

MINUTE ITEM

3/26/70

27. 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 25 was submitted to the Commission for information only, no Commission action being required.

Attachment

Calendar Item 25 (5 pages)

25.

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 March 10, 1970:

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)

FINAL REPORT: On February 27, 1970, after several years of careful study and discussions with representatives of the City of Long Beach, a proposed Decree, settling the Long Beach boundary problem and the status of the lands in litigation, was submitted to the Los Angeles County Superior Court, and was signed and filed by the Judge thereof. The entry of this Decree terminates litigation between the City and the State that commenced in 1956. The settlement of this case was authorized by Chapter 138, Statutes of 1964, 1st E.S.

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.)

FINAL REPORT: Standard Oil Company and the City of Carpinteria have reached a general accommodation on annexation matters. Revised offshore and onshore annexation boundaries have been approved, and annexations are complete. The only remaining item is a dismissal of the subject lawsuit, which Standard is preparing.

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.

INFORMATIVE CALENDAR ITEM 25. (CONTD.)

4. Case No. 5 Original in the United States Supreme Court
United States vs. State of California

W-4721

(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
White vs. State of California
Sonoma County Superior Court

W-503.527
W-503.562

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

Appeal is in progress. In Kullberg v. State of California, Sonoma County Superior Court Case No. 59332, which is related to the White case, Pretrial is set for March 16, 1970.

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

W-1339
W-503.554

(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.)

Scheduled for oral argument before the Ninth Circuit Court on April 14, 1970, in San Francisco.

INFORMATIVE CALENDAR ITEM 25. (CONTD.)

7. Case No. LA 29534
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

W-503.546

(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.)

Discussions are under way with legal representatives of the contractors involved in the Long Beach tidelands, to determine tactics in conducting litigation intended to reduce or to eliminate the ad valorem tax burden upon State revenues from these tidelands.

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

W-4926

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

On February 27, 1970, another Motion for Judgment on the Pleadings was argued before the Orange County Superior Court. This Motion was based upon a contention by the Respondent and the Interveners that an Amendatory Agreement, executed between the County and The Irvine Company subsequent to the Commission's resolution of September 1967, invalidated said resolution. The Court was informed that the Office of the Attorney General informally advised the State Lands Commission that the Amendatory Agreement did not invalidate the Commission's resolution; however, that office also stated that this was a litigable question that should be presented to the Court for determination. The Court also was informed that the Commission considers itself bound to support the resolution of September 1967 to the extent that said resolution is unaffected by the subsequent agreement. On the other hand, the Court was informed that if it should be determined that the subsequent agreement did invalidate the Commission's resolution of September 1967, the Commission would abide by said adjudication and take whatever future action required by law that is deemed to be in the best interests of the State. The Motions for Judgment on the Pleadings on this ground were denied by Judge Owens without prejudice to the right of the Respondent and Interveners to raise this issue at the time of trial.

INFORMATIVE CALENDAR ITEM 25. (CONTD.)

9. Case No. 283455
Dillon vs. Atchison, Topeka and Santa Fe Railway Company
San Diego County Superior Court

W-503.456

(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
State vs. Clyde
Solano County Superior Court

W-503.587

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

Proposed Findings of Fact, Conclusions of Law, and Judgment have been filed. The State Attorney General's Office is discussing modifications of the property description. Pending the outcome of those discussions, it is anticipated that the Judgment will be entered.

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

W-1829.24

(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., Retrial is scheduled to resume on May 11, 1970.

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

W-6987
W-1839.28

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

No change; i.e., 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 Complaint. Further developments await completion of factual study.

INFORMATIVE CALENDAR ITEM 25. (CONTD.)

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 decision, 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.)

To be argued before the Supreme Court on April 7, 1970, in Los Angeles. Application for Leave to Intervene has been filed by certain Long Beach property owners, and opposition to their intervention is being prepared.