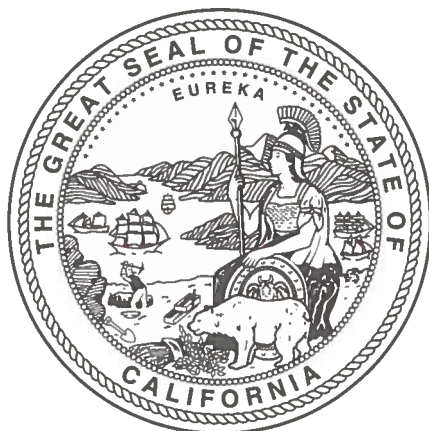




## State of California Secretary of State

I, DEBRA BOWEN, Secretary of State of the State of California, hereby certify:

That the attached transcript of 6 page(s) is a full, true and correct copy of the original record in the custody of this office.



IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of

AUG 18 2010

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DEBRA BOWEN  
Secretary of State

1 RESOLUTION OF THE BOARD OF SUPERVISORS OF  
2 ORANGE COUNTY, CALIFORNIA

3 June 15, 1956

4 On motion of Supervisor Kaiser, duly seconded and carried, the  
5 following Resolution was adopted:

6 WHEREAS, by Resolution adopted on February 10, 1956, this Board  
7 fixed the boundaries of the territory described in said Resolution  
8 proposed to be incorporated as a city to be known as the City of Garden  
9 Grove, and by said Resolution called an election to be held on April 17,  
10 1956, within said territory for the purpose of determining whether the  
11 same shall be so incorporated, and for the purpose of electing five (5)  
12 members of the City Council;

13 WHEREAS, pursuant to Section 36511 of the Government Code the  
14 petition for incorporation provided for the appointment of the elective  
15 officers, except city councilmen;

16 WHEREAS, the following persons were nominated as candidates for  
17 the offices of City Councilman, to be filled at said election:

18 Lee D. Barr	George B. Honold
19 Harry L. Blades	Daryl Howard Hoyle
20 Col. Melvin L. Craig	John B. Johnson
21 Jay D. Davis	Lee C. Johnson
22 E. H. "Bill" Duft	D. O. Keon
23 Kenneth E. Dungan	Harry Louis Lake
24 Raymond D. "Pat" Elliott	John S. May
25 Charles Fitch	Fred "Farmer" McCabe
26 Maurice H. "Pat" Fleming	Joseph William O'Keefe
27 Norman Charles Florance	Robert F. Rocco
28 Joe F. Furr	Nevon S. Von Rohr
29 Frank T. Gleason	Arthur B. Wagner
30 John C. Hedlund	

31 WHEREAS, notice of said election and of the list of nominees  
32 were each duly given for the time and in the manner required by law;

1           WHEREAS, said election was duly held on April 17, 1956, in the  
2 time, form and manner as required by law, the votes cast received and  
3 canvassed, and the returns thereof made to this Board in the time, form  
4 and manner required by law;

5           WHEREAS, there were 33 absentee ballots issued for said election,  
6 of which absentee ballots 32 have been received;

7           WHEREAS, this Board commenced the canvassing of the returns  
8 of said election on April 23, 1956, the date prescribed by law for the  
9 canvassing of the returns of said election, and this Board having  
10 concluded the canvassing of said returns and the absentee ballots on  
11 April 24, 1956;

12           WHEREAS, upon the canvassing of said returns and the absentee  
13 ballots, this Board by Resolution duly adopted on April 24, 1956,  
14 found as follows:

15           1. That a total of 8218 votes were cast at said election on  
16 the proposition of whether the territory in the Resolution heretofore  
17 adopted on February 10, 1956, should be incorporated as a city, of  
18 which number 5780 were "for incorporation" and 2346 were "against  
19 incorporation";

20           2. That a total of 32809 votes were cast at said election for  
21 the offices of City Councilman for said proposed municipal corpora-  
22 tion. The names of the persons voted for said offices of City Council-  
23 man and the total number of votes cast for each person are as follows:

<u>For City Councilman</u>	<u>No. of Votes Received</u>
Lee D. Barr	2048
Harry L. Blades	2480
Col. Malvin L. Craig	1629
Jay D. Davis	392
E. H. "Bill" Duft	1894
Kenneth E. Dungan	3209
Raymond D. "Pat" Elliott	2047
Charles Fitch	605
Maurice H. "Pat" Fleming	230

OFFICE OF  
COUNTY COUNSEL  
ORANGE COUNTY

<u>For City Councilman</u>	<u>No. of Votes Received</u>
Norman Charles Fiorance	174
Joe F. Furr	1538
Frank T. Gleason	348
John C. Hedlund	424
George B. Honold	3551
Daryl Howard Hoyle	459
John B. Johnson	741
Lee C. Johnson	1607
D. O. Keon	747
Harry Louis Lake	3623
John S. May	398
Fred "Farmer" McCabe	1037
Joseph William O'Keefe	569
Robert F. Rocco	1399
Neyon S. Von Rohr	1272
Arthur B. Wagner	388
Total	32809

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that this Board hereby finds and declares that a majority of the votes cast at said election on the question of incorporation were in favor of incorporation, and that the territory bounded and described as follows is hereby incorporated as a city and is named City of Garden Grove:

Beginning at the intersection of a line parallel with and 20.00 feet Northerly, measured at right angles, from the North line of the South half (S½) of Section 1, Township 5 South, Range 11 West, San Bernardino Meridian, (said North line being the center of Trask Avenue) with the Easterly line of California State Highway No. 39; running thence, Northwesterly along said Easterly line of said California State Highway No. 39 to a line parallel to and 30.00 feet Southerly, measured at right angles from the North line of said Section 1 (said North line being the center line of Garden Grove Boulevard); thence, Easterly along last mentioned parallel line to the point of intersection with the Southerly prolongation of a line parallel to and 30.00 feet Easterly, measured at right angles, from the West line of Section 30 and 31, Township 4 South, Range 10 West (said West line being the center line of Magnolia Avenue); thence, Northerly along last

GARDEN GROVE  
P 54

1 mentioned parallel line to a line parallel to and 30.00 feet  
2 Southerly, measured at right angles, from the North line of  
3 Section 29 and 30, said Township and Range (said North line  
4 being the center line of Katella Avenue); thence, Easterly,  
5 along said last mentioned parallel line to a point in a line  
6 parallel to and 30.00 feet Easterly, measured at right  
7 angles, from the East line of said Section 29 (said East  
8 line being the center line of Euclid Avenue); thence,  
9 Southerly along last mentioned parallel line 960 feet, more  
10 or less, to the North line of Tract No. 1475 as shown on a  
11 map of Tract, recorded in Book 68, pages 30, 31 and 32 of  
12 Miscellaneous Maps, Records of Orange County; thence,  
13 Easterly 1290 feet, more or less, along said North line of  
14 said Tract No. 1475 to the East line of said Tract No. 1475;  
15 thence, Southerly 660 feet, more or less, along said East  
16 line to the South line of said Tract No. 1475; thence,  
17 Westerly 1290 feet, more or less, along said South line to  
18 a point in a line parallel to and 30.00 feet Easterly  
19 measured at right angles, from the East line of said Section  
20 29; thence Southerly 2310 feet, more or less, along last  
21 mentioned parallel line to the South line of the North half  
22 ( $N\frac{1}{2}$ ) of the Southwest one-quarter ( $SW\frac{1}{4}$ ) of Section 28 of  
23 said Township and Range; thence, Easterly 1950 feet, more  
24 or less, along said South line to the East line of the South-  
25 west one-quarter ( $SW\frac{1}{4}$ ) of the Northeast one-quarter ( $NE\frac{1}{4}$ )  
26 of said Section 28; thence, Northerly 660 feet more or less,  
27 along said East line to the South line of the North half  
28 ( $N\frac{1}{2}$ ) of the Northeast one-quarter ( $NE\frac{1}{4}$ ) of the Southwest  
29 one-quarter ( $SW\frac{1}{4}$ ) of said Section 28; thence, Easterly 640  
30 feet, more or less, along said South line to the West right-  
31 of-way line of Ninth Street (40 feet wide); thence,  
32 Northerly 660 feet, more or less, along said West right-of-  
way line to the South line of the North half ( $N\frac{1}{2}$ ) of said  
Section 28; thence, Easterly 1345 feet, more or less, along  
said South line to a point in the West line of Tract No.  
2255 as shown on a map of said Tract recorded in Book 61,  
pages 28 and 29 of Miscellaneous Maps, Records of Orange  
County, California; thence, Northerly 990 feet, more or less,  
along said West line to the North line of said Tract No. 2255;  
thence, Easterly 1354 feet, more or less, along said North  
line and its Easterly prolongation to a point in a line  
parallel to and 30.00 feet Easterly, measured at right angles,  
from the East line of said Section 28 (said East line being  
the center line of West Street); thence, Southerly 970 feet,  
more or less, along said line parallel to East line of Sec-  
tion 28 to a line parallel to and 30.00 feet Northerly as  
measured at right angles from the North line of the South-  
west one-quarter ( $SW\frac{1}{4}$ ) of said Section 27, (said North line  
being the center line of Orangewood Avenue); thence,  
Easterly 1950 feet, more or less, along said line parallel  
to said North line of the Southwest one-quarter ( $SW\frac{1}{4}$ ) of  
Section 27, to a point in the West line of the East half  
( $E\frac{1}{2}$ ) of the Northeast one-quarter ( $NE\frac{1}{4}$ ) of the Southwest  
one-quarter ( $SW\frac{1}{4}$ ) of Section 27; thence, Southerly 1340 feet,  
more or less, along said West line of the East one-half ( $E\frac{1}{2}$ )  
of the Northeast one-quarter ( $NE\frac{1}{4}$ ) of the Southwest one-  
quarter ( $SW\frac{1}{4}$ ) of Section 27 to a point in the South line of  
the North one-half ( $N\frac{1}{2}$ ) of the South one-half ( $S\frac{1}{2}$ ) of said  
Section 27; thence, Easterly, a distance of 630 feet, more or  
less, to the intersection of a line parallel with and  
30.00 feet Westerly, measured at right angles, from the East  
line of said Southwest one-quarter ( $SW\frac{1}{4}$ ) of Section 27;  
thence, Southerly, along said last mentioned parallel line,

1 to the intersection of a line parallel with and 30.00 feet  
2 Northerly, measured at right angles, from the South line of  
3 said Section 27; thence, Easterly, along said last mentioned  
4 parallel line, to a point in a line parallel to and 30.00  
5 feet Westerly, measured at right angles, from the East line  
6 of said Section 27 and Section 34 of said Township and  
7 Range (said East line being the center line of Haster  
8 Street); thence, Southerly along last mentioned parallel  
9 line and its Southerly prolongation to a point in a line  
10 parallel to and 30.00 feet Southerly, measured at right  
11 angles, from the North line of Section 3, Township 5 South,  
12 Range 10 West (said North line being the center line of  
13 Garden Grove Boulevard); thence, Easterly along last men-  
14 tioned parallel line to a line parallel to and 30.00 feet  
15 Westerly, measured at right angles, from the East line of  
16 said Section 3 (said East line being the center line of  
17 Berrydale Street); thence, Southerly along last mentioned  
18 parallel line to a line parallel with and 20.00 feet  
19 Northerly, measured at right angles, from the North line of  
20 the Southeast one-quarter (SE $\frac{1}{4}$ ) of said Section 3; thence,  
21 Westerly along said last mentioned parallel line to the inter-  
22 section of a line parallel with and 20.00 feet Easterly,  
23 measured at right angles, from the West line of said South-  
24 east one-quarter (SE $\frac{1}{4}$ ) of Section 3; thence, Southerly,  
25 along said last mentioned parallel line to a line parallel  
26 to and 30.00 feet Northerly, measured at right angles,  
27 from the South line of Sections 3, 4, 5 and 6 of said Town-  
28 ship and Range and Section 1 of Township 5 South, Range 11  
29 West (said South line being the center line of Westminster  
30 Avenue) to a point in a line parallel to and 20.00 feet  
31 Easterly, measured at right angles, from the East line of  
32 the West one-half (W $\frac{1}{2}$ ) of said Section 1 (said East line  
being the center line of Newland Street); thence,  
Northerly along last mentioned parallel line to a line  
parallel to and 20.00 feet Northerly, measured at right  
angles, from the North line of the South one-half (S $\frac{1}{2}$ )  
of said Section 1 (said North line being the center line  
of Trask Avenue); thence, Westerly along last mentioned  
parallel line to the point of beginning.

