



TOWN OF LOS GATOS
OFFICE OF THE TOWN ATTORNEY
(408) 354-6880
Attorney@LosGatosCA.gov

CERTIFIED MAIL RETURN RECEIPT REQUESTED AND EMAIL

August 29, 2024

Ray M. Elam, III
Trustee, Elam Family Trust
1432 Sea Ridge Drive
Newport Beach, CA 92660
E-mail: budelam@gmail.com

Ray M. Elam, III
Trustee, Elam Family Trust
2549 Eastbluff Drive, Unit 361
Newport Beach CA 92660

**NOTICE OF INTENTION TO CONSIDER ADOPTION OF A
RESOLUTION OF NECESSITY TO ACQUIRE PROPERTY BY EMINENT
DOMAIN; AUTHORIZING COMMENCEMENT OF LITIGATION TO
ACQUIRE PROPERTY AND FOR ORDER OF POSSESSION**

Town of Los Gatos
Shannon Road Capital Improvement Project
14915 Shannon Road, Los Gatos, CA (Portion)
APN: 537-27-047

Re: Notice of Hearing to Consider Adoption of a Resolution of Necessity to Acquire Property by Eminent Domain. (Code Civ. Proc. § 1245.235.)

1. Notice of Hearing where the Town Council of the Town of Los Gatos will Consider Adopting a Resolution of Necessity. The Town Council of the Town of Los Gatos (“**Council**”) intends to hold a hearing to consider whether a Resolution of Necessity should be adopted that, if adopted, will authorize the Town of Los Gatos (“**Town**”) to acquire a portion of your property located at 14915 Shannon Road, Los Gatos, CA (APN 537-27-047) (“**Larger Parcel**”) by eminent domain for the Shannon Road Capital Improvement Project (“**Project**”). Specifically, an approximately 29,807 square foot portion of the Larger Parcel comprised of (a) an approximately 21,929 square foot strip of land within the existing Shannon Road right of way; and (b) an approximately 7,878 square foot strip of land along the Larger Parcel’s frontage on Shannon Road (collectively, the “**Subject Property**”). Attached hereto as Exhibit A is a legal description and map of the Subject Property.

The Town is sending you this notice of a public hearing because your name appears on the last equalized State Board of Equalization Assessment Roll for the Larger Parcel.

DATE OF HEARING: September 17, 2024

TIME OF HEARING: 7:00 p.m., or as soon as the matter may be heard

PLACE OF HEARING: Town Hall
110 E. Main Street
Los Gatos, CA 95030

2. Notice of Your Right to Appear and Be Heard. You have the right to appear and be heard before the Council at the above-scheduled hearing on the following matters and issues and to have the Council give consideration to your testimony prior to deciding whether or not to adopt the proposed Resolution of Necessity:

- a) Whether the public interest and necessity require the Project;
- b) Whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- c) Whether the Subject Property sought to be acquired is necessary for the Project;
- d) Whether the Town has complied with all conditions and statutory requirements necessary to exercise the power of eminent domain to acquire the Subject Property, as well as any other matter regarding the right to take said property by eminent domain, including but not limited to, making the offer required by Government Code Section 7267.2(a); and
- e) Whether the Town has fully complied with the California Environmental Quality Act, Public Resources Code section 21000 *et seq.*

The statutes that authorize the Town to acquire the Subject Property by eminent domain for the Project include, but are not limited to, California Constitution, Article 1, Section 19; the California Eminent Domain Law, Code of Civil Procedure Section 1230.010 *et seq.*, including, but not limited to, sections 1240.010 through 1240.050 inclusive, and sections 1240.110, 1240.120, 1240.150, 1240.220, 1240.320, 1240.330, 1240.350, 1240.410, 1240.510, 1240.610, 1240.650, and 1240.660; Government Code section 37350.5; Streets & Highway Code section 10102; and other provisions of law.

3. Failure to File a Written Request to Be Heard Within Fifteen (15) Days After the Notice Was Mailed Will Result in Waiver of the Right to Appear and Be Heard. If you desire to be heard, or to present information to the Council on the proposed Resolution of Necessity, you are required by law to file a written request with the Town Clerk no later than fifteen (15) days from the date that this notice was mailed. You must file your request to be heard with the Town Clerk, at Town Hall, 110 E. Main Street, Los Gatos, CA 95030 Attn.: Wendy Wood.

