

LOCAL AGENCY FORMATION COMMISSION OF MARIN COUNTY

RESOLUTION NO. 98-13

RESOLUTION MAKING DETERMINATIONS AND APPROVING ANNEXATION  
SUBJECT TO NOTICE, HEARING ELECTION REQUIREMENTS  
TO THE TOWN OF TIBURON

"Cypress Hollow Area Annexation"

WHEREAS, a proposal for the annexation of certain territory to the Town of Tiburon in the County of Marin has been filed with the Executive Officer of this 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 Tiburon Council Resolution Numbers 3258 and 3264, filed by the Town of Tiburon; and

WHEREAS, at the time and in the form and manner prescribed by law, the Executive Officer has given notice of public hearing by this Commission upon said proposal; and

WHEREAS, the public hearing on said proposal was held by this Commission upon the date and at the time and place specified in said notice of public hearing, and all interested persons present were afforded an opportunity to speak and be heard on the matter; and

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

WHEREAS, the Tiburon Town Council, as lead agency, has determined that the project is categorically exempt from the provisions of the California Environmental Quality Act under State Resources Code Section 15319.

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

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

Section 1. Subject to terms and conditions hereinafter specified, the proposal made by Tiburon Town Council Resolution Numbers 3258 and 3264, and adopted by the Town Council, are approved.

Section 2. The boundaries, as set forth in the proposal and described in Exhibit "A" and Exhibit "B" attached hereto, are hereby approved subject to changes and amendments set forth in Section 5 of this resolution and by this reference incorporated herein.

Section 3. The affected territory includes 29.49 acres, is found to be inhabited, and is assigned the following short form designation: "Cypress Hollow Area Annexation" to the Town of Tiburon.

Section 4. The proposal is consistent with the Town of Tiburon's sphere of influence.

Section 5. Any resolution authorizing the annexation approved by this resolution shall impose the following terms and conditions:

- A. The title on the Legal Description (Exhibit A) and Annexation Map (Exhibit B) shall be changed from "Cypress Hollow Annexation" to "Cypress Hollow Area Annexation".
- B. The Legal Description (Exhibit A) and Annexation Map (Exhibit B) shall be amended to not split Assessor Parcel Number 34-153-26.
- C. Jurisdiction over the Cypress Hollow Landscape and Lighting District shall be transferred from the Board of Supervisors of the County of Marin to the Town Council of the Town of Tiburon by a joint resolution setting forth the mutually agreed upon terms and conditions under which the transfer is to take place.

Section 6. The Town of Tiburon is designated as the conducting authority for further proceedings, and the Tiburon Town Council is hereby directed to initiate proceedings in compliance with this Resolution, and is authorized to take further proceedings upon said annexation in compliance with applicable provisions of State law.

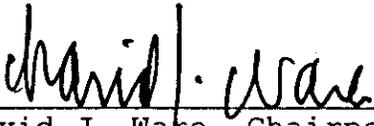
Section 7. The Executive Officer is hereby authorized and directed to mail certified copies of the resolution in the manner prescribed by Section 56853 of the Government Code.

PASSED AND ADOPTED by the Marin County Local Agency Formation Commission on this 3<sup>rd</sup> day of September by the following vote:

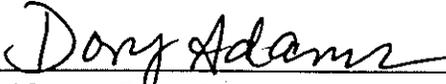
AYES: Commissioners Chapman, Heller, Hennessy, Moore, Rubin and Ware

NOES: None

ABSENT: Commissioners Blanchfield and Kress

  
\_\_\_\_\_  
David J. Ware, Chairperson

ATTEST:

  
\_\_\_\_\_  
Dory Adams, Secretary

**RESOLUTION NO. 3308**

**A RESOLUTION OF THE TOWN COUNCIL  
OF THE TOWN OF TIBURON ORDERING ANNEXATION  
OF TERRITORY TO THE TOWN OF TIBURON -  
“CYPRESS HOLLOW AREA ANNEXATION”**

The Town Council of the Town of Tiburon does hereby resolve as follows:

WHEREAS, the Local Agency Formation Commission has delivered Resolution No. 98-13 of said Commission to this Town Council, which resolution designates the Tiburon Town Council as the conducting authority for this project, and which resolution has been reviewed.