BE IT FURTHER RESOLVED AND ORDERED that this Board hereby finds  
and declares that:

Harry Louis Lake	Harry L. Blades
George B. Honold	Lee D. Barr
Kenneth E. Dungan	

are the persons receiving the highest number of votes cast for the  
offices of City Councilman of said City, and they are hereby declared  
elected to the offices of City Councilman of the City of Garden Grove.

BE IT FURTHER RESOLVED AND ORDERED that the County Clerk is  
hereby authorized and directed to cause a certified copy of this

1 Resolution to be filed in the office of the Secretary of State and  
2 to file the Affidavit of Completion required by Section 34080 of the  
3 Government Code of the State of California.

4 AYES: SUPERVISORS HEINZ KAISER, WM. H. HIRSTEIN, AND WILLIS H.  
5 WARNER

6 NOES: SUPERVISORS NONE

7 ABSENT: SUPERVISORS C. M. FEATHERLY AND RALPH J. MCFADDEN

8 STATE OF CALIFORNIA )  
9 COUNTY OF ORANGE ) ss.

10 I, L. B. WALLACE, County Clerk and ex-officio Clerk of the Board  
11 of Supervisors of Orange County, California, hereby certify that the  
12 above and foregoing Resolution was duly and regularly adopted by the  
13 said Board at an adjourned regular meeting thereof held on the 15th  
14 day of June, 1956, and passed by a unanimous vote of said Board  
15 members present.

16 IN WITNESS WHEREOF, I have hereunto set my hand and seal this  
17 15th day of June, 1956.

18  
19  
20 L. B. WALLACE  
21 County Clerk and ex-officio Clerk of the  
22 Board of Supervisors of Orange County,  
23 California

24 By Mabel L. Bosters, Deputy

25  
26  
27 FILED

28 In the office of the Secretary of State  
of the State of California

29 JUN 13 1956

30 FRANK M. JORDAN, Secretary of State

31 By Walter G. Stutler  
32 Deputy

Secretary of State  
Annexation Files -  
City of Garden Grove

SECRETARY OF STATE DEBRA BOWEN  
The Original of This Document is in  
CALIFORNIA STATE ARCHIVES  
1020 "C" STREET  
SACRAMENTO, CA 95814



FILED

JUN 19 1956

L. B. WALLACE, COUNTY CLERK

BY \_\_\_\_\_

# State of California



Office of the  
Secretary of State

I, FRANK M. JORDAN, Secretary of State of the State of California, hereby certify:

That on the 18th day of June, 1956, pursuant to the provisions of Section 34327 of the Government Code, there was received in this office and filed in the official records thereof:

A copy, certified by the County Clerk of the County of Orange, of the Resolution adopted by the Board of Supervisors of said County on the 15th day of June, 1956, setting forth incorporation of certain territory described therein as a City under the name "City of Garden Grove."

I further certify, therefore, that the records of my office show the "City of Garden Grove" as a duly incorporated general law city situated in the County of Orange with official date of incorporation of June 18, 1956.



IN WITNESS WHEREOF, I hereunto set my hand and affix the Great Seal of the State of California this 13th day of June, 1956.

*Frank M. Jordan*  
SECRETARY OF STATE

STATE OF CALIFORNIA, }  
County of Orange, } ss.

(4-30-74 - Per former Councilman Harry Blodis, the Res. mentioned herein was filed in Secretary of State office between 1 + 3 pm.)

I, L. B. Wallace, County Clerk of the County of Orange, State of California, and Clerk of the Superior Court thereof, do hereby certify that the instrument attached hereto is a correct copy of the original on file in this office.

THIS CERTIFICATE IS GIVEN FREE OF CHARGE SOLELY UPON THE CONDITION THAT IT IS TO BE USED FOR OFFICIAL BUSINESS UNDER THE PROVISIONS OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

Attest *May 14*, 1958

L. B. Wallace, County Clerk and Clerk of the Superior Court of the State of California in and for the County of Orange.

By *Wayne A. Frager*, Deputy

Record returned to clerk  
BOOK 3550 PAGE 13

**FILED**  
L. R. WALLACE, County Clerk

**RESOLUTION OF THE BOARD OF SUPERVISORS OF  
ORANGE COUNTY, CALIFORNIA**

June 15, 1956

On motion of Supervisor Kaiser, duly seconded and carried, the following Resolution was adopted:

WHEREAS, by Resolution adopted on February 10, 1956, this Board fixed the boundaries of the territory described in said Resolution proposed to be incorporated as a city to be known as the City of Garden Grove, and by said Resolution called an election to be held on April 17, 1956, within said territory for the purpose of determining whether the same shall be so incorporated, and for the purpose of electing five (5) members of the City Council;

WHEREAS, pursuant to Section 36511 of the Government Code the petition for incorporation provided for the appointment of the elective officers, except city councilmen;

WHEREAS, the following persons were nominated as candidates for the offices of City Councilman, to be filled at said election;

- |                          |                        |
|--------------------------|------------------------|
| Lee D. Barr              | George B. Henold       |
| Harry L. Blades          | Daryl Howard Hoyle     |
| Col. Melvin L. Craig     | John B. Johnson        |
| Jay D. Davis             | Lee C. Johnson         |
| E. W. "Bill" Duff        | D. O. Keon             |
| Kenneth E. Dungan        | Harry Louis Lake       |
| Raymond D. "Pat" Elliott | John S. May            |
| Charles Fitch            | Fred "Farmer" McCabe   |
| Maurice H. "Pat" Fleming | Joseph William O'Keefe |
| Norman Charles Florence  | Robert E. Rocca        |
| Joe F. Furr              | Neven S. Von Rohr      |
| Frank T. Gleason         | Arthur B. Wagner       |
| John C. Hedlund          |                        |

WHEREAS, notice of said election and of the list of nominees were each duly given for the time and in the manner required by law;

1 WHEREAS, said election was duly held on April 17, 1956, in the  
 2 time, form and manner as required by law, the votes cast received and  
 3 canvassed, and the returns thereof made to this Board in the time, form  
 4 and manner required by law;

5 WHEREAS, there were 33 absentee ballots issued for said election,  
 6 of which absentee ballots 32 have been received;

7 WHEREAS, this Board commenced the canvassing of the returns  
 8 of said election on April 23, 1956, the date prescribed by Law for the  
 9 canvassing of the returns of said election, and this Board having  
 10 concluded the canvassing of said returns and the absentee ballots on  
 11 April 24, 1956,

12 WHEREAS, upon the canvassing of said returns and the absentee  
 13 ballots, this Board by Resolution duly adopted on April 24, 1956,  
 14 found as follows:

15 1. That a total of 8218 votes were cast at said election on  
 16 the proposition of whether the territory in the Resolution heretofore  
 17 adopted on February 10, 1956, should be incorporated as a city, of  
 18 which number 5780 were "for incorporation" and 2346 were "against  
 19 incorporation";

20 2. That a total of 32809 votes were cast at said election for  
 21 the offices of City Councilman for said proposed municipal corpora-  
 22 tion. The names of the persons voted for said offices of City Council-  
 23 man and the total number of votes cast for each person are as follows:

<u>For City Councilman</u>	<u>No. of Votes Received</u>
Lee D. Barr	2048
Harry L. Blades	2480
Col. Melvin L. Craig	1629
Jay D. Davis	392
E. H. "Bill" Duft	1894
Kenneth E. Dungan	3209
Raymond D. "Pat" Elliott	2047
Charles Fitch	605
Maurice H. "Pat" Fleming	230

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<u>For City Commission</u>	<u>No. of Votes Received</u>
Herman Charles Florence	174
Joe F. Furr	1538
Frank T. Gleason	348
John C. Hedlund	424
George B. Hynold	3551
Daryl Howard Hoyle	459
John B. Johnson	741
Lee C. Johnson	1607
D. O. Keen	747
Harry Louis Lake	3623
John S. May	398
Fred "Farmer" McCabe	1037
Joseph William O'Keefe	569
Robert F. Recco	1399
Neven S. Von Rohr	1272
Arthur B. Wagner	388
Total	<u>32809</u>

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that this Board hereby finds and declares that a majority of the votes cast at said election on the question of incorporation were in favor of incorporation, and that the territory bounded and described as follows is hereby incorporated as a city and is named City of Garden Grove:

Beginning at the intersection of a line parallel with and 20.00 feet Northerly, measured at right angles, from the North line of the South half (04) of Section 1, Township 5 South, Range 11 West, San Bernardino Meridian, (said North line being the center of Trest Avenue) with the Easterly line of California State Highway No. 39; running thence, Northwesterly along said Easterly line of said California State Highway No. 39 to a line parallel to and 30.00 feet Southerly, measured at right angles from the North line of said Section 1 (said North line being the center line of Garden Grove Boulevard); thence, Easterly along last mentioned parallel line to the point of intersection with the Southerly prolongation of a line parallel to and 30.00 feet Easterly, measured at right angles, from the West line of Section 30 and 31, Township 4 South, Range 10 West (said West line being the center line of Magnolia Avenue); thence, Northerly along last