If you mail a request to be heard, please keep in mind that it must be actually received by the Town Clerk no later than fifteen (15) days after the date this notice is mailed. (See Code Civ. Proc. § 1245.235(b)(3).)


If you elect not to appear and be heard at the hearing on the proposed Resolution of Necessity, your decision not to appear and be heard will constitute a waiver of your right to challenge the Town's right to acquire the Subject Property by eminent domain. (Code Civ. Proc. § 1245.235(b)(3).) Thus, the matters described in the Resolution of Necessity will be deemed to be established.

4. You Will Not Waive the Right to Claim Greater Compensation if You Do Not Appear at the Hearing. The amount of compensation to be paid for the Subject Property will not be decided or heard at this hearing. Your nonappearance at this noticed hearing will not prevent you from claiming compensation in an amount to be determined by a court of law under the laws of the State of California. This notice is not intended to foreclose further ongoing negotiations between you and Town representatives on the amount of compensation to be paid to you for the Subject Property. At this hearing, the Council will not make any determination about the amount of money to be paid or to be offered to you for the Subject Property.

However, if you elect not to appear and be heard, you will be foreclosed from raising in a court of law the issues which are the subject of this noticed hearing and which are concerned with the right to take the Subject Property by eminent domain.

If the Council elects to adopt the proposed Resolution of Necessity, then within six months of the adoption of the Resolution, the Town will commence eminent domain proceedings in Superior Court to acquire the Subject Property. The amount of compensation to which you are entitled for the Subject Property will be determined in that court proceeding.

Town of Los Gatos

By: 
Laurel Prevetti, Town Manager

Dated, mailed, and emailed on: August 29, 2024

Enclosure: Exhibit A – Legal Description and Plat Map of the Subject Property

EXHIBIT A
LEGAL DESCRIPTION
Shannon Road Grant of Right of Way

All that certain real property situate in the Town of Los Gatos, County of Santa Clara, State of California, being a portion of the lands granted to Diane Barnett and Ray M. Elam, III as Co-Trustees of the Elam Family Trust A by deed filed for record May 29, 2015 as Document 22970019 in the office of the Santa Clara County Recorder, being more particularly described as follows:

Commencing at an iron pipe in monument box located at the northerly terminus of that certain course shown as "N 46° 11' 21" W, 394.60'" on the map entitled "Record of Survey of the Monument Line of Shannon Road..." filed for record July 13, 1978 in Book 422 of Maps at Pages 39-46 in said Recorder's office; said course being depicted on sheet 4 of 8 therein, thence from said point of commencement North 07°12'24" West, 26.58 feet to the true Point of Beginning of this description; thence South 55°48'03" East, 31.91 feet; thence South 48°26'38" East, 45.97 feet; thence South 46°41'49" East, 107.02 feet; thence South 45°34'03" East, 124.07 feet to the beginning of a curve concave northeasterly having a radius of 500.00 feet; thence southeasterly along the arc of said curve 74.81 feet through a central angle of 08°34'21" to the beginning of a non-tangent curve concave northeasterly having a radius of 350.00 feet, from which point the radius bears North 34°44'06" East; thence southeasterly along the arc of said curve 99.18 feet through a central angle of 16°14'09"; thence South 71°30'03" East, 57.32 feet to the beginning of a curve concave southerly having a radius of 375.00 feet; thence easterly along the arc of said curve 38.43 feet through a central angle of 5°52'20"; thence South 65°37'44" East, 153.47 feet; thence North 24°22'16" East, 5.00 feet; thence South 65°37'44" East, 9.00 feet; thence South 24°22'16" West, 5.00 feet; thence South 65°37'44" East, 33.94 feet; thence North 24°22'16" East, 33.00 feet; thence South 65°37'44" East, 20.00 feet; thence South 24°22'16" West, 33.00 feet; thence South 65°37'44" East, 68.97 feet to the beginning of a curve concave southerly having a radius of 325.00 feet; thence southeasterly 44.19 feet through a central angle of 07°47'28"; thence South 57°50' 15" East, 25.21 feet; thence North 32°09'45" East, 5.00 feet; thence South 57°50'15" East, 10.00 feet; thence South 32°09'45" West, 5.00 feet; thence South 57°50'15" East, 33.40 feet to the beginning of a non-tangent curve concave southwesterly having a radius of 335.00 feet, from which point the radius bears South 43°55'48" West; thence southerly along the arc of said curve 54.96 feet through a central angle of 09°24'00"; thence South 25°59'14" East, 57.73 feet to a point in the westerly line of that certain 72.14 acre tract granted to Manuel F. Escover by deed dated November 27, 1922, filed for record in Book 566 of Deeds at Page 403 in said Recorder's office, from which point an iron pipe in monument box located at the southerly terminus of that certain course shown as "N 30°09'05" W, 240.63'" on sheet 4 of said Record of Survey bears South 16°54'19" East, 167.68 feet; thence along said westerly line South 23°40'51" West, 38.50 feet to an iron pipe set at the southwesterly corner of said 72.14 acre tract; said corner being further described as

