

MARIN LOCAL AGENCY FORMATION COMMISSION

RESOLUTION 23-03

RESOLUTION APPROVING AN ANNEXATION OF 3606 PARADISE DRIVE TO SANITARY DISTRICT 5 WITH WAIVER OF NOTICE, HEARING, AND PROTEST PROCEEDINGS

"Annexation of 3606 Paradise Drive (APN 058-011-13) to Sanitary District 5 (LAFCo File #1371)

**WHEREAS** Janet Strauss, hereinafter referred to as applicant, has filed a validated Landowner Petition with the Marin Local Agency Formation Commission, hereinafter referred to as "Commission," pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

**WHEREAS** the proposal seeks Commission approval to annex approximately 1.02 acres of unincorporated land to Sanitary District 5.

**WHEREAS** the affected territory represents an entire lot proposed for development of one single-family residence located at 3606 Paradise Drive and identified by the County of Marin Assessor's Office as APN 058-011-13 ("Property"); and

**WHEREAS** the Commission's staff has reviewed the proposal and prepared a report with recommendations; and

**WHEREAS** the staff's report and recommendations on the proposal have been presented to the Commission in the manner provided by law; and

**WHEREAS** the Commission considered all the factors required by law under Government Code Section 56668 and 56668.3 and adopted local policies and procedures.

**WHEREAS** the proposal is for an annexation of territory that is uninhabited, and no affected local agency has submitted a written demand for notice and hearing as provided for in Government Code section 56662(a).

**NOW THEREFORE**, the Marin Local Agency Formation Commission **DOES HEREBY RESOLVE, DETERMINE AND ORDER** as follows:

Section 1. The boundaries, as set forth in the proposal, are hereby approved as submitted and are as described and depicted in Exhibits "A" and "B" attached hereto and by this reference incorporated herein.

Section 2. The territory includes 1.02 acres, is found to be uninhabited, and is assigned the following distinctive short form designation: "Annexation of 3606 Paradise Drive (APN 058-011-13) to Sanitary District 5 (LAFCo File #1370)"

Section 3. The proposal is consistent with the adopted sphere of influence of Sanitary District 5.

Section 4. The Executive Officer is hereby authorized to waive notice and hearing, and protest proceedings and complete reorganization proceedings.

Section 5. As responsible agency under CEQA for the proposed annexation of APN 058-011-13 to Sanitary District 5, Marin County Planning Division finds that the Project is categorically exempt from the provisions of CEQA pursuant to State CEQA Guidelines Section §15303 Class 3.

Section 6. As a condition of final approval, the applicant must submit the Agreement Regarding Annexation of Real Property to LAFCo attached here to as Exhibit "C" and incorporated herein by reference, clearly

stating that they shall not protest any future application to LAFCo to annex their property to the Town of Tiburon, as part of an island annexation.

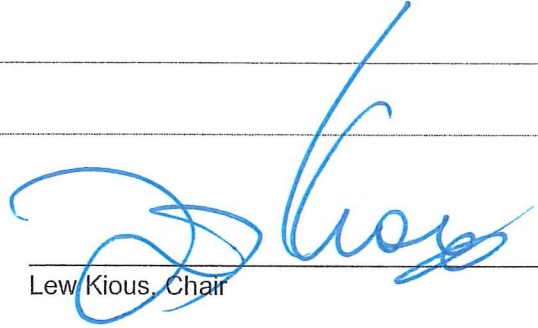
**PASSED AND ADOPTED** by the Marin Local Agency Formation Commission on April 6, 2023, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_



\_\_\_\_\_

Lew Kiou, Chair

ATTEST:



\_\_\_\_\_

Jason Fried, Executive Officer

APPROVED AS TO FORM:



\_\_\_\_\_

Malathy Subramanian, LAFCo Counsel

Attachments to Resolution No. 23-03

- a) Exhibit A – Legal Description
- b) Exhibit B – Map
- c) Exhibit C – Agreement Regarding Annexation of Real Property to Marin LAFCo

From: janet.janet@jakatan.com  
Subject:  
Date: January 30, 2023 at 7:06 PM  
To:

AGREEMENT REGARDING ANNEXATION OF REAL PROPERTY  
TO MARIN LOCAL AGENCY FORMATION COMMISSION

This agreement is made and entered into on this 9 day of February, 2023, by and between the Marin Local Agency Formation Commission, ("LAFCo" hereafter), and Janet Strauss & Jeff Hawkins ("Owner" hereafter) and is based upon the following facts:


- (a) Owner holds title to that certain real property ("the Property" hereafter) described in Exhibit "A" attached hereto and shown for illustrative purposes only on the attached Exhibit "B"; and
- (b) Owner desires annexation to the Sanitary District #5 provided by Sanitary District #5. LAFCo recognizes that at this time, annexation of this property to the Town of Tiburon would result in inefficient provision of services to the property, but that at some point in the future, the LAFCo may desire annexation of this property to the Town of Tiburon.

