

LOCAL AGENCY FORMATION COMMISSION OF MARIN COUNTY

RESOLUTION NO. 78-27

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

MARIN VALLEY DRIVE ANNEXATION (1978-10)

WHEREAS, a proposal for the annexation of certain territory to the Novato Sanitary District, in the County of Marin, has been filed with the Executive Officer of this Commission; and,

WHEREAS, said proposal was made in the form of Resolution No. 1723, a resolution of application adopted by the Board of Directors of the Novato Sanitary District, and requesting the 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 resolution of application was accompanied by written consent signed by all owners of land within the territory proposed to be annexed; and,

WHEREAS, pursuant to Government Code Section 56261, when a resolution of application is accompanied by written consent of all owners of land within the territory proposed to be annexed, 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:

Section 1. Subject to the terms and conditions hereinafter specified, the proposal made by Resolution No. 1723, adopted by the Board of Directors of the Novato Sanitary District, is approved.

Section 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 "Marin Valley Drive Annexation (1978-10)".

Section 3. Any resolution ordering the annexation approved by this resolution shall provide that such annexation is ordered subject to the following terms and conditions:

- 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 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.

Section 4. The Novato Sanitary District is designated as the conducting district for further proceedings; and, the Board of Directors of said District is hereby directed to initiate proceedings in compliance with this resolution, and is authorized to proceed without notice or hearing pursuant to Government Code Section 56261.

Section 5. The City of Novato has appropriately assumed Lead Agency for the project, conducted an initial study, and issued a Negative Declaration of environmental impact. LAFCO certified that relevant documents have been considered.

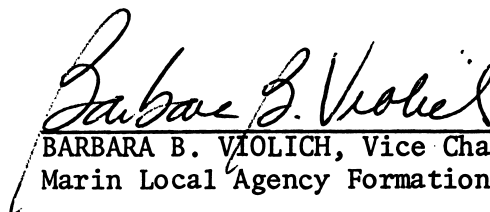
Section 6. The Executive Officer is hereby authorized to mail certified copies of this resolution in the manner and as prescribed by law.

PASSED AND ADOPTED by the Marin Local Agency Formation Commission on this 13th day of September 1978 by the following vote:

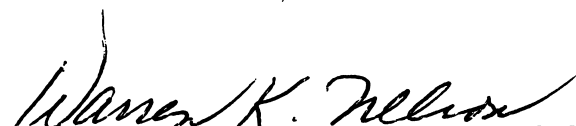
AYES: Commissioners Rice, Haehl and Violich

NOES: None

ABSENT: Commissioners Mulryan and Roumiguere

  
\_\_\_\_\_  
BARBARA B. VIOLICH, Vice Chairman  
Marin Local Agency Formation Commission

ATTEST:

  
\_\_\_\_\_  
WARREN K. NELSON, Executive Officer

DATE: September 14, 1978

## EXHIBIT B

RESOLUTION NO. 1730  
A RESOLUTION MAKING DETERMINATIONS, DESCRIBING  
EXTERIOR BOUNDARIES OF TERRITORY DESIGNATED  
"MARIN VALLEY DRIVE ANNEXATION 1978-10"  
ESTABLISHING TERMS AND CONDITIONS, AND ORDERING  
ANNEXATION OF TERRITORY

## NOVATO SANITARY DISTRICT

RESOLVED, by the Sanitary Board of Novato Sanitary District,  
Marin County, California, as follows:

WHEREAS, on August 14, 1978, this Board adopted its Resolution  
No. 1723, A Resolution of Application by Novato Sanitary District  
Requesting the Local Agency Formation Commission to Take Preliminary  
Proceedings for Annexation of Territory to the District, which  
resolution, together with a form of Written Consent of all of the  
owners of all of the lands comprising the territory proposed to be  
annexed, was filed with the Executive Officer of the Local Agency  
Formation Commission of the County of Marin;

WHEREAS, on September 13, 1978, the Local Agency Formation  
Commission of Marin County adopted its Resolution No. 78-27, A  
Resolution Making Determinations and Approving the Annexation of  
Territory with Waiver of Notice of Hearing and Election to Novato  
Sanitary District, wherein it designated said territory as "Marin  
Valley Drive Annexation 1978-10;"

WHEREAS, said Resolution No. 78-27 of the Local Agency  
Formation Commission of Marin County approved the proposed  
annexation and authorized this Sanitary Board to annex said  
territory without notice and hearing and without an election;

WHEREAS, said resolution of the Local Agency Formation  
Commission made certain findings and deteminations which were  
summarized before the Sanitary Board of Novato Sanitary District;

WHEREAS, a form of Written Consent, signed by all of the  
owners of all of the land within the territory proposed to be  
annexed, has been filed with the District;

WHEREAS, all of the proceedings for the annexation of territory are being had pursuant to the District reorganization Act of 1965, Division 1 of Title 6, comprising Government Code Section 56000 through 56550;

WHEREAS, the territory proposed to be annexed lies within an area as to which the Sanitary Board of District had previously undertaken proceedings for the annexation of territories to said District in the Ignacio Area designated Ignacio Area, Annex No. 1954-3, and West Ignacio, Annex No. 1954-11, and the Board of Supervisors of the County of Marin did order the alteration of the boundaries of said District by the annexation of the Ignacio Area, Annex No. 1954-3, pursuant to its Resolution No. 2391, adopted November 16, 1954, and did order the alteration of the boundaries of said District by the annexation of West Ignacio, Annex No. 1954-11, pursuant to its Resolution No. 4094, adopted May 24, 1955;