1 mentioned parallel line to a line parallel to and 30.00 feet  
 2 Southerly, measured at right angles, from the North line of  
 3 Section 29 and 30, said Township and Range (said North line  
 4 being the center line of Katella Avenue); thence, Easterly,  
 5 along said last mentioned parallel line to a point in a line  
 6 parallel to and 30.00 feet Easterly, measured at right  
 7 angles, from the East line of said Section 29 (said East  
 8 line being the center line of Euclid Avenue); thence,  
 9 Southerly along last mentioned parallel line 960 feet, more  
 10 or less, to the North line of Tract No. 1475 as shown on a  
 11 map of Tract, recorded in Book 68, pages 30, 31 and 32 of  
 12 Miscellaneous Maps, Records of Orange County; thence,  
 13 Easterly 1290 feet, more or less, along said North line of  
 14 said Tract No. 1475 to the East line of said Tract No. 1475;  
 15 thence, Southerly 660 feet, more or less, along said East  
 16 line to the South line of said Tract No. 1475; thence,  
 17 Westerly 1290 feet, more or less, along said South line to  
 18 a point in a line parallel to and 30.00 feet Easterly  
 19 measured at right angles, from the East line of said Section  
 20 29; thence Southerly 2310 feet, more or less, along last  
 21 mentioned parallel line to the South line of the North half  
 22 ( $N\frac{1}{2}$ ) of the Southwest one-quarter ( $SW\frac{1}{4}$ ) of Section 28 of  
 23 said Township and Range; thence, Easterly 1950 feet, more  
 24 or less, along said South line to the East line of the South-  
 25 west one-quarter ( $SW\frac{1}{4}$ ) of the Northeast one-quarter ( $NE\frac{1}{4}$ )  
 26 of said Section 28; thence, Northerly 660 feet more or less,  
 27 along said East line to the South line of the North half  
 28 ( $N\frac{1}{2}$ ) of the Northeast one-quarter ( $NE\frac{1}{4}$ ) of the Southwest  
 29 one-quarter ( $SW\frac{1}{4}$ ) of said Section 28; thence, Easterly 640  
 30 feet, more or less, along said South line to the West right-  
 31 of-way line of Ninth Street (40 feet wide); thence,  
 32 Northerly 660 feet, more or less, along said West right-of-  
 way line to the South line of the North half ( $N\frac{1}{2}$ ) of said  
 Section 28; thence, Easterly 1345 feet, more or less, along  
 said South line to a point in the West line of Tract No.  
 2255 as shown on a map of said Tract recorded in Book 61,  
 pages 28 and 29 of Miscellaneous Maps, Records of Orange  
 County, California; thence, Northerly 990 feet, more or less,  
 along said West line to the North line of said Tract No. 2255;  
 thence, Easterly 1354 feet, more or less, along said North  
 line and its Easterly prolongation to a point in a line  
 parallel to and 30.00 feet Easterly, measured at right angles,  
 from the East line of said Section 28 (said East line being  
 the center line of West Street); thence, Southerly 970 feet,  
 more or less, along said line parallel to East line of Sec-  
 tion 28 to a line parallel to and 30.00 feet Northerly as  
 measured at right angles from the North line of the South-  
 west one-quarter ( $SW\frac{1}{4}$ ) of said Section 27, (said North line  
 being the center line of Orangewood Avenue); thence,  
 Easterly 1950 feet, more or less, along said line parallel  
 to said North line of the Southwest one-quarter ( $SW\frac{1}{4}$ ) of  
 Section 27, to a point in the West line of the East half  
 ( $E\frac{1}{2}$ ) of the Northeast one-quarter ( $NE\frac{1}{4}$ ) of the Southwest  
 one-quarter ( $SW\frac{1}{4}$ ) of Section 27; thence, Southerly 1340 feet,  
 more or less, along said West line of the East one-half ( $E\frac{1}{2}$ )  
 of the Northeast one-quarter ( $NE\frac{1}{4}$ ) of the Southwest one-  
 quarter ( $SW\frac{1}{4}$ ) of Section 27 to a point in the South line of  
 the North one-half ( $N\frac{1}{2}$ ) of the South one-half ( $S\frac{1}{2}$ ) of said  
 Section 27; thence, Easterly, a distance of 630 feet, more or  
 less, to the intersection of a line parallel with and  
 30.00 feet Westerly, measured at right angles, from the East  
 line of said Southwest one-quarter ( $SW\frac{1}{4}$ ) of Section 27;  
 thence, Southerly, along said last mentioned parallel line,

1 to the intersection of a line parallel with and 30.00 feet  
 2 Northerly, measured at right angles, from the South line of  
 3 said Section 27; thence, Easterly, along said last mentioned  
 4 parallel line, to a point in a line parallel to and 30.00  
 5 feet Westerly, measured at right angles, from the East line  
 6 of said Section 27 and Section 24 of said Township and  
 7 Range (said East line being the center line of Hester  
 8 Street); thence, Southerly along last mentioned parallel  
 9 line and its Southerly prolongation to a point in a line  
 10 parallel to and 30.00 feet Southerly, measured at right  
 11 angles, from the North line of Section 3, Township 5 South,  
 12 Range 10 West (said North line being the center line of  
 13 Garden Grove Boulevard); thence, Easterly along last men-  
 14 tioned parallel line to a line parallel to and 30.00 feet  
 15 Westerly, measured at right angles, from the East line of  
 16 said Section 3 (said East line being the center line of  
 17 Berrydale Street); thence, Southerly along last mentioned  
 18 parallel line to a line parallel with and 20.00 feet  
 19 Northerly, measured at right angles, from the North line of  
 20 the Southeast one-quarter (SE $\frac{1}{4}$ ) of said Section 3; thence,  
 21 Westerly along said last mentioned parallel line to the inter-  
 22 section of a line parallel with and 20.00 feet Easterly,  
 23 measured at right angles, from the West line of said South-  
 24 east one-quarter (SE $\frac{1}{4}$ ) of Section 3; thence, Southerly,  
 25 along said last mentioned parallel line to a line parallel  
 26 to and 30.00 feet Northerly, measured at right angles,  
 27 from the South line of Sections 3, 4, 5 and 6 of said Town-  
 28 ship and Range and Section 1 of Township 5 South, Range 11  
 29 West (said South line being the center line of Westminster  
 30 Avenue) to a point in a line parallel to and 20.00 feet  
 31 Easterly, measured at right angles, from the East line of  
 32 the West one-half (W $\frac{1}{2}$ ) of said Section 1 (said East line  
 33 being the center line of Newland Street); thence,  
 34 Northerly along last mentioned parallel line to a line  
 35 parallel to and 20.00 feet Northerly, measured at right  
 36 angles, from the North line of the South one-half (S $\frac{1}{2}$ )  
 37 of said Section 1 (said North line being the center line  
 38 of Irsk Avenue); thence, Westerly along last mentioned  
 39 parallel line to the point of beginning.

40 BE IT FURTHER RESOLVED AND ORDERED that this Board hereby finds  
 41 and declares that:

42 Harry Louis Lake	43 Harry L. Blades
44 George B. Honold	45 Leé D. Barr
46 Kenneth E. Dungan	

47 are the persons receiving the highest number of votes cast for the  
 48 offices of City Councilman of said City, and they are hereby declared  
 49 elected to the offices of City Councilman of the City of Garden Grove.

50 BE IT FURTHER RESOLVED AND ORDERED that the County Clerk is  
 51 hereby authorized and directed to cause a certified copy of this  
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Resolution to be filed in the office of the Secretary of State and  
to file the Affidavit of Completion required by Section 34080 of the  
Government Code of the State of California.

AYES: SUPERVISORS HEINZ KAISER, WM. H. HIRSTEIN, AND WILLIS H.  
WARNER

NOES: SUPERVISORS NONE

ABSENT: SUPERVISORS C. M. FEATHERLY AND RALPH J. MCFADDEN

STATE OF CALIFORNIA }  
COUNTY OF ORANGE } ss.

I, L. B. WALLACE, County Clerk and ex-officio Clerk of the Board  
of Supervisors of Orange County, California, hereby certify that the  
above and foregoing Resolution was duly and regularly adopted by the  
said Board at an adjourned regular meeting thereof held on the 15th  
day of June, 1956, and passed by a unanimous vote of said Board  
members present.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this  
15th day of June, 1956.

L. B. WALLACE  
County Clerk and ex-officio Clerk of the  
Board of Supervisors of Orange County,  
California

By Walter L. ..., Deputy

Office of  
County Counsel,  
Orange County

AFFIDAVIT OF COMPLETION OF THE INCORPORATION OF THE  
CITY OF GARDEN GROVE, AS A CITY IN THE COUNTY OF  
ORANGE, STATE OF CALIFORNIA

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss.

L. B. WALLACE, being first duly sworn, deposes and says:

I

At all times herein mentioned he was and now is the duly elected, qualified and acting County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Orange, State of California.

II

All requirements of the law pertaining to the proceedings for the incorporation of the City of Garden Grove as a city have been complied with.

III

The Resolution and Order of the Board of Supervisors of the County of Orange declaring the territory comprising said City to be incorporated as a city, was adopted on June 15, 1956, and a certified copy thereof was filed in the office of the Secretary of State of the State of California on June 18, 1956. A copy of said Resolution and Order is also on file in the office of the affiant.

IV

Attached hereto, marked Exhibit "A" and hereby made a part of this Affidavit, is a certified copy of the boundary description of said City of Garden Grove, as fixed by the Board of Supervisors of the County of Orange by Resolution adopted February 10, 1956. There is also attached hereto, marked Exhibit "B" and hereby made a part hereof, a map delineating the boundaries of said City of Garden Grove.

V

In all respects, all requirements of the law relating to the

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COUNTY COUNSEL  
ORANGE COUNTY

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1 incorporation of the City of Garden Grove as a city in the County of  
2 Orange have been fully complied with.  
3

4 L. B. WALLACE  
5 County Clerk and ex-officio Clerk of the  
6 Board of Supervisors of the County of  
7 Orange, State of California

8 By Mabel L. Bostey, Deputy

9 SUBSCRIBED AND SWORN to before me

10 this 19th day of June, 1956.  
11

12 W. L. Lockhart  
13 Notary Public in and for said County  
14 and State.

My Commission Expires March 28, 1960

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ORANGE COUNTY

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EXHIBIT "A"

CERTIFIED COPY OF BOUNDARY DESCRIPTION OF THE CITY OF GARDEN GROVE, AS A CITY IN THE COUNTY OF ORANGE, AS FIXED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE BY RESOLUTION ADOPTED FEBRUARY 10, 1956.

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss.

I, L. B. WALLACE, County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Orange, do hereby certify that the following is a copy of the description of the boundaries of the City of Garden Grove, as a city in the County of Orange, as set forth in the proceedings for the incorporation thereof and as fixed by the Board of Supervisors of the County of Orange by Resolution adopted February 10, 1956:

Beginning at the intersection of a line parallel with and 20.00 feet Northerly, measured at right angles, from the North line of the South half (S $\frac{1}{2}$ ) of Section 1, Township 5 South, Range 11 West, San Bernardino Meridian, (said North line being the center of Trask Avenue) with the Easterly line of California State Highway No. 39; running thence, Northwesterly along said Easterly line of said California State Highway No. 39 to a line parallel to and 30.00 feet Southerly, measured at right angles, from the North line of said Section 1 (said North line being the center line of Garden Grove Boulevard); thence, Easterly along last mentioned parallel line to the point of intersection with the Southerly prolongation of a line parallel to and 30.00 feet Easterly, measured at right angles, from the West line of Section 30 and 31, Township 4 South, Range 10 West (said West line being the center line of Magnolia Avenue); thence, Northerly along last mentioned parallel line to a line parallel to and 30.00 feet Southerly, measured at right angles, from the North line of Section 29 and 30, said Township and Range (said North line being the center line of Katella Avenue); thence, Easterly, along said last mentioned parallel line to a point in a line parallel to and 30.00 feet Easterly, measured at right angles, from the East line of said Section 29 (said East line being the center line of Euclid Avenue); thence, Southerly along last mentioned parallel line 960 feet, more or less, to the North line of Tract No. 1475 as shown on a map of Tract, recorded in Book 68, pages 30, 31 and 32 of Miscellaneous Maps, Records of Orange County; thence, Easterly 1290 feet, more or less, along said North line of said Tract No. 1475 to the East line of said Tract No. 1475; thence, Southerly 660 feet, more or less, along said East line to the South line of said Tract No. 1475; thence, Westerly 1290 feet, more or less, along said South line to a point in a line parallel to and 30.00 feet Easterly, measured at right angles, from the East line of said Section 29; thence, Southerly 2310 feet,

