

LOCAL AGENCY FORMATION COMMISSION OF MARIN COUNTY

RESOLUTION NO. 95-10

RESOLUTION MAKING DETERMINATIONS AND APPROVING ANNEXATION
WITH WAIVER OF NOTICE, HEARING AND ELECTION
TO THE RICHARDSON BAY SANITARY DISTRICT

"Tiburon Blvd. Annexation"

WHEREAS, a proposal for the proposed annexation of certain territory to the Richardson Bay 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 petition, filed by the property owners; and

WHEREAS, said a petition of application was accompanied by written consent signed by all owners of land with the territory proposed to be annexed; and

WHEREAS, pursuant to Government Code Section 56837, when a resolution of application is accompanied by written consent of 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.

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

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

Section 1. Subject to terms and conditions hereinafter specified, the proposal made by petition, 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 1.76 acres, is found to be uninhabited, and is assigned the following distinctive short form designation: "Tiburon Blvd. Annexation" to Richardson Bay Sanitary District.

Section 4. The proposal is consistent with the spheres of influence of affected local agencies.

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

- A. In the event that pursuant to rules, regulations or ordinances of the District, as now or hereafter amended, the District shall require any payment of fixed or determinable amount of money, either as a lump sum or in installments, or the acquisition, transfer, use or right of use of all or part of the existing property, real or personal, of the District, such payment will be made to the District in the manner and at the time as provided by the rules, regulations or ordinances of the District, as now or hereafter amended, pursuant to which such payment is required.
- B. Upon and after the effective date of said annexation, the territory, all inhabitants within such territory, and all persons entitled to vote by reason of residing or owning land within the territory, shall be subject to the jurisdiction of the District; shall have the same rights and duties as if the Territory has been a part of the District upon its original formation; shall be liable for the payment of principle, interest and any other amounts which shall become due on account of any outstanding or then authorized but thereafter issued bonds, including revenue bonds, or other contracts or obligations of the District; shall be subject to the levying or fixing and collection of any and all taxes, assessments, service charges, rentals or rates as may be necessary to provide for such payment; and shall be subject to all of the rates, rules, regulations and ordinances of the District, as now or hereafter amended.
- C. No right to capacity in any facilities or public improvements of District, service, or priority of service shall arise because of annexation. District shall, in its sole discretion, determine when and if service can be provided, the priority of service and the conditions upon which service may be made if District determines service can be provided.

Section 6. The Richardson Bay Sanitary District is designated as the conducting authority for further proceedings, and the Board of said District is hereby directed to initiate proceedings in compliance with this resolution and is authorized to proceed without notice, or election, pursuant to Government Code, Section 56837.

Section 7. The project is categorically exempt pursuant to provisions of the California Environmental Quality Act.

Section 8. 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 5th day of October, 1995 by the following vote:

AYES: Commissioners Kress, Richardson, Rose, Thayer and Williams

NOES: None

ABSENT: Commissioner Giacomini

Erwin Williams

ERWIN WILLIAMS, CHAIRMAN
Marin Local Agency Formation Commission

ATTEST:


DAWN MITTLEMAN, EXECUTIVE OFFICER

DATED: October 5, 1995

(FORMS\RESOLUT.95)

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 *Dawn Mittleman*
Executive Officer *JSM*

Date: August 17, 1995
File: 7.501.06-WW

DESCRIPTION
TIBURON BOULEVARD
ANNEXATION TO RICHARDSON BAY
SANITARY DISTRICT
A.P.N. 55-252-01, 02 & 06

Commencing at a point on the southeasterly boundary line of Richardson Bay Sanitary District, said point also being the intersection of the centerline of Gilmartin Drive and the northeasterly line of Tiburon Blvd.;

thence from said boundary line along the northeasterly line of Tiburon Blvd. South 40°28'00" East 30 feet more or less to the most westerly corner of the parcel described in Exhibit "A", Parcel 1, to Jerry Leth as trustee for Susan Wosser Madrigali, in the Order of Final Distribution in the Estate of Frank M. Wosser, recorded July 26, 1991, as Document #91-046797; Marin County records, and the TRUE POINT OF BEGINNING;

thence, leaving the northeasterly line of Tiburon Blvd. and along the line of said Jerry Leth Parcel (91-046797) North 49°32'00" East 217.80 feet;

thence along the northeasterly line of said Jerry Leth parcel, and the extension thereof, South 40°28'00" East 351.98 feet;

thence, South 49°32'00" West 217.80 feet to the northeasterly line of Tiburon Blvd.;

thence, along said northeasterly line of Tiburon Blvd. North 40°25'00" West 351.98 feet to the TRUE POINT OF BEGINNING.

Containing 1.76 acres.



