

LOCAL AGENCY FORMATION COMMISSION OF MARIN COUNTY

RESOLUTION NO. 96-12

RESOLUTION MAKING DETERMINATIONS AND APPROVING ANNEXATION  
WITH WAIVER OF NOTICE, HEARING AND ELECTION  
TO THE Las Gallinas Valley Sanitary District

"Upper Road Annexation #3"

WHEREAS, a proposal for the proposed annexation of certain territory to the Las Gallinas Valley 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, a filed by the property owners; and

WHEREAS, at the time and in the form and manner prescribed by law, the Executive Officer has given notice of public hearing by this Commission upon said proposal; and

WHEREAS, the public hearing on said proposal was held by this Commission upon the date and at the time and place specified in said notice of public hearing, and all interested persons present were afforded an opportunity to speak and be heard on this matter.

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 1.78 acres, is found to be uninhabited, and is assigned the following distinctive short form designation: "Upper Road Annexation #3" to the Las Gallinas Valley Sanitary District.

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

(FORMS\RESO9612.96)

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 Las Gallinas Valley 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 take further proceedings upon said annexation in compliance with applicable provisions of State law.

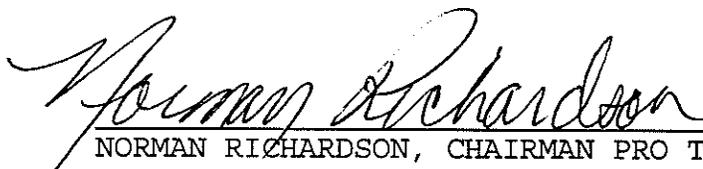
Section 7. The project is categorically exempt pursuant to provisions of the California Environmental Quality Act.

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.

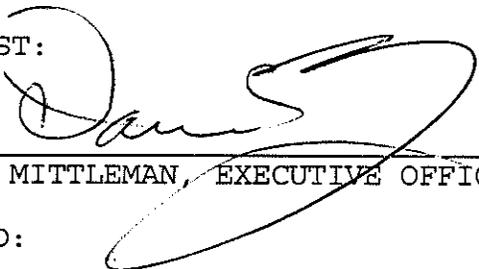
PASSED AND ADOPTED by the Marin County Local Agency Formation Commission on this 19th day of December, 1996 by the following vote:

AYES: Commissioners Barner, Blanchfield, Kress, Moore, Richardson and Ware

NOES: None

  
NORMAN RICHARDSON, CHAIRMAN PRO TEM

ATTEST:

  
DAWN MITTLEMAN, EXECUTIVE OFFICER

DATED:

Date: September 17, 1996

EXHIBIT "A"  
"UPPER ROAD ANNEXATION NO. 3"  
TO  
LAS GALLINAS VALLEY SANITARY DISTRICT  
MAPPING NO. 4/96

PARCEL 1

BEGINNING at a point on the existing boundary of the Las Gallinas Valley Sanitary District, said point also being at a point on the southerly line of Gallinas Creek, distant thereon North 78° East 5.6 feet from the angle point formed by the common courses South 78' West 3.10 chains and North 66° 30' West 2.30 chains as set forth in that certain deed from Adrian Mabry McMahan to San Rafael Land Title Company, recorded July 15, 1938 in Book 367 of Official Records at Page 373, Marin County Records; running thence along said sanitary district boundary South 16° West 136 feet more or less, North 75° 27' West 30 feet, South 16° West 173 feet, North 75° 27' West 101.7 feet; thence leaving said existing sanitary district boundary along the westerly, southerly and northerly lines of the Lands of Edmand Gareth Plank and Julie C. Plank recorded as Document No. 89-17567, Marin County Records, North 4° 37' West 105.97 feet North 19° 06' East 16.18 feet, North 60° 56' West 71.96 feet, North 89° 28' West 48 feet more or less, North 20° 6" East 36' more or less, North 87° 15" East 70 feet, North 20° 6' East 150 feet to the southerly line of Gallinas Creek; thence along said Southerly line of Gallinas Creek North 87° 15' East 55.7 feet, South 66° 30' East 151.81 feet and North 78° East 5.6 feet to the POINT OF BEGINNING.

Containing 1.38 acres, more or less.

PARCEL 2

BEGINNING at a point on the existing boundary of the Las Gallinas Valley Sanitary District, said point also being on the southerly line of Gallinas Creek, distant thereon North 78° East 114.6 feet from the angle point formed by the common courses South 78' West 3.10 chains and North 66° 30' West 2.30 chains as set forth in that certain deed from Adrian Mabry McMahan to San Rafael Land Title Company, recorded July 15, 1938 in Book 367 of Official Records at Page 373, Marin County Records; thence leaving said district boundary and running along said southerly line of Gallinas Creek, North 78° East 90 feet, North 49° East 60 feet; thence leaving said line of Gallinas Creek along the easterly, southerly and westerly lines of the Lands of Michael M. Pettibone and Patricia A. Pettibone recorded as Document No. 90-56279, Marin County Records, South 41° East 38.03 feet, South 42° West 329 feet, more or less to the existing boundary of the Las Gallinas Valley Sanitary District; thence along said boundary line North 16° East 223.4 feet to the POINT OF BEGINNING.

