

MARIN LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NO. 00-9

**RESOLUTION MAKING DETERMINATIONS AND APPROVING ANNEXATION
WITH WAIVER OF NOTICE, HEARING AND ELECTION
TO SAN RAFAEL SANITATION DISTRICT**

“Seaview Avenue Annexation #6 to San Rafael Sanitation District (File 1176)”

WHEREAS, a proposal for the annexation of certain territory to San Rafael Sanitation District, in the County of Marin has been filed with the Executive Officer of this Local Agency Formation Commission pursuant to Title 5, Division 3, commencing with Section 56000 of the Government Code; and

WHEREAS, said proposal was made in the form of a petition, filed by the property owner; and

WHEREAS, said petition 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 56837, when a resolution of application is accompanied by written consent signed by all owners of land within the Territory proposed to be annexed, this Commission may make determination with respect to said annexation without notice and hearing; and

WHEREAS, pursuant to Government Code Section 56837(c), the affected territory is uninhabited; all the owners of land within the affected territory have given their written consent; and the affected local agency that will gain territory, San Rafael Sanitation District, has consented in writing to a waiver of conducting authority proceedings, this Commission may make determination with respect to said application with waiver of conducting authority proceedings; and

WHEREAS, the Executive Officer has reviewed the proposal and prepared a report, including a recommendation thereon, the proposal and report having been presented to and considered by this Commission.

The foregoing instrument is a correct copy of the original on record in the office of the Local Agency Formation Commission of the County of Marin, State of California.

By

Dory Adams

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

Section 1. Subject to the terms and conditions hereinafter specified, the proposed annexation is approved.

Section 2. The boundaries, as set forth in the proposal, are hereby approved as submitted and are as described in Exhibit "A" and "B" attached hereto and by this reference incorporated herein.

Section 3. The territory includes 1.0 acre, is found to be uninhabited, and is assigned the following distinctive short form designation: "Seaview Avenue Annexation #6 to San Rafael Sanitation District (File #1176)".

Section 4. The proposal is consistent with the adopted sphere of influence for San Rafael Sanitation District.

Section 5. Approval of the proposal is granted subject to the following terms and conditions:

Proceedings for the annexation shall not be completed until the applicant and the City of San Rafael execute and record an agreement wherein:

1. The property owner agrees on behalf of himself, his heirs, successors and assigns that, in the event any future proceedings for the annexation of the property to the City of San Rafael shall be initiated by the City, the owner shall neither directly nor indirectly oppose or protest such annexation; and
2. That the owner agrees that his obligations under the agreement shall run with the property and that the property shall be held, conveyed, hypothecated, encumbered, leased, rented, used and occupied subject to the provisions of the agreement and that the obligations undertaken by the owner shall be binding on all parties having or acquiring any right, title, or interest in the property.

Section 6. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15320 (areas containing existing structures developed to the density allowed by current zoning) of the State CEQA Guidelines.


Section 7. The Executive Officer is hereby authorized to complete annexation proceedings and directed to mail certified copies of the resolution in the manner prescribed by Section 56853 of the Government Code.

PASSED AND ADOPTED by the Marin Local Agency Formation Commission on this 13th day of April, 2000 by the following vote:

AYES: Commissioners Blanchfield, Chapman, Eklund, Murray and Ware

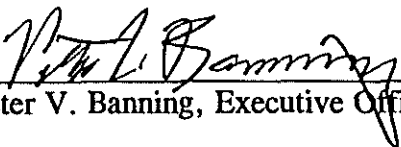
NOES: None

ABSENT: Commissioners Heller, Hennessy and Kress



Jeffrey Blanchfield, Chairperson

ATTEST:



Peter V. Banning, Executive Officer

Date: 8/11/99

EXHIBIT "A"
LEGAL DESCRIPTION
SEAVIEW DRIVE ANNEXATION # 6
TO
SAN RAFAEL SANITATION DISTRICT

Mapping No. 18/99

That parcel of land in the County of Marin, State of California, described in the deed to Brent K. Zerull, recorded in series 1998-0079862, Marin County Records, more particularly described as follows:

Beginning at a Point on the existing boundary of San Rafael Sanitation District, said Point of Beginning being a point on the easterly line of Sea View Avenue (40 feet wide), distant North 72°26'30" East, 40.31 feet, and North 24°41' West, 175.00 feet, from a point on the westerly side of said Sea View Avenue, common to the courses North 24°41' West, 220 feet and North 6°20' East, 81.05 feet; said courses are noted in that certain Deed from San Rafael Development Co., to J. E. French and recorded in Book 310 of Official; Records, at page 63, Marin County Records, said Point of Beginning also being the westerly corner of that certain parcel of land described in the deed to Brent K. Zerull, recorded in series 1998-0079862, Marin County Records;

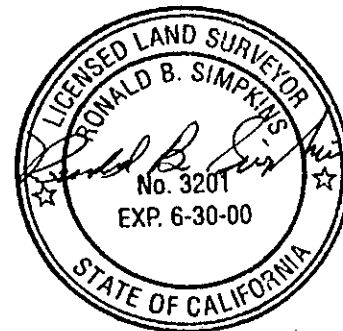
thence along the existing boundary of San Rafael Sanitation District, North 65°19' East, 248.91 feet;

thence leaving said existing boundary of San Rafael Sanitation District, South 24°41' East, 175.00 feet to a point on the existing boundary of San Rafael Sanitation District;

thence along existing boundary of San Rafael Sanitation District, and the extension thereof, South 65°19' West, 248.91 feet to a point on the easterly line of said Sea View Avenue;

thence long the easterly line of said Sea View Avenue, North 24°41' West, 175 feet to the Point of Beginning.

