This Calendar Item No. 41 was approved [illegible] the 41 by the State Lands Commission by a vote of 2 to 0 at its 10/28/76 meeting.

MINUTE ITEM

10/28/76
DBJ

41. JUDGMENT IN SETTLEMENT OF A QUIET TITLE ACTION - W 503.556.

During consideration of Calendar Item 41, attached, Mr. Robert C. Hight, Chief Counsel, explained the item.

Upon motion duly made and carried Calendar Item 41, was approved approved as presented by a vote of 2-0.

Attachment: Calendar Item 41 (1 page)

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CALENDAR ITEM

10/76
W 503.556
DBJ

41.

JUDGMENT IN SETTLEMENT OF A QUIET TITLE ACTION

The above quiet title action was filed in 1968 against the City of Carpinteria to quiet title to a portion of the beach within the city limits to Carpinteria. The city filed a cross-complaint seeking to quiet title to the parcels in question and named the State as a necessary party, pursuant to Section 6308 of the Public Resources Code, due to any possible tideland interests involved in the suit. Later investigation proved that no tidelands were the subject of the suit, but the State remained a party due to the public interest in beach protection.

In April 1973, pursuant to stipulation, a judgment was entered establishing a judgment line for most of the property. The proposed stipulation for interlocutory judgment establishes a judgment line for the remainder of the property. The proposed judgment line is located landward of the line of mean high tide of the Pacific Ocean and is slightly landward of the extension of the 1973 judgment line. In all other respects, the judgment does not purport to determine the line of mean high tide. As in the 1973 judgment, this proposed judgment would resolve the issue of implied dedication of the beach in the subject area by describing the line at which the exclusive rights of the upland private property end and the rights of the public begin. The stipulation for interlocutory judgment includes a contingency that if the plan is not approved by all necessary government agencies, the interlocutory judgment may be set aside.

The Division's staff 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 interest in beach protection has best been served.

EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE ATTORNEY GENERAL AND EXECUTIVE OFFICER OF THE STATE LANDS COMMISSION TO EXECUTE A STIPULATION FOR INTERLOCUTORY JUDGMENT IN GLENN ROBERTS V. CITY OF CARPINTERIA, SUPERIOR COURT, SANTA BARBARA COUNTY, NO. 79327, WHEREBY THE LINE BETWEEN THE PUBLIC AND PRIVATE BEACH IS ESTABLISHED.

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