

MINUTE ITEM

12/16/65

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

The attached Informative Calendar Item 38 was presented to the Commission for information only, no Commission action being required.

Attachment

Calendar Item 38 (2 pages)

CALENDAR ITEM

12/65

INFORMATIVE

38.

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

The following information is current as of December 2, 1965:

1. Case No. 747502 (now consolidated with Case No. 049466) W.O. 2716
People vs. City of Long Beach, et al.
Los Angeles County Superior Court
(Long Beach Boundary Determination, Chapter 2000/57)

No change; i.e., 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 has been examined by the technical staff of the State Lands Division and by the Office of the Attorney General, and suggested revisions have been conveyed to the City of Long Beach. It is anticipated that a Decree will be entered very soon.

2. 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.)

Dismissed November 24, 1965, without prejudice as to all Defendants.

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.)

After hearing on November 12, 1965, on Defendants' Motion for Order to Compel Further Answers to Interrogatories, the Court ordered the Plaintiff to file a further answer to one of the interrogatories, and denied Defendants' motion as to the other interrogatories.

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4. Case No. 30417 W.O. 503.461
City of Morro Bay vs. County of San Luis Obispo and State
of California
San Luis Obispo County 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.)

No change; i.e., the Superior Court of the County of San Luis Obispo, on September 2, 1965, entered an Order holding that the tidelands granted to the County of San Luis Obispo passed automatically from the County to the City of Morro Bay upon the date of incorporation of the City of Morro Bay on July 17, 1964, pursuant to Government Code Section 34332. This Order resolves many but not all issues in the above-entitled litigation. The City and the County are taking steps to resolve the accounting problems.

5. 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 1952, is moot or whether it can be reactivated despite the passage of the Submerged Lands Act of 1953.)

No change; i.e., on October 18, 1965, the United States Supreme Court denied California's Petition for Rehearing in this case and the parties will be required either jointly or separately to submit a proposed decree or decrees implementing the Court's decision of May 17, 1965, on or before December 17, 1965. The United States has submitted a proposed form of decree which is under study by the Office of the Attorney General, the State's consultants, and the State Lands Division's staff. Conferences with the United States are anticipated in the near future in order to evolve a mutually satisfactory form of decree. On November 18, 1965, the Office of the Attorney General sent to the U. S. Department of Justice suggested changes to the Decree previously proposed by the United States.