

MINUTE ITEM

4/28/69

54. STATUS OF MAJOR LITIGATION - W.O.s 2716, 503.481, 503.521, 2400.54, 503.510, 4721, 503.527, 1339, 503.554, 5200.400V, 4926, AND 503.456.

The attached Calendar Item 50 was presented to the Commission for information only, no Commission action being required.

Attachment

Calendar Item 50 (3 pages)

50.

STATUS OF MAJOR LITIGATION - W.O.s 2716, 503.481, 503.521, 2400.54, 503.510, 4721, 503.527, 1339, 503.554, 5200.400V, 4926, AND 503.456.

The following information is current as of April 10, 1969:

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., Progress is being made towards the preparation of a final decision, and the Attorney General's Office is hopeful that a proposed Decree may be presented to the Court in the near future.

2. Case No. 21087 W.O. 503.481  
 Thomas P. Raley vs. State of California  
 Yolo County Superior Court

Awaiting title insurance to have Judgment entered.

3. Case No. 903714 W.O. 503.521  
 Standard Oil Company, et al. v. W.O. 2400.54  
 City of Carpinteria, et al.  
 Los Angeles County Superior Court

(Challenge by Standard, et al., of the appraised value set by the State Lands Commission on the State's interest in tide and submerged lands proposed to be annexed by the City of Carpinteria.) (See Calendar Item No. 28)

4. Case No. 892295 W.O. 503.510  
 Miller vs. City of Santa Monica, et al.  
 Los Angeles County Superior Court

(An action by private upland owners involving title to tide-lands that have artificially accreted. Both the State Lands Commission and the Division of Beaches and Parks have interests to protect.)

No change; i.e., The City and the State have not filed any Demurrer or Answer as yet. However, the City and the State have entered into a Stipulation with the Plaintiffs in lieu of a preliminary injunction. The stipulation restrains the Plaintiffs from building in the disputed area, and restrains the City and the State from removing any improvements thereon.

INFORMATIVE CALENDAR ITEM 50. (CONTD.)

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. A Supplemental Decree was entered in this case, settling the principal controversies between the State and the United States, but reserving jurisdiction in the United States Supreme Court to settle any remaining controversies.)

No change; i.e., The State Lands Division is in correspondence with the Federal Government concerning the status of certain offshore rocks in the vicinity of Carpinteria as low tide elevations. If these rocks are low tide elevations, they will constitute base points for determining the seaward limits of State ownership and could substantially enlarge the extent of State ownership in this particular area.

6. Case No. 57239 W.O. 503.527  
White vs. State of California  
Sonoma County Superior Court

(Quiet title action against the State to determine a property boundary along the Petaluma River, Sonoma County.)

Oral argument is set for Monday, April 14, 1969, at 1:30 p.m., in Judge Markin's court in Santa Rosa. In Kullberg v. State of California, Sonoma County Superior Court Case No. 59332, which is related to the White case, the Pretrial Conference has been reset for May 16, 1969.

7. Case No. 48620 W.O. 1339  
Alameda Conservation Association, et al. vs. W.O. 503.554  
State of California, et al.  
United States District Court, Northern District

(Action for declaratory relief and an injunction against the State of California, certain of its officers and officials, and Leslie Salt Co., seeking to invalidate the boundary settlement and exchange of lands between the State of California and Leslie Salt Co.)

The Attorney General's Office filed an Appellee's Brief on behalf of the State Lands Commission.

INFORMATIVE CALENDAR ITEM 50. (CONTD.)

8. Case No. LA 29534  
Atlantic Oil Company, et al. vs. County of Los Angeles,  
et al. and Humble Oil & Refining Company, et al. vs. City  
of Los Angeles  
Supreme Court of the State of California

W.O. 5200.400V

(An action by various oil companies to recover ad valorem taxes. It is anticipated that this case may constitute a significant precedent which could affect State revenues from the Long Beach tidelands in excess of \$100 million.)

No change; i.e., Pursuant to the State Lands Commission's resolution of December 19, 1968, the Office of the Attorney General is preparing to intervene in pending litigation involving the ad valorem taxation of mineral rights in the Long Beach tidelands.

9. Case No. 4 Civil 9344 in the State Supreme Court  
County of Orange, et al. vs. Heim, State of California -  
Real Party in Interest

W.O. 4926

(Petition for Writ of Mandate involving the legality of the Upper Newport Bay Exchange approved by the State Lands Commission.)

On April 10, 1969, the attorneys for the Petitioner and Respondents and for the State Lands Commission as Real Party in Interest, met to modify the briefing and hearing schedule heretofore stipulated to.

10. Case No. 283455  
Dillon vs. Atchison, Topeka and Santa Fe Railway Company  
San Diego County Superior Court

W.O. 503.456

(To determine whether or not Tideland Survey No. 17 is valid, based upon Patent from the Governor of about 1871.)

The trial is expected to end on or about April 11, 1969.

11. Case No. 47729  
State vs. Clyde  
Solano County Superior Court

W.O. 503.587

(Quiet title, filed at the request of the Commission, on Swamp and Overflow Survey No. 131, Ryer Island, Solano County.)

Complaint was filed on March 11, 1969. Parties are being served.