

LOCAL AGENCY FORMATION COMMISSION OF MARIN COUNTY

RESOLUTION NO. 79-34

RESOLUTION MAKING DETERMINATIONS AND APPROVING ANNEXATION  
WITH WAIVER OF NOTICE, HEARING, AND ELECTION  
TO THE RICHARDSON BAY SANITARY DISTRICT

HARBOR COVE WAY ANNEXATION

WHEREAS, a proposal for the annexation of territory to the Richardson Bay Sanitary District has been filed with the Executive Officer of this Commission; and,

WHEREAS, said proposal was made in the form of a petition submitted by Leonard Cahn, David Lewis and John Rupp, property owners, requesting initiation of annexation proceedings pursuant to the District Reorganization Act of 1965, Division 1 (commencing with Section 56000) of Title 6 of the Government Code; and,

WHEREAS, said petition was signed by all owners of land within the territory proposed to be annexed; and,

WHEREAS, pursuant to Government Code Section 56261, when a petition is signed by all owners of land within the affected territory, this Commission may make determinations with respect to said annexation without notice and hearing.

NOW, THEREFORE, the Local Agency Formation Commission of the County of Marin, DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

1. Subject to the terms and conditions hereinafter specified, the proposal made by petition submitted by the landowner is approved.
2. The boundaries of the territory proposed to be annexed shall be those set forth in Exhibit A, attached hereto and incorporated herein; and said territory shall be designated as the "Harbor Cove Way Annexation" and is found to be uninhabited.
3. Any resolution approving annexation shall include the following terms and conditions imposed by said District:
  - A. In the event that pursuant to rules, regulations or ordinances of the District, as now or hereafter amended, the District shall require any payment of a fixed or determinable amount of money, either as a lump sum or in installments, for the acquisition, transfer, use or right of use of all or any part of the existing property, real or personal, of the District, such payment will be made to the District in the manner and at the time as provided by the rules, regulations or ordinances of the District, as now or hereafter amended.
  - B. Upon and after the effective date of said annexation, the territory, all inhabitants within such territory, and all persons entitled to vote by reason of residing or owning land within the territory, shall be subject to the jurisdiction of the District; shall have the same rights and duties as if the territory has been a part of the District upon its original formation; shall be liable for the payment of principal interest, and any other amounts which shall become due on account of any outstanding or then authorized but thereafter issued bonds, including revenue bonds, or other contracts or obligations of the District; shall be subject to the levying or fixing and collection of any and all taxes, assessments, service

charges, rentals or rates as may be necessary to provide for such payment; and shall be subject to all of the rates, rules, regulations and ordinances of the District, as now or hereafter amended.

4. Commission approval is made subject to the condition that the property owners enter into a binding agreement whereby owners agree not to protest municipal annexation when initiated by the Town of Tiburon.

5. The Board of Directors of the Richardson Bay Sanitary District is designated the conducting district for further proceedings; and said Board is authorized to proceed without notice, hearing, or election pursuant to Government Code Section 56261.

6. The environmental documents relevant to the proposed annexation have been reviewed and considered by the Commission in making its final determination. Pursuant to the California Environmental Quality Act and the Commission's Environmental Guidelines, the County of Marin is Lead Agency and has thereby issued a Negative Declaration of environmental impact.

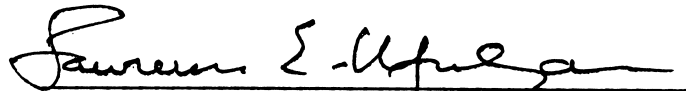
7. The Executive Officer is hereby authorized and directed to mail certified copies of this resolution in the manner prescribed in Section 56272 of the Government Code.

