

MINUTE ITEM

47. STATUS OF MAJOR LITIGATION - W.O.s 2716, 503.481, 503.521, 2400.54, 503.510, 4721, 503.527, 1339, 503.554, 503.546, 4926, 503.456, 1839.24, 6987, 1839.28, 503.587, AND 503.539.

The attached Calendar Item 46 was presented to the Commission for information only, no Commission action being required.

Attachment

Calendar Item 46 (4 pages)

46.

STATUS OF MAJOR LITIGATION - W.O.s 2716, 503.481, 503.521, 2400.54, 503.510, 4721, 503.527, 1339, 503.554, 503.546, 4926, 503.456, 1839.24, 6987, 1839.28, 503.587 AND 503.539.

The following information is current as of May 19, 1969:

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., Progress is being made towards the preparation of a final decision, and the Attorney General's Office is hopeful that a proposed Decree may be presented to the Court in the near future.

2. 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., Awaiting title insurance to have Judgment entered.

3. Case No. 903714 W.O. 503.521
Standard Oil Company, et al vs. W.O. 2400.54
City of Carpinteria, et al
Los Angeles County Superior Court

(Challenge by Standard, et al 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.)

See Calendar Item No. 28 of agenda for Commission meeting of April 28, 1969.

4. 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 tide-lands 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.

INFORMATIVE CALENDAR ITEM 46. (CONTD.)

5. Case No. 5 Original in the United States Supreme Court
United States vs. State of California

W.O. 4721

(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 State Lands Division is in correspondence with the Federal Government concerning the status of certain offshore rocks in the vicinity of Carpinteria as low-tide elevations. If these rocks are low-tide elevations, they will constitute base points for determining the seaward limits of State ownership and could substantially enlarge the extent of State ownership in this particular area.

6. Case No. 57239
White vs. State of California
Sonoma County Superior Court

W.O. 503.527

(Quiet title action against the State to determine a property boundary along the Petaluma River, Sonoma County.)

Case was argued before the Trial Court on April 14, 1969. Still awaiting a decision. In Kullberg vs. State of California, Sonoma County Superior Court Case No. 59332, which is related to the White case, Pretrial is set for Monday, May 19, 1969, at 2:00 p.m.

7. Case No. 48620
Alameda Conservation Association, et al vs.
State of California, et al
United States District Court, Northern District

W.O. 1339
W.O. 503.554

(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.)

Awaiting scheduling for oral argument for submission to the Court for decision.

INFORMATIVE CALENDAR ITEM 46. (CONTD.)

8. Case No. LA 29534 W.O. 503.546
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.)

The Attorney General's Office is in contact with attorneys for the County of Los Angeles and the City of Long Beach regarding a possible Stipulation that the State Lands Commission may intervene in thirteen pending ad valorem cases affecting the Long Beach tidelands revenues, without opposition.

9. Case No. 4 Civil 9344 in the State Supreme Court W.O. 4926
County of Orange, et al vs. Heim, State of California -
Real Party in Interest

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

There have been two hearings during the past month, one in which the Orange County Superior Court permitted intervention by certain private citizens on the side of the Respondent (i.e., against the County of Orange and the State Lands Commission), and another in which the Respondent's Motion to Introduce Evidence was granted. Proceedings to select a single judge to hear all aspects of the case are contemplated in the near future.

10. Case No. 283455 W.O. 503.456
Dillon vs. Atchison, Topeka and Santa Fe Railway Company
San Diego County Superior Court

(To determine whether or not Tideland Survey No. 17 is valid, based upon Patent from the Governor of about 1871.)

At the conclusion of the trial on May 14, 1969, the Court ruled in favor of the State of California and the San Diego Unified Port District. The Court's decision was based on its finding that the subject tidelands were located within two miles of a "town or village" on April 4, 1871, and thus were withheld from sale by the State to private parties.

11. Case No. 47729 W.O. 503.587
State vs. Clyde
Solano County Superior Court

(Quiet title, filed at the request of the Commission, on Swamp and Overflow Survey No. 131, Ryer Island, Solano County.)

All parties have been served. Time is running against all parties for their responsive pleadings. The Attorney General's Office has received several requests for extensions of time in which to reply.

INFORMATIVE CALENDAR ITEM 46. (CONTD.)

12. Case No. 32824

W.O. 1839.24

People vs. William Kent Estate Company
Marin County Superior Court

(Retrial of an action to abate a public nuisance (a fence erected and maintained perpendicular to the shoreline) on the Pacific Ocean side of the Bolinas Lagoon Sandspit. The case involved a judicial interpretation of the statutory phrase "Ordinary High Water Mark.")

Trial is set to commence on July 7, 1969.

13. Civil Case No. 144257

W.O. 6987

W.O. 1839.28

State of California vs. County of San Mateo, et al
San Mateo County Superior Court

(A declaratory relief action to determine what interests were conveyed in trust to the County of San Mateo by Chapter 1857, Statutes of 1965.)

The Complaint has been filed, and the Attorney General's Office is in the process of serving the numerous defendants. The Save San Francisco Bay Association and the Sierra Club, as of May 19, 1969, filed a Notice of Motion to Intervene.

14. Civil Case No. 125379 (companion case to No. 144257 above)

W.O. 503.539

County of San Mateo vs. Ideal Cement Company, et al
San Mateo County Superior Court

(In order to obtain uniformity of decisions, the State has filed an Answer to the Complaint. This action is a condemnation matter, brought by the County of San Mateo, concerning lands located within the aforementioned statute (Ch.1857/65). The State contends that said lands were granted in trust to the County or, in the alternative, that the County received an easement over said lands in trust which permits the County to use the subject property for the purposes contemplated by the condemnation action.)

The matter is awaiting pretrial developments.