

MINUTE ITEM

28. STATUS OF MAJOR LITIGATION - W.O.s 2716, 4564, 4600, 4708, 4721, AND 503.461.

Supplementing Calendar Item 6 attached, the Executive Officer reported in connection with "City of Morro Bay vs. County of San Luis Obispo", that the City has felt some hesitancy in accepting the trust title to the tide and submerged lands within their City limits from the County inasmuch as this area is subject to litigation. At the same time, the County has felt that the City, as a result of incorporation in 1964, has in fact succeeded to the trust title, and the trust lands, therefore, are no longer a concern of the County. The City of Morro Bay has filed a Petition for Declaratory Relief in the Superior Court of San Luis Obispo County, and the State Lands Commission has been named as a party defendant, to determine that the State's interests are protected. The Office of the Attorney General is about to file an answer.

Mr. Paul Joseph, Assistant Attorney General, explained the background of the case, and pointed out that the trust title issue was basically a question of law -- that the defense of the lawsuit and the development of the harbor must rest with whomever the law decides has title. Responding to a question from the Chairman, Mr. Joseph explained that the State Lands Commission has a duty to see that grantees of tidelands properly administer those tidelands, but that he did not know how active it has to be in that supervision. In the matter of the lawsuit, however, it is the ultimate responsibility of the State to see that the action is properly defended.

The Attorney General's office is answering the complaint of the City, asserting that the City has title, and in a cross complaint is alleging that the development of the harbor and the defense of the lawsuit is suffering because the City will not take title, and asking for an injunction against the City to take title.

No formal action was taken.

Attachment
Calendar Item 27 (2 pages)

CALENDAR ITEM

INFORMATIVE

27.

STATUS OF MAJOR LITIGATION - W.O.s 2716, 4564, 4600, 4708, 4721, AND 503.61.

The following information is current as of January 15, 1965:

1. Case No. 747562 (now consolidated with Case No. 646466) W.O. 2716
People vs. City of Long Beach, et al.
Los Angeles County Superior Court
(Long Beach Boundary Determination, Chapter 2000/57)

The second agreement required by the City of Long Beach under the terms of Ch. 138/64, 1st E.S., was filed on or about October 20, 1964. Further action in these proceedings will await final consummation of the Contractors' Agreement relating to the City's portion of the offshore area in the Long Beach Unit. These cases have been reassigned.

2. Case No. 62-1344-TC Civil W.O. 4564
Lewis W. Twombly vs. City of Long Beach,
State of California, et al.
U.S.D.C. Southern District, Central Division
(Long Beach Oil Revenues)

(To enjoin the City Auditor of the City of Long Beach and the City of Long Beach from paying oil revenues to the State. Plaintiff seeking determination that the State of California has no interest in the Long Beach tide and submerged lands, and, thus, no interest in the Long Beach oil revenues.)

The Petition for Writ of Certiorari was denied by the Supreme Court, and therefore the State's interest in the Long Beach tidelands has been upheld. A Petition for Rehearing was denied by the United States Supreme Court on January 18, 1965, concluding any further proceedings in this matter.

3. Case No. 805548 Civil W.O. 4600
Carl Whitson vs. City Manager, City Auditor, City of
Long Beach; State Lands Commission; State of California
Los Angeles County Superior Court
(Long beach Unit and Long Beach Oil Revenues)

(Complaint for Injunction and Declaratory Relief, praying that City Manager be enjoined from signing the proposed Long Beach Unit Agreement; that the City of Long Beach be enjoined from paying any oil or gas funds to the State of California; that it be declared that the private owners of Town Lots in the City of Long Beach are not bound by the Unit Agreement.)

The time in which to file some sort of pleading has been continued until April 15, 1965.

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INFORMATIVE CALENDAR ITEM 27. (CONTD.)

4. Case No. 271,707

W.O. 4708

City of Coronado and R. J. Townsend vs.
San Diego Unified Port District, et al.
San Diego County Superior Court
(Formerly Case No. 528,114, San Francisco County
Superior Court)

(Complaint for Injunction and Declaratory Relief filed in San Francisco, together with Order to Show Cause returnable January 29, 1963, making allegations as to defective election procedures for formation of the Port District, unconstitutionality of the implementing legislation and that the State is without power to revoke prior grant of tidelands. City of Coronado alleges irreparable damage, a cloud on its right to the land granted in trust for the benefit of "its inhabitants", and alteration of its tax structure.)

The State filed its Motion to Dismiss Appeal on January 11, 1965. The City of Coronado may now file in opposition.

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.)

(The immediate issues raised are whether the old case of the United States vs. State of California, which has been dormant since December of 1952, is moot or whether it can be reactivated despite the passage of the Submerged Lands Act of 1953.)

This case was argued by Special Assistant Attorney General Richard Keatinge on December 7 and 8, 1964. The matter is now under submission, awaiting a decision by the United States Supreme Court.

6. Case No. 30417
City of Morro Bay vs. County of San Luis Obispo and
State of California
San Luis Obispo Superior Court

W.O. 503.461

(By Chapter 1076, Statutes of 1947, certain tide and submerged lands in the vicinity of Morro Bay were granted to the County of San Luis Obispo. On July 17, 1964, the City of Morro Bay was incorporated so as to include the area of the granted tidelands. The purpose of the present action is to determine whether or not the City of Morro Bay acquired title to these tide and submerged lands, as successor to the County, and whether the City must take immediate title to such lands or may postpone taking title to some future date.)

The State of California will file an Answer and Cross Complaint on or about January 29, 1965. The question of a possible legislative solution to these problems is being discussed with both City and County representatives.

10,916