

MARIN LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NO. 04-17

**RESOLUTION MAKING DETERMINATIONS AND APPROVING ANNEXATION  
TO SANITARY DISTRICT #5 (TIBURON)  
WITH WAIVER OF NOTICE, HEARING AND ELECTION**

"Annexation of the Lands of Kopstein, Young & Hartnett  
to Sanitary District #5 (Tiburon) (File 1257)"

WHEREAS, a proposal for the annexation of certain territory to Sanitary District #5 (Tiburon) 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 #5 (Tiburon), have 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

Candice Bozgar

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

Section 1. The boundaries, as set forth in the proposal, are hereby approved as submitted and are as described in Exhibit "A" and "B" attached hereto subject to the following condition:

- A. Proceedings for annexation shall not be completed until each property owner within the area to be annexed 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 corrected map and legal description with technical modifications specified by the County Department of Public Works (Eric Steger, memo of September 17, 2004).

Section 2. The territory includes 2.13 acres, is found to be uninhabited, and is assigned the following distinctive short form designation: "Annexation of the Lands of Kopstein, Young & Hartnett to Sanitary District #5 (Tiburon) (File 1257)".

Section 3. The proposal is consistent with the adopted sphere of influence for Sanitary District #5 (Tiburon).

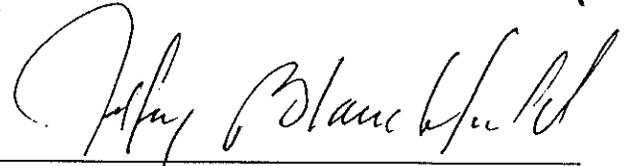
Section 4. The Executive Officer is hereby authorized to complete reorganization proceedings in the manner prescribed by Section 57000 of the Government Code.

**PASSED AND ADOPTED** by the Marin Local Agency Formation Commission on this 4<sup>th</sup> day of November, 2004 by the following vote:

**AYES:** Commissioners Adams, BLanchfield, Asbo, Waldeck, Rodoni and Slavitz.

**NOES:** None

**ABSENT:** Commissioners Heller and Rose.



\_\_\_\_\_  
JEFFRY BLANCHFIELD, Chairperson

**ATTEST:**



\_\_\_\_\_  
PETER V. BANNING, Executive Officer

Date: October 20, 2004  
File: 6.666.71

EXHIBIT B

ANNEXATION OF THE LANDS OF  
KOPSTEIN, YOUNG AND HARTNETT TO  
TIBURON SANITARY DISTRICT

MARIN LAFCO FILE # 1257

MAPPING No. 05/04

COMMENCING at a POINT at the intersection of the two courses "North 46°49'00" West, 252.81 feet and North 28°09'00" West, 308.44 feet", as set forth in Parcel Two in the Deed from Thomas B. Deffebach, et al to County of Marin, as recorded in Book 452 of Official Records at Page 468, Marin County Records; being a point on the southwesterly line of Paradise Drive;

thence from said Point of Commencement along the southwesterly line of Paradise Drive, South 46°49'00" East, 10.67 feet;

thence leaving said southwesterly line of Paradise Drive, continuing along the Lands of Christensen as shown on the survey recorded in Book 23 of Surveys at page, 26 Marin County Records, South 71°43'30" West, 189.28 feet to the True Point of Beginning;

