

MARIN LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NO. 03-10

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

**"Annexation of the Lands of Marion Heights Development LLC
to Novato Sanitary District (File #1241)"**

WHEREAS, a proposal for the annexation of certain territory to the City of Novato and to the Novato Sanitary 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 resolution filed by the Board of Novato Sanitary District; and

WHEREAS, pursuant to Government Code Section 56663, when a resolution 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, Novato Sanitary District, has consented in writing to a waiver of protest proceedings, this Commission may make determination with respect to said application with waiver of protest proceedings; and

WHEREAS, the Executive Officer has reviewed the application and prepared a report, including a recommendation thereon, the application 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:

Section 1. The boundaries, as set forth in the proposal, are hereby approved as submitted and are as described in Exhibits "A" and "B" attached hereto and by this reference incorporated herein.

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 Dary Miller

Section 2. The territory includes 7.47 acre, is found to be uninhabited, and is assigned the following distinctive short form designation: "Annexation of the Lands of Marion Heights Development LLC to Novato Sanitary District (File #1241)".

Section 3. The proposal is consistent with the adopted sphere of influence for Novato Sanitary District.

Section 4. The Commission certifies that it has reviewed and considered the mitigated Negative Declaration of Environmental Impact prepared for this project by the City of Novato and adopted by their Resolution No. 50-01 dated April 24, 2001.

Section 5. The Commission finds that changes or alterations to the project and mitigation measures to lessen environmental effects to less than significant levels as identified in the Mitigated Negative Declaration are within the responsibility of the Novato Sanitary District and the City of Novato and not LAFCO. The City of Novato, acting as lead agency, has adopted a mitigation monitoring and reporting plan in which the District staff and the staff of the City of Novato are responsible for compliance and are empowered to sanction non-compliance.

Section 6. 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 13th day of March, 2003 by the following vote:

AYES: Commissioners Adams, Blanchfield, Chapman, Heller, Rodoni, Rose and Slavitz

NOES: None

ABSENT: None



JEFFRY BLANCHFIELD, Chairperson

ATTEST:



PETER V. BANNING, Executive Officer

EXHIBIT "A"

