

MINUTE ITEM

5/26/66

42. STATUS OF MAJOR LITIGATION - W.O.s 2716, 1839.16, 503.461, 2875.15, 503.479, AND 503.481.

The attached Informative Calendar Item 40 was presented to the Commission for information only, no Commission action being required.

Attachment

Calendar Item 40 (2 pages)

## INFORMATIVE

40.

STATUS OF MAJOR LITIGATION - W.O.s 2716, 1839.16, 503.461, 2875.15, 503.479,  
and 503.481

The following information is current as of May 13, 1966:

1. Case No. 747562 (now consolidated with Case No. 649466) W.O. 2716  
People vs. City of Long Beach, et al.  
Los Angeles County Superior Court  
(Long Beach Boundary Determination, Chapter 2000/57)

No change; i.e., The City of Long Beach has submitted to the office of the Attorney General a proposed Decree pursuant to the provisions of Ch. 138/64, 1st E.S. This proposed Decree has been examined by the technical staff of the State Lands Division and by the Office of the Attorney General, and suggested revisions have been conveyed to the City of Long Beach. It is anticipated that a Decree will be entered very soon.

2. Case No. 55800 W.O. 1839.16  
People vs. Monterey Sand Co., et al.  
Monterey County Superior Court

(Action for declaratory relief, damages for trespass, quiet title, accounting, and injunction. It is alleged that the Monterey Sand Company is trespassing upon tide and submerged lands owned by the State, and is removing valuable sand deposits from said lands without paying any royalty to the State.)

Interrogatories to be answered by Defendant Robert E. McDonald are being prepared for filing and submission within the next week.

3. Case No. 30417 W.O. 503.461  
City of Morro Bay vs. County of San Luis Obispo and  
State of California  
San Luis Obispo County Superior Court

(By Chapter 1076, Stats. of 1947, certain tide and submerged lands in the vicinity of Morro Bay were granted to the County of San Luis Obispo. On July 17, 1964, the City of Morro Bay was incorporated so as to include the area of the granted tide-lands. The purpose of the present action is to determine whether or not the City of Morro Bay acquired title to these tide and submerged lands as successor to the County and whether the City must take immediate title to such lands or may postpone taking title to some future date.)

The State Lands Division has made files available to the City.

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4. Case No. 107490 W.O. 2875.15  
People vs. Pacific Fluorite Company, et al.  
San Bernardino County Superior Court

(Action (1) to eject Pacific Fluorite Co. of California (a California corporation) from Section 16, T. 17 N., R. 13 E., S.B.M., San Bernardino County; and (2) to quiet the State's title; and (3) to obtain an accounting for rents and profits -- mineral trespass.)

Trial is scheduled to commence on May 31, 1966.

5. Case No. 160926 W.O. 503.479  
Town of Emeryville vs. The State of California  
Sacramento County Superior Court

(Action in declaratory relief to determine whether a proposed plan of development is in conformity with the trust under which tide and submerged lands were granted to the Town of Emeryville by the State of California.)

Demurrer was heard April 27, 1966, and sustained. Emeryville allowed thirty days to amend complaint.

6. Case No. 21087 W.O. 503.481  
Thomas P. Raley vs. State of California  
Yolo County Superior Court

(Suit to quiet title to land adjacent to the Sacramento River.)

Demurrer to complaint argued May 10, 1966. Submitted for decision.