Containing 0.40 acres, more or less.

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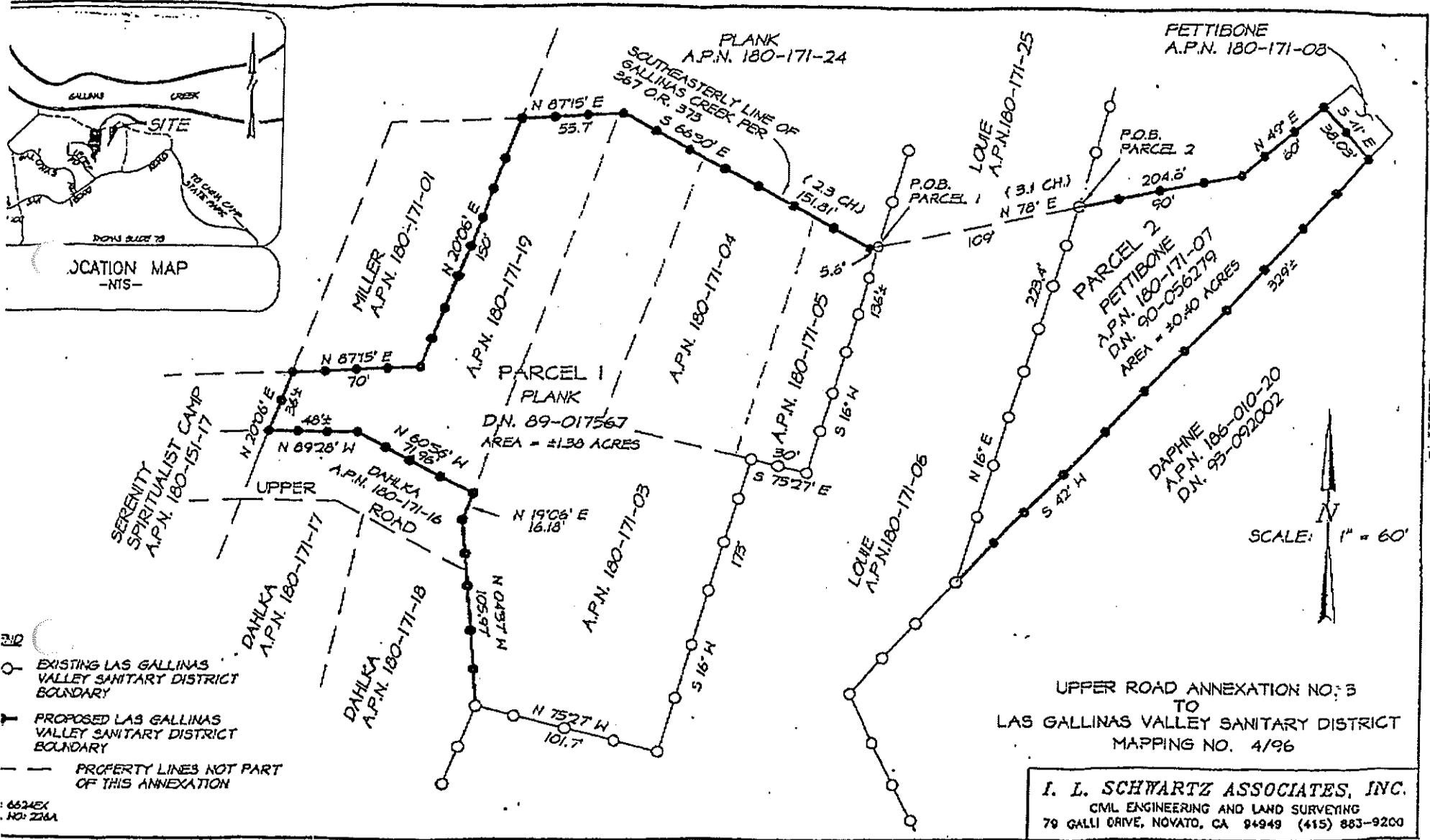
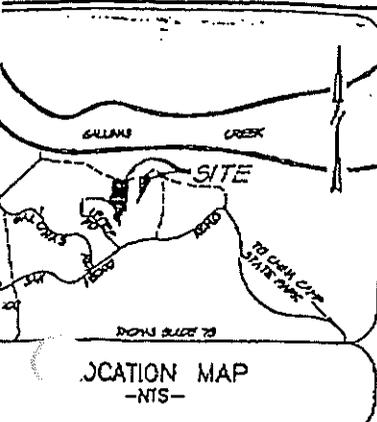


EXHIBIT B

I. L. SCHWARTZ ASSOCIATES, INC.  
 CIVIL ENGINEERING AND LAND SURVEYING  
 79 GALLI DRIVE, NOVATO, CA 94949 (415) 883-9200