INFORMATIVE CALENDAR ITEM 33. (CONTD.)

4. Case No. 5 Original in the United States Supreme Court
United States vs. State of California

W-4721

(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 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.

5. Case No. 57239
White vs. State of California
Sonoma County Superior Court

W-503.527
W-503.562

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

Notice of Intended Decision by the Trial Court Against the State has been received. Attorney General's Office now in process of making State's Objections to Findings of Fact and Conclusions of Law. Kullberg vs. State of California, Sonoma County Superior Court Case No. 59532, which is related to the White case, is still on the Pretrial Calendar for September 29, 1969.

6. Case No. 48620
Alameda Conservation Association, et al. vs.
State of California, et al.
United States District Court, Northern District

W-1339
W-503.554

(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.)

No change; i.e., Awaiting scheduling for oral argument for submission to the Court for decision.

INFORMATIVE CALENDAR ITEM 33. (CONTD.)

7. Case No. LA 29534

W-503.546

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.)

No change; i.e., The Attorney General's Office is in contact with attorneys for the County of Los Angeles and the City of Long Beach regarding a possible Stipulation that the State Lands Commission may intervene in thirteen pending ad valorem cases affecting the Long Beach tidelands revenues, without opposition.

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

W-4926

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

Attorney for the Respondent filed a Notice of Motion Relating to Depositions of Controller Flournoy and Former Lieutenant Governor Finch. However, this matter was temporarily taken off calendar at the request of the Attorney General. Petitioners and the Attorney General are preparing Motions to Strike Portions of the Complaint in Intervention.

9. Case No. 283455

W-503.456

Dillon vs. Atchison, Topeka and Santa Fe Railway Company
San Diego County Superior Court

(To determine whether or not Tideland Survey No. 17 is valid, based upon Patent from the Governor of about 1871.)

Plaintiff's have filed a Notice of Appeal and Request for Preparation of Clerk's and Reporter's Transcripts.

10. Case No. 47729

W-503.587

State vs. Clyde
Solano County Superior Court

(Quiet title, filed at the request of the Commission, on Swamp and Overflow Survey No. 131, Ryer Island, Solano County.)

Still on Open Extension of Time for Responsive Pleading by Clyde. State awaiting completion of study of effect of new law in regard to new rules of evidence applying to swamp and overflow lands.

INFORMATIVE CALENDAR ITEM 33. (CONTD.)

11. Case No. 32824
People vs. William Kent Estate Company
Marin County Superior Court

W-1839.24

(Retrial of an action to abate a public nuisance (a fence erected and maintained perpendicular to the shoreline) on the Pacific Ocean side of the Bolinas Lagoon Sandspit. The case involved a judicial interpretation of the statutory phrase "Ordinary High Water Mark.")

Alternative Writ of Prohibition was issued by the Court of Appeal. Hearing scheduled for September 23, 1969, on whether or not the Writ should be made permanent.

12. Civil Case No. 144257
State of California vs. County of San Mateo, et al.
San Mateo County Superior Court

W-6987
W-1839.28

(A declaratory relief action to determine what interests were conveyed in trust to the County of San Mateo by Chapter 1857, Statutes of 1965.)

The State has filed a Response to the Petition for Leave to Intervene, consenting to the intervention provided that the Interveners are limited to the issues originally raised by the State's complaint.

13. Civil Case No. 125379 (companion case to No. 144257 above)
County of San Mateo vs. Ideal Cement Company, et al.
San Mateo County Superior Court

W-503.539

(In order to obtain uniformity of decisions, the State has filed an Answer to the Complaint. This action is a condemnation matter, brought by the County of San Mateo, concerning lands located within the aforementioned statute (Ch. 1857/65). The State contends that said lands were granted in trust to the County or, in the alternative, that the County received an easement over said lands in trust which permits the County to use the subject property for the purposes contemplated by the condemnation action.)

No change; i.e., The matter is awaiting pretrial developments.