

MINUTE ITEM

This Calendar Item No. C12
was approved as Minute Item
No. 12 by the State Lands
Commission by a vote of 3
to 0 at its 6-24-76
meeting.

CALENDAR ITEM

C12.

6/76
503.659
RCH

STIPULATION FOR THE CASE OF CITY OF LONG BEACH
V. ROGER W. MULLINEX, SOC 23513, AMENDING AND
FINALIZING THE JUDGMENT PREVIOUSLY ENTERED
THEREIN AND FOR DISMISSAL OF APPEAL

In 1970, the City of Long Beach filed a complaint to quiet title of lots 5 and 6 in Block 51 of Resubdivision of Part of Alamos Bay Townsite (City of Long Beach v. Roger W. Mullinex). Pursuant to Section 6308 of the Public Resources Code, the State was named as a necessary party since (1) boundaries of granted tidelands and submerged lands were at issue, and (2) plaintiff had expended tideland trust revenues for maintenance of portions of the property as a public beach.

The above entitled action and six companion cases were consolidated for trial:

- City of Long Beach v. Hazel Hansen
- City of Long Beach v. Herberg McKim
- City of Long Beach v. William Sheehan
- City of Long Beach v. Catherine Daugherty
- City of Long Beach v. Roy Crawford
- City of Long Beach v. Robert Michael O'Meara

In the course of pretrial proceedings, the private parties admitted that the seaward boundary of their respective lots is the boundary described in Chapter 138, Statutes of 1964, 1st E.S., and abandoned their contentions of a more seaward location of said boundary. The court found that the entire Mullinex parcels, including the improved portion thereof, was subject to public recreational easement of the type described in Gion v. City of Santa Cruz, 2 Cal. 3d 29 (1970). The State had contended that said easement exists over only the unimproved portion of said parcel.

The Hansen and O'Meara cases were settled with the approval of the Commission prior to judgment being entered. The McKim, Mullinex, Daugherty, Crawford and Sheehan cases have been noticed for appeal. Dennis Pollman has been substituted as a party defendant/appellant in place of defendant/appellant Roger W. Mullinex after having purchased the Mullinex properties and having obtained an assignment of claims from Roger W. Mullinex.

After evaluation of the facts and circumstances, the City of Long Beach and Dennis Pollman have agreement to a complete compromise and settlement of the Mullinex case. The City, the State and private party will join in executing a stipulation amending and finalizing the judgment previously entered and request for dismissal of the appeal. The above referred to

A 52, 57, 58

S 21, 31

CALENDAR ITEM NO. C12.(CONTD)

stipulation provides for the existence of the Gion easement over the unimproved portions of the property only. This is consistent with the State's position and the settlements for the Hansen and O'Meara cases. Approval of the State Lands Commission for execution of the stipulation and request for dismissal is necessary since the State is a party.

Exhibit: A. Site Map.

IT IS RECOMMENDED THAT THE STATE LANDS COMMISSION AUTHORIZE THE OFFICE OF THE ATTORNEY GENERAL TO EXECUTE THE STIPULATION FOR THE CASE OF THE CITY OF LONG BEACH V. ROGER W. MULLINEX, SOC NO. 23513, AMENDING AND FINALIZING THE JUDGMENT PREVIOUSLY ENTERED THEREIN AND FOR DISMISSAL OF APPEAL AND TAKE ANY NECESSARY AND APPROPRIATE ACTION TO ACCOMPLISH THE FOREGOING.