

MINUTE ITEM

This Calendar Item No. 45
was approved as Minute Item
No. 45 by the State Lands
Commission by a vote of 3
to 0 at its 10/28/82
meeting.

CALENDAR ITEM

45

10/28/82
W 503.1236
Grimes
Stevenson
Rusconi
G04-02

CITY OF EUREKA...
v. STATE OF CALIFORNIA, ET AL.
(SUPERIOR COURT OF CALIFORNIA,
COUNTY OF HUMBOLDT)

On September 1, 1982, the City of Eureka filed an amended complaint in eminent domain to acquire land for a wastewater treatment plant. A portion of the property condemned is owned by private parties. The remainder is sovereign property held in trust by either the City of Eureka or the Humboldt Bay Harbor Recreation and Conservation District through legislative grants in Chapter 1086, Statutes of 1970 (and its predecessor enactments) or Chapter 1283, Statutes of 1970. Several private parties claim title to the sovereign property and have granted oil and/or gas leases in it. These private parties also claim title to adjoining sovereign property.

Certain minerals including oil and gas were reserved to the State in both statutory grants mentioned above. The purpose of this calendar item is to authorize the staff of the Commission and the Office of the Attorney General to file an answer and cross complaint in this lawsuit and to otherwise assert the reserved mineral rights of the State of California in the condemned land. The State may also be required to assert its mineral interest in property adjoining the condemned land.

AB 884: N/A.

EXHIBITS: A. Site Map.

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CALENDAR ITEM NO. 45 (CONTD)

IT IS RECOMMENDED THAT THE COMMISSION:

1. AUTHORIZE THE STAFF OF THE STATE LANDS COMMISSION AND THE OFFICE OF THE ATTORNEY GENERAL TO FILE AN ANSWER AND CROSS COMPLAINT AND TO OTHERWISE ASSERT THE MINERAL INTERESTS OF THE STATE OF CALIFORNIA IN THE PROPERTY CONDEMNED IN THE CITY OF EUREKA... V. STATE OF CALIFORNIA, ET AL. (SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT, NO. 69966) AND IN ADJOINING PROPERTY CLAIMED BY PRIVATE PARTIES.

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