MINUTE ITEM 10/22/70

28. STATUS OF MAJOR LITIGATION - W.O.s 503.510, 4721, 503.527, 503.562, 1339, 503.554, 503.546, 4926, 503.456, 1839.24, 6987, 1839.28, 503.539, 503.577, 503.569, 503.610, AND 503.641.

The attached Calendar Item 27 was submitted to the Commission for information only, no Commission action being required.

Attachment:
Calendar Item 27 (4 pages)

27.

STATUS OF MAJOR LITIGATION - W.O.s 503.510, 4721, 503.527, 503.562, 1339, 503.554, 503.546, 4926, 503.456, 1839.24, 6987, 1839.28, 503.539, 503.577, 503.569, 503.610, AND 503.641.

The following information is current as of October 1, 1970:

1. 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.

2. 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 Federal Government intends to undertake certain regulatory activity in the Channel Islands National Monument area within one mile of Anacapa and Santa Barbara Islands. The State has been assured that this action is not intended to prejudice in any way the State's claim that the existence of said monument in 1953 excluded areas in question from the lands conveyed to the State under the Submerged Lands Act of 1953. The Attorney General and staff are considering this matter.

3. Case No. 57239 W-503.527 W-503.562
White vs. State of California
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., Still before the District Court of Appeals in San Francisco. Appellant's Briefs are in. Awaiting Respondent's (White's) Brief.

4. 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., The matter was argued before the United States Court of Appeals for the Ninth Circuit in San Francisco on April 14, 1970. The matter is now submitted, and we are awaiting a decision.

5 Case No. LA 29534 W-503.546
Atlantic Oil Company, et al. vs. County of Los Angeles, et al. and Humble Oil and 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 parties to the pending ad valorem tax litigation are in the process of amending their pleadings and taking the procedural steps necessary to an early activation of this litigation.

6. Case No. 4 Civil 9344 in the State Supreme Court W-4525
County of Orange, et 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.)

The Trial Brief of Respondent and the Intervenors was received by the Office of the Attorney General on September 30, 1970. The Attorney General's Trial Brief on behalf of the State Lands Commission is due on November 3, 1970. A Decision by the Trial Court may be expected sometime in December 1970.

7. Case No. 283455 W-503.456
Dillon vs. Atchison, 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.

8. 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., Plaintiff has filed and served the Trial Brief.

9. 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.)

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.

10. 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., Stipulation has been signed by all parties, continuing any further proceedings in the case until there is a resolution of the issues presented in State of California vs. County of San Mateo, et al., Case No. 144257 (see No. 9 above).

11. 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.)

No change; i.e., Stipulation augmenting the record to include extension of time for the effectiveness of the agreements filed and the record ordered augmented. Awaiting decision of the Court on the record as augmented.

12. Case No. SOC 21023 W-503.~~509~~ 609
City of Long Beach vs. Radford, et al.
Los Angeles County Superior Court
and
Case No. 171042 W-503.610
City of Long Beach vs. Matthews, et al.
Orange County Superior Court (transferred from Los Angeles County Superior Court)

(These are two condemnation actions filed by the City of Long Beach to obtain title to parcels of property lying between Ocean Boulevard in Long Beach and the public beach, as a part of the City's over-all acquisition program to obtain substantially all waterfront property in public ownership. The State of California has been named as a defendent because the seaward boundary of the affected parcels may be the landward boundary of sovereign lands granted by the State to the City of Long Beach in trust.)

In the Radford case; No change; i.e., The State has been ordered to answer further Interrogatories on or before November 1, 1970.

In the Matthews case; The State has Stipulated to Give Further Answers before November 2, 1970.

13. Case No. 838005 W-503.641
Union Pacific Railroad Company, et al. vs. City of Long Beach
Los Angeles County Superior Court

(Suit attacking the City of Long Beach business license tax for oil production. That portion of the ordinance providing for revenues from unitized tideland operations was declared unconstitutional.)

No change; i.e., Opening Briefs due October 29, 1970.