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1 more or less, along last mentioned parallel line to the  
2 South line of the North half ( $N\frac{1}{2}$ ) of the Southwest one-  
3 quarter ( $SW\frac{1}{4}$ ) of Section 28 of said Township and Range;  
4 thence, Easterly 1950 feet, more or less, (along said  
5 South line to the East line of the Southwest one-quarter  
6 ( $SW\frac{1}{4}$ ) of the Northeast one-quarter ( $NE\frac{1}{4}$ ) of said Section  
7 28;) thence, Northerly 660 feet more or less, along said  
8 East line to the South line of the North half ( $N\frac{1}{2}$ ) of the  
9 Northeast one-quarter ( $NE\frac{1}{4}$ ) of the Southwest one-quarter  
10 ( $SW\frac{1}{4}$ ) of said Section 28; thence, Easterly 640 feet,  
11 more or less, along said South line to the West right-  
12 of-way line of Ninth Street (40 feet wide); thence,  
13 Northerly 660 feet, more or less, along said West right-  
14 of-way line to the South line of the North half ( $N\frac{1}{2}$ ) of  
15 said Section 28; thence, Easterly 1345 feet, more or less,  
16 along said South line to a point in the West line of Tract  
17 No. 2255 as shown on a map of said Tract recorded in Book  
18 61, pages 28 and 29, of Miscellaneous Maps, Records of  
19 Orange County, California; thence, Northerly 990 feet,  
20 more or less, along said West line to the North line of  
21 said Tract No. 2255; thence, Easterly 1354 feet, more or  
22 less, along said North line and its Easterly prolongation  
23 to a point in a line parallel to and 30.00 feet Easterly,  
24 measured at right angles, from the East line of said  
25 Section 28 (said East line being the center line of West  
26 Street); thence, Southerly (970) feet, more or less, along  
27 said line parallel to East line of Section 28 to a line  
28 parallel to and 30.00 feet Northerly as measured at right  
29 angles from the North line of the Southwest one-quarter  
30 ( $SW\frac{1}{4}$ ) of said Section 27, (said North line being the  
31 center line of Orangewood Avenue); thence, Easterly 1950  
32 feet, more or less, along said line parallel to said  
North line of the Southwest one-quarter ( $SW\frac{1}{4}$ ) of Section  
27 to a point in the West line of the East half ( $E\frac{1}{2}$ )  
of the Northeast one-quarter ( $NE\frac{1}{4}$ ) of the Southwest one-  
quarter ( $SW\frac{1}{4}$ ) of Section 27; thence, Southerly 1340  
feet, more or less, along said West line of the East one-  
half ( $E\frac{1}{2}$ ) of the Northeast one-quarter ( $NE\frac{1}{4}$ ) of the  
Southwest one-quarter ( $SW\frac{1}{4}$ ) of Section 27 to a point in  
the South line of the North one-half ( $N\frac{1}{2}$ ) of the South  
one-half ( $S\frac{1}{2}$ ) of said Section 27; thence, Easterly, a  
distance of 630 feet, more or less, to the intersection  
of a line parallel with and 30.00 feet Westerly, measured  
at right angles, from the East line of said Southwest  
one-quarter ( $SW\frac{1}{4}$ ) of Section 27; thence, Southerly, along  
said last mentioned parallel line, to the intersection of  
a line parallel with and 30.00 feet Northerly, measured  
at right angles, from the South line of said Section 27;  
thence, Easterly, along said last mentioned parallel  
line, to a point in a line parallel to and 30.00 feet  
Westerly, measured at right angles, from the East line  
of said Section 27 and Section 34 of said Township and  
Range (said East line being the center line of Haster  
Street); thence, southerly along last mentioned parallel  
line and its Southerly prolongation to a point in a line  
parallel to and 30.00 feet Southerly, measured at right  
angles, from the North line of Section 3, Township 5 South,  
Range 10 West (said North line being the center line of  
Garden Grove Boulevard); thence, Easterly along  
last mentioned parallel line to a line parallel to and  
30.00 feet Westerly, measured at right angles, from the  
East line of said Section 3 (said East line being the

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1 center line of Berrydale Street); thence, Southerly along  
2 last mentioned parallel line to a line parallel with the  
3 20.00 feet Northerly, measured at right angles, from the  
4 North line of the Southeast one-quarter (SE $\frac{1}{4}$ ) of said  
5 Section 3; thence, Westerly along said last mentioned  
6 parallel line to the intersection of a line parallel with  
7 and 20.00 feet Easterly, measured at right angles, from  
8 the West line of said Southeast one-quarter (SE $\frac{1}{4}$ ) of  
9 Section 3; thence, Southerly, along said last mentioned  
10 parallel line to a line parallel to and 30.00 feet Northerly,  
11 measured at right angles, from the South line of Sections  
12 3, 4, 5 and 6 of said Township and Range and Section 1 of  
13 Township 5 South, Range 11 West, (said South line being the  
14 center line of Westminster Avenue) to a point in a line  
15 parallel to and 20.00 feet Easterly, measured at right  
16 angles, from the East line of the West one-half (W $\frac{1}{2}$ ) of  
17 said Section 1 (said East line being the center line of  
18 Newland Street); thence, Northerly, along last mentioned  
19 parallel line to a line parallel to and 20.00 feet Northerly,  
20 measured at right angles, from the North line of the South  
21 one-half (S $\frac{1}{2}$ ) of said Section 1 (said North line being  
22 the center line of Trask Avenue); thence, Westerly along  
23 last mentioned parallel line to the point of beginning.

24 DATED: June 19, 1956.

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L. B. WALLACE  
County Clerk and ex-officio Clerk of the  
Board of Supervisors of Orange County,  
California

By Mabel L. Hasty, Deputy

1 RESOLUTION OF THE BOARD OF SUPERVISORS OF  
2 ORANGE COUNTY, CALIFORNIA

3 June 15, 1956

4 On motion of Supervisor Kaiser, duly seconded and carried, the  
5 following Resolution was adopted:

6 WHEREAS, by Resolution adopted on February 10, 1956, this Board  
7 fixed the boundaries of the territory described in said Resolution  
8 proposed to be incorporated as a city to be known as the City of Garden  
9 Grove, and by said Resolution called an election to be held on April 17,  
10 1956, within said territory for the purpose of determining whether the  
11 same shall be so incorporated, and for the purpose of electing five (5)  
12 members of the City Council;

13 WHEREAS, pursuant to Section 36511 of the Government Code the  
14 petition for incorporation provided for the appointment of the elective  
15 officers, except city councilmen;

16 WHEREAS, the following persons were nominated as candidates for  
17 the offices of City Councilman, to be filled at said election:

18 Lee D. Barr	George B. Honold
19 Harry L. Blades	Daryl Howard Hoyle
20 Col. Melvin L. Craig	John B. Johnson
21 Jay D. Davis	Lee C. Johnson
22 E. H. "Bill" Duft	D. O. Keon
23 Kenneth E. Dungan	Harry Louis Lake
24 Raymond D. "Pat" Elliott	John S. May
25 Charles Fitch	Fred "Farmer" McCabe
26 Maurice H. "Pat" Fleming	Joseph William O'Keefe
27 Norman Charles Florance	Robert F. Rocco
28 Joe F. Furr	Nevon S. Von Rohr
29 Frank T. Gleason	Arthur B. Wagner
30 John C. Hedlund	

31 WHEREAS, notice of said election and of the list of nominees  
32 were each duly given for the time and in the manner required by law;

1 WHEREAS, said election was duly held on April 17, 1956, in the  
2 time, form and manner as required by law, the votes cast received and  
3 canvassed, and the returns thereof made to this Board in the time, form  
4 and manner required by law;

5 WHEREAS, there were 33 absentee ballots issued for said election,  
6 of which absentee ballots 32 have been received;

7 WHEREAS, this Board commenced the canvassing of the returns  
8 of said election on April 23, 1956, the date prescribed by law for the  
9 canvassing of the returns of said election, and this Board having  
10 concluded the canvassing of said returns and the absentee ballots on  
11 April 24, 1956;

12 WHEREAS, upon the canvassing of said returns and the absentee  
13 ballots, this Board by Resolution duly adopted on April 24, 1956,  
14 found as follows:

15 1. That a total of 8218 votes were cast at said election on  
16 the proposition of whether the territory in the Resolution heretofore  
17 adopted on February 10, 1956, should be incorporated as a city, of  
18 which number 5780 were "for incorporation" and 2346 were "against  
19 incorporation";

20 2. That a total of 32809 votes were cast at said election for  
21 the offices of City Councilman for said proposed municipal corpora-  
22 tion. The names of the persons voted for said offices of City Council-  
23 man and the total number of votes cast for each person are as follows:

<u>For City Councilman</u>	<u>No. of Votes Received</u>
Lee D. Barr	2048
Harry L. Blades	2480
Col. Melvin L. Craig	1629
Jay D. Davis	392
E. H. "Bill" Duft	1894
Kenneth E. Dungan	3209
Raymond D. "Pat" Elliott	2047
Charles Fitch	605
Maurice H. "Pat" Fleming	230

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ORANGE COUNTY



1 to the intersection of a line parallel with and 30.00 feet  
 2 Northerly, measured at right angles, from the South line of  
 3 said Section 27; thence, Easterly, along said last mentioned  
 4 parallel line, to a point in a line parallel to and 30.00  
 5 feet Westerly, measured at right angles, from the East line  
 6 of said Section 27 and Section 34 of said Township and  
 7 Range (said East line being the center line of Haster  
 8 Street); thence, Southerly along last mentioned parallel  
 9 line and its Southerly prolongation to a point in a line  
 10 parallel to and 30.00 feet Southerly, measured at right  
 11 angles, from the North line of Section 3, Township 5 South,  
 12 Range 10 West (said North line being the center line of  
 13 Garden Grove Boulevard); thence, Easterly along last men-  
 14 tioned parallel line to a line parallel to and 30.00 feet  
 15 Westerly, measured at right angles, from the East line of  
 16 said Section 3 (said East line being the center line of  
 17 Berrydale Street); thence, Southerly along last mentioned  
 18 parallel line to a line parallel with and 20.00 feet  
 19 Northerly, measured at right angles, from the North line of  
 20 the Southeast one-quarter (SE $\frac{1}{4}$ ) of said Section 3; thence,  
 21 Westerly along said last mentioned parallel line to the inter-  
 22 section of a line parallel with and 20.00 feet Easterly,  
 23 measured at right angles, from the West line of said South-  
 24 east one-quarter (SE $\frac{1}{4}$ ) of Section 3; thence, Southerly,  
 25 along said last mentioned parallel line to a line parallel  
 26 to and 30.00 feet Northerly, measured at right angles,  
 27 from the South line of Sections 3, 4, 5 and 6 of said Town-  
 28 ship and Range and Section 1 of Township 5 South, Range 11  
 29 West (said South line being the center line of Westminster  
 30 Avenue) to a point in a line parallel to and 20.00 feet  
 31 Easterly, measured at right angles, from the East line of  
 32 the West one-half (W $\frac{1}{2}$ ) of said Section 1 (said East line  
 being the center line of Newland Street); thence,  
 Northerly along last mentioned parallel line to a line  
 parallel to and 20.00 feet Northerly, measured at right  
 angles, from the North line of the South one-half (S $\frac{1}{2}$ )  
 of said Section 1 (said North line being the center line  
 of Trask Avenue); thence, Westerly along last mentioned  
 parallel line to the point of beginning.

BE IT FURTHER RESOLVED AND ORDERED that this Board hereby finds  
 and declares that:

Harry Louis Lake

Harry L. Blades

George B. Honold

Lee D. Barr

Kenneth E. Dungan

are the persons receiving the highest number of votes cast for the  
 offices of City Councilman of said City, and they are hereby declared  
 elected to the offices of City Councilman of the City of Garden Grove.

BE IT FURTHER RESOLVED AND ORDERED that the County Clerk is  
 hereby authorized and directed to cause a certified copy of this



1 Resolution to be filed in the office of the Secretary of State and  
2 to file the Affidavit of Completion required by Section 34080 of the  
3 Government Code of the State of California.

