

MINUTE ITEM

This Calendar Item No. 47
was approved as Minute Item
No. 47 by the State Lands
Commission by a vote of 2
0 at its 12-16-80
meeting.

CALENDAR ITEM

47

12/80
W 503.990
Fossum
Berger

AMIGOS DE BOLSA CHICA ET AL.
v.
SIGNAL PROPERTIES, INC., ET AL.

EXPLANATION:

The Amigos de Bolsa Chica brought this action against Signal Properties, Fish and Game and the State Lands Commission. The most significant aspect of the lawsuit involves a challenge to the 1973 Bolsa Chica Boundary Settlement and Exchange Agreement, and related causes of action. The State's demurrers to those causes of action were upheld in the trial court, and those issues are now pending on appeal.

Thereafter, the Amigos filed a Third Amended Complaint in the Trial Court. This Complaint contains three causes of action: Two assert that the activities of Fish and Game in Bolsa Chica violate the Coastal Act. The third cause of action requests declaratory relief interpreting the 1973 Agreement which is up on appeal.

Recently, the Amigos approached the other parties regarding a proposal to dismiss their Third Amended Complaint involving these three causes of action, without prejudice, if each side would bear its own costs. The State's present costs on this Third Amended Complaint are zero. Counsel for the private defendants and State agreed to the proposal in light of no costs and the desire to simplify the issues and to avoid duplicative effort. It was necessary to execute a Stipulation of Dismissal prior to the Commission meeting to take the State's demurrer to the Third Cause of Action off calendar.

IT IS RECOMMENDED THAT THE COMMISSION RATIFY THE STIPULATION AGREEING TO DISMISSAL OF THE TRIAL COURT ACTION OF AMIGOS DE BOLSA CHICA, ET AL. V. SIGNAL PROPERTIES, ET AL., ORANGE COUNTY SUPERIOR COURT NO. 30-49-15.

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