NOW THEREFORE, BE IT FURTHER RESOLVED by the Town Council of the Town of Tiburon as follows:

Section I. This action involves the annexation to the Town of Tiburon of 29.41 acres along the western territory boundary of the Town of Tiburon. This action is being taken pursuant to the Cortese-Knox Local Government Re-Organization Act of 1985. Notice of hearing has been provided pursuant to that Act. A public hearing was held on October 21, 1998, at which protests were filed and not withdrawn constituting less than 25 percent of the registered voters and less than 25 percent of the number of owners of land owning less than 25 percent of the assessed value of land within the affected territory.

Section II. The project is categorically exempt from requirements of the California Environmental Quality Act under Section 15319 of the CEQA Guidelines. The reason for the annexation is in response to substantial property owner and resident interest in annexation to the Town of Tiburon.

Section III. The territory includes 29.41 acres, and is found to be inhabited, the boundaries of which are described in Exhibits A and B attached hereto and by this reference incorporated herein. The short form designation is “Cypress Hollow Area Annexation” to the Town of Tiburon.

Section IV. The regular county assessment roll shall be utilized for the purposes of this annexation.

Section V. The affected territory will be taxed for existing general bonded indebtedness of the Town of Tiburon.

Section VI. Annexation to the Town of Tiburon of the subject territory is hereby ordered, subject to the following conditions:

*Tiburon Town Council Acceptance of Cypress Hollow Annexation - Resolution No.3308*

*10/21/98*

*1*

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*

1. The title on the Legal Description (Exhibit A) and Annexation Map (Exhibit B) shall be changed from "Cypress Hollow Annexation" to "Cypress Hollow Area Annexation."
2. The Legal Description (Exhibit A) and Annexation Map (Exhibit B) shall be amended to not split Assessor Parcel Number 34-153-26.
3. Jurisdiction over the Cypress Hollow Landscape and Lighting District shall be transferred from the Board of Supervisors of the County of Marin to the Town Council of the Town of Tiburon by a joint resolution setting forth the mutually agreed upon terms and conditions under which the transfer is to take place.

Section VII. The Town Clerk is hereby ordered to file six (6) certified copies of this Resolution with the executive officer of the Marin County Local Agency Formation Commission and do all other acts necessary in accordance with law to complete the annexation.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Tiburon, State of California, held this 21st day of October, 1998, by the following vote:

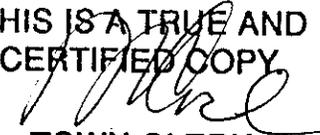
AYES: COUNCILMEMBERS: Bach, Gram, Hennessy, Matthews

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Thompson

  
 \_\_\_\_\_  
 HARRY S. MATTHEWS, MAYOR  
 TOWN OF TIBURON

ATTEST:   
 \_\_\_\_\_  
 DIANE L. CRANE, TOWN CLERK

THIS IS A TRUE AND  
 CERTIFIED COPY  
  
 TOWN CLERK

**A JOINT RESOLUTION OF THE  
MARIN COUNTY BOARD OF SUPERVISORS  
AND THE TIBURON TOWN COUNCIL  
TRANSFERRING JURISDICTION OF AND THE FINANCIAL  
RESOURCES AND DOCUMENTATION ASSOCIATED WITH  
OPERATION, MAINTENANCE AND FUNDING  
OF THE CYPRESS HOLLOW LANDSCAPE AND LIGHTING DISTRICT  
TO THE TOWN OF TIBURON**

