

MINUTE ITEM

8/8/66

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

Assistant Attorney General Jay L. Shavelson gave a supplemental report on Calendar Item No. 26 attached, reporting that a letter had been received from Mr. Marshall, the Solicitor General, concerning Federal claims to the one-mile belts around Anacapa and Santa Barbara Islands. The Attorney General's office is making an investigation of the Federal Government's claim, and is consulting with representatives of other concerned State agencies to see what action should be taken. There is a possibility of supplemental proceedings in the Supreme Court to test this ownership question.

Attachment

Calendar Item 26 (2 pages)

INFORMATIVE

26.

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 July 26, 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.)

State has extended time in which Defendants are to answer Interrogatories to October 12, 1966.

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 26. (CONTD.)

No change; i.e., 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 Brief as to title was submitted on July 6, 1966. Defendants' Trial Briefs have been received. The State is preparing a Trial Brief to be submitted on or before August 8, 1966.

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.)

Answer about to be filed by Attorney General's Office, pursuant to action of State Lands Commission on July 12, 1966.

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

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

No change; i.e., State has answered Complaint, and has served Interrogatories on Plaintiff. Plaintiff has until July 25, 1966, to answer the Interrogatories.