ANNEXATION OF THE LANDS OF
MARION HEIGHTS DEVELOPMENT, LLC
TO NOVATO SANITARY DISTRICT

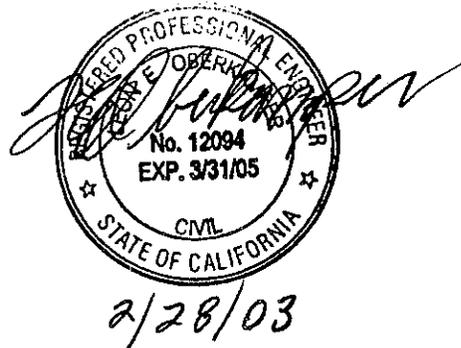
MAPPING NO 01/03

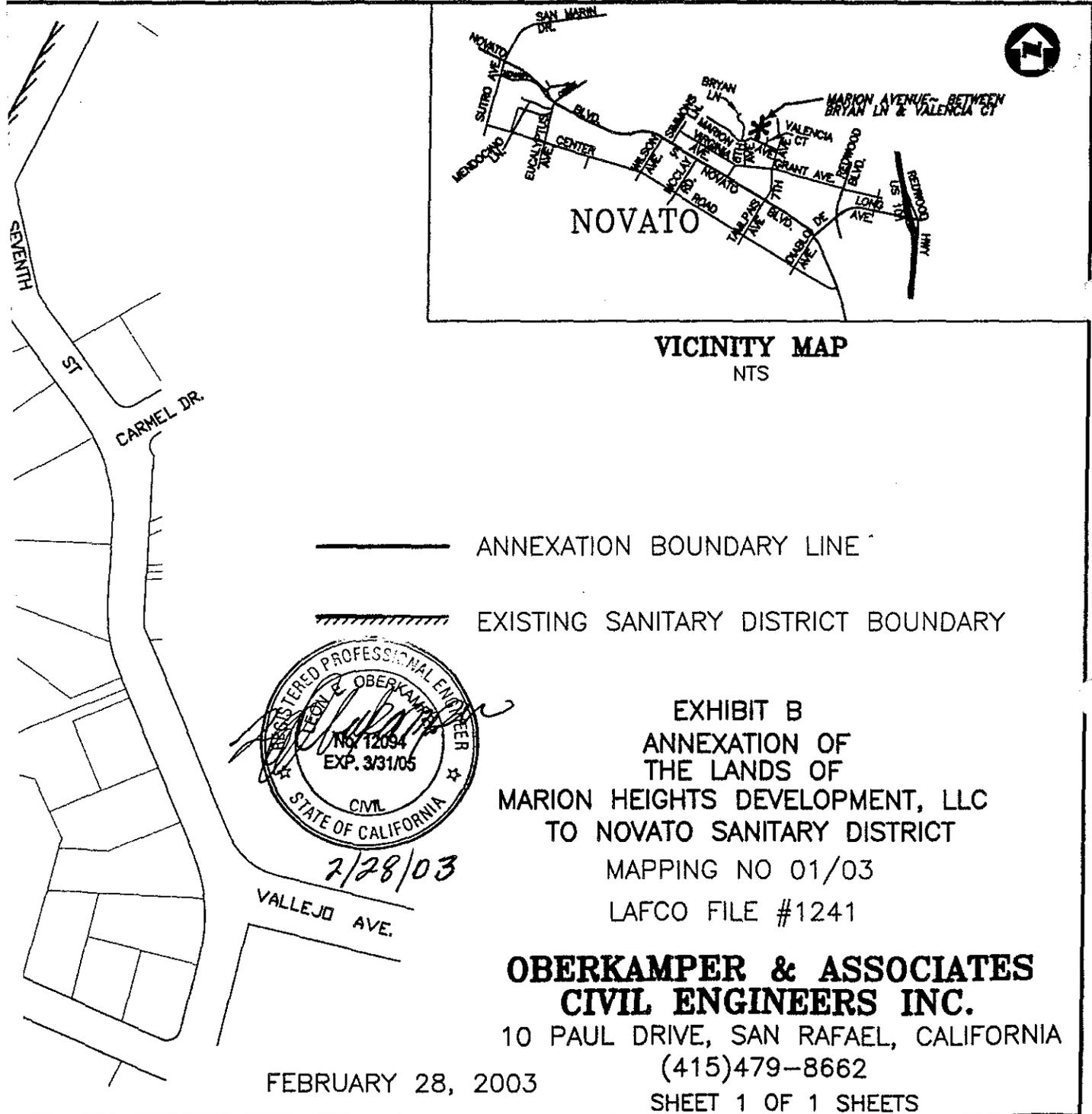
LAFCO FILE #1241

All that certain real property situated in the County of Marin, State of California described as follows:

Beginning at a point on the westerly line of the lot 75, as shown on that certain map entitled "Subdivision One, Sweetser Ranch, Novato, Calif." Filed July 15, 1913 in Map Book 4, at page 49, Marin County Records, said point being located thereon North14°02'West 127.308 feet from the southwest corner of said lot; 1) thence following the boundary of the Novato Sanitary District along said westerly line North14°02'West 624.492 feet, more or less to the most northerly corner of said lot; 2) thence leaving the boundary of the Novato Sanitary District and proceeding South82°44'East 582.5 feet to the northeast corner of said lot 75; 3)thence following the boundary of the Novato Sanitary District the following courses: South0°51'West, 718.979 feet; more or less, to a point which bears North0°51'West, 108.921feet from the most southerly corner of said lot; 4) thence North65°48'West 277.840 feet; 5) thence South 05°32'West 94.787 feet; 6) thence on a curve to the left, the center of which bears South84°28'East, having a radius of 15.00 feet; through a central angle of 71°20'00", an arc length of 18.675 feet to the south line of said lot 75; 7) thence North65°48'West along said south line 84.441 feet, to the point of cusp of a non-tangent curve; 8) thence leaving said south line on a curve to the left, the center of which bears North24°12'East, having a radius of 15.00 feet; through a central angle of 108°40'00", an arc length of 28.449 feet 9) thence North 05°32'East 84.652 feet; 10) thence North 65°48'West 125.0 feet to the Point of Beginning.

Contains 7.47 acres.





VICINITY MAP
NTS

- ANNEXATION BOUNDARY LINE
- EXISTING SANITARY DISTRICT BOUNDARY



2/28/03

EXHIBIT B
ANNEXATION OF
THE LANDS OF
MARION HEIGHTS DEVELOPMENT, LLC
TO NOVATO SANITARY DISTRICT
MAPPING NO 01/03
LAFCO FILE #1241

**OBERKAMPER & ASSOCIATES
CIVIL ENGINEERS INC.**
10 PAUL DRIVE, SAN RAFAEL, CALIFORNIA
(415)479-8662
SHEET 1 OF 1 SHEETS

FEBRUARY 28, 2003