

LOCAL AGENCY FORMATION COMMISSION OF MARIN COUNTY

RESOLUTION NO. 88-2

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

"Perini 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 Perini Land and Development Company, the owners of the subject property; 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 56837, when a petition is accompanied by written consent of all owners of land within the territory proposed to be annexed, this Commission may make determinations with respect to said annexation without notice and hearing; and

WHEREAS, the Executive Officer has reviewed the proposal and prepared a report, including his 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 the terms and conditions hereinafter specified, the proposal made by the petition of the Perini Land and Development Company is approved.

Section 2. The boundaries, as set forth in the proposal, are hereby approved as submitted and are as described in Exhibit "A" attached hereto and by this reference incorporated herein.

Section 3. The territory includes 2.2 acres, is found to be uninhabited, and is assigned the following distinctive short form designation: "Perini Annexation" to the Richardson Bay Sanitary District.

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

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Section 5. Any resolution authorizing the annexation approved by this resolution shall impose the standard terms and conditions of the sanitary district, as set forth in Exhibit "B" attached hereto and incorporated herein.

Section 6. The Richardson Bay Sanitary District is designated as the conducting district for further proceedings, and the Board of Directors 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. In accordance with applicable provisions contained in the adopted Marin Local Agency Formation Commission Environmental Guidelines and Procedures, the Town of Tiburon is the appropriate lead agency, has completed an Environmental Impact Report titled "Perini/Tiburon EIR." This document was certified by the Town on September 5, 1984. The Marin Local Agency Formation Commission hereby certifies that the Commission has considered said document and finds the report to be adequate as to content.

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.

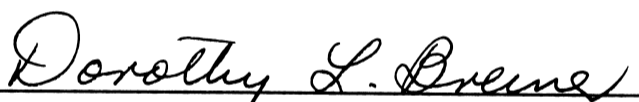
PASSED AND ADOPTED by the Marin County Local Agency Formation Commission on this 14th day of January 1988 by the following vote:

AYES: Commssioners Foote, Giacomini, Stockwell, Williams and Breiner

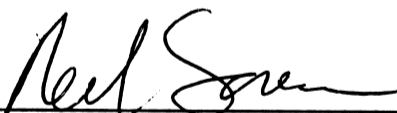
NOES: None

ABSTAIN: None

ABSENT: None


DOROTHY L. BREINER, Chairman
Marin Local Agency Formation Commission

ATTEST:


NEIL SORENSEN, Executive Officer

DATED: January 15, 1988

TIBURON-PERINI ANNEXATION 1987-19

to

RICHARDSON BAY SANITARY DISTRICT

BEGINNING at a point in the existing boundary of the Richardson Bay Sanitary District, said point being the most easterly corner of Lot 132 as said lot is shown on that certain map entitled Belveron Gardens Unit 3, recorded in Book 7 of Record Maps at Page 13, Marin County Records, being also on the westerly right-of-way line of Trestle Glen Blvd; thence from said Point of Beginning and continuing along the existing boundary of said Sanitary District northerly along Trestle Glen Blvd. approximately 214 ft., thence leaving Trestle Glen Blvd. in a northwesterly direction approximately 500 ft. and in a southwesterly direction approximately 200 ft. to the intersection with the easterly line of said Belveron Gardens Unit 3, thence along the easterly line of Belveron Gardens Unit 3 in a southeasterly direction to the Point of Beginning.

Containing approximately 2.2 acres.

10/19/87
#5235A2

RICHARDSON BAY SANITARY DISTRICT
TERMS AND CONDITIONS

The annexation shall be subject to the following 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 any 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 had been a part of the District upon its original formation, shall be liable for the payment of principal, 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 systems.

(3) No right to capacity in any facilities or public improvements of the 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.