

MINUTE ITEM

THIS IS A MINUTE ITEM
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CALENDAR ITEM

29.

COUNTY OF LOS ANGELES ET AL. V.
SHIRLEY BERK ET AL.

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Hight
Taylor
W 503.941

In March 1971, the County of Los Angeles and City of Torrance filed actions to determine the nature and extent of public prescriptive rights in certain beachfront property situated in the southerly portion of Santa Monica Bay. (County of Los Angeles v. Shirley Berk et al. and City of Torrance v. Shirley Berk, et al., Los Angeles Superior Court Civil Case No. 999,043.) The trial court found that the property was impliedly dedicated for public recreational purposes and the private parties have appealed.

Although the State was not a party, the Commission's Staff and Attorney General's Office have followed the litigation and responded to various requests of the county and city.

Public prescriptive rights, such as those found to exist in this litigation, provide access to sovereign lands under the jurisdiction of the Commission and promote the public trust purposes for which such lands are held by the State.

The private parties to this litigation are attacking the doctrine of implied dedication and are seeking to have the Gion v. City of Santa Cruz overruled. Due to the importance of the Gion decision in connection with the statewide administration of sovereign lands, it would be appropriate for the Commission to support the position of the county and city on the appeal of this matter.

IT IS RECOMMENDED THAT THE OFFICE OF THE ATTORNEY GENERAL BE AUTHORIZED TO FILE AN AMICUS CURIAE BRIEF IN SUPPORT OF THE POSITION OF THE COUNTY OF LOS ANGELES AND CITY OF TORRANCE IN THE CASES OF COUNTY OF LOS ANGELES V. SHIRLEY BERK, ET AL. (CAL. CT. OF APPEALS 2ND CIVIL NO. 45732) AND CITY OF TORRANCE V. SHIRLEY BERK (CAL. CT. OF APPEALS 2ND CIVIL NO. 45573) AND TO TAKE ALL NECESSARY ACTION IN CONNECTION THEREWITH.

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