

MINUTE ITEM

8/26/65

41. STATUS OF MAJOR LITIGATION - W.O.s 2716, 4600, 1839.16, 503.461 AND 4721.

The attached Informative Calendar Item 41 was presented to the Commission for information only, no Commission action being required.

Attachment

Calendar Item 41 (2 pages)

CALENDAR ITEM

INFORMATIVE

41.

STATUS OF MAJOR LITIGATION - W.O.s 2716, 4600, 1839.16, 503.461, AND 4721.

The following information is current as of August 12, 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)

The City of Long Beach has submitted to the Office of the Attorney General a proposed Decree pursuant to the provisions of Ch. 138/64, 1st E.S. This proposed Decree is being examined by the technical staff of the State Lands Division and by the Office of the Attorney General, and suggested revisions will be conveyed to the City of Long Beach in the near future. It is anticipated that a Decree will be entered very soon.

2. Case No. 805546 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.)

No change since report of May 13, 1965; i.e., stipulation filed continuing time to plead indefinitely. Case can be reactivated upon 30 days' notice by any party.

3. Case No. 55800 W.O. 1839.16
People vs. Monterey Sand Co. et al.
Monterey County Superior Court

(Action for declaratory relief, damages for trespass, quiet title, accounting, and injunction. It is alleged that the Monterey Sand Company is trespassing upon tide and submerged lands owned by the State, and is removing valuable sand deposits from said lands without paying any royalty to the State.)

On July 23, 1965, the Superior Court of Monterey County overruled the Defendants' Demurrer, thus holding that the State's Complaint states a valid cause of action.

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4. Case No. 30417
City of Morro Bay vs. County of San Luis Obispo and State
of California
San Luis Obispo County 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 tide-lands. 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 County of San Luis Obispo has submitted to the City of Morro Bay a proposed Stipulation and Judgment in the subject case. It is not known whether these proposals will be satisfactory to the City of Morro Bay.

5. Case No. 5 Original in the United States Supreme Court
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.)

W.O. 4721

(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.)

The Attorney General filed a Petition for Rehearing and Brief in Support Thereof on July 30, 1965. The basic contention in said Petition was that the Court erroneously held that Santa Monica and San Pedro Bays were not "historic" bays within the meaning of the 1958 Geneva Convention. The Supreme Court reconvenes in October of 1965, and action on the State's Petition for Rehearing is expected within about 30 days after the Court reconvenes.