LEGAL DESCRIPTION (cont.)
Shannon Road Grant of Right of Way

lying in the center of Shannon Road; thence along the southwest line of said lands of Elam et. al., said southwest line also being the centerline of Shannon Road, the following courses and distances, each as shown on that certain map entitled "Record of Survey of a portion of Shannon Road" filed for record May, 28, 2024 in Book 962 of Maps at Page 10 in said Recorder's office, North 24°21'16" West, 20.92 feet to the beginning of a curve concave southwesterly having a radius of 285.00 feet; thence northwesterly along the arc of said curve 214.93 feet through a central angle of 43°12'32"; thence North 67°33'47" West, 69.26 feet to the beginning of a curve concave northerly having a radius of 500.00 feet; thence northwesterly along the arc of said curve 25.95 feet through a central angle of 02°58'26"; thence North 64°35'21" West, 150.28 feet to the beginning of a curve concave southerly having a radius of 750.00 feet; thence westerly along the arc of said curve 90.05 feet through a central angle of 06°52'46"; thence North 71°28'07" West, 42.02 feet to the beginning of a curve concave northerly having a radius of 360.00 feet; thence northwesterly along the arc of said curve 161.26 feet through a central angle of 25°39'54"; thence North 45°48'13" West, 199.08 feet to the beginning of a curve concave southwesterly having a radius of 2,500.00 feet; thence northwesterly along the arc of said curve 127.44 feet through a central angle of 02°55'14"; thence leaving said centerline of Shannon Road North 41°16'33" East, 20.00 feet to the point of beginning.

Containing 29,807 square feet, more or less.

Bearings used in this description are based upon the California Coordinate System of 1983 (CCS83), Zone 3.

Prepared under the direction of:



Charles M. Weakley, L.S. 6421

DATUM NOTE:

Bearings shown are based upon the California Coordinate System of 1983 (CCS1983), Zone 3, epoch 2021.3.

| CURVE DATA TABLE | | | |
|------------------|-------------|--------|---------|
| NO. | DELTA | LENGTH | RADIUS |
| C1 | 08° 34' 21" | 74.81' | 500.00' |
| C2 | 16° 14' 09" | 99.18' | 350.00' |
| C3 | 05° 52' 20" | 38.43' | 375.00' |

| LINE DATA TABLE | | |
|-----------------|---------------|----------|
| NO. | BEARING | DISTANCE |
| L1 | N07° 12' 24"W | 26.58' |
| L2 | S55° 48' 03"E | 31.91' |
| L3 | S48° 26' 38"E | 45.97' |
| L4 | S71° 30' 03"E | 57.32' |
| L5 | S65° 37' 44"E | 153.47' |
| L23 | N71° 28' 07"W | 42.02' |
| L24 | N41° 16' 33"E | 20.00' |

Point of Commencement, Fnd. monument per R-1
N: 1,907,166.93
E: 6,145,747.40



LEGEND

C1 or L1 See curve or line data table
Rad Radial Bearing
R-1 Bk. 422 Maps, Pg. 39-46

