

MARIN LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NO. 07-37

**RESOLUTION MAKING DETERMINATIONS AND APPROVING ANNEXATION
TO SAN RAFAEL SANITATION DISTRICT
WITH WAIVER OF NOTICE, HEARING AND ELECTION**

"Annexation of the Lands of San Rafael Marina LLC to the San Rafael Sanitation District (File 1288)"

WHEREAS, a proposal for the annexation of certain territory to the San Rafael Sanitation 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 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, San Rafael Sanitation District, 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:

Section 1. The Commission certifies that it has reviewed and considered the environmental impact report prepared for this project by the City of San Rafael.

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



Section 2. 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 City of San Rafael and not LAFCO. The City of San Rafael, acting as lead agency, has adopted a mitigation monitoring and reporting plan in which staff of the City of San Rafael is responsible for compliance and is empowered to sanction non-compliance.

Section 3. 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. Approved map and legal description to be provided by the applicant.

Section 4. The territory includes 33.95 acre, is found to be uninhabited, and is assigned the following distinctive short form designation: "Annexation of the Lands of San Rafael Marina LLC to San Rafael Sanitation District (File 1288)".

Section 5. The proposal is consistent with the adopted sphere of influence for San Rafael Sanitation District.

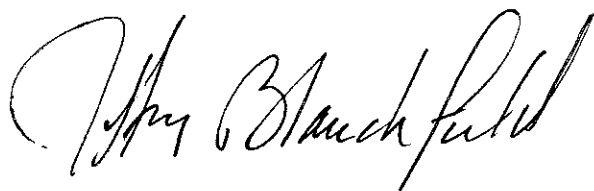
Section 6. The Executive Officer is hereby authorized to complete annexation proceedings in the manner prescribed by Section 57000 of the Government Code.

PASSED AND ADOPTED by the Marin Local Agency Formation Commission on this 13th day of December 2007 by the following vote:

AYES: Commissioners Adams, Asbo, Blanchfield, Heller, McGlashan, Rodoni, Slavitz

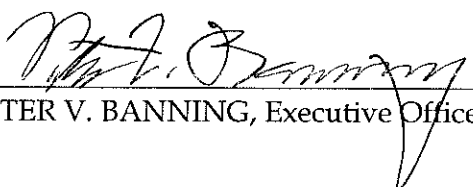
NOES: None

ABSENT: None

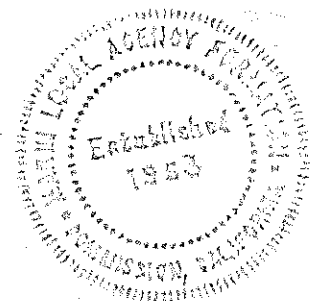


JEFFRY BLANCHFIELD, Chairperson

ATTEST:



PETER V. BANNING, Executive Officer



Date: November 19, 2007
File: 8-270-065

File #: 1288
Mapping #: 08/07

EXHIBIT 'A'
LEGAL DESCRIPTION
ANNEXATION OF THE LANDS OF
SAN RAFAEL MARINA, LLC
TO THE SAN RAFAEL SANITATION DISTRICT

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

Portions of Tide Lots 21, 28 and 29 of Section 36, Township 2 North, Range 6 West, M. D. B. & M., as shown on the Tide Land Commissioner's Maps Numbers 2 and 3 of Salt Marsh and Tide Land, approved on April 12, 1871, and being more particularly described as follows:

BEGINNING at a point in the San Francisco Bay, distant 1,980 feet Easterly of a granite monument set at the Southwest corner of said Section 36, said point also being the southwest corner of said Tide Lot 28 on the easterly boundary line of the San Rafael Sanitation District (SRSD);

1. thence continuing along the common line demarcating the easterly boundary line of SRSD and the westerly boundary line of said Tide Lot 28, North 01°09'06" East 1,320.00 feet to the southwest corner of said Tide Lot 21;
2. thence leaving said Tide Lot 28 along the westerly boundary line of said Tide Lot 21, North 01°09'06" East 126.16 feet to the County Road as shown on that certain map entitled "Map of Baysides Acres", filed for record on April 28, 1911 in Book 3 of Maps at Page 71, Marin County Records;
3. thence leaving said westerly boundary line of Tide Lot 21 and along said County Road, North 76°27'50" East 79.89 feet;
4. thence leaving said County Road, South 07°07'16" East 150.00 feet;
5. thence North 82°52'44" East 170.00 feet;
6. thence South 54°33'42" East 39.82 feet to a point on the northerly boundary line of said Tide Lot 28;
7. thence leaving said Tide Lot 21 along said northerly boundary line of Tide Lot 28, South 54°33'42" East 435.73 feet to the northwesterly corner of said Tide Lot 29;
8. thence leaving said Tide Lot 28 and continuing on the northerly boundary of said Tide Lot 29, South 54°33'42" East 28.97 feet;
9. thence South 59°32'42" East 258.51 feet;
10. thence South 77°32'42" East 388.91 feet;

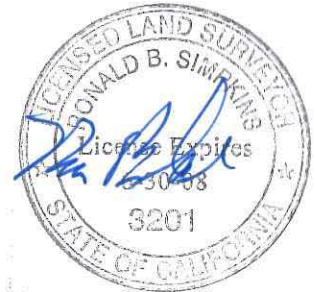
11. thence North $36^{\circ}57'18''$ East 92.75 feet to the northeast corner of said Tide Lot 29;
12. thence leaving said SRSD boundary line along the easterly boundary line of said Tide Lot 29, South $01^{\circ}09'06''$ West 905.70 feet;
13. thence North $88^{\circ}50'54''$ West 50.00 feet;
14. thence South $01^{\circ}09'06''$ West 24.99 feet to the southerly boundary line of said Tide Lot 29;
15. thence along said southerly boundary line of Tide Lot 29, North $88^{\circ}50'54''$ West 635.00 feet to the southeasterly corner of said Tide Lot 28;
16. thence leaving said Tide Lot 29 along the southerly boundary line of said Tide Lot 28, North $88^{\circ}50'54''$ West 660.00 feet to the POINT OF BEGINNING.

