

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 3-25-76
meeting.

MINUTE ITEM

3/25/76
RSII

45. QUIET TITLE ACTION; CITY OF MORRO BAY, SAN LUIS OBISPO
COUNTY - G13-02.

After consideration of Calendar Item 45 attached, and upon
motion duly made and carried, the following resolution was
adopted:

THE COMMISSION AUTHORIZES THE STAFF OF THE STATE LANDS
DIVISION AND/OR THE OFFICE OF THE ATTORNEY 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. 10-76, DATED
FEBRUARY 9, 1976.

Attachment:

Calendar Item 45 (1 page)

QUIET TITLE ACTION --
CITY OF MORRO BAY

On February 9, 1976, the City of Morro Bay authorized initiation of a quiet title action on a portion of State tidelands held in trust by the City as successor in interest to the County of San Luis Obispo. In its resolution the City of Morro Bay requested that the State of California join with the City as party plaintiff to establish the location of the landward boundaries of such tidelands and to preserve public access to, and use and enjoyment, of such tidelands. The portion in question is in the area south of South Street and is especially significant because of its proximity to the City's boat-launching facility.

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: Site Map.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE STAFF OF THE STATE LANDS DIVISION AND/OR THE OFFICE OF THE ATTORNEY 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. 10-76, DATED FEBRUARY 9, 1976.