

LOCAL AGENCY FORMATION COMMISSION OF MARIN COUNTY

RESOLUTION NO. 96-05

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

"MILL ROAD ANNEXATION 1995-3"

WHEREAS, a proposal for the proposed annexation of certain territory 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 Resolution No.2548, a resolution of application adopted by the Board of Directors of the Novato Sanitary District; and

WHEREAS, said resolution of application 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 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 Resolution No. 2548, adopted by the Board of Directors of the Novato Sanitary District, 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 .50 acre, is found to be uninhabited, and is assigned the following distinctive short form designation: "Mill Road Annexation 1995-3" to the Novato Sanitary District.

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

Section 5. The dual annexation policy will be waived due to the public health hazard of a failed septic system on the condition that the property owner enter into an agreement not to oppose future annexation to the City of Novato. This agreement shall be recorded and run with the property.

Section 6. Any resolution authorizing the annexation approved by this resolution shall impose the following standard terms and conditions:

1. In the event the District shall require any payment of a fixed or determinable amount of money, either as a lump sum or in installments, for the acquisition, transfer, use or right of use of all or part of the existing property, real or personal, of the District, such payment shall 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.
2. 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, the District, as now or hereafter amended; and shall be subject to the provisions of existing and subsequent orders of the California Regional Water Quality Control Board, which current orders place a restriction upon the number of sewer connections allowable to District's sewer system.
3. No right to capacity in any facilities or public improvements of District, service, or priority of service, shall arise because of annexation. District shall, pursuant to contractual obligations, and pursuant to applicable orders, regulations, rules and limitations of the California Regional Water Quality Control Board, determine when and if sewer service can be provided, the priority of service and the conditions upon which service may be made.

Section 7. The Novato 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 8. The project is categorically exempt pursuant to provisions of the California Environmental Quality Act.

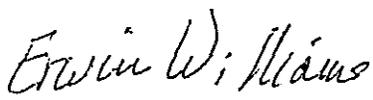
Section 9. The Executive Officer is hereby authorized and directed to mail certified copies of the resolution in the manner prescribed by Section 56853 of the Government Code.

PASSED AND ADOPTED by the Marin County Local Agency Formation Commission on this 8th day of February, 1996 by the following vote:

AYES: Commissioners

NOES:

ABSENT:

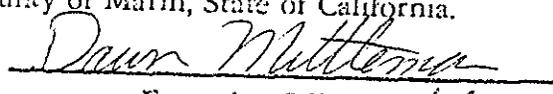
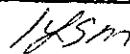

ERWIN WILLIAMS, CHAIRMAN

ATTEST:


DAWN MITTLEMAN, EXECUTIVE OFFICER

DATED: February 8, 1996

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 
Executive Officer 

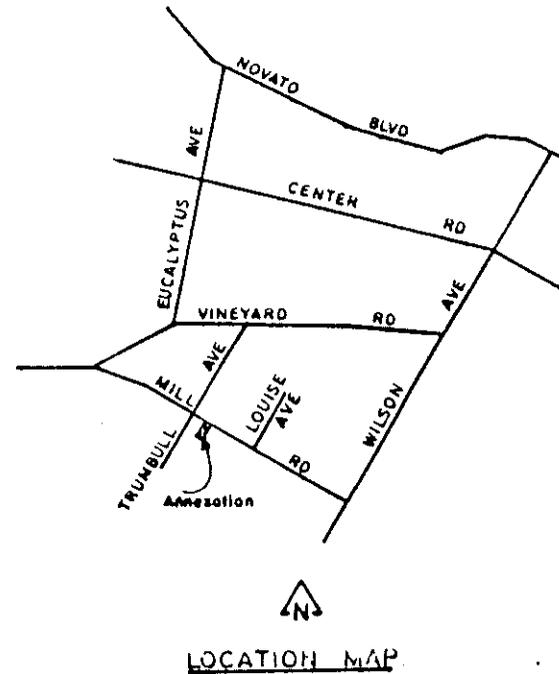
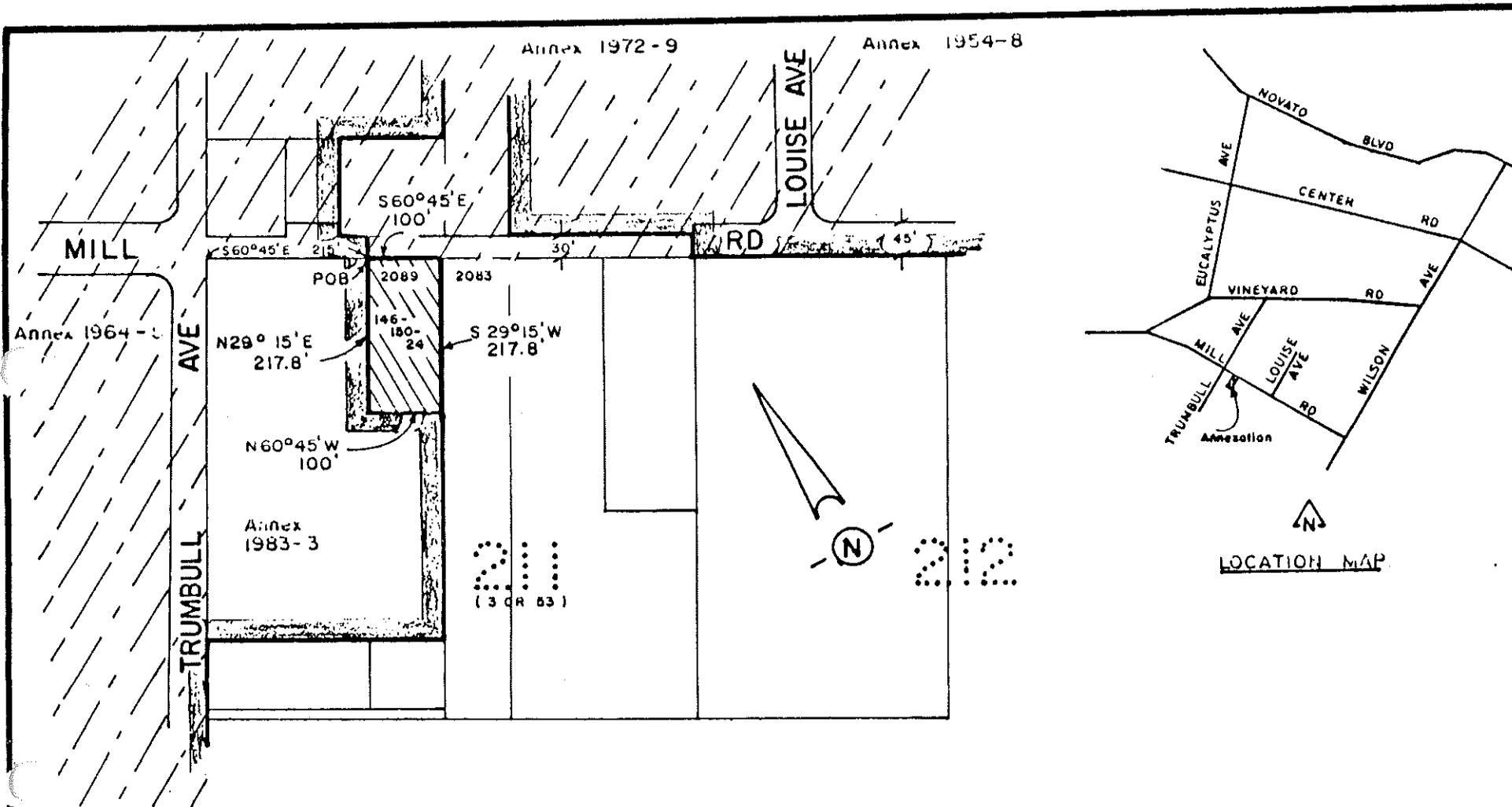
OCTOBER 23, 1995

Mill Road Annex 1995-3
to
NOVATO SANITARY DISTRICT
Mapping No. 11/95

BEGINNING AT A POINT on the existing boundary of Novato Sanitary District, said point being on the northerly line of Lot 211, distant thereon South 60°45' East 215 feet from the most northerly corner of said Lot, as said Lot is shown upon that certain map entitled "Amended Map No. 1 of Subdivision 'C' of the Novato Ranch, Marin County, California", filed July 6, 1910 in Book 3 of Maps at Page 53, Marin County Records, said point also being on the southerly right-of-way of Mill Road (30' wide); thence leaving said Sanitary District boundary, and running along said northerly line of Lot 211 and the southerly line of Mill Road South 60°45' East 100 feet; thence leaving said northerly line of Lot 211 South 29°15' West 217.8 feet to a point on said Sanitary District boundary; thence continuing along said Sanitary District boundary North 60°45' West 100 feet; thence North 29°15' East 217.8 feet to the point of beginning.

Containing 0.50 acres, more or less.

MILLANX.MIS



KEY:



Existing District boundary

Proposed Annexation

City Of Novato

11-95

NOVATO SANITARY DISTRICT

SANITARY DISTRICT NO. 6

MARIN COUNTY CALIFORNIA

SCALE: 1" = 200'	APPROVED BY <i>[Signature]</i>	DRAWN BY RB
DATE: 9-19-95	Manager - Engineer	CHK'D BY

MILL ROAD ANNEX 1995-3

DRAWING NO.