Said property containing 33.95 acres, more or less.

Prepared by:

CSW|STUBER-STROEH ENGINEERING GROUP, INC.

Ronald B. Simpkins L.S. No. 3201 Exp. 06/30/08
Date: 11/19/07 File: 8-270-065 Checked by: _____

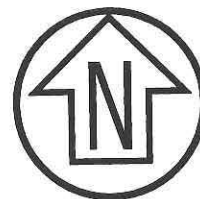


BAYVIEW

COUNTY ROAD

PARCEL NINE (EXCLUDED)

BEACH DRIVE

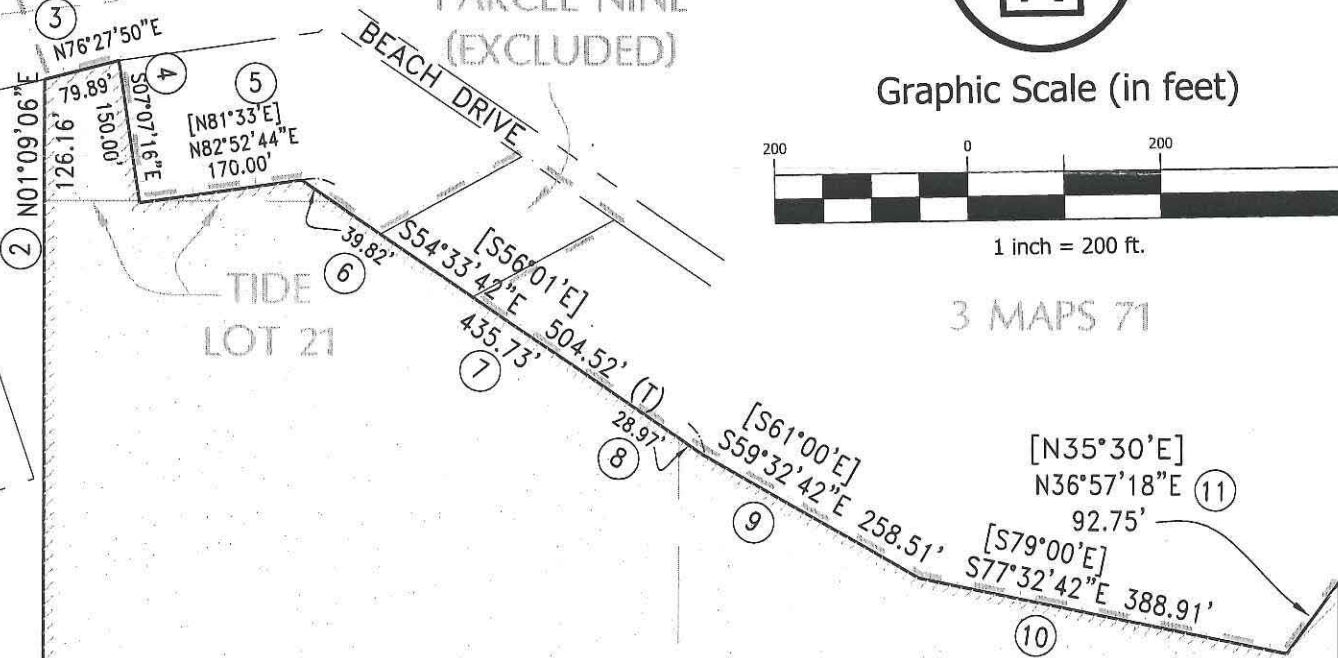


Graphic Scale (in feet)



1 inch = 200 ft.

3 MAPS 71



SECTION 36 TOWNSHIP 2 NORTH, RANGE 6 WEST

LANDS OF SAN
RAFAEL MARINA LLC
AREA = ±33.95 ACRES

TIDE LOT 28

TIDE LOT 29

1 N01°09'06"E (NORTH) 1446.16' (T) 1320.00'

S1°09'06"W (NORTH) 905.70' (T)

GRANITE MONUMENT

POINT OF BEGINNING

1980.00'

S88°50'54"E (East)

660.00'

16 N88°50'54"W (EAST) 1295.00' (T)

TOWNSHIP LINE

EXHIBIT "B"

635.00'

15

N88°50'54"W (EAST)

13 50.00'

S01°09'06"W (NORTH)

24.99'

14

LEGEND:

MAPPING NO. 08/07

- CITY BOUNDARY
- SAN RAFAEL SANITARY DISTRICT BOUNDARY
- RIGHT OF WAY
- PROPOSED ANNEXATION
- EXISTING PROPERTY LINE
- [] BEARING PER 3 MAPS 71
- () BEARING PER TIDE LOT MAPS



CSW ST2

CSW/Stuber-Stroeh Engineering Group, Inc.
45 Leveroni Court
Novato, CA 94949

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REV.

DATE: NOVEMBER 19, 2007

SCALE:

1 inch = 200 ft.

ANNEXATION OF THE LANDS OF SAN RAFAEL MARINA, LLC

TO THE SAN RAFAEL SANITATION DISTRICT (FILE #1288)
SAN RAFAEL MARIN COUNTY CALIFORNIA