

MINUTE ITEM

This Calendar Item No. 24
was approved as Minute Item
No. 24 by the State Lands
Commission by a vote of 3
to 0 at its 10/27/77
meeting.

CALENDAR ITEM

24.

10/77
W 503.823
G 13-02
Judson

QUIET TITLE ACTION
CITY OF MORRO BAY

In February of 1977, the State Lands Commission joined with the City of Morro Bay in filing an action to quiet title to a portion of State tidelands granted in trust to the City of Morro Bay. The purpose of the litigation was to establish the location of the landward boundaries of such tidelands as well as to preserve public access to and use and enjoyment of the tidelands.

The City of Morro Bay, through a resolution adopted by the City Council on June 13, 1977, has resolved to initiate further litigation in quiet title with respect to 10 additional upland parcels with encroachments upon the same general portion of tidelands held in trust by the City and included in the previous litigation. The City has requested the State Lands Commission to join with it, as before, as a party plaintiff in such litigation.

The site of the quiet title action is within the tide and submerged lands in the vicinity of Morro Bay granted by Chapter 1076, Statutes of 1947 (Amended - Chapter 1874, Statutes of 1957), as shown on "Map of the Grant to County of San Luis Obispo" prepared and approved by the State Lands Commission September 13, 1957, and recorded September 12, 1958, in Book 1 of Miscellaneous Maps, Page 2, in the records of the County Recorder of San Luis Obispo County.

According to staff of the Attorney General and of the State Lands Division, any litigation would involve the correctness of the map prepared and approved by the State Lands Commission. In this instance the State shares a common interest with the City in establishing the location of the boundaries and preserving public access, and should join as a necessary party plaintiff rather than as defendant. Under Public Resources Code 6301, all jurisdiction and authority remaining in the State concerning lands which have been granted in trust vests with State Lands Commission.

EXHIBIT: A. Site Map.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE STAFF OF THE STATE LANDS DIVISION AND/OR THE OFFICE OF THE ATTORNEY

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CALENDAR ITEM NO. 24. (CONTD)

GENERAL TO REPRESENT THE STATE OF CALIFORNIA, STATE LANDS COMMISSION, AS PLAINTIFF WITH CITY OF MORRO BAY IN INITIATING QUIET TITLE ACTION AND SUCH OTHER LEGAL ACTION OR PROCEDURES, AS MAY BE APPROPRIATE AND NECESSARY, TO PROTECT THE PUBLIC INTEREST IN STATE TIDE AND SUBMERGED LANDS GRANTED IN TRUST, AS REQUESTED BY THE MORRO BAY CITY COUNCIL IN RESOLUTION NO. 55-77, DATED JUNE 13, 1977.