4 AYES: SUPERVISORS HEINZ KAISER, WM. H. HIRSTEIN, AND WILLIS H.  
5 WARNER

6 NOES: SUPERVISORS NONE

7 ABSENT: SUPERVISORS C. M. FEATHERLY AND RALPH J. MCFADDEN

8 STATE OF CALIFORNIA )  
9 COUNTY OF ORANGE } ss.

10 I, L. B. WALLACE, County Clerk and ex-officio Clerk of the Board  
11 of Supervisors of Orange County, California, hereby certify that the  
12 above and foregoing Resolution was duly and regularly adopted by the  
13 said Board at an adjourned regular meeting thereof held on the 15th  
14 day of June, 1956, and passed by a unanimous vote of said Board  
15 members present.

16 IN WITNESS WHEREOF, I have hereunto set my hand and seal this  
17 15th day of June, 1956.

18  
19  
20 L. B. WALLACE  
21 County Clerk and ex-officio Clerk of the  
22 Board of Supervisors of Orange County,  
23 California

24 By Mabel L. Hasteur, Deputy

25  
26  
27 **FILED**

28 In the office of the Secretary of State  
of the State of California

29 JUN 18 1956

30 FRANK M. JORDAN, Secretary of State

31 By Walter S. Featherly  
32 Deputy

OFFICE OF  
COUNTY COUNSEL  
ORANGE COUNTY

L. B. WALLACE, COUNTY CLERK  
P. O. BOX 838

COUNTY CLERK AND CLERK  
OF THE  
SUPERIOR COURT, ORANGE COUNTY  
SANTA ANA, CALIFORNIA

*Presented to  
Council 12-10-57*

PHONE KI 7-3311

December 3, 1957

RECEIVED DEC 5 1957

Wm. Richards  
City Administrator  
Garden Grove, California

Dear Sir:

I am enclosing herewith a certified copy of a Resolution adopted by the Orange County Board of Supervisors on November 19, 1957, calling for Metropolitan area recognition of Orange County by the Federal Government.

Very truly yours,

L. B. WALLACE  
County Clerk and ex-officio  
Clerk of the Board of Super-  
visors of Orange County,  
California

By *Mabel L. Casteis*  
Deputy Clerk

MLC/ms  
Enc.

METROPOLITAN AREA RECOGNITION OF ORANGE COUNTY  
BY THE FEDERAL GOVERNMENT

*Resolution  
Passed by Council  
on 3-18-58-  
as requested by  
Board of  
Superior*

Whereas, Orange County, California, has grown into a great metropolitan area with a population of more than 600,000 and

Whereas, there are now three adjoining cities--Santa Ana, Anaheim and Garden Grove--each having more than 50,000 population, with a fourth adjoining city--Fullerton--approaching a population of 50,000, and

Whereas, the combined population of these 4 cities now exceeds 250,000 population, and

Whereas, a total population of approximately 500,000 now lives within an area with a radius of only 12 miles, and

Whereas, Census Tracts now on file with the Federal Government verify the urban character of Orange County, and

Whereas, surveys by the California State Department of Employment show urban employment in the county to be more than 125,000, and

Whereas the California State Department of Employment has seen fit to recognize Orange County as part of what it now describes as the "Los Angeles-Long Beach-Orange County Labor Market Area," and

Whereas, Orange County has grown from a population of 216,000 at the time of the last county-wide Federal Census in 1950 to more than 600,000 today-- as proven by more recent Federal Censuses taken city-by-city and reasonable estimates of the population in unincorporated county area--thus making Orange County the "fastest growing county in our Nation's fastest growing state," and

Whereas, the designation of "Standard Metropolitan Areas" across the country started with the 1950 Federal Census and the list has been added to, year by year, as areas qualified for such recognition, and

Whereas, Orange County is now included as part of the "Los Angeles-Long Beach" Metropolitan Area without being mentioned as part of that area in official

Federal Government reports, and

Whereas, business and industry look to the Federal Metropolitan Area reports for valuable information on markets, production and employment, and

Whereas, Orange County's growth and advantages as a site for industrial and trade expansion would be better known across the country if the Federal Government would give recognition to Orange County as a Metropolitan Area in its frequent reports on such areas, now, therefore,

BE IT RESOLVED-- That we, the members of the Board of Supervisors of the County of Orange, California, call upon the Committee on Standard Metropolitan Areas, Bureau of the Budget, Office of the President of the United States, to recognize the development that has taken place here in Orange County in the past 7 years by officially designating Orange County as one of the "Standard Metropolitan Areas" of the nation, and

BE IT FURTHER RESOLVED---That we

1. Compliment the Honorable Thomas H. Kuchel, United States Senator, for his forthright stand in urging such recognition for Orange County.
2. Compliment the Honorable Goodwin J. Knight, Governor of California, for his action in including mention of our county in the designation of the "Los Angeles-Long Beach-Orange County Metropolitan Area" in Department of Labor reports.
3. Compliment the Honorable James M. Utt, Representative in Congress, for his stand in favor of separate statistical reporting for Orange County.
4. Compliment the Honorable William F. Knowland, United States Senator, for the action he has taken in forwarding to the Committee on Standard Metropolitan Areas up-to-date information on Orange County.

BE IT FURTHER RESOLVED -- That we, through copies of this resolution, urge our elected representatives in the House of Representatives and Senate of the United States, and the Vice President and President of the United States, to assist in securing for Orange County the recognition to which it is entitled as a "Standard Metropolitan Area," and

BE IT FURTHER RESOLVED -- That copies of this resolution be sent to the governing bodies of all local municipalities within Orange County, urging that they join in adopting resolutions similar to this.

CITY OF LAGUNA BEACH, CALIFORNIA  
CERTIFIED COPY

RESOLUTION NO. 1654

RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF LAGUNA BEACH, ORANGE COUNTY, CALIFORNIA,  
CALLING FOR METROPOLITAN AREA RECOGNITION  
OF ORANGE COUNTY, BY THE FEDERAL GOVERNMENT.

WHEREAS, the City of Laguna Beach is an incorporated city, within Orange County, California, and has a vital interest in the growth and development and proper recognition of Orange County, and

WHEREAS, Orange County, California, has grown into a great metropolitan area with a population of more than 600,000, and

WHEREAS, there are now three adjoining cities--Santa Ana, Anaheim and Garden Grove--each having more than 50,000 population, with a fourth adjoining city--Fullerton--approaching a population of 50,000, and

WHEREAS, the combined population of these 4 cities now exceeds 250,000 population, and

WHEREAS, a total population of approximately 500,000 now lives within an area with a radius of only 12 miles, and

WHEREAS, Census Tracts now on file with the Federal Government verify the urban character of Orange County, and

WHEREAS, surveys by the California State Department of Employment show urban employment in the county to be more than 125,000, and

WHEREAS, the California State Department of Employment has seen fit to recognize Orange County as part of what is now described as the "Los Angeles-Long Beach-Orange County Labor Market Area," and

WHEREAS, Orange County has grown from a population of 216,000 at the time of the last county-wide Federal Census in 1950 to more than 600,000 today--as proven by more recent Federal Censuses taken city-by-city and reasonable estimates of the population in unincorporated county area--thus making Orange County the "fastest growing county in our Nation's fastest growing state," and

WHEREAS, the designation of "Standard Metropolitan Areas" across the country started with the 1950 Federal Census and the list has been added to, year by year, as areas qualified for such recognition, and

WHEREAS, Orange County is now included as part of the "Los Angeles-Long Beach" Metropolitan Area without being mentioned as part of that area in official Federal Government reports, and

WHEREAS, business and industry look to the Federal Metropolitan Area reports for valuable information on markets, production and employment, and

WHEREAS, Orange County's growth and advantages as a site for industrial and trade expansion would be better known across the country if the Federal Government would give recognition to Orange County as a Metropolitan Area in its frequent reports on such areas;

NOW, THEREFORE, be it resolved--that we, the members of the City Council of the City of Laguna Beach, Orange County, California, call upon the Committee on Standard Metropolitan Areas, Bureau of the Budget, Office of the President of the United States, to recognize the development that has taken place here in Orange County in the past 7 years by officially designating Orange County as one of the "Standard Metropolitan Areas" of the nation, and be it further resolved--that we

1. Compliment the Honorable Thomas H. Kuchel, United States Senator, for his forthright stand in urging such recognition for Orange County.
2. Compliment the Honorable Goodwin J. Knight, Governor of California, for his action in including mention of our county in the designation of the "Los Angeles-Long Beach-Orange County Metropolitan Area" in Department of Labor reports.
3. Compliment the Honorable James M. Utt, Representative in Congress, for his stand in favor of separate statistical reporting for Orange County.
4. Compliment the Honorable William F. Knowland, United States Senator, for the action he has taken in forwarding to the Committee on Standard Metropolitan Areas up-to-date information on Orange County.

Be it further resolved--that we, through copies of this resolution, urge our elected representatives in the House of Representatives and Senate of the United States, and the Vice President and President of the United States, to assist in securing for Orange County the recognition to which it is entitled as a "Standard Metropolitan Area," and

BE IT FURTHER RESOLVED--That we, through copies of this resolution send same to the governing bodies of all local municipalities within Orange County, urging that they join in adopting resolutions similar to this.

ADOPTED, SIGNED AND APPROVED this 19th day of March, 1958.

J. E. RIDDLE  
Mayor

ATTEST:

ED. H. BEAVER  
City Clerk

I, ED. H. BEAVER, City Clerk of the City of Laguna Beach, do hereby certify that the foregoing Resolution was duly adopted at a regular meeting of the City Council of the City of Laguna Beach held on the 19th day of March, 1958, by the following vote, to wit:

AYES: Councilmen Riddle, Wharton, Lambourne, Odmark and Frisbie.

NOES: Councilmen, None.

ABSENT: Councilmen, None.

  
\_\_\_\_\_  
City Clerk

(SEAL)

1 RESOLUTION OF THE BOARD OF SUPERVISORS OF  
2 ORANGE COUNTY, CALIFORNIA, CALLING FOR  
3 METROPOLITAN AREA RECOGNITION OF ORANGE  
4 COUNTY BY THE FEDERAL GOVERNMENT

5 November 19, 1957

6 On motion of Supervisor Phillips, duly seconded and carried,  
7 the following Resolution was adopted:

8 WHEREAS, Orange County, California, has grown into a great  
9 metropolitan area with a population of more than 600,000, and

10 WHEREAS, there are now three adjoining cities - Santa Ana,  
11 Anaheim and Garden Grove - each having more than 50,000 population,  
12 with a fourth adjoining city - Fullerton - approaching a population  
13 of 50,000, and

14 WHEREAS, the combined population of these 4 cities now exceeds  
15 250,000 population, and

16 WHEREAS, a total population of approximately 500,000 now lives  
17 within an area with a radius of only 12 miles, and

18 WHEREAS, Census Tracts now on file with the Federal Government  
19 verify the urban character of Orange County, and

20 WHEREAS, surveys by the California State Department of Employ-  
21 ment show urban employment in the county to be more than 125,000, and

22 WHEREAS, the California State Department of Employment has seen  
23 fit to recognize Orange County as part of what it now described as  
24 the "Los Angeles-Long Beach-Orange County Labor Market Area", and

25 WHEREAS, Orange County has grown from a population of 216,000  
26 at the time of the last county-wide Federal Census in 1950 to more  
27 than 600,000 today - as proven by more recent Federal Censuses taken  
28 city-by-city and reasonable estimates of the population in unincor-  
29 porated county area - thus making Orange County the "fastest growing  
30 county in our Nation's fastest growing State", and

31 WHEREAS, the designation of "Standard Metropolitan Areas"  
32 across the country started with the 1950 Federal Census and the list  
has been added to, year by year, as areas qualified for such recogni-  
tion, and

1           WHEREAS, Orange County is now included as part of the "Los  
2 Angeles-Long Beach" Metropolitan Area without being mentioned as part  
3 of that area in official Federal Government reports, and

4           WHEREAS, business and industry look to the Federal Metropolitan  
5 Area reports for valuable information on markets, production and  
6 employment, and

7           WHEREAS, Orange County's growth and advantages as a site for  
8 industrial and trade expansion would be better known across the  
9 country if the Federal Government would give recognition to Orange  
10 County as a Metropolitan Area in its frequent reports on such areas,

11           NOW, THEREFORE, BE IT RESOLVED that we, the members of the  
12 Board of Supervisors of the County of Orange, California, call upon  
13 the Committee on Standard Metropolitan Areas, Bureau of the Budget,  
14 Office of the President of the United States, to recognize the  
15 development that has taken place here in Orange County in the past  
16 7 years by officially designating Orange County as one of the  
17 "Standard Metropolitan Areas" of the nation, and

18           BE IT FURTHER RESOLVED that we

- 19           1. Compliment the Honorable Thomas H. Kuchel, United  
20           States Senator, for his forthright stand in urging  
21           such recognition for Orange County.
- 22           2. Compliment the Honorable Goodwin J. Knight, Governor  
23           of California, for his action in including mention  
24           of our county in the designation of the "Los Angeles-  
25           Long Beach-Orange County Metropolitan Area" in  
26           Department of Labor reports.
- 27           3. Compliment the Honorable James M. Utt, Representa-  
28           tive in Congress, for his stand in favor of separate  
29           statistical reporting for Orange County.
- 30           4. Compliment the Honorable William F. Knowland, United  
31           States Senator, for the action he has taken in for-  
32           warding to the Committee on Standard Metropolitan  
          Areas up-to-date information on Orange County.