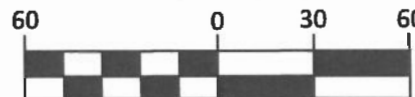
EXHIBIT B

Plat to Accompany Legal Description

MOUNTAIN PACIFIC
SURVEYS

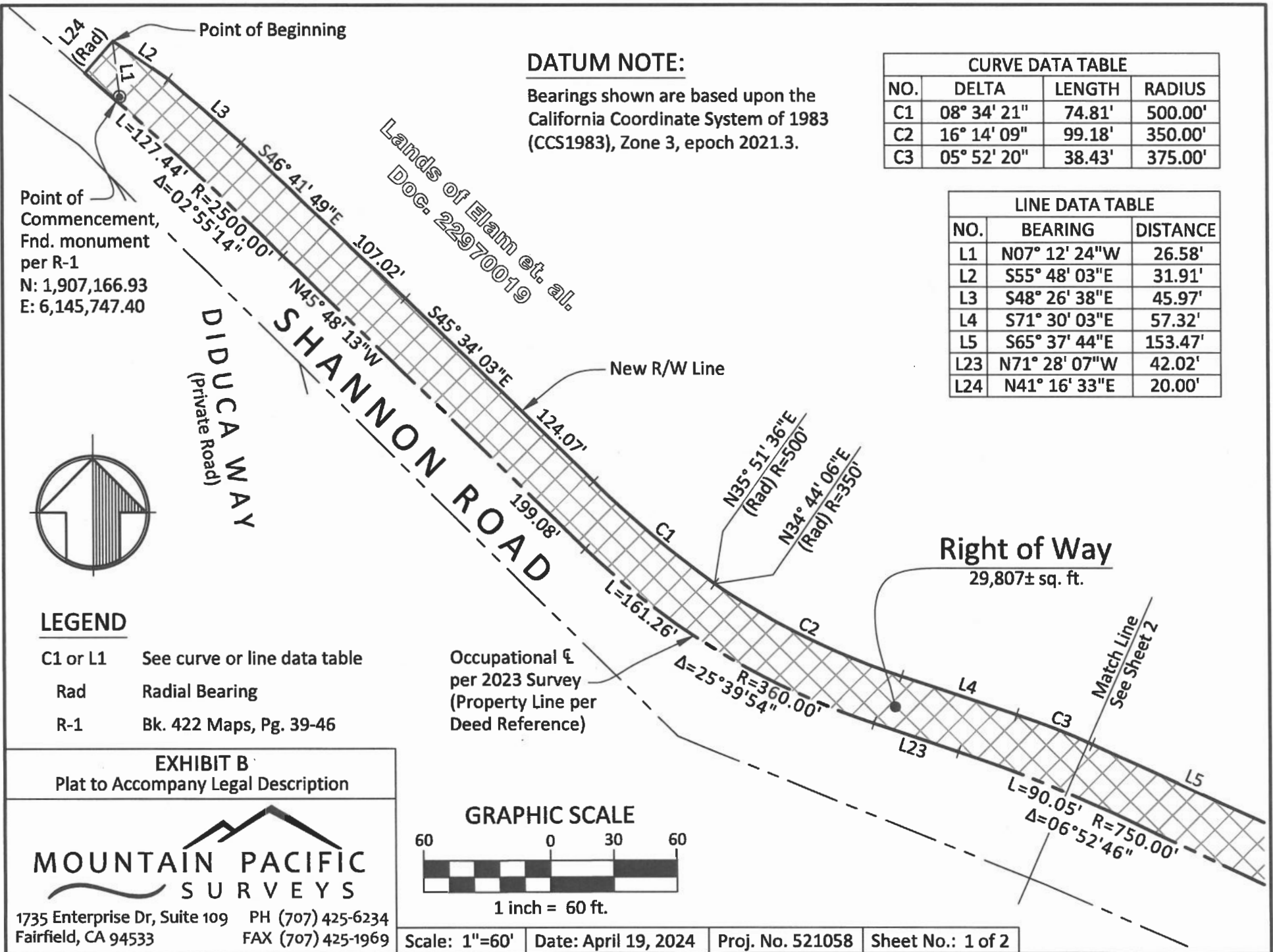
1735 Enterprise Dr, Suite 109 PH (707) 425-6234
Fairfield, CA 94533 FAX (707) 425-1969

GRAPHIC SCALE



1 inch = 60 ft.