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WHEREAS, on January 21, 1998, the Tiburon Town Council adopted Resolution No. 3258 requesting the Local Agency Formation Commission ("LAFCO") to undertake proceedings for the annexation of the CYPRESS HOLLOW SUBDIVISION ("CYPRESS HOLLOW") into the Town of Tiburon; and,

WHEREAS, LAFCO has conducted proceedings in accordance with the Cortese-Knox Local Government Reorganization Act of 1985, and approved the annexation pursuant to LAFCO Resolution No. 98-13; and,

WHEREAS, annexation of the Cypress Hollow Subdivision to the Town of Tiburon requires the Town to administer and provide municipal services in CYPRESS HOLLOW; and,

WHEREAS, the CYPRESS HOLLOW subdivision area includes a County-administered Landscape & Lighting District (LLD), designated by the County as ZONE 14 that was formed for the general purpose of administering, operating and maintaining the following areas which, after the annexation, will lie within the jurisdiction of the Town of Tiburon:

1. The 25 foot sanitary sewer easement landscape and irrigation of the east boundary; and
2. Entry landscaping, the 30 foot storm drainage easement in the

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.

southwesterly boundary and irrigation system; and,

3. Ownership and maintenance of the park site; and,

WHEREAS, Streets & Highways Code § 22612 provides that:

**“§ 22612. Transfer of jurisdiction to city councils; joint resolution**

If all of the territory of a district is included within one city by annexation or incorporation, the legislative body may transfer jurisdiction over the district to the city council of the city by a joint resolution setting forth the mutually agreed upon terms and conditions under which the transfer is to take place. (Added by Stats. 1983, c. 1305, § 8, eff. Sept. 30, 1983.)”

WHEREAS, one of the conditions imposed by LAFCO in its Resolution No. 98-13 was that:

“Jurisdiction over the Cypress Hollow Landscape and Lighting District shall be transferred from the Board of Supervisors of the County of Marin, to the Town Council of the Town of Tiburon by a joint resolution setting forth the mutually agreed upon terms and conditions under which the transfer is to take place.”

**NOW THEREFOR IT IS RESOLVED THAT THE** Tiburon Town Council and the Marin County Board of Supervisors hereby adopt this Joint Resolution transferring the financial resources and documentation associated with operations, maintenance and funding of the CYPRESS HOLLOW LLD to the Town of Tiburon, in order that the Town may effectively administer services in the CYPRESS HOLLOW LLD.

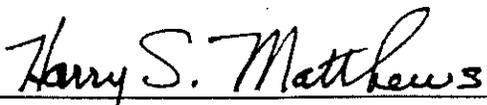
**BE IT FURTHER RESOLVED** that the Town of Tiburon, in assuming control of the CYPRESS HOLLOW LLD accepts responsibility therefor only from the date that the County of Marin transfers its resources to the Town of Tiburon. Any liabilities, losses or other claims arising before said date shall remain the responsibility of the county of Marin.

**PASSED AND ADOPTED** at a special adjourned meeting of the Town Council

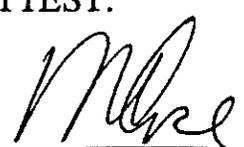
of the Town of Tiburon held on the 16th day of November, 1998, by the following vote:

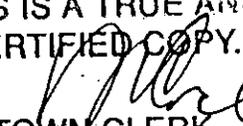
AYES: COUNCILMEMBERS: Bach, Gram, Hennessy, Matthews & Thompson

NOES: COUNCIL MEMBERS: None

  
HARRY S. MATTHEWS, MAYOR  
TOWN OF TIBURON

ATTEST:

  
DIANE L. CRANE, TOWN CLERK

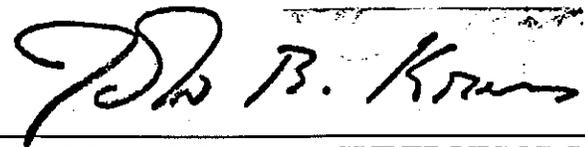
THIS IS A TRUE AND  
CERTIFIED COPY.  
  
