

MINUTE ITEM

7/12/66

46. STATUS OF MAJOR LITIGATION - W.O.s 2716, 1839.16, 503.461, 2875.15, 503.479, AND 503.481.

The attached Calendar Item 45 was presented to the Commission for information only, no Commission action being required.

Attachment

Calendar Item 45 (2 pages)

CALENDAR ITEM

7/66

INFORMATIVE

45.

STATUS OF MAJOR LITIGATION - W.O.s 2716, 1839.16, 503.461, 2875.15,  
503.479, and 503.481

The following information is current as of June 27, 1966:

1. Case No. 747562 (now consolidated with Case No. 649466) W.O. 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 City of Long Beach has submitted to the office of the Attorney General a proposed Decree pursuant to the provisions of Ch. 138/64, 1st E.S. This proposed Decree has been examined by the technical staff of the State Lands Division and by the Office of the Attorney General, and suggested revisions have been conveyed to the City of Long Beach. It is anticipated that a Decree will be entered very soon.

2. Case No. 55800 W.O. 1839.16  
People vs. Monterey Sand Co., et al.  
Monterey County Superior Court

(Action for declaratory relief, damages for trespass, quiet title, accounting, and injunction. It is alleged that the Monterey Sand Company is trespassing upon tide and submerged lands owned by the State, and is removing valuable sand deposits from said lands without paying any royalty to the State.)

Interrogatories were submitted to Defendant Robert E. McDonald in late May. State has granted him until July 12, 1966, in which to answer.

3. Case No. 30417 W.O. 503.461  
City of Morro Bay vs. County of San Luis Obispo and  
State of California  
San Luis Obispo County Superior Court

(By Chapter 1076, Stats. of 1947, certain tide and submerged lands in the vicinity of Morro Bay were granted to the County of San Luis Obispo. On July 17, 1964, the City of Morro Bay was incorporated so as to include the area of the granted tidelands. The purpose of the present action is to determine whether or not the City of Morro Bay acquired title to these tide and submerged lands as successor to the County and whether the City must take immediate title to such lands or may postpone taking title to some future date.)

INFORMATIVE CALENDAR ITEM 45. (CONTD)

The State Lands Division has made files available to the City. Both Plaintiff and Defendants have served Interrogatories on each other, and each is awaiting the answer of the other.

4. Case No. 107490 W.O. 2875.15  
People vs. Pacific Fluorite Company, et al.  
San Bernardino County Superior Court

(Action (1) to eject Pacific Fluorite Co. of California (a California corporation) from Section 16, T. 17 N., R. 13 E., S.B.M., San Bernardino County; and (2) to quiet the State's title; and (3) to obtain an accounting for rents and profits -- mineral trespass.)

Trial as to issues of title was completed on June 27, 1966. Trial brief is now being prepared.

5. Case No. 160926 W.O. 503.479  
Town of Emeryville vs. The State of California  
Sacramento County Superior Court

(Action in declaratory relief to determine whether a proposed plan of development is in conformity with the trust under which tide and submerged lands were granted to the Town of Emeryville by the State of California.)

Plaintiff has served Amendment to Amended Complaint. State not required to answer until ten days after notice from Plaintiff, pending State's investigation of plan of development.

6. Case No. 21087 W.O. 503.481  
Thomas P. Railey vs. State of California  
Yolo County Superior Court

(Suit to quiet title to land adjacent to the Sacramento River.)

State has answered Complaint, and has served Interrogatories on Plaintiff. Plaintiff has until July 25, 1966, to answer the Interrogatories.