PASSED AND ADOPTED by the Local Agency Formation Commission of the County of Marin on this 14th day of November 1979 by the following vote:

AYES: Commissioners Haehl, Rice, Violich and Mulryan

NOES: None

ABSENT: Commissioner Wilhelm

  
LAWRENCE E. MULRYAN, Chairman  
Marin Local Agency Formation Commission

ATTEST:

  
WARREN K. NELSON, Executive Officer

DATE: November 15, 1979

EXHIBIT "A"  
HARBOR COVE WAY ANNEXATION  
TO  
RICHARDSON BAY SANITARY DISTRICT

Real property situate in the County of Marin, State of California, described as follows:

Beginning at the intersection of the exterior boundary line of the Rancho Corte Madera del Presidio and the westerly line of the Salt Works Canal, as described in the deed from Harbor Cove Corporation to the County of Marin recorded August 10, 1965 in Book 1968 of Official Records at page 516, Marin County Records, said point being on the exterior boundary of the Richardson Bay Sanitary District, and running thence along said Rancho Line and Richardson Bay Sanitary District boundary South  $64^{\circ}30'00''$  West, 201.38 feet, and thence South  $50^{\circ}17'00''$  West, 231.62 feet to a point on the westerly line of the 40 foot roadway and utility easement described in the deed from Harbor Cove Corporation to the County of Marin, recorded August 10, 1965 in Book 1968 of Official Records at page 468, Marin County Records; thence leaving said Rancho Line and Richardson Bay Sanitary District Boundary, along said westerly line (1968 O. R. 468) South  $25^{\circ}13'00''$  East, 103.90 feet to a point on the exterior boundary of the parcel of land conveyed by Harbor Cove Corporation to the County of Marin, recorded August 10, 1965 in Book 1968 of Official Records at page 468, Marin County Records; thence leaving said westerly line (1968 O. R. 468) along said exterior boundary of said lands of County of Marin (1968 O. R. 468), said line being the relocated centerline of a canal, the following courses and distances: easterly along a curve to the right, whose center bears South  $19^{\circ}21'09''$  East, having a radius of 150 feet through a central angle of  $66^{\circ}15'09''$ , an arc length of 173.45 feet; thence on a reverse curve to the left, whose center bears North  $46^{\circ}54'00''$  East, having a radius of 200 feet through a central angle of  $63^{\circ}24'00''$ , an arc length of 221.31 feet, and thence North  $73^{\circ}30'00''$  East, 75.60 feet (North  $73^{\circ}30'00''$  East, 73 feet more or less per 1968 O. R. 468 and North  $73^{\circ}30'00''$  East, 75.782 feet per 1968 O. R. 516) to said westerly line of said Salt Works Canal (1968 O. R. 516); thence leaving said exterior boundary (1968 O. R. 468) and continuing along said westerly line of said Salt Works Canal (1968 O. R. 516) North  $16^{\circ}30'00''$  West, 418.61 feet (418.023 feet more or less per 1968 O. R. 516) to the point of beginning.

Containing 2,735 acres more or less.

ATC:BFL

EXHIBIT "B"

RICHARDSON BAY SANITARY DISTRICT

The annexation shall be subject to the following terms and conditions:

1. In the event that pursuant to rules, regulations or ordinances of the District, as now or hereafter amended, the District shall require any payment of a fixed or determinable amount of money, either as a lump sum or in installments, for the acquisition, transfer, use or right of use of all or any part of the existing property, real or personal, of the District, such payment will be made to the District in the manner and at the time as provided by the rules, regulations or ordinances of the District, as now or hereafter amended.

2. Upon and after the effective date of said annexation, the Territory, all inhabitants within such Territory, and all persons entitled to vote by reason of residing or owning land within the Territory, shall be subject to the jurisdiction of the District; shall have the same rights and duties as if the Territory had been a part of the District upon its original formation; shall be liable for the payment of principal, interest, and any other amounts which shall become due on account of any outstanding or then authorized but thereafter issued bonds, including revenue bonds, or other contracts or obligations of the District; shall be subject to the levying or fixing and collection of any and all taxes, assessments, service charges, rentals or rates as may be necessary to provide for such payment; and shall be subject to all of the rates, rules, regulations and ordinances of the District, as now or hereafter amended.