

MINUTE ITEM

3/23/67

34. STATUS OF MAJOR LITIGATION - W.O.s 2716, 1839.16, 503.461, 2875.15, 503.481, 503.513, 503.521, 503,510, AND 4721.

The attached Calendar Item 34 was presented to the Commission for information only, no Commission action being required.

Attachment

Calendar Item 34 (3 pages)

CALENDAR ITEM

3/67

INFORMATIVE

34.

STATUS OF MAJOR LITIGATION - W.O.s 2716, 1839.16, 503.461, 2875.15, 503.481, 503.513, 503.521, 503.510, AND 4721.

The following information is current as of March 9, 1967:

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)

As of March 9, 1967, the City of Long Beach reported that remittances had been approved and would be mailed to the State within the next day or two covering the following:

- (1) \$26,831.86 (principal sum of \$20,323.31 and interest of \$6,508.55), representing the State's share of dry gas revenues for the so-called Nine Channel Wells for the period January 1, 1956, through November 30, 1966;

and

- (2) \$253,927.78, representing oil revenues from harbor upland parcels that were acquired by the expenditure of trust funds, for the period from February 1, 1956, through August 31, 1964.

It will be recalled that payment to the State of oil revenue from the Nine Channel Wells in the amount of \$188,584.41 was reported at the February meeting of the Commission. It is anticipated that interest on said oil revenue in the amount of \$31,331.84 will be received at the time of the next regular remittance made by the City to the State.

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.)

Defendant has filed further answers to certain interrogatories, but as yet has filed further answers to four interrogatories as ordered by the Court.

INFORMATIVE CALENDAR ITEM 34. (CONTD.)

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.)

Settlement agreement under consideration.

4. Case No. 107490 W.O. 2875.15
People vs. Pacific Fluorite
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.)

All except one of the defendants have orally agreed to a settlement of the issues remaining in dispute. Written Stipulation for Judgment is being prepared. Efforts are continuing to reach a settlement with the remaining defendant.

5. 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., Matter under investigation.

6. Case No. 892790 W.O. 503.513
City of Los Angeles vs. City of Long Beach, et al.
Los Angeles County Superior Court.

(An action by the City of Los Angeles against the cities of Long Beach and Oakland, alleging that the said cities have violated the provisions of the State's grants of lands, in trust, within their harbor districts by entering into alleged discriminatory agreements.)

See Calendar Item No. 30.

INFORMATIVE CALENDAR ITEM 34. (CONTD.)

7. Case No. 903714 W.O. 503.521
Standard Oil Company v. City of Carpinteria, et al.
Los Angeles County Superior Court

(Challenge by Standard of the appraised value set by the State Lands Commission on the State's interest in tide and submerged lands proposed to be annexed by the City of Carpinteria.)

Hearing scheduled for March 16, 1967.

8. Case No. 892235 W.O. 503.510
Miller vs. City of Santa Monica, et al.
Los Angeles County Superior Court

(An action by private upland owners involving title to tidelands that have artificially accreted. Both the State Lands Commission and the Division of Beaches and Parks have interests to protect.)

The City and the State have not filed any Demurrer or Answer as yet. However, the City and the State have entered into a Stipulation with the Plaintiffs in lieu of a preliminary injunction. The Stipulation restrains the Plaintiffs from building in the disputed area, and restrains the City and the State from removing any improvements thereon.

9. Case No. 5 Original in the United States Supreme Court W.O. 4721
United States vs. State of California
(Relating to the location of the offshore boundaries between lands under the paramount jurisdiction of the United States and lands owned by the State, for such purposes as minerals. A Supplemental Decree was entered in this case, settling the principal controversies between the State and the United States, but reserving jurisdiction in the United States Supreme Court to settle any remaining controversies.)

Correspondence between the Office of the Attorney General and the Solicitor General of the United States indicates the possibility that further proceedings may be necessary to resolve legal questions relating to the ownership of submerged lands in the vicinity of Santa Barbara and Anacapa Islands and other submerged lands off-lying Carpinteria, California. The Commission will be kept informed of further developments in these areas.