Containing 1.00 more or less, acres.

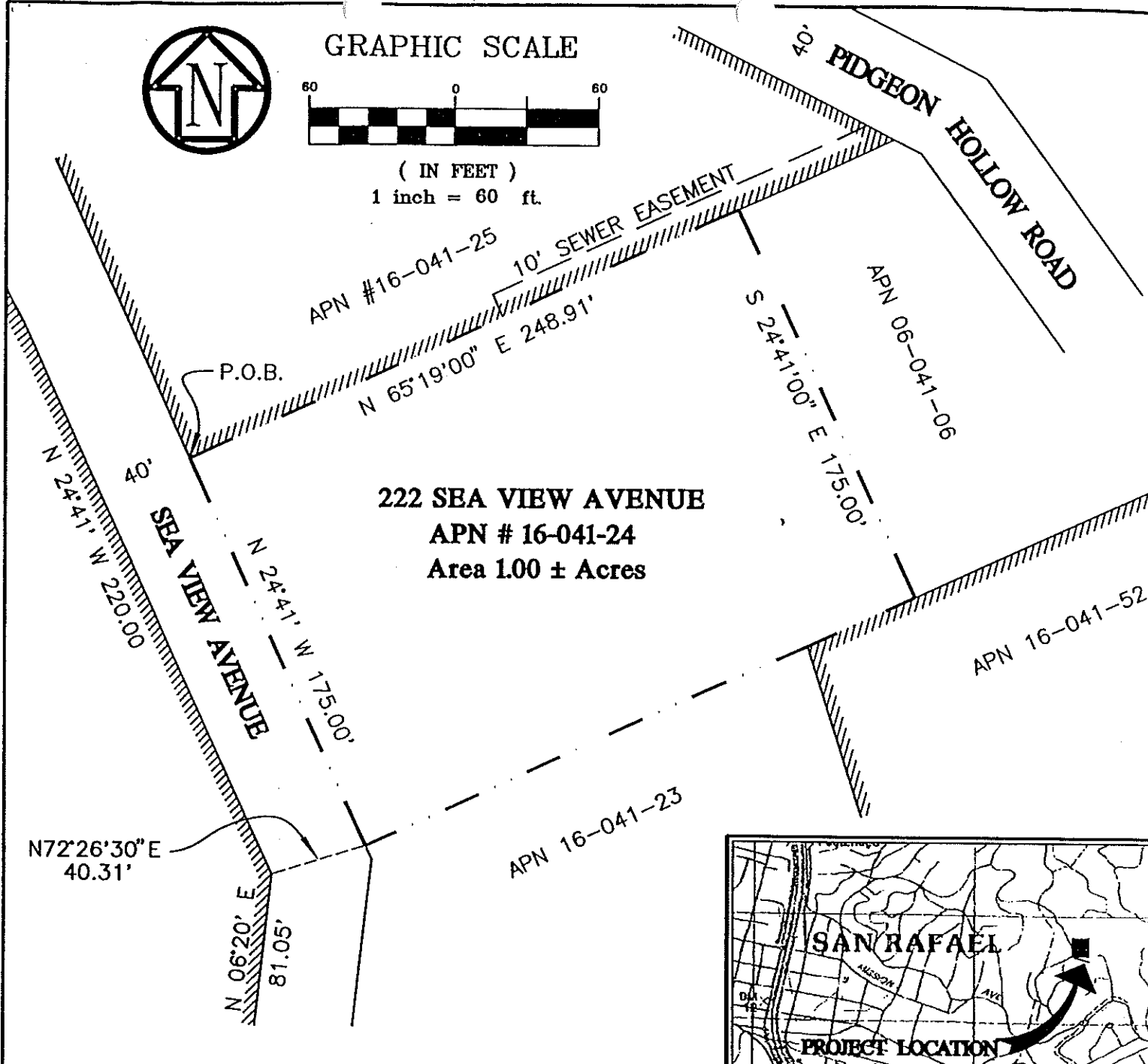




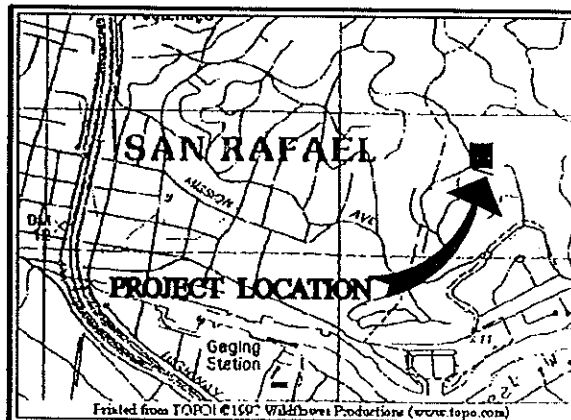
GRAPHIC SCALE



(IN FEET)
1 inch = 60 ft.



222 SEA VIEW AVENUE
APN # 16-041-24
Area 1.00 ± Acres



EXIST. BOUNDARY OF S.R.S.D.
 ANNEXATION BNDRY

EXHIBIT "B"

MAPPING No. 18/99

CSW
[St]²

CSW/STUBER-STROEH
ENGINEERING GROUP, INC.
CONSULTING ENGINEERS

790 DeLong Ave., Novato, CA. 94945-3246
(415) 892-4763 FAX (415) 892-4502

SCALE 1" = 60'
08/18/99 14:48

JOB#7771232
7771232\ANNEX

SEAVIEW DRIVE ANNEXATION # 6
TO
SAN RAFAEL SANITATION DISTRICT

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CA.