TOWN CLERK

**PASSED AND ADOPTED** at a regular meeting of the Board of Supervisors of the County of Marin held on this 15th day of December, 1998, by the following vote:

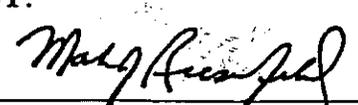
AYES: SUPERVISORS: Moore, Brown, Kinsey, Rose, Kress

NOES: SUPERVISORS: NONE

ABSENT: SUPERVISORS: NONE

  
PRESIDENT, BOARD OF SUPERVISORS

ATTEST:

  
CLERK, BOARD OF SUPERVISORS

cyrholl.res

EXHIBIT A  
CYPRESS HOLLOW AREA ANNEXATION  
TO  
THE TOWN OF TIBURON  
MAPPING NO. 10/98

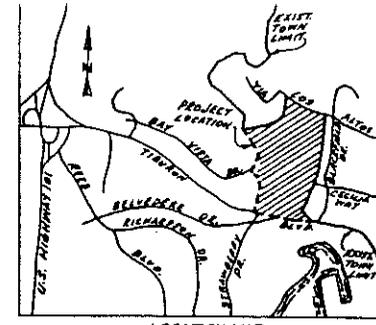
That certain real property situate in the County of Marin, State of California, and more particularly described as follows:

**BEGINNING AT** at the southeasterly corner of Parcel 2 as shown on that certain Parcel Map recorded in Book 18 of Parcel Maps at Page 7, Marin County Records, said corner also being at the northerly right of way line of Tiburon Blvd. and at an angle point in the existing Boundary Limit of the Town of Tiburon; thence from said **POINT OF BEGINNING** along the right-of-way line of Tiburon Blvd., North  $82^{\circ}32'43''$  West, 70.47 feet; thence North  $79^{\circ}48'00''$  West, 250.10 feet; thence North  $79^{\circ}29'25''$  West, 45.31 feet; thence North  $64^{\circ}39'14''$  East, 17.49 feet to an angle point in the southerly line of Lot 4 as shown on that certain map entitled "Map of Bay View Heights Unit Two" recorded in Book 7 of Record Maps at Page 90, Marin County Records; thence North  $80^{\circ}28'00''$  West, 97.66 feet; thence North  $76^{\circ}59'15''$  West, 294.93 feet; thence along the right-of-way of Bay Vista Dr. and a 25.00 foot radius curve to the right, through a central angle of  $89^{\circ}10'14''$ , an arc length of 38.91 feet; thence North  $12^{\circ}11'00''$  East, 98.27 feet; thence North  $77^{\circ}49'00''$  West, 10.00 feet; thence North  $12^{\circ}11'00''$  East, 107.48 feet to the northwesterly corner of Lot 18 as shown on said "Map of Bay View Heights Unit Two", said corner also being the southwesterly corner of Lot 19 as shown on that certain map entitled "Map of Bay View Heights Unit Three" recorded in Book 8 of Record Maps at Page 9, Marin County Records; thence North  $12^{\circ}11'00''$  East, 168.14 feet; thence along a 145.00 foot radius curve to the left, through a central angle of  $20^{\circ}06'01''$ , an arc length of 50.87 feet to the most southwesterly corner of the subdivision as shown on that certain map entitled "Map of Cypress Hollow" recorded in Book 20 of Record Maps at Page 96, Marin County Records, said point being an angle point in the right of way lines of Bayvista Dr. and Cypress Hollow Dr. at the westerly terminus of the line labeled "N  $82^{\circ}05'00''$  E, 110.00'" as shown on said "Map of Cypress Hollow"; thence along the exterior boundary of said subdivision as shown on said "Map of Cypress Hollow" and continuing along said 145.00 foot radius curve to the left, through a central angle of  $25^{\circ}40'39''$ , an arc length of 65.98 feet to the beginning of a 20.00 foot radius non-tangent curve to the left, the radius of said curve bears North  $56^{\circ}24'21''$  East; thence easterly along said curve through a central angle of  $88^{\circ}43'04''$ , an arc length of 30.97 feet, to a point of compound curvature; thence on a tangent curve to the left, with a radius of 400.00 feet, through a central angle of  $18^{\circ}40'25''$ , an arc length of

