

MINUTE ITEM:

This Calendar Item No. 37
was approved at the meeting
No. 37 by the State Lands
Commission by a vote of 3
to 0 at its 2/23/78
meeting.

CALENDAR ITEM

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SETTLEMENT OF THE CASE OF ROBERTS v. CITY OF
CARPINTERIA, ET AL., Santa Barbara County Superior
Court No. 79327

This item recommends settlement of this case by accepting and agreeing to a fixed judgment line separating private lands and public lands in the vicinity of Carpinteria State Beach. The case began in 1968 when private parties sued the City of Carpinteria to quiet title to their beach frontage properties. The State of California was joined as a party defendant pursuant to Section 6308 of the Public Resources Code because boundaries of tide and submerged lands were concerned. The State and city answered and cross-complained on the basis of implied dedication rights in the beach areas located in front of the private residences.

In 1973-74, a portion of the lawsuit covering certain parcels of the subject property was settled by stipulation and approved by the parties, including the State Lands Commission. The remaining parcels were bifurcated for purposes of trial and treated as a separate lawsuit by the parties involved. In early 1977, a stipulated interlocutory judgment was approved by the State Lands Commission as to the remaining lands. That interlocutory decree proposed a judgment line separating the public and private interests which was located substantially landward of the mean high-tide line surveyed in the area.

The proposed Final Judgment would fix the judgment line at the same position previously approved by the State Lands Commission in the interlocutory order. That judgment line is located, on the average, over 160 feet landward of the mean high-tide line. The effect of the settlement will be to quiet title by virtue of implied dedication in the public to a portion of the dry beach areas which is over 10 times the width of the area conceded to the private parties. Litigation, on the other hand, would be prolonged, costly and unpredictable in terms of the proof necessary in this case to establish an implied dedication easement.

After a thorough investigation and evaluation, the City Attorney of the City of Carpinteria recommended settlement, and the Carpinteria City Council approved settlement of the case along the same lines described above. The Attorney General's Office has concluded that this settlement is

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reasonable and prudent, and the State Lands Commission's Staff concurs. Approval by the State Lands Commission, as a joined party, would be entirely consistent with the previous interlocutory judgment and with the 1974 settlement of the other parcels.

EXHIBIT:

A. Site Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. APPROVE SETTLEMENT OF THE CASE OF ROBERTS V. CITY OF CARPINTERIA, ET AL., SANTA BARBARA COUNTY SUPERIOR COURT NO. 79327, ADOPTING THE JUDGMENT LINE PROPOSED IN THE FINAL JUDGMENT.
2. AUTHORIZE THE EXECUTIVE OFFICER AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO EXECUTE THE STIPULATION FOR FINAL JUDGMENT IN THAT CASE AND TO TAKE ANY AND ALL ACTION, NECESSARY AND APPROPRIATE, TO ACCOMPLISH THE FOREGOING.