

MINUTE ITEM

1/26/66

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

The attached Informative Calendar Item 46 was presented to the Commission for information only, no Commission action being required.

Attachment

Calendar Item 46 (2 pages)

CALENDAR ITEM

1/66

INFORMATIVE

46.

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

The following information is current as of January 14, 1966:

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)

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. 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.

Plaintiff complied with the Court's order and filed a further answer to an interrogatory.

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3. 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 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.

4. 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 1952, is moot or whether it can be reactivated despite the passage of the Submerged Lands Act of 1953.)

After stipulation by the parties, the Supreme Court extended the time in which to file proposed decrees to January 3, 1966. On that date, both the United States and California filed separate proposed decrees and memoranda in support of their respective proposed decrees. The only differences remaining between the parties were the questions as to whether inland waters were limited to bays, or whether they might also include other types of historic inland waters and straits leading only to inland waters. It is anticipated that the U. S. Supreme Court will render its decree in this case in the near future. After the decree has been entered, it will be incumbent upon the State and the United States to implement the decree by applying its principles to the actual coastline of the State. If differences should arise between the parties as to how the decree should be implemented, it is expected that the Court will reserve jurisdiction to hear supplementary proceedings to settle such differences.