NOW, THEREFORE, IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES HERETO AS FOLLOWS:

- 1. Owner agrees on behalf of himself, his heirs, successors and assigns that, in the event any future proceedings for annexation of the property to the Town of Tiburon shall be initiated by LAFCo, Owner shall neither directly nor indirectly oppose or protest such annexation.
- 2. Owner agrees that their obligations hereunder shall run with the Property and that the Property shall be held, conveyed, hypothecated, encumbered, leased, rented, used and occupied subject to the provisions of this Agreement and that the obligations undertaken by Owner hereunder shall be binding on all parties having or acquiring any right, title, or interest in the Property.

OWNER:

By: Janet Strauss & Jeff Hawkins Date: 01/30/2023  
Property Owner, Print Name

  
Property Owner, Signature

MARIN LOCAL AGENCY FORMATION COMMISSION:

By:  Date: 4/6/23  
Jason Fried, Executive Officer, Print Name

Annexation to Sanitary District No. 5

3606 Paradise Drive Tiburon, CA

LAFCO File No. 1371

Geographic Description

All that certain real property, situated in Rancho Corte Madera Del Presidio, and Section 31, Township 1 North, Range 5 West, Mount Diablo Base and Meridian, in the unincorporated area of the County of Marin, State of California, more particularly described as follows:

Beginning at a point along the North line of Tide Lot 2 which bears North 45°30'00" West 117.56 feet from an angle point of said Tide Lot 2 which lies at the intersection of two lines bearing North 67°15'00" West 837.54 feet and North 45°30'00" West 1073.82 feet as shown in Map No. 1 of Salt Marsh and Tide Lands;

Thence,

- (1) South 42°02'02" West 299.99 feet to a point on the Sanitary District No. 5 Limits Boundary Line,

Thence along said District Limits Boundary Line for the next course,

- (2) South 36°30'32" West 257.68 feet;

Thence leaving said District Limits Boundary Line for the next 2 courses,

- (3) North 61°25'00" West 80.16 feet;
- (4) North 35°52'00" West 73.33 feet to a point on said District Limits Boundary Line;

Thence along said District Limits Boundary Line for the next 3 courses,

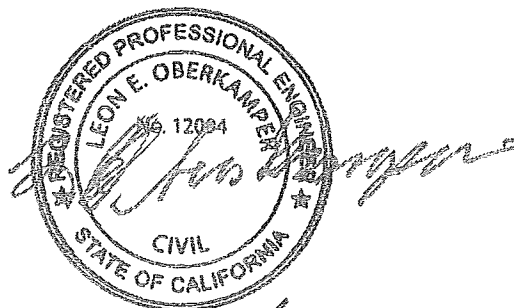
- (5) North 72°17'00" East 129.92 feet;
- (6) North 36°22'00" East 135.96 feet;
- (7) North 46°16'00" East 315.22 feet;

Thence leaving said District Limits Boundary Line for the next course,

- (8) South 45°30'00" East 49.61 feet along said North line of Tide Lot 2 to the point of beginning and containing 0.98 acres of land more or less.

Prepared by:

