MINUTE ITEM 1/7/70

53. STATUS OF MAJOR LITIGATION - W.O.s 2716, 503.521, 2400.54, 503.510, 4721, 503.527, 503.562, 1339, 503.554, 503.546, 4926, 503.456, 503.587, 1839.24, 6987, 1839.28, 503.539, AND 503.577.

The attached Calendar Item 55 was presented to the Commission for information only, no Commission action being required.

Attachment
Calendar Item 55 (5 pages)

55.

STATUS OF MAJOR LITIGATION - W.O.s 2716, 503.521, 2400.54, 503.510, 4721, 503.527, 503.562, 1339, 503.554, 503.546, 4926, 503.456, 503.587, 1839.24, 6987, 1839.28, 503.539, AND 503.577.

The following information is current as of December 3, 1969:

1. Case No. 747562 (now consolidated with Case No 649466) W-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 Office of the Attorney General, in cooperation with the State Lands Division is examining the latest draft of a proposed Decree by the City of Long Beach.

2. Case No. 903714 W-503.521
Standard Oil Company, et al. vs. W-2400.54
City of Carpinteria, et al.
Los Angeles County Superior Court

(Challenge by Standard, et al. 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.)

No change; i.e., Proposed settlement (see Calendar Item No. 28 of agenda for Commission meeting of April 28, 1969) requires revised annexation ordinance by the City of Carpinteria, which ordinance was upheld in a referendum election October 21, 1969.

3. Case No. 892295 W-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.)

No change; i.e., 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.

4. Case No. 5 Original in the United States Supreme Court W-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.)

No change; i.e., The State Lands Division is in correspondence with the Federal Government concerning the status of certain offshore rocks in the vicinity of Carpinteria as low-tide elevations. If these rocks are low-tide elevations, they will constitute base points for determining the seaward limits of State ownership and could substantially enlarge the extent of State ownership in this particular area.

5. Case No. 57239 W-503.527
White vs. State of California W-503.562
Sonoma County Superior Court

(Quiet title action against the State to determine a property boundary along the Petaluma River, Sonoma County.)

No change; i.e., Case now completed at the trial (Court) level, with an adverse ruling as far as the State is concerned. The Court held for the Plaintiff; i.e., that an owner's land goes to the low water mark, and that the tidelands are free of any public trust. The Attorney General's Office is preparing to appeal. In Kullberg v. State of California, Sonoma County Superior Court Case No. 59332, which is related to the White case, the Pretrial has again been postponed pending final disposition of the White case. The Attorney General's Office is discussing settlement with the Plaintiff.

6. Case No. 48620 W-1339
Alameda Conservation Association, et al. vs. W-503.554
State of California, et al.
United States District Court, Northern District.

(Action for declaratory relief and an injunction against the State of California, certain of its officers and officials, and Leslie Salt Co., seeking to invalidate the boundary settlement and exchange of lands between the State of California and Leslie Salt Co.)

No change; i.e., Awaiting scheduling for oral argument for submission to the Court for decision.

7. Case No. LA 29534 W-503.546
Atlantic Oil Company, et al. vs. County of Los Angeles, et al. and Humble Oil & Refining Company, et al. vs. City of Los Angeles
Supreme Court of the State of California

(An action by various oil companies to recover ad valorem taxes. It is anticipated that this case may constitute a significant precedent which could affect State Revenues from the Long Beach tidelands in excess of $100 million.)

No change; i.e., The Attorney General's Office is in contact with attorneys for the County of Los Angeles and the City of Long Beach regarding a possible Stipulation that the State Lands Commission may intervene in thirteen pending ad valorem cases affecting the Long Beach tidelands revenues, without opposition.

8. Case No. 4 Civil 9344 in the State Supreme Court W-4926
County of Orange, at al. vs. Heim, State of California - Real Party in Interest

(Petition for Writ of Mandate involving the legality of the Upper Newport Bay Exchange approved by the State Lands Commission.)

Petitioners and the Attorney General filed Motions to Strike Portions of the First Amended Complaint in Intervention. These Motions were argued on November 26, 1969; and on or before December 5, 1969, the Petitioners and the Attorney General will file Supplemental Points and Authorities in response to those filed by the Interveners. A Motion to set this matter for early trial is set for hearing on December 11, 1969. It is anticipated that there will be extensive discovery and other pretrial procedures within the next few weeks.

9. Case No. 283455 W-503.456
Dillon vs. Atchinson, Topeka and Santa Fe Railway Company
San Diego County Superior Court

(To determine whether or not Tideland Survey No. 17 is valid, based upon Patent from the Governor of about 1871)

No change; i.e., Plaintiffs have filed a Notice of Appeal and Request for Preparation of Clerk's and Reporter's Transcripts.

10. Case No. 47729 W-503.587
State vs. Clyde
Solano County Superior Court

(Quiet title, filed at the request of the Commission, on Swamp and Overflow Survey No. 131, Ryer Island, Solano County.)

A Motion for a Summary Judgment has been made by the Plaintiffs. The case is set for hearing on December 15, 1969.

11. Case No. 32824 W-1839.24
People vs. William Kent Estate Company
Marin County Superior Court

(Retrial of an action to abate a public nuisance (a fence erected and maintained perpendicular to the shoreline) on the Pacific Ocean side of the Bolinas Lagoon Sandspit. The case involved a judicial interpretation of the statutory phrase "Ordinary High Water Mark.")

No change; i.e., The Court of Appeal restrained the Trial Court from ordering joinder of the owner of the lot as a defendant. Unless the Court of Appear's opinion is reversed, retrial of the action will resume in the near future.

12. Civil Case No. 144257 W-6987
State of California vs. County of San Mateo, et al. W-1839.28
San Mateo County Superior Court

(A declaratory relief action to determine what interests were conveyed in trust to the County of San Mateo by Chapter 1857, Statutes of 1965.)

The Superior Court granted the Motion of the Sierra Club and the Save San Francisco Bay Association to intervene as party, subject to their limiting the issues to those raised in the State's original Complain. Further developments await completion of factual study.

13. Civil Case No. 125379 (companion case to No. 144257 above) W-503.539
County of San Mateo vs. Ideal Cement Company, et al.
San Mateo County Superior Court

(In order to obtain uniformity of decisions, the State has filed an Answer to the Complaint. This action is a condemnation matter, brought by the County of San Mateo, concerning lands located within the aforementioned statute (Ch. 1857/65). The State contends that said lands were granted in trust to the County or, in the alternative, that the County received an easement over said lands in trust which permits the County to use the subject property for the purposes contemplated by the condemnation action.)

No change; i.e., The matter is awaiting pretrial developments.

14. California State Supreme Court Case LA-29700, W-503.577
City of Long Beach vs. Mansell, et al.
(The State of California, acting by and through the State Lands Commission, is one of the real parties in interest.)

(This is an action to approve Settlement Agreements between the City, the State, and affected private parties, for the resolution of complex title problems in the Alamitos Bay area of the City of Long Beach. The purpose of the lawsuit is to test the constitutionality of the statute under which the Agreements were negotiated.)

The action was filed with the Supreme Court on November 20, 1969. The Briefs of all parties will have been filed by December 5, 1969. The matter then will be taken under advisement by the Supreme Court as to whether it will retain original jurisdiction.