

MARIN LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NO. 09-01

**RESOLUTION MAKING DETERMINATIONS AND APPROVING ANNEXATION
TO SANITARY DISTRICT #2 (CORTE MADERA)
WITH WAIVER OF NOTICE, HEARING AND ELECTION**

“Annexation of the Lands of Hutchinson to Sanitary District #2 (Corte Madera)
(File 1296)”

WHEREAS, a proposal for the annexation of certain territory to Sanitary District #2 (Corte Madera) 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 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 56663, when a petition 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 56663(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, Sanitary District #2 (Corte Madera), 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.

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

1. Adopt a resolution making determinations approving the proposed Annexation of the Lands of Hutchinson to Sanitary District #2 (File #1296) subject to the following condition:
 - A. Proceedings for annexation shall not be completed until the property owner and the Town of Tiburon 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 Town of Tiburon shall be initiated by the Town, 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.
 - B. The applicant shall provide a map and legal description conforming to the standards of the State Board of Equalization as determined by the County Department of Public Works.
2. Authorize staff to initiate subsequent proceedings pursuant to Government Code §57000 without notice and hearing.

PASSED AND ADOPTED by the Marin Local Agency Formation Commission on this 12th day of March 2009 by the following vote:

AYES: Commissioners Arnold, Blanchfield, Asbo, Heller, Rodoni, Slavitz

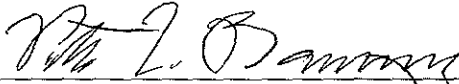
NOES: None

ABSENT: Commissioners Adams, McGlashan



JEFFRY BLANCHFIELD, Chairperson

ATTEST:



PETER V. BANNING, Executive Officer

**ANNEXATION OF THE LANDS OF HUTCHINSON TO SANITARY DISTRICT
No. 2 OF MARIN COUNTY
FILE NO. 1296
Map No. 05-08**

GEOGRAPHIC DESCRIPTION

All that certain real property, a portion of which lies within the Rancho Corte Madera del Presidio, and the remainder lies in Township One North, Range Six West, Mount Diablo Base and Meridian, and all of which lies within the County of Marin, State of California, said property known as Lot # 23, and Ptn 23, "Map of Paradise Cove, Subdivision #2, filed at the Office of the Marin County Recorder April 18, 1941, at Map Book 5, Page 90; Said Parcel being more particularly described as follows:

Commencing at an Iron Pipe & Tag as such is shown on said "Map of Paradise Cove, Subdivision #2, and proceeding thence along the right of way of Ranch Rd, NORTH 51°00'00"WEST, 120.00 Feet to a point, said point being the POINT OF BEGINNING;

Thence, [1] North 45°00'00" East, a distance of 121.48 feet;

Thence, [2] South 39°30'00" East, a distance of 10.05 feet;

Thence, [3] North 45°00'00" East, a distance of 830.61 feet;

Thence, [4] North 90°00'00" East, a distance of 99.20 feet;

Thence, [5] South 45°00'00" West, a distance of 1012.85 feet to the right of way line of said Ranch Road;

Thence, [6] along the right of way of Ranch Road, North 51°00'00" West, a distance of 80.59 feet to the POINT OF BEGINNING;

Said described tract containing 1.61 Acres, more or less.

For assessment purposes only. This description of Land is not a legal Property Description, as defined in the Subdivision Map Act, and may not be used as the basis for an offer for sale of the Land described.