Leon E. Oberkamper, RCE 12094



2/27/2023

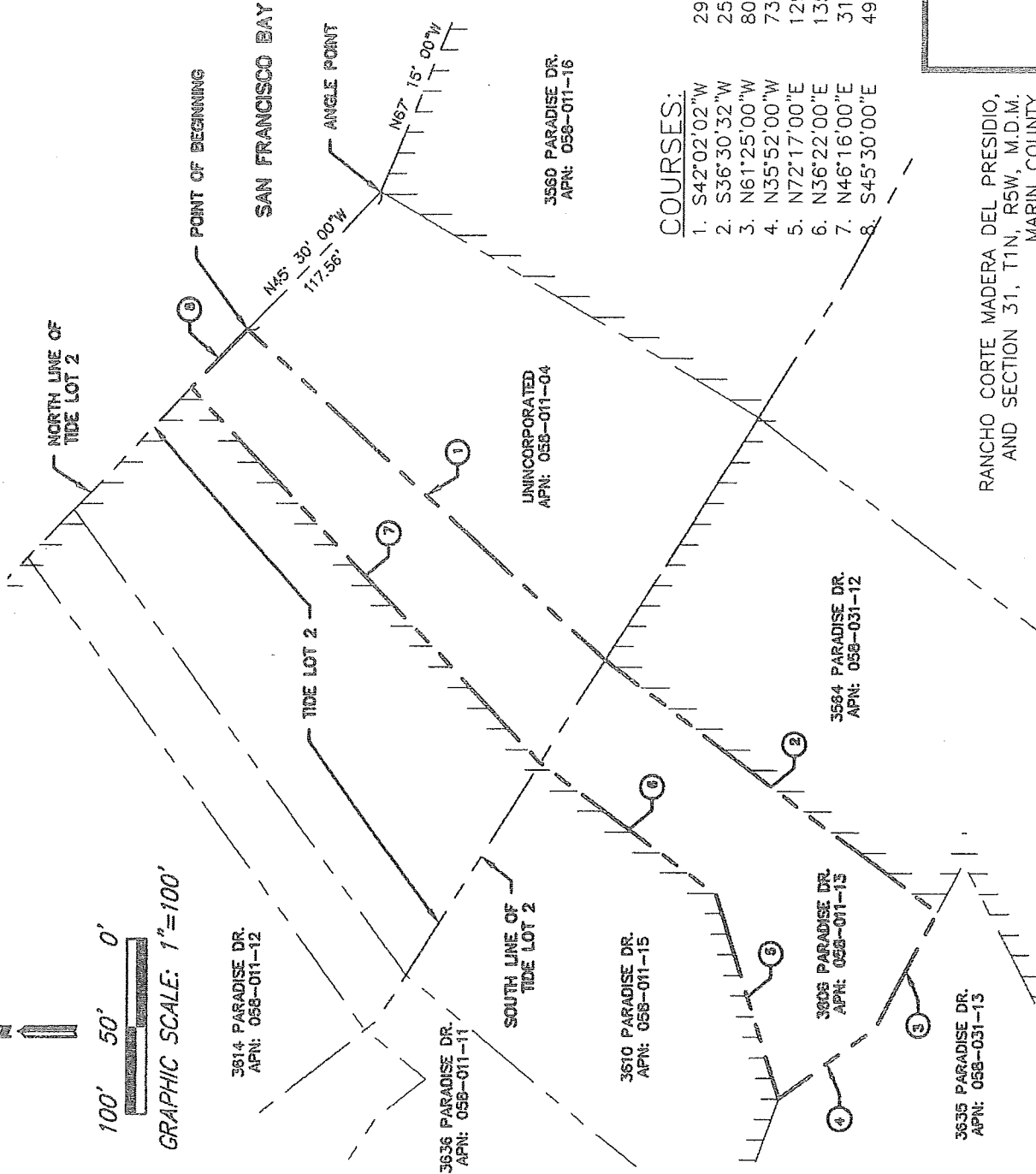
# ANNEXATION MAP, SANITARY DISTRICT NO. 5

## 3606 PARADISE DR. TIBURON, CA



100' 50' 0'

GRAPHIC SCALE: 1"=100'



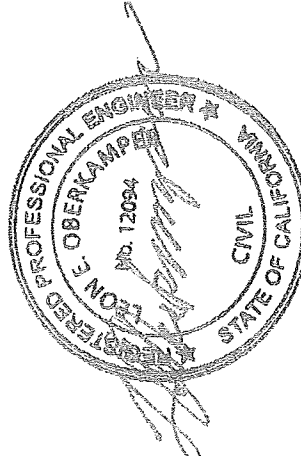
### LEGEND

- (E) PROPERTY LINE
- (E) ADJACENT PROPERTY LINE
- (E) SANITARY DISTRICT NO. 5 BOUNDARY LINE

3560 PARADISE DR.  
APN: 058-011-16

### COURSES:

1. S42°02'02"W 299.99'
2. S36°30'32"W 257.68'
3. N61°25'00"W 80.16'
4. N35°52'00"W 73.33'
5. N72°17'00"E 129.92'
6. N36°22'00"E 135.96'
7. N46°16'00"E 315.22'
8. S45°30'00"E 49.61'



2/27/2023

MAP PREPARED BY:  
LEON E. OBERKAMPER, P.E.  
RCE 12094

**OBERKAMPER & ASSOCIATES  
CIVIL ENGINEERS INC.**

7200 REDWOOD BLVD SUITE  
308 NOVATO CA 94945  
(415)897-2800

RANCHO CORTE MADERA DEL PRESIDIO,  
AND SECTION 31, T1N, R5W, