

MINUTE ITEM

8/25/71
NB

19. PROPOSED PARTICIPATION IN LITIGATION INVOLVING ENCROACHMENTS ON TIDE AND SUBMERGED LANDS AT SANTA MONICA STATE BEACH PARK IN THE CITY OF SANTA MONICA; COUNTY OF LOS ANGELES - W. 503-510.

After consideration of Calendar Item 3 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION INFORMS THE OFFICE OF THE ATTORNEY GENERAL THAT THE COMMISSION SHOULD BE INCLUDED AS A PARTY PLAINTIFF IN ANY ACTION THAT MAY BE REQUIRED TO REMOVE ENCROACHMENTS FROM STATE-OWNED TIDE AND SUBMERGED LANDS AT SANTA MONICA BEACH STATE PARK OWNED BY THE STATE PARKS AND RECREATION DEPARTMENT AND OPERATED BY THE CITY OF SANTA MONICA, AND THAT THE OFFICE OF THE ATTORNEY GENERAL SHOULD TAKE ANY OTHER APPROPRIATE ACTION IN CONNECTION THEREWITH.

Attachment:

Calendar Item 3 (1 page)

CALENDAR ITEM

8/71
W 503.510
NB

3.

PROPOSED PARTICIPATION IN LITIGATION INVOLVING ENCROACHMENTS ON TIDE AND SUBMERGED LANDS AT SANTA MONICA STATE BEACH PARK IN THE CITY OF SANTA MONICA; COUNTY OF LOS ANGELES - W 503.510.

As a result of actions by the City of Santa Monica and at the request of the State Department of Parks and Recreation, certain land owners were ordered to remove encroachments from lands waterward of the ordinary high water mark of 1921 in the vicinity of Santa Monica State Beach Park, which line was established as a result of litigation in the case of Muchenberger v. City of Santa Monica. To counter this action, private land owners sued the City of Santa Monica, the State Department of Parks and Recreation, and the State Lands Commission. The encroachments vary greatly both in extent and nature, some being merely fences easily removed and others being more substantial improvements. The Office of the Attorney General, with the cooperation of the City of Santa Monica, the State Lands Division, and the Department of Parks and Recreation, was proceeding to get ready for trial when the Plaintiff suddenly dismissed its action against the State and the City. It is now deemed advisable for the State and City to take the initiative and to issue notices to the various persons who are encroaching on the Santa Monica Beach State Park, requiring them to remove the encroachments, and, if they do not comply, to institute legal action to quiet title and to remove the encroachments. It is the staff recommendation that if civil action is necessary against any of the landowners who do not remove the encroachments, the State Lands Commission be on record as being in favor of such legal action and of becoming a party plaintiff in that litigation.

Any action necessary would cover the area seaward of the mean high tide line of 1921, bounded to the south by a line extending west from the northerly curb of California Street in the City of Santa Monica, and bounded on the north by a line extending from the northerly curb of Montana Avenue in said City; and that area seaward of the mean high tide line of 1921, bounded to the south by a line extending west from the northerly curb of Montana Avenue in said City, and bounded on the north by the City limits of said City.

IT IS RECOMMENDED THAT THE COMMISSION INFORM THE OFFICE OF THE ATTORNEY GENERAL THAT THE COMMISSION SHOULD BE INCLUDED AS A PARTY PLAINTIFF IN ANY ACTION THAT MAY BE REQUIRED TO REMOVE ENCROACHMENTS FROM STATE-OWNED TIDE AND SUBMERGED LANDS AT SANTA MONICA BEACH STATE PARK OWNED BY THE STATE PARKS AND RECREATION DEPARTMENT AND OPERATED BY THE CITY OF SANTA MONICA, AND THAT THE OFFICE OF THE ATTORNEY GENERAL SHOULD TAKE ANY OTHER APPROPRIATE ACTION IN CONNECTION THEREWITH.