

MINUTE ITEM

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

The attached Informative Calendar Item 25 was presented to the Commission for information only, no Commission action being required.

Attachment  
Calendar Item 25 (2 pages)

CALENDAR ITEM

INFORMATIVE

25.

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

The following information is current as of March 10, 1965:

1. Case No. 747562 (now consolidated with Case No. 649466) W.O. 2716  
People vs. City of Long Beach, et al.  
Los Angeles County Superior Court  
(Long Beach Boundary Determination, Chapter 2000/57)

Since the Contractors' Agreement, Long Beach Unit, Wilmington Oil Field, has now been executed by the City of Long Beach, the City and the State are now authorized and directed, under the provisions of Section 8 of Chapter 138/64, 1st E.S., to enter into appropriate stipulations for the purpose of establishing the boundary line described in Section 7 of Chapter 138. Such stipulations are expected to be consummated in the near future.

2. Case No. 80554 Civil W.O. 4600  
Carl Whitson vs. City Manger, 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.)

No change since report of January 15, 1965; i.e., the time in which to file any pleading has been continued until April 15, 1965.

3. 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, 1965, 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.)

11,047

INFORMATIVE CALENDAR ITEM 25. (CONTD.)

Notice has been received from the Supreme Court of the United States in the matter of the opinion per curiam entered by the Court on March 1 that the motions to dismiss are granted and the appeal is dismissed for want of a substantial federal question. This action by the Court concludes the litigation in favor of the San Diego Unified Port District.

4. Case No. 5 Original in the United States Supreme Court W.O. 4721  
United States vs. State of California  
(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.)

No change since report of January 15, 1965; i.e., 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.

5. Case No. 30417 W.O. 503.461  
City of Morro Bay vs. County of San Luis Obispo and  
State of California  
San Luis Obispo Superior Court

(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.)

As a result of negotiations between the City of Morro Bay and the County of San Luis Obispo in which the State participated, a tentative agreement has been reached under which the City of Morro Bay will undertake the administration of the tidelands trust as successor to the County and will defend litigation involving the boundaries of the granted tidelands. The State has indicated that it will cooperate fully in the conduct of that litigation in carrying out its responsibilities under Section 6308 of the Public Resources Code. A formal agreement is expected to be consummated in the near future.