Scale: 1"=60' Date: April 19, 2024 Proj. No. 521058 Sheet No.: 1 of 2



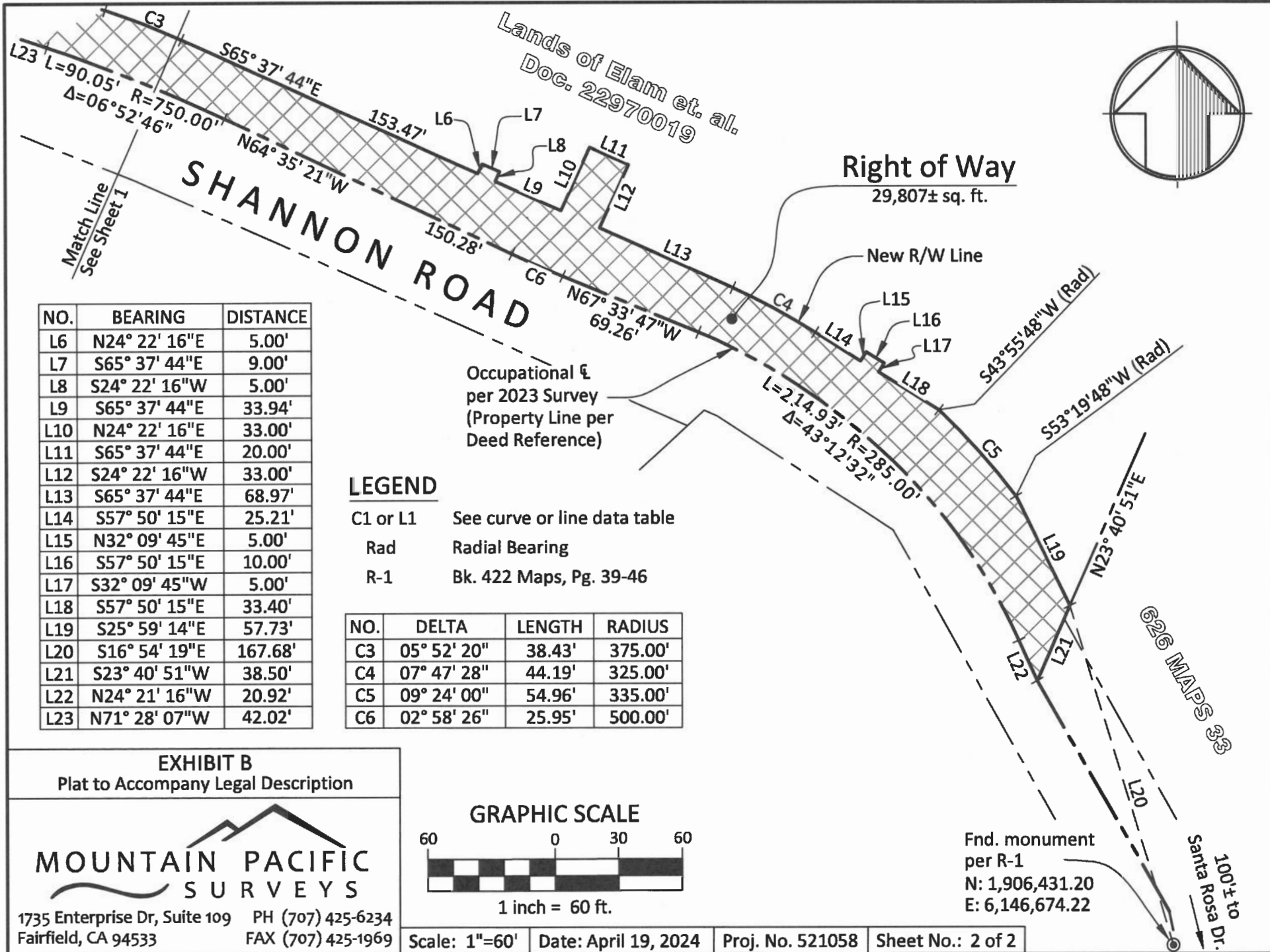


EXHIBIT B

Plat to Accompany Legal Description



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