

Judgment Against Prior Owners Fixed Tidelands Boundaries, Barring Plaintiffs' Quiet Title and Inverse Condemnation Claims.

The court of appeal held that plaintiffs' inverse condemnation and damages claims based on dredging in the bay adjacent to their properties was barred under the doctrine of res judicata based on a 1931 judgment conclusively establishing that the property alleged to have been taken or damaged was not owned by plaintiffs. [SLPR, LLC v.](#)



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appellate court found that a 1931 judgment resolving a title dispute between plaintiffs' and defendants' predecessors-in-interest established the boundaries between their respective properties, and that the property plaintiffs claimed had been taken or damaged was not within plaintiff's ownership. Evidence admitted at trial showed that there had been both artificial improvements and artificial fill placed in the immediate vicinity of plaintiffs' properties over many years and that a dispute had arisen between the parties' predecessors as to the correct property boundaries. This litigation was resolved by a settlement and stipulated judgment fixing the boundaries between the tidelands and uplands properties. This judgment, the court explained, was conclusive and binding on plaintiffs under the doctrine of res judicata, under which parties are barred from relitigating claims previously resolved by a judgment in litigation between the same parties or their predecessors-in-interest. Plaintiffs argued that for res judicata to apply, defendants were required to present "unequivocal evidence" of the mutual intention to determine the boundary. The court disagreed with plaintiffs' asserted burden of proof, but nonetheless found that the "overwhelming" evidence presented demonstrated unambiguous intent to establish the boundaries. This included not only the record in the 1931 action itself but also extrinsic evidence showing that, following entry of judgment, temporary wood stake boundary markers had been replaced with concrete

monuments, reflecting a "permanent fixed line" between tidelands and uplands property.

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