

LOCAL AGENCY FORMATION COMMISSION OF MARIN COUNTY

RESOLUTION NO. 88-13

RESOLUTION MAKING DETERMINATIONS AND APPROVING ANNEXATION
WITH WAIVER OF NOTICE, HEARING AND ELECTION
TO THE SANITARY DISTRICT #5

"TIBURON BOULEVARD ANNEXATION"

WHEREAS, a proposal for the proposed annexation of certain territory to the Sanitary District #5, 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 Julia Heimerle, owner of the 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 petition by Julia Heimerle 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 .57 acre, is found to be uninhabited, and is assigned the following distinctive short form designation: "Tiburon Blvd. Annexation" to the Sanitary District #5.

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 standard terms and conditions of Sanitary District #5, as set forth in Exhibit "B" attached hereto and incorporated herein.

Section 6. The Sanitary District #5 is designated as the conducting district for further proceedings, and the Board of Directors of said District is

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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 and the Commission's Environmental Guidelines.


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 10th day of November 1988 by the following vote:

AYES: Commissioners Breiner, Stockwell, Williams and Foote


NOES: None

ABSENT: Commissioner Giacomini



KATHLEEN E. FOOTE, Chairman
Marin Local Agency Formation Commission

ATTEST:



WALTER J. MONASCH, Executive Officer

Dated: November 14, 1988

EXHIBIT "A"

Annexation of the lands of Heimerle and the contiguous section of the State Highway, Tiburon Boulevard, to Sanitary district No. 5 of Marin County.

Beginning at a point on the northeasterly right of way line of California State Highway leading from Alto to Tiburon, distant thereon, westerly on a curve to the right whose center bears North $41^{\circ} 35' 28''$ East and whose radius is 1700 feet, distance 235.65 feet; thence South $49^{\circ} 32'$ West, 20 feet; thence North $40^{\circ} 28'$ West, 413.00 feet from the intersection of said Highway line with the southeasterly boundary line of the land of Clothilda Reed, as described in Book 58 of Deeds at Page 168, Marin County Records, thence leaving said right of way line, south $49^{\circ} 32'$ West, 60.00 feet to the true point of beginning of the herein described parcels, the true point of beginning being also a point on the existing boundary of Sanitary District No. 5 of Marin County; and a point on the southwesterly right of way line of said State Highway; thence leaving said existing District boundary, along said southwesterly right of way line; North $40^{\circ} 28'$ West, 113.86 feet; and leaving said southwesterly right of way line, across said Highway, North $49^{\circ} 32'$ East, 60.00 feet to the northeasterly right of way line; and leaving said right of way line, North $49^{\circ} 32'$ East, 217.8 feet; thence South $40^{\circ} 28'$ East, 66.42 feet to a point on the existing boundary of said Sanitary District; thence along said existing District boundary southeasterly and southwesterly to the true point of beginning of the herein described parcels.

Containing approximately 24,799 sq ft in the Heimerle parcel and 6,832 sq ft of State right of way.

EXHIBIT BSANITARY DISTRICT NO. 5 (TIBURON)

The annexation shall be subject to the following terms and conditions:

1. 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 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 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.
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 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 of the District, as now or hereafter amended.