          BE IT FURTHER RESOLVED that we, through copies of this Resolu-  
tion, urge our elected representatives in the House of Representatives  
and Senate of the United States, and the Vice-President and President  
of the United States, to assist in securing for Orange County the



1 recognition to which it is entitled as a "Standard Metropolitan Area",  
2 and

3 BE IT FURTHER RESOLVED that copies of this Resolution be sent  
4 to the governing bodies of all local municipalities within Orange  
5 County, urging that they join in adopting resolutions similar to this.

6  
7 AYES: SUPERVISORS WILLIAM J. PHILLIPS, C. M. FEATHERLY, WM. H.  
HIRSTEIN, HEINZ KAISER AND WILLIS H. WARNER

8 NOES: SUPERVISORS NONE

9 ABSENT: SUPERVISORS NONE

10  
11 STATE OF CALIFORNIA }  
12 COUNTY OF ORANGE } ss.

13 I, L. B. WALLACE, County Clerk and ex-officio Clerk of the  
14 Board of Supervisors of Orange County, California, hereby certify  
15 that the above and foregoing Resolution was duly and regularly adopted  
16 by the said Board at a regular meeting thereof held on the 19th day  
17 of November, 1957, and passed by a unanimous vote of said Board.

18 IN WITNESS WHEREOF, I have hereunto set my hand and seal this  
19 19th day of November, 1957.

20  
21 L. B. WALLACE  
22 County Clerk and ex-officio Clerk of the  
23 Board of Supervisors of Orange County,  
California

24 By Mabel L. Basteris, Deputy  
25  
26  
27  
28  
29  
30  
31  
32

IN THE DISTRICT COURT OF APPEAL  
FOURTH APPELLATE DISTRICT  
STATE OF CALIFORNIA

**FILED**  
DEC 9 - 1956  
E. J. VERDECKBERG, Clerk  
*Raymond E. Hillman*  
Deputy Clerk

PEOPLE OF THE STATE OF CALIFORNIA  
UPON THE RELATION OF WILLARD L. CHAPMAN,

Plaintiffs and Appellants,

vs.

CITY OF GARDEN GROVE, a municipal  
corporation, et al.,

Defendants and Respondents.

4 Civil No. 5757

OPINION

*COPY*

APPEAL from an order of the Superior Court of Orange County,  
John Shea, Judge. Affirmed.

Edmund G. Brown, Attorney General; Eugene B. Jacobs, Deputy  
Attorney General; Albert D. White and Emanuel Gyler for Appellants.

Joel E. Ogle, County Counsel (Orange); George F. Holden, Assist-  
and County Counsel; Stephen K. Tamura, Assistant County Counsel; Wil-  
lard R. Pool, City Attorney of Garden Grove for Respondents.

This is an action in quo warranto by which plaintiff challenges  
the validity of the incorporation of the City of Garden Grove, Cali-  
fornia, and of the exercise by its officers of the municipal functions  
of that city.

The relator having duly obtained the permission of the Attorney  
General of the State of California did on December 28, 1956, file  
a complaint in the above-entitled matter alleging: that the city  
of Garden Grove is not validly incorporated and that the mayor and  
council members are functioning without lawful right; that on Septem-  
ber 27, 1955, notice of intention to circulate a petition for pro-  
posed incorporation was filed with the board of supervisors of Orange  
County; that the boundaries proposed were substantially the same as  
those used in a prior unsuccessful attempt at incorporation, which  
culminated in defeat at an election held May 10, 1955; that on No-  
vember 15, 1955, the county assessor certified the total number of  
owners in the proposed area of incorporation to be 8222 and the total  
valid signers to be 2390; that the total assessed value was \$8,606,308,  
and the total petitioner value was \$2,865,570; that on the same day

the county clerk certified to the sufficiency of the petition; that 1267 of the signatures came in by individually mailed envelopes, and the sufficiency of said signatures was in the process of review and verification of signatures and values for some weeks prior to November 15, 1955; that relator is informed and believes said 1267 signatures were all by a single spouse in joint tenancy ownership of husband and wife, but that said county clerk and county assessor counted each as a whole qualified signature; and that on June 18, 1956, said board of supervisors unlawfully purported to incorporate said city of Garden Grove. Plaintiff asks that the incorporation be declared null and void and the officers prohibited from acting.

Defendants filed their answer denying illegality of the incorporation; denying that the boundaries are substantially the same as those of the prior unsuccessful attempt to incorporate; denying that the signatures were being checked by the clerk and assessor prior to filing; denying the single signature charges relating to alleged joint tenancy in 1267 cases; alleging the affirmative defense (1) that the action is barred by the Second Validating Act of 1956 (Chap. 16, 1956, First Extra Session); (2) validation of incorporation by the same act; (3) detailed recital of due proceedings had and lawful order of the board of supervisors incorporating the city; and lastly, a general objection to the legal sufficiency of the complaint.

Thereafter defendants moved for a summary judgment, filed affidavits in support thereof on the ground (1) that there was no triable issue, and (2) that the defendant municipality's incorporation had been validated by the Second Validating Act of 1956 (Chap. 16, Extraordinary Session 1956.). This motion appears to have been noticed originally for May 6th, 1957, but at the request of plaintiff the time for preparation of the matter was continued over for hearing to May 29th, 1957, on condition that the taking of certain depositions be also continued to a time after said date of May 29th.

"The issue to be determined by the trial court in consideration of a motion (for summary judgment) is whether or not (plaintiff or) defendant has presented any facts which give rise to a triable issue or

defense, and not to pass upon or determine the issue itself, that is, the true facts in the case.'" (Coyne v. Kremples, 36 Cal. 2d 257, 260 (1).)

.....

"Summary judgment for plaintiff is proper only if the affidavits in support of his motion state facts that, if proved, would be sufficient to sustain judgment in his favor, and defendant does not 'by affidavit or affidavits ... show such facts as may be deemed by the judge hearing the motion sufficient to present a triable issue of fact.' (Code Civ. Proc., Sec. 437c; Hardy v. Hardy, 23 Cal. 2d 244, 245, 247 (143 P. 2d 701); Gardenswartz v. Equitable Life Assur. Soc., 23 Cal. App. 2d Supp. 745, 750, 751 (68 P. 2d 322).)

.....

"Since under that section 'an answer may be stricken out, even though a perfect defense may be stated therein, unless the defendant by his affidavits shows facts to substantiate the defense' (Cowan Oil & Ref. Co. v. Miley Pet. Corp., 112 Cal. App. Supp. 773, 778 (295 P. 504); Eagle Oil & Ref. Co. v. Prentice, 19 Cal. 2d 553, 560 (122 P. 2d 264); Grady v. Easley, 45 Cal. App. 2d 632, 641 (114 P. 2d 635); General Inv. Co. v. Interborough Transit Co., 235 N. Y. 133, 142, 143 (139 N.E. 216), a failure to file affidavits showing such facts cannot be remedied by resort to the allegations or denials of a verified answer. The answer may be stricken and judgment entered in accord with the uncontroverted allegations of plaintiff's affidavits. (Kelly v. Liddicoat, 35 Cal. App. 2d 559, 562, 563 (96 P. 2d 186); Bank of America v. Oil Well Supply Co., 12 Cal. App. 2d 265, 270 (55 P. 2d 885; Galusha Stove Co., v. Pivnick Const. Co., 132 Misc. 875 (230 N.Y.S. 720, 721).)"

It therefore becomes necessary, in order to properly analyze the criticism of the summary judgment in this case, to give a rough outline of the allegations of the affidavits.

The affidavits filed by defendants in support of the motion generally recite, with copies of supporting documents attached, the fundamental steps leading to incorporation, viz: the filing on September 27, 1955 of a notice of intention to circulate a petition for incorporation; the passage of a resolution directing notice thereof; the service of the notice on nearby cities; the filing on November 15, 1955 of the petition for incorporation with affidavits of genuineness of signatures; passage of the resolution directing the ascertain-

ing of signatures and boundaries; certificate of assessor regarding assessed values; certificate of clerk regarding signatures and boundaries; the resolution of November 15, 1955 reciting such petition and such service and directing publication of notice; the resolution of November 29, 1955 repeating the direction for notice and fixing December 20 as the time for hearing; the resolution of January 3, 1956 reciting the facts of hearing and fixing boundaries, and election date of March 6, 1956; prescribing notice and further procedure; January 17, 1956 resolution rescinding order of January 3, 1956, and fixing new date of February 8, 1956 for a hearing and notice thereof; minutes of the hearing of February 8, 1956, reciting objections to petitions by mail and challenging jurisdiction of the board of supervisors; minutes of continued hearing of February 10, 1956 reciting inferential challenge to five signatures, and the finding of county counsel that signatures were sufficient; resolution of February 10, 1956, reciting previous proceedings, objections, hearing of evidence, and finding petition and signatures sufficient and boundaries proper, and calling the election for April 17, 1956; prescribing notice of procedure therefor; resolution of April 24, 1956 declaring the returns, finding 5780 votes "for incorporation" and 2346 votes "against incorporation," and reciting votes cast for council; resolution of June 15, 1956 declaring incorporation and election of officers; affidavit of clerk of incorporation, certificate of boundary description, certificate of completion, and formal recordation on June 18, 1956.

Plaintiff filed five counteraffidavits as follows: One by Joan Boris stating affiant checked the petitions and found a portion thereof consisted of only one name to a sheet; that she transposed therefrom to other slips of paper the name, address and assessor's code number, then secured property description belonging to each and assessed valuation from the county assessor, and turned all written information over to Emanuel Gyler, attorney for plaintiff. One by W. T. Wightman of Title Insurance & Trust Company, alleging he checked

certain slips (source and dates not identified) to determine owners of property on each name supplied, and that he attached to his affidavit a list showing the description of property and names of owners. (In their briefs, both plaintiff and defendant use 916 as the number of signatures for land where another joint tenant is involved and we therefore assume that figure for purposes of this opinion.)

One by Emanuel Gyler that he turned the slips of paper received from Joan Boris over to Title Insurance & Trust Company to check ownership.