WHEREAS, said Ignacio Areas were and are separated from the balance of the District by a ridge which made infeasible the sewerage of the area into the District's facilities in the Novato Area and the District undertook proceedings under Article 3 of Chapter 4 of Part 1 of Division 6 of the Health and Safety Code of the State of California to provide sewage disposal facilities for the Ignacio Area, which will also serve the area proposed to be annexed herein;

WHEREAS, Section 6660 of the Health and Safety Code of the State of California provides that when, in territories annexed to a Sanitary District, proceedings are had pursuant to said Article 3 of Chapter 4 of Part 1 of Division 6 of the Health and Safety Code of the State of California, such territory shall not be subject to taxation for any prior bonds of the District;

WHEREAS, the territory proposed herein to be annexed to said District as Marin Valley Drive Annexation 78-10 will be connected into and sewered through the facilities of said Ignacio Areas and to tax said areas for the outstanding General Obligation Bonds of 1955 of the District would result in inequality of taxation in said territory proposed to be annexed; and

WHEREAS, subsequent to the proceedings hereinabove referred to, the voters authorized issuance of additional General Obligation Bonds for facilities of benefit to all properties within the District, including those in the Ignacio Area, and issued its General Obligation Bonds of 1970 as to which all properties within the District are to be subject to bond taxes;

NOW, THEREFORE, IT IS FOUND, DETERMINED and ORDERED, that

1. The territory proposed to be annexed is uninhabited as such term is defined in Government Code Section 56074, and the description of the exterior boundaries of the territory is set forth in Exhibit "A" attached hereto and made a part hereof, and that no written protests were or have been filed.

2. Annexation is approved subject to the terms and conditions authorized in the Written Consent to the annexation in said Resolution No.1723 of application adopted by Novato Sanitary District and approved by said Resolution No. 78-27 adopted by the Local Agency Formation Commission, as follows:

(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 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.

3. The Executive Officer of the Local Agency Formation

Commission of Marin County is hereby authorized and directed to prepare and execute a certificate of completion of said annexation, which certificate shall have a certified copy of this resolution attached, together with a map indicating the boundaries of the area hereby ordered annexed, a certified copy of which certificate, resolution and map shall be filed by said Executive Officer with the County Recorder of Marin County, being the County in which all of Novato Sanitary District is located, and the Executive Officer shall make such filings as are required in the office of the State Board of Equalization with a certified copy of the certificate of completion attached in the office of the County Assessor, pursuant to Chapter 8 of Part 1, Division 2, Title 5 of the Government Code of the State of California (commencing at Section 54900), and pursuant to the District Reorganization Act of 1965 and particularly Sections 56457 and 54797.2 of the Government Code.

4. In addition to the determinations and conditions hereinabove stated, it is hereby found and determined that the Ignacio Area and the areas within Marin Valley Drive Annexation 78-10 will not be served by the present improvements of the District financed by the General Obligation Bonds of 1955 of the District, and proceedings have been undertaken pursuant to Article 3 of Chapter 4 of Part 1 of Division 6 of the Health and Safety Code of

the State of California, which provided sewage disposal facilities for the Ignacio Areas and territories adjacent thereto and it is hereby determined to be necessary, in order to provide equality of taxation in said annexed areas and the area contained in said Marin Valley Drive Annexation 78-10, that said annexed areas shall not be subject to taxation for the General Obligation Bonds of 1955 of the District, but shall be subject to any taxes levied for the General Obligation Bonds of 1970 of the District.

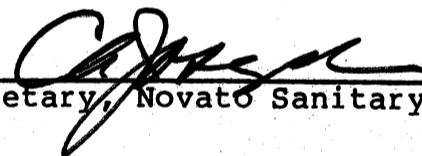
\* \* \* \* \*

I hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly passed and adopted by the Sanitary Board of Novato Sanitary District, Marin County, California, at a regular meeting thereof duly held on the 16th day of October, 1978, by the following vote:

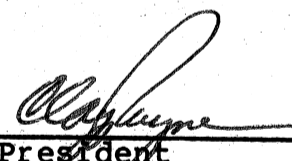
AYES, and in favor thereof, Members: Baker, Long, Medeiros,  
Payne, Rivamonte

NOES, Members: None

ABSENT, Members: None

  
Secretary, Novato Sanitary District

APPROVED:

  
President

July 3, 1978

NOVATO SANITARY DISTRICT

MARIN VALLEY DRIVE ANNEXATION 1978-10

EXHIBIT "A"

Beginning at a point on the existing boundary of Novato Sanitary District, said point being the southeasterly corner of that certain parcel conveyed to the State of California by J.T. Butts, et ux by deed recorded June 22, 1962 in Book 1583 at Page 351, Marin County Records, said point also being on the easterly line of that certain right-of-way, now called Marin Valley Drive, subsequently deeded to the City of Novato as Parcel 4, March 2, 1966 and recorded in Book 2029 at Page 17, Marin County Records; running thence along said easterly right-of-way line and along said Sanitary District boundary South  $9^{\circ} 50' 27''$  West 172.78 feet; thence South  $80^{\circ} 09' 33''$  East 56.89 feet; thence South  $13^{\circ} 44' 18''$  West 182.59 feet to the TRUE POINT OF BEGINNING; thence leaving said easterly right-of-way line and said Sanitary District boundary North  $75^{\circ} 26'$  East 38.94 feet; thence South  $10^{\circ} 44' 40''$  West 327.81 feet to a point on said Sanitary District boundary; thence running along said Sanitary District boundary Westerly to a point on said easterly right-of-way line; thence running along said easterly right-of-way line and continuing along said Sanitary District boundary Northerly to the point of beginning.

CONTAINING 0.94 ACRES

