

MINUTE ITEM

36. ACTION AGAINST CORONADO BEACH, INC., SAN DIEGO COUNTY - W.O. 3651.

After consideration of Calendar Item 34 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO INFORM THE OFFICE OF THE ATTORNEY GENERAL OF CONCURRENCE WITH THE RECOMMENDATION THAT NO APPEAL BE TAKEN FROM THE DECISION OF THE TRIAL COURT IN THE MATTER OF STATE V. CORONADO BEACH, INC., SAN DIEGO SUPERIOR COURT CASE NO. 251089.

Attachment

Calendar Item 34 (1 page)

CALENDAR ITEM

34.

ACTION AGAINST CORONADO BEACH, INC., SAN DIEGO COUNTY - W.O. 3651.

On October 27, 1960 (Minute Item 22, pages 6410-11), the Commission authorized the Executive Officer to take necessary action to affirm the State's sovereign ownership of accreted lands waterward of the ordinary high water mark established by a Commission survey of June 1941, bounding uplands owned by Coronado Beach, Inc., on the ocean side of Silver Strand, San Diego County.

The matter was referred to the office of the Attorney General to file an action against Coronado Beach, Inc. In the trial both litigants relied substantially on the opinion of expert witnesses. The judge personally viewed the premises. The evidence was in conflict--experts for the State stated that the accreted lands were formed artificially; the defendant's experts testified that the accreted land was formed naturally. The decision of the trial court was in favor of the defendant, Coronado Beach, Inc. A motion for new trial was made, argued and denied. It is the opinion of the office of the Attorney General that the judgment is supported by substantial evidence, that no error adverse to the State occurred during the trial, and, accordingly, no merit can properly be urged in support of appellate review, and therefore no appeal should be taken.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE EXECUTIVE OFFICER TO INFORM THE OFFICE OF THE ATTORNEY GENERAL OF CONCURRENCE WITH THE RECOMMENDATION THAT NO APPEAL BE TAKEN FROM THE DECISION OF THE TRIAL COURT IN THE MATTER OF STATE V. CORONADO BEACH, INC., SAN DIEGO SUPERIOR COURT CASE NO. 251089.