A second affidavit from Emanuel Gyler that he took depositions of defendant Harry Louis Lake, of county assessor Hugh J. Plumb and of county clerk B. J. Smith; that said Harry Louis Lake will testify that there were two types of petition, one type providing for only one signature to each page; that all single-page signatures came through the mail; that no effort was made by the committee supporting incorporation to determine genuineness of single-page signatures; that said B. J. Smith will testify that petitions were handed to him during the forenoon of November 15, 1955 in the presence of all members of the board of supervisors; that he had seen the petitions at least four weeks before in the office of the county assessor being checked for sufficiency; that he never delegated single signatures to anyone else, did not advise assessor how to determine qualified signers or effect of joint tenancy on single signatures, sent petitions to assessor November 15, 1955 and assessor shortly sent back a letter with information of total land value in proposed incorporation area, value signed for, total number of owners and total valid signers; that with these was a certificate from the county surveyor on the boundaries; that county counsel prepared the certificate of sufficiency signed by said clerk B. J. Smith on November 15, 1955; that Hugh J. Plumb, the county assessor, will testify that he wrote the letter of November 15, 1955 re total land value signed for, total number of owners and total valid signers; that petitions were received by his

office for checking at least 30 days prior to November 15, 1955; that others were left for checking during the 30-day interim; that this was standard procedure in his office; that during the checking of the signatures he was not concerned with the genuineness of the signatures; that he could check the sufficiency of a petition in 30 days; that his records do not cover information on joint tenancy; and that his common procedure was to list only one name.

In a third affidavit by Emanuel Gyler he asserts that in examining exhibits in the board of supervisors' office he found certain records not attached to defendants' affidavits, to wit: notice of intent to circulate petition for incorporation, marked filed September 27, 1955; affidavit of Dean Eastman, O. A. Peters and Clara Mae Murphy, owners in fee or by contract of purchase that all signatures to petition are genuine; petition to exclude certain areas filed December 16, 1955; that subsequent to December 16, 1955, numerous letters, postcards and additional petitions to exclude were filed; that on January 3, 1956 a petition by 80 signers asking to withdraw names from petition for incorporation was filed; that he found one group of single-page signatures containing 31 packages; that each package had on the first page the total number of valid signers written at the top, and that the total number of such signers was 1267; that the order for incorporation was filed with the Secretary of State on June 18, 1955; that the affidavit of completion was filed by the clerk with the county recorder; and that the judgment in Brown v. Board of Supervisors was entered on July 2, 1956.

1. Appellants contend that it was an abuse of discretion for the court to grant a summary judgment because plaintiff's verified complaint and plaintiff's counteraffidavits set forth in detail triable issues of fact.

It is perfectly true that the court in considering a motion for summary judgment is concerned only with the question of whether or not there are triable issues of fact, and does not in the process of

passing on a summary judgment attempt to determine the truth or falsity of any issues which have been established. (Coyne v. Kremple, supra.) Plaintiff contends that the trial court can consider a verified pleading as an affidavit to support the existence of issues on the hearing of a motion for summary judgment, and cites Osborn v. Whittier, 103 Cal. App. 2d 609; Hiller v. Collins, 63 Cal. 235; Falkinburg v. Lucy, 35 Cal. 52; Bank of America v. Williams, 89 Cal. App. 2d 21; 2 Cal. Jur. 2d, Affidavits, 616, 617. None of the cases cited by plaintiff in support of this assertion involve summary judgments. In the Osborn case, a dismissal was had after demurrer was sustained. The Hiller case involved the denial of a motion to dissolve an injunction. The Bank of America case involved an order granting a temporary injunction and denying a motion to dissolve an injunction against defendants. By Section 437c, Code of Civil Procedure, it is provided that a motion for summary judgment shall be supported by affidavit, and the judgment may be entered unless the other party "by affidavit or affidavits shall show such facts as may be deemed ... to present a triable issue of fact." It is further required that the facts stated shall be within the personal knowledge of the affiant. In Coyne v. Kremple, supra, the Supreme Court quite clearly answered this question when it said:

"Defendant contends ... that if the allegations of fact in the affidavits in support of the motion for summary judgment are controverted by the denials in a verified answer, the motion must be denied even though the defendant files no affidavits in opposition thereto ...

"So construed, section 437c would be meaningless. 'It is not the purpose of the procedure under section 437c to test the sufficiency of the pleadings.' ... a failure to file affidavits showing such facts cannot be remedied by resort to the allegations or denials of a verified answer."

We are of the view that in considering whether the triable issues are present the court may not consider the allegations of the pleadings except where they are not controverted by affidavits on either side.



2. Appellants contend that the presence of 916 joint tenancy signers renders the petition insufficient by 124 signatures. Preliminarily, it should be noted that the affidavit proof concerning these joint tenancy signatures is defective in that Wightman does not say he examined the list of names produced from the assessment roll by Joan Boris, nor that this was the list received from Emanuel Gyler.

Passing such defect, however, for the purpose of reaching any possible merit contained in the point, we have examined the record and we find that the joint tenants in each case were husband and wife. Thus it is clear that there were no more than two owners to each parcel of property and if the petition is given credit only for one-half of the 916 signatures thus attacked (each signer would certainly own not less than a half interest), the deduction thus made of 458 signatures would still leave a surplus of more than 300 valid signatures for the petition. "A joint interest is one owned by two or more persons in equal shares." (Civil Code, Sec. 683.)

Furthermore, and much more important is the fact that Government Code Section 34306, which directs the clerk to certify signatures and boundaries, provides that

"... Except to the extent that proof to the contrary has been submitted to him, the clerk in ascertaining whether the petition is signed by the requisite number of qualified signers may assume that the assessees on the last equalized assessment roll of the county are the qualified signers as herein defined."

There is no showing whatever that the sole owners given on the assessment roll were not those signed on the petition. In fact, contents of plaintiff's affidavits on this subject can only be construed to the effect that the assessment roll did in fact contain only the name of the petition signer as the owner.

Since Government Code Section 34303 fixes a requirement of "25 percent of the qualified signers, representing 25 percent of the value of the land included in the proposed city limits, as such value is

shown on the last equalized assessment roll of the county", and the clerk is authorized by said Section 34306 to use said assessment roll in certifying qualified signers, and since the uncontradicted facts shown by the affidavits are that the clerk did do this, the decision of the Board of Supervisors on the sufficiency of the signatures and the petition would be correct.

3. Plaintiff next contends that there were 1267 signatures received through the mail and that they were, therefore, "not circulated" as provided by Government Code Section 34305. There is no allegation that the signatures are not in fact the genuine signatures of the persons they purport to represent. The record contains the required statutory affidavit of three property owners to the veracity of the signatures. The Board of Supervisors' action was based on sufficient evidence.

4. Plaintiff also contends that the checking of signatures prior to the date of formal filing would in some way vitiate the petition. We cannot so hold. The preliminary checking of signatures to any petition, having strict numerical qualification necessities, is one of the most rudimentary and common precautions that any prudent person would take before offering the petition for formal filing. Such preliminary checking is not an official filing, and the record in this case does not in any way show that there was an official filing prior to November 15, 1955. Again, we note there is no allegation that the signatures on any of them are, in fact, false and there is no allegation of fraud. The ruling of the Board of Supervisors was, therefore, correct.

5. In addition, it is clear that all of these matters relating to validity of signatures were factual matters presented to the Board of Supervisors for decision and that as against collateral attack such decision of the Board of Supervisors is, in the absence of fraud, conclusive. In this case there was no charge of fraud. The portion of the affidavits relating to what certain persons would testify to

if a trial were held, does not in our opinion fulfill the requirement of Code of Civil Procedure, Section 437c that the facts alleged in the affidavit must be within the personal knowledge of the affiant. But, even conceding that the affidavits were sufficient in this respect, a careful reading of them brings only the conclusion that there is some indirect inuendo of irregularity. (Fresholtz v. Board of Trustees, 208 Cal. 502; People v. Town of Loyalton, 147 Cal. 774, 779; People v. Los Angeles, 133 Cal. 338, 342; People v. City of Belmont, 100 Cal. App. 537, 542; People v. City of Whittier, 133 Cal. App. 316, 324 (9).)

Hubbell v. City of Los Angeles, 142 Cal. App. 2d 2, does not in our opinion furnish any contrary rules of law, considering the circumstances of that case.

6. Plaintiff next contends that the allegations of the complaint that the boundaries of Garden Grove on the election here under contest were substantially the same as those used in a prior unsuccessful election of May 10, 1955, created a triable issue. Defendant responds that Government Code Section 34325.1, upon which plaintiff relies for this assertion, did not become effective until July 1, 1955; that the wording of the section is cast in the present tense; and that the legislature evinced by its wording no intent that said section should be given retrospective application to allegations which had occurred prior to its effective date. "'A retrospective law is one that relates back to a previous transaction and gives it some different legal effect from that which it had under the law when it occurred'." (Ware v. Heller, 63 Cal. App. 2d 817, 821 (2).)

"It is a general rule of statutory interpretation that a statute will always be given prospective effect unless the intention is clearly shown that it should be considered to operate retrospectively." (Botts v. Simson, 73 Cal. App. 2d 648, 650 (Teacher tenure); Scott v. County of San Mateo, 27 Cal. App. 708, 713 (School District Boundaries); Berg v. Treager, 210 Cal. 323 (Municipal Court Appeal); Aetna Casualty v. I.A.C., 30 Cal. 2d 388, 393 (5) (Industrial Accident Liability); Chesin v. Superior Court, 142 Cal. App. 2d 360, 364 (2)

(Auto Accident Liability); Rafferty v. City of Covina, 133 Cal. App. 2d 745, 755 (7) (City Annexation)."

It is our opinion that neither the language of the statute nor the circumstances of this case compel any retroactive application of said Government Code Section 34325.1, and we are of the opinion that it does not operate and was not intended by the legislature to operate to render void an incorporation under the circumstances here present.

7. Defendant lastly contends that the "Second Validating Act of 1956" (Chap. 16, 1956, Extraordinary Session (in effect July 5, 1956)) effectively validated the incorporation of defendant city. Plaintiff contends this is not so because the act contains the reservation in Section 7(d) thereof that

"This act shall not operate to confirm, validate, or legalize any act, proceeding, or other matter the legality of which is being contested or inquired into in any proceeding now pending and undetermined or which may be pending and undetermined during the period of 30 days from and after the effective date of this act ..."

Brown v. Board of Supervisors, (Superior Court, Orange County, No. 67990) brought to test the validity of preelection proceedings in this incorporation, was filed March 12, 1956. Judgment was entered against contestants July 2, 1956, denying the petition for writ of prohibition; a motion for a new trial was made; an appeal to the Fourth District Court of Appeal was dismissed; and a petition for hearing before the Supreme Court was denied on July 16, 1957.

In any statutory interpretation one of the most cogent guides to observe is the purpose of the act. Literal interpretation of statutory language oftentimes brings absurd results, entirely contrary to the real intent of the legislature. We believe said section 7(d) was designed to prevent the validating act from interfering with immediately pending litigation. The case of Brown v. Board of Supervisors was in fact pending in our opinion, and the validation was suspended and inoperative as to that case. However, such suspension of the vali-

dation related only to the pendency of Brown v. Board of Supervisors, not to some other case that might be commenced at some later or different date involving other parties. If this were not true, action after action might go on and on and on ad infinitum, providing one was commenced before the termination of the other. We do not think the legislature intended any such result at all. (People v. City of Carlsbad, 128 Cal. App. 2d 77, 85.)

