MINUTE ITEM

10/25/73
PJF

23. AUTHORIZATION TO ENTER INTO A STIPULATION FOR ENTRY OF JUDGMENT CONCERNING THE BOUNDARY BETWEEN SOVEREIGN LANDS IN THE CITY OF LONG BEACH, LOS ANGELES COUNTY, SAID ACTION BEING ENTITLED CITY OF LONG BEACH V. RONALD HEATH, ET AL., LOS ANGELES COUNTY SUPERIOR COURT NO. SOC-23516 - W 503.658.

After consideration of Calendar Item 23 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION:

1. AUTHORIZES THE ATTORNEY GENERAL AND THE EXECUTIVE OFFICER ON BEHALF OF THE STATE TO EXECUTE A STIPULATION FOR ENTRY OF JUDGMENT IN THE CASE OF CITY OF LONG BEACH V. RONALD HEATH, ET AL., LOS ANGELES COUNTY SUPERIOR COURT NO. SOC-23516 WHEREBY THE LINE DESCRIBED IN SECTION 7 OF CHAPTER 138, CALIFORNIA STATUTES OF 1964, FIRST EXTRAORDINARY SESSION, WILL BE ESTABLISHED AS THE PERMANENT AND FIXED BOUNDARY LINE BETWEEN THE PRIVATELY-OWNED UPLANDS AND SOVEREIGN LANDS OF THE STATE OF CALIFORNIA HELD IN TRUST BY THE CITY OF LONG BEACH.

2. AUTHORIZES THE OFFICE OF THE ATTORNEY GENERAL AND THE EXECUTIVE OFFICER TO TAKE ANY ACTIONS NECESSARY TO EFFECT THE JUDGMENT.

Attachment:
Calendar Item 23 (2 pages)

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CALENDAR ITEM

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23.

AUTHORIZATION TO ENTER INTO A STIPULATION FOR ENTRY OF JUDGMENT CONCERNING THE BOUNDARY BETWEEN SOVEREIGN LANDS IN THE CITY OF LONG BEACH, LOS ANGELES COUNTY, SAID ACTION BEING ENTITLED CITY OF LONG BEACH V. RONALD HEATH, ET AL., LOS ANGELES COUNTY SUPERIOR COURT NO. SOC-23516

The above quiet title action was filed on August 5, 1970, by the City of Long Beach against Ronald W. Heath and Olivia Heath. Consolidated with this action are seven other similar law suits involving adjacent or nearby property. The State of California was named as defendant in all these actions on the following grounds:

1. That the actions involve title and boundaries of the Long Beach tidelands so that the State was a necessary party under Public Resources Code Section 6308.

2. That by virtue of the City's having expended tideland trust revenues for maintenance of all or portions of the real property, the State has some interest therein as a beneficiary of said tideland trust.

The main issues in this litigation were (1) the location of the ordinary high water mark as it last existed in a state of nature and (2) whether defendant's land was subject to implied dedication by reason of prolonged public use of said lands for beach and recreation purposes. By its answer in these actions, the State took the position that the true boundary line of the Long Beach tidelands in this area was the line described in Chapter 138, Statutes of 1964, 1st Extraordinary Session. The State also concurred in the City's allegations that the public had acquired an interest in the subject lands by implied dedication, arising out of the maintenance of the lands by expenditures of tideland trust monies and prolonged use thereof by the public.

The proposed stipulation for judgment would settle one of the eight consolidated cases and would establish the Chapter 138 line as the landward boundary of the Long Beach tidelands fronting the lands in litigation in this case. The Chapter 138 line has been recognized and agreed to by said City of Long Beach and the State as the boundary between privately-owned uplands and tide and submerged lands. The case of City of Long Beach v. Radford, dealing with adjacent property, has already been litigated on these same points and the court reaffirmed the Chapter 138 line while finding a public recreational easement over defendant's land due to implied dedication.

Defendants Heath will cause to be executed and delivered to the City a valid counterpart to the Alamitos Bay Boundary Line Agreement No. 3 whereby the defendants waive any interest to all property lying southerly or seaward of the Chapter 138 line. Heath will also execute and deliver to the City a grant deed which will settle all property rights between the City and Heath.

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This deed gives to the City that property lying between the Chapter 138 line on the south, and a line on the north lying 125 feet southerly of and parallel to the south line of Ocean Boulevard. However, as to this property Heath will retain reserved rights to all minerals lying more than 500 feet below the surface while the City will agree not to use this property for permanent improvements. The City will also agree that the property which it acquires will be subject to a public recreational easement.

The Division and the Attorney General's Office believe that the proposed stipulation for judgment is in the best interest of the State and the City and that through this stipulation for judgment, the public's interest in the beach and the tidelands has best been served.

EXHIBITS: A. Location Map. B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE THE ATTORNEY GENERAL AND THE EXECUTIVE OFFICER ON BEHALF OF THE STATE TO EXECUTE A STIPULATION FOR ENTRY OF JUDGMENT IN THE CASE OF CITY OF LONG BEACH V. RONALD HEATH, ET AL., LOS ANGELES COUNTY SUPERIOR COURT NO. SOC-23516 WHEREBY THE LINE DESCRIBED IN SECTION 7 OF CHAPTER 138, CALIFORNIA STATUTES OF 1964, FIRST EXTRAORDINARY SESSION, WILL BE ESTABLISHED AS THE PERMANENT AND FIXED BOUNDARY LINE BETWEEN THE PRIVATELY-OWNED UPLANDS AND SOVEREIGN LANDS OF THE STATE OF CALIFORNIA HELD IN TRUST BY THE CITY OF LONG BEACH.

2. AUTHORIZE THE OFFICE OF THE ATTORNEY GENERAL AND THE EXECUTIVE OFFICER TO TAKE ANY ACTIONS NECESSARY TO EFFECT THE JUDGMENT.