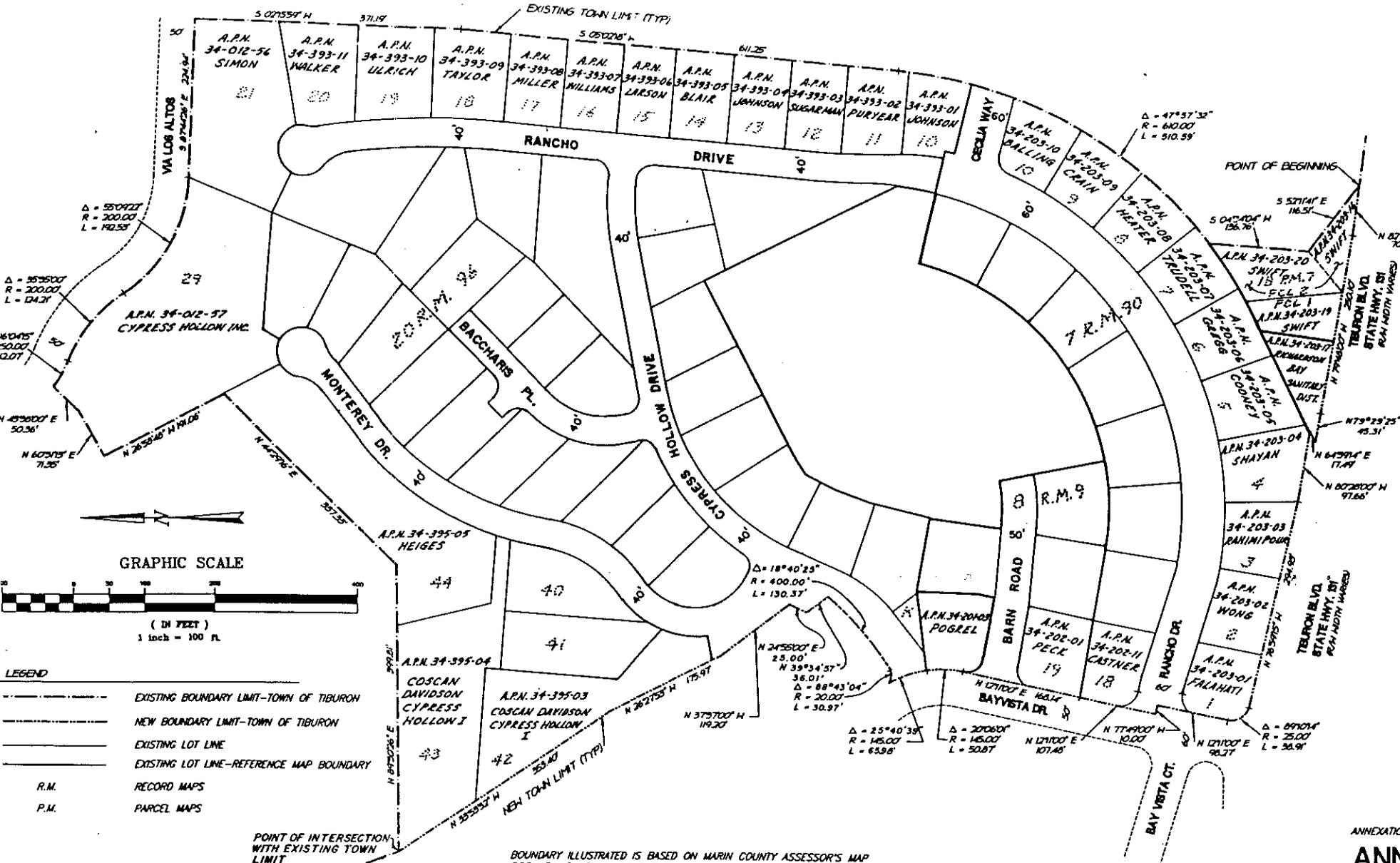
130.37 feet; thence North 39°34'57" West, 36.01 feet; thence North 24°55'00" East, 25.00 feet; thence North 37°37'00" West, 119.20 feet; thence North 26°27'53" West, 175.97 feet; thence North 33°53'32" West, 353.40 feet to the northwesterly corner of Lot 43 as shown on said "Map of Cypress Hollow", said point also being the Point of Intersection with the existing Boundary Limit of the Town of Tiburon; thence along the existing Boundary Limit of the Town of Tiburon North 89°30'26" East, 399.81 feet; thence North 44°29'16" East, 337.33 feet; thence North 26°58'48" West, 191.06 feet; thence North 60°31'13" East, 71.35 feet; thence North 43°38'00" East, 50.36 feet to the right-of-way of Via Los Altos and the beginning of a 150.00 foot radius non-tangent curve to the left, the radius of said curve bears North 37°54'11" East; thence southeasterly along said curve and the right-of-way of Via Los Altos, through a central angle of 16°04'15", an arc distance of 42.07 feet to the beginning of a 200.00 foot radius reverse curve; thence along said curve through a central angle of 35°35'00", an arc length of 124.21 feet to the beginning of a 200.00 foot radius reverse curve; thence along said curve through a central angle of 55°09'22", an arc length of 192.53 feet; thence South 87°44'26" East, 224.94 feet; thence leaving said right-of-way and continuing along the existing Boundary Limit of the Town of Tiburon, South 02°15'59" West, 371.19 feet; thence South 05°02'18" West, 611.25 feet; thence along a 610.00 foot radius curve to the right, through a central angle of 47°57'32", an arc length of 510.59 feet; thence South 04°34'04" West, 136.76 feet; thence South 52°11'41" East, 116.51 feet to the **POINT OF BEGINNING.**

The area of the entire above description is 29.41 acres, more or less.

The BASIS OF BEARINGS of the entire above description is that above mentioned map entitled "Map of Cypress Hollow" recorded in Book 20 of Record Maps at Page 96, Marin County Records.



LOCATION MAP  
NOT TO SCALE



BOUNDARY ILLUSTRATED IS BASED ON MARIN COUNTY ASSESSOR'S MAP BOOK 34, PAGE 20 AND THE FOLLOWING MAPS ON FILE IN THE OFFICE OF THE RECORDER, COUNTY OF MARIN, STATE OF CALIFORNIA:

- 20 R.M. 96-MAP OF CYPRESS HOLLOW
- 7 R.M. 90-MAP OF BAY VIEW HEIGHTS UNIT 2
- 8 R.M. 9-MAP OF BAY VIEW HEIGHTS UNIT 3
- 18 P.M. 7

ANNEXATION CONTAINS 29.41 ACRES, MORE OR LESS

**ANNEXATION MAP**  
SHOWING CYPRESS HOLLOW AREA  
ANNEXATION TO THE  
**TOWN OF TIBURON**  
County of Marin, State of California  
MAPPING NO. 10/98  
AUGUST 1998

**LL. SCHWARTZ ASSOCIATES, INC.**  
CIVIL ENGINEERING AND LAND SURVEYING

79 GALLI DRIVE NOVATO, CA 94949 (415)883-9200 FAX 883-2763  
SCALE AS SHOWN JOB NO. 6811 SHEET 1 OF 1

Original map  
can be viewed in  
the office of  
Marin LAFCO

EXHIBIT B