In respect to the six months' statutory limitation, we think the general trend of legislative purpose has been to distinguish in these validation acts between the curative power available to the legislature in those respects in which the legislature could have constitutionally dispensed with the procedure sought to be cured, and those procedures which it could not have dispensed with. Thus there is left to the operation of a reasonable statute of limitations those matters which would have been of a constitutionally compulsory nature. Sometimes in cases of this kind the term "jurisdictional" is used (City of Fairfield v. Hutcheon, 33 Cal. 2d 475, 479; Board of Supervisors v. Cothran, 84 Cal. App. 2d 679, 686.) Applying this reasoning, we believe the "Second Validating Act of 1956" has effectively validated the incorporation of Garden Grove at least insofar as such incorporation might be affected by Section 34325.1.


We have here a case in which the face of the record shows ample compliance with preelection statutory procedure, a duly noticed and fairly held election and overwhelming vote by the voter inhabitants in favor of incorporation, elected officers entering upon their lawful duties with all the myriads of ensuing complications, tax levies, employment liabilities, debts and credits, a citizenry investment movement and commitments that always attend when several thousand people adjust themselves to the mutual responsibilities and privileges of participation in life within a municipal corporation. We have a case in which substantially all of the alleged technical defects of the proposed incorporation were attacked by an action before the

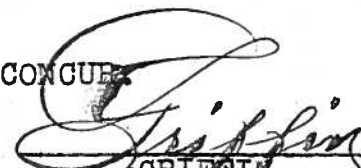
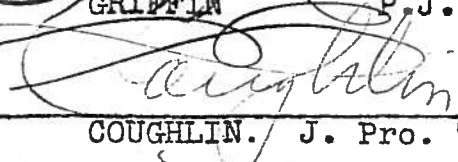
superior court before the election was held, in which action that court at a later date rendered judgment holding said preelection proceedings valid. The appeal from that judgment was by this court dismissed and a hearing denied by the Supreme Court. Res adjudicata was not here pleaded, but we have no doubt the direction of the lives of the citizens of Garden Grove were affected by their knowledge of that decision, just as they were affected by the knowledge of the election. As against this picture we have objections to certain technical phases of the preelection procedure. Most of the material in plaintiff's counteraffidavits is technically insufficient to meet the requirements of Section 437c, Code Civ. Proc., regarding affiant's personal knowledge. But, even though this were not true and assuming all of the second and third-hand hearsay to be true and various broken links in the chain to be repaired, there is still nothing presented which shows, of itself, any false or fraudulent misbehavior nor any lack of notice, knowledge or information to the people of the community who voted on the incorporation. We think that a trial court in determining a question as to whether or not there is any real triable issue should have all these matters in mind.

From an entire examination of the record we are satisfied there is no triable issue, and that the order of the trial court granting the summary judgment was correct and just.

The order appealed from is affirmed.

*Copy*

  
\_\_\_\_\_  
SHEPARD J.

WE CONCUR  
  
\_\_\_\_\_  
GRIFFIN P. J.  
  
\_\_\_\_\_  
COUGHLIN J. Pro. Tem.

AFFIDAVIT OF FILING  
NOTICE OF COMPLETION  
CITY OF GARDEN GROVE

I, L. B. WALLACE, County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Orange, State of California, hereby certify that on the 19th day of June, 1956 I filed with the County Recorder of the County of Orange, my Affidavit of Completion of the Incorporation of the City of Garden Grove, with a certified copy of the boundary description as set forth in the proceedings and a map delineating the boundary of said city attached thereto, in compliance with Sections 34080 and 34081 of the Government Code of the State of California.

I further certify that attached hereto and made a part hereof are true and correct copies of the documents mentioned above.

Dated this 19th day of June, 1956



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L. B. WALLACE, County Clerk  
and ex-officio Clerk of the  
Board of Supervisors of the  
County of Orange, State of  
California.

(SEAL)

# PETITION FOR INCORPORATION

We, the undersigned, each of whom is the owner of land in fee, or a purchaser of land under a written agreement, which land is within the boundaries of the city herein proposed to be incorporated, do hereby petition and pray:

That all territory or portion of the County of Orange, State of California, lying within and enclosed by the boundaries hereinafter set forth, which is wholly unincorporated and has a population of approximately twenty-six thousand (26,000) inhabitants, be organized and incorporated as a city with all city officers, except councilmen, being appointed under the provision of Sections 34300 and following of the Government Code of the State of California. The proposed boundaries of said city having been submitted to the county boundary commission prior to the circulation of this petition and reported by said commission to be definite and certain in all respects are wholly outside of any incorporated city and are described as follows:

Beginning at the intersection of a line parallel with and 20.00 feet Northerly, measured at right angles, from the North line of the South half (S $\frac{1}{2}$ ) of Section 1, Township 5 South, Range 11 West, San Bernardino Meridian, (said North line being the center of Trask Avenue) with the Easterly line of California State Highway No. 39; running thence Northwesterly along said Easterly line of said California State Highway No. 39 to a line parallel to and 30.00 feet Southerly, measured at right angles, from the North line of said Section 1 (said North line being the centerline of Garden Grove Boulevard); thence Easterly along last mentioned parallel line to the point of intersection with the Southerly prolongation of a line parallel to and 30.00 feet Easterly, measured at right angles from the West line of Section 30 and 31, Township 4 South, Range 10 West (said West line being the center line of Magnolia Avenue); thence Northerly along last mentioned parallel line to a line parallel to and 30.00 feet Southerly, measured at right angles, from the North line of Section 29 and 30, said Township and Range (said North line being the centerline of Katella Avenue); thence Easterly along last mentioned parallel line to a point in a line parallel to and 30.00 feet Easterly, measured at right angles, from the East line of said Section 29 (said East line being the centerline of Euclid Avenue); thence Southerly along last mentioned parallel line 960 feet, more or less, to the North line of Tract No. 1475 as shown on a map of said Tract, recorded in Book 68, pages 30, 31 and 32 of Miscellaneous Maps, Records of Orange County; thence Easterly 1290 feet, more or less, along said North line of said Tract No. 1475 to the East line of said Tract No. 1475; thence Southerly 660 feet, more or less, along said East line to the South line of said Tract No. 1475; thence Westerly 1290 feet, more or less, along said South line to a point in a line parallel to and 30.00 feet Easterly, measured at right angles, from the East line of said Section 29; thence Southerly 2310 feet, more or less, along last mentioned parallel line to the South line of the North half (N $\frac{1}{2}$ ) of the Southwest one quarter (SW $\frac{1}{4}$ ) of Section 28 of said Township and Range; thence Easterly 1950 feet, more or less, along said South line to the East line of the Southwest one quarter (SW $\frac{1}{4}$ ) of the Northeast one quarter (NE $\frac{1}{4}$ ) of the Southwest one quarter (SW $\frac{1}{4}$ ) of said Section 28; thence Northerly 660 feet, more or less, along said East line to the South line of the North half (N $\frac{1}{2}$ ) of the Northeast one quarter (NE $\frac{1}{4}$ ) of the Southwest one quarter (SW $\frac{1}{4}$ ) of said Section 28; thence Easterly 640 feet, more or less, along said South line to the West right-of-way line of Ninth Street (40 feet wide); thence Northerly 660 feet, more or less, along said west right-of-way line to the South line of the North half (N $\frac{1}{2}$ ) of said Section 28; thence Easterly 1345 feet, more or less, along said South line to a point in the West line of Tract No. 2255 as shown on a map of said Tract recorded in Book 61, pages 28 and 29, of Miscellaneous Maps, Records of Orange County; thence Northerly 990 feet, more or less, along said West line to the North line of said Tract No. 2255; thence Easterly 1354 feet, more or less, along said North line and its Easterly prolongation to a point in a line parallel to and 30.00 feet Easterly, measured at right angles, from the East line of said Section 28 (said East line being the center line of West Street); thence Southerly 970 feet, more or less, along said line parallel to East line of Section 28 to a line parallel to and 30.00 feet Northerly as measured at right angles from the North line of the Southwest one quarter (SW $\frac{1}{4}$ ) of said Section 27, (said North line being the center line of Orangewood Avenue); thence Easterly 1950 feet, more or less, along said line parallel to said North line of the Southwest one quarter (SW $\frac{1}{4}$ ) of Section 27 to a point in the West line of the East one half (E $\frac{1}{2}$ ) of the Northeast one quarter (NE $\frac{1}{4}$ ) of the Southwest one quarter (SW $\frac{1}{4}$ ) of Section 27; thence Southerly 1340 feet, more or less, along said West line of the East one half (E $\frac{1}{2}$ ) of the Northeast one quarter (NE $\frac{1}{4}$ ) of the Southwest one quarter (SW $\frac{1}{4}$ ) of Section 27 to a point in the South line of the North one half (N $\frac{1}{2}$ ) of the South one half (S $\frac{1}{2}$ ) of said Section 27; thence Easterly 1980 feet, more or less, along said South line of the North one half (N $\frac{1}{2}$ ) of the South one half (S $\frac{1}{2}$ ) of said Section 27 to a point in the East line of the West one half (W $\frac{1}{2}$ ) of the East one half (E $\frac{1}{2}$ ) of Section 27; thence Northerly 3300 feet, more or less, along said East line of the West one half (W $\frac{1}{2}$ ) of the East one half (E $\frac{1}{2}$ ) of Section 27 to a point in the South line of the North one half (N $\frac{1}{2}$ ) of the North one half (N $\frac{1}{2}$ ) of the Northeast one quarter (NE $\frac{1}{4}$ ) of Section 27; thence Easterly 1290 feet, more or less, along said South line to a point in a line parallel to and 30.00 feet Westerly, measured at right angles, from the East line and its Southerly prolongation of Section 27 and 34 of said Township and Range (said East line being the center line of Haster Street); thence Southerly along last mentioned parallel line and its Southerly prolongation to a point in a line parallel to and 30.00 feet Southerly, measured at right angles, from the North line of Section 3, Township 5 South, Range 10 West (said North line being the center line of Garden Grove Boulevard); thence Easterly along last mentioned parallel line to a line parallel to and 30.00 feet Westerly, measured at right angles, from the East line of said Section 3 (said East line being the center line of Berrydale Street); thence Southerly along last mentioned parallel line to a line parallel to and 30.00 feet Northerly, measured at right angles, from the South line of Sections 3, 4, 5 and 6 of said Township and Range and Section 1 of Township 5 South, Range 11 West (said South line being the center line of Westminster Avenue) to a point in a line parallel to and 20.00 feet Easterly, measured at right angles, from the East line of the West half (W $\frac{1}{2}$ ) of said Section 1 (said East line being the center line of Newland Street); thence Northerly along last mentioned parallel line to a line parallel to and 20.00 feet Northerly, measured at right angles, from the North line of the South half (S $\frac{1}{2}$ ) of said Section 1 (said North line being the center line of Trask Avenue); thence Westerly along last mentioned parallel line to the point of beginning.

That you, the Board of Supervisors of the County of Orange, State of California, the county in which the proposed city is located, receive and hear this petition and all persons interested therein, define and establish the boundaries of the proposed city, and call, give notice of and hold an election in the proposed city for the purpose of determining whether or not the same shall be incorporated by the name of the City of Garden Grove; that you take and perform all other necessary acts and proceedings authorized by and required by the aforementioned provisions of the Government Code and other applicable statutes.

NAME	Residence address or legal description of property owned or being purchased under written agreement.	DATE

### IMPORTANT INSTRUCTIONS

**Please Read Carefully Before You Sign!**  
 Your name must be signed exactly as it has been typed hereon. That's the way it appears in the records of the County Assessor. For your convenience, the legal description of your property has already been filled in above. All you have to do is affix your signature, date the petition, and return it, using the postage paid envelope which is enclosed for your convenience.