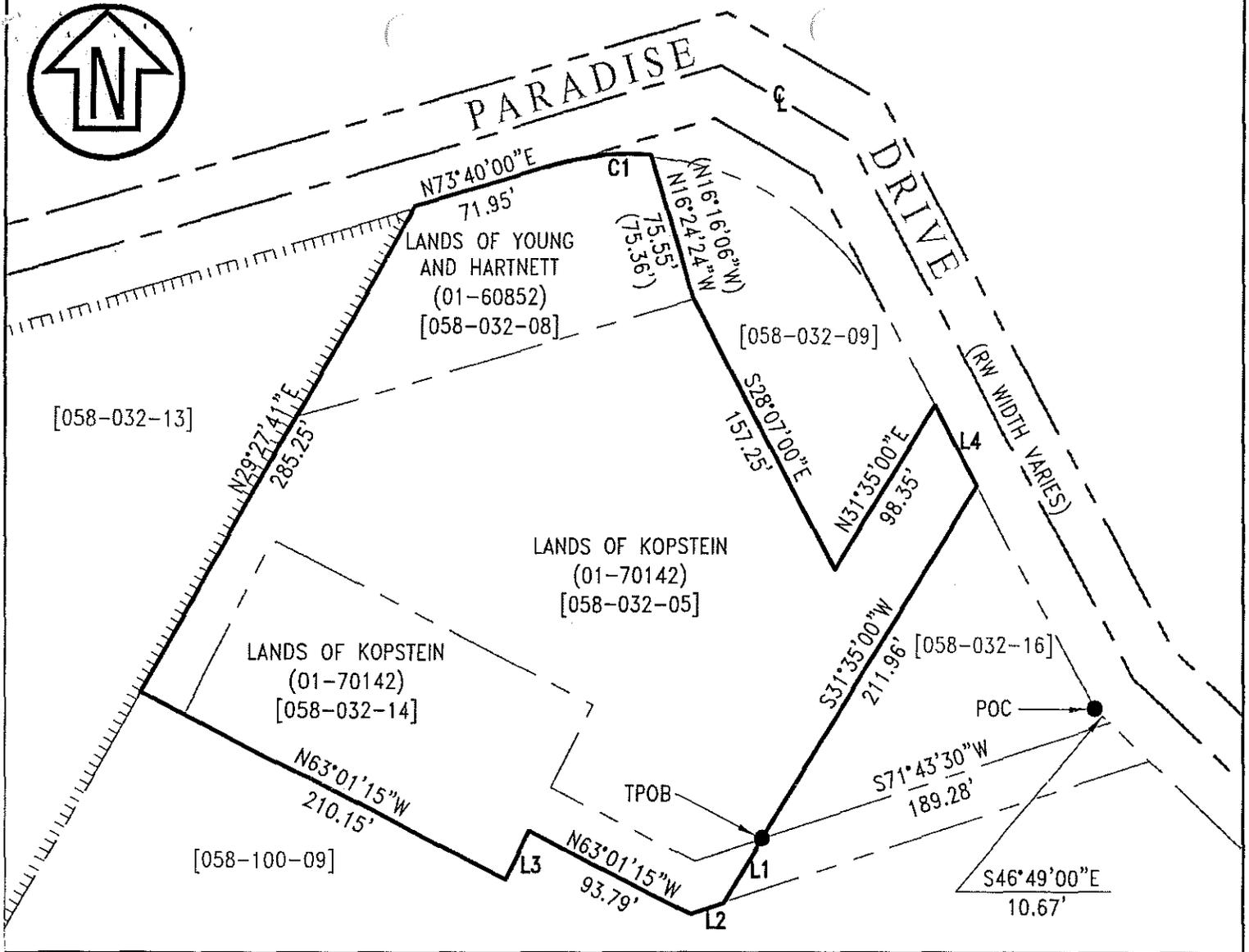
1. thence South 31°35'00" West, 38.78 feet;
2. thence South 71°43'30" West, 17.95 feet;
3. thence North 63°01'15" West, 93.79 feet;
4. thence South 26°58'45" West, 27.50 feet;
5. thence North 63°01'15" West, 210.15 feet to a point on the Tiburon Sanitary District No. 5 westerly boundary, common point also being the southwesterly corner of Lands of Kopstein as shown on said survey (23 O.S. 26);
6. thence North 29°27'41" East, 285.25 feet;
7. thence continuing along Parcel 1 as described in "LANDS DIVISION OF THE LANDS OF, OTHELL MALLOUF, ETAL, 2190 OR 293, RANCHO CORTE MADERA DEL PRESIDIO, MARIN COUNTY - CALIFORNIA", recorded in Book 2 of Parcel Maps at Page 78, North 73°40'00" East, 71.95 feet;

8. thence easterly along a tangent curve concave to the right with a radius of 150.00 feet, through a central angle of  $20^{\circ}38'53''$ , for an arc length of 54.06 feet;
9. thence South  $16^{\circ}24'24''$  East, 75.55 feet;
10. thence along the Lands of Kopstein as shown on said Parcel Map (2 P.M. 78), South  $28^{\circ}07'00''$  East, 157.25 feet;
11. thence North  $31^{\circ}35'00''$  East, 98.35 feet;
12. thence South  $28^{\circ}09'00''$  East, 46.49 feet;
13. thence South  $31^{\circ}35'00''$  West, 211.96 feet to the True Point of Beginning;

Containing 92,609.83 sq. ft., 2.13 acres more or less.

Prepared by CSW/Stuber-Stroeh Engineering Group, Inc.  
Ronald B. Simpkins, L.S. No. 3201, Exp. 6/30/06  
File: 6.666.71 Checked by: JRD Date: 10/20/04





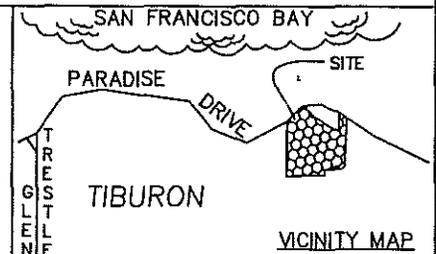
LINE TABLE			CURVE TABLE			
LINE	LENGTH	BEARING	CURVE	DELTA	LENGTH	RADIUS
L1	38.78'	S31°35'00"W	C1	20°38'53"	54.06'	150.00'
L2	17.95'	S71°43'30"W				
L3	27.50'	S26°58'45"W				
L4	46.49'	S28°09'00"E				

**LEGEND:**

- ( ) - RECORDED DOCUMENT
- [ ] - ASSESSOR'S PARCEL NUMBER
- EXISTING TIBURON SANITARY DISTRICT NO. 5
- PROPOSED ANNEXATION TO SANITARY DISTRICT NO. 5

**EXHIBIT "A"**

LAFCO FILE # 1257  
MAPPING NO. 05/04



**CSW**  
[St]<sup>2</sup> CSW/STUBER-STROEH  
ENGINEERING GROUP, INC.  
CONSULTING ENGINEERS  
790 DeLong Ave., Novato, CA. 94945-3246  
(415) 892-4763 FAX (415) 892-4502  
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REV.	8/04
SCALE: 1" = 80'	
<b>ANNEXATION OF THE LANDS OF KOPSTEIN, YOUNG, AND HARTNETT TO TIBURON SANITARY DISTRICT</b>	
TIBURON	MARIN
CALIFORNIA	