

MINUTE ITEM

9/26/68

29. STATUS OF MAJOR LITIGATION - W.O.s 2716, 503.461, 503.481, 503.521, 503.510, 4721, 503.527, 1339, 503.554, 5200.400V, 503.557, 5825, AND 4926.

The attached Calendar Item 28 was presented to the Commission for information only, no Commission action being required.

Attachment

Calendar Item 28 (4 pages)

STATUS OF MAJOR LITIGATION - W.O.s 2716, 503.461, 503.481, 503.521, 503.510, 4721, 503.527, 1339, 503.554, 5200.400V, 503.557, 5825, and 4926.

The following information is current as of September 11, 1968:

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 is being contacted by the Attorney General's Office to urge them to obtain the necessary information so that this matter may be moved along more quickly than in the past.

2. Case No. 50417 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.)

All unnecessary parties have been dismissed and the parties have stipulated that any judge may act as judge at the trial. State is now awaiting the trial date.

3. 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.)

No change; i.e., Settlement conference has been held to review respective appraisals, and revised settlement proposal is under review.

INFORMATIVE CALENDAR ITEM 28. (CONTD.)

4. Case No. 903714 W.O. 503.521
Standard Oil Company v. City of Carpinteria, et al.
Los Angeles County Superior Court

(Challenge by Standard of the appraised value set by the State Lands Commission on the State's interest in tide and submerged lands proposed to be annexed by the City of Carpinteria.)

No change; i.e., Parties are preparing a Stipulation of Facts to be used at the trial, date of which has not yet been set.

5. Case No. 892295 W.O. 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.

6. Case No. 5 Original in the United States Supreme Court W.O. 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 Solicitor General of the United States and the Solicitor for the Department of the Interior were notified of oil-and-gas lease offers adjacent to Carpinteria, and indicated no objection thereto.

7. Case No. 57239 W.O. 503.527
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., Pre-trial conference was held June 17, 1968. A tentative date for trial has been set for the week September 23, 1968. It is estimated that the trial will take about two days.

INFORMATIVE CALENDAR ITEM 28. (CONTD.)

8. Case No. 48620 W.O. 1339
Alameda Conservation Association, et al. vs. W.O. 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., Notice of Appeal has been filed by the Alameda Conservation Association in the U.S. Court of Appeals for the Ninth Circuit.

9. Case No. LA 29534 W.O. 5200.400V
Atlantic Oil Company, et al. vs. County of Los Angeles, et al.,
and Humble Oil & 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.)

Oral argument in the State Supreme Court is anticipated for the week of October 14, 1968, and it is anticipated that the Attorney General will be granted a brief amount of time to make an oral presentation.

10. Case No. 926809 W.O. 503.557
The Metropolitan Water District of Southern California W.O. 5825
vs. Norris
Los Angeles County Superior Court

(A Petition for Writ of Mandate and Complaint for Declaratory Relief was filed on February 16, 1968, naming the State Lands Commission as one of the real parties in interest. The main issues in this litigation are the constitutionality of Chapter 1520, Statutes of 1967, and the legal propriety of certain agreements entered into pursuant to that statute. This concerns a nuclear desalting and electrical plant that may involve capital expenditures of over \$750 million, as well as important questions as to the Legislature's authority over tide and submerged lands.)

Due to technical difficulties and a great increase in anticipated costs, it appears that this project may have become unfeasible. Therefore, a dismissal of this action is anticipated as a possibility in the near future.

INFORMATIVE CALENDAR ITEM 28. (CONTD.)

11. Case No. 4 Civil 9344 in the State Supreme Court
County of Orange, et al. vs. Heim, State of California--
Real Party in Interest

W.O. 4926

(Petition for Writ of Mandate involving the legality of the
Upper Newport Bay Exchange approved by the State Lands
Commission.)

No change; i.e., The Petition for Writ of Mandate was filed
in the State Supreme Court on June 24, 1968, and remanded to
the Court of Appeals of the Fourth Appellate District on July
3, 1968. The Petition for Writ of Mandate was denied without
prejudice by the District Court of Appeals. It is anticipated that
the County of Orange will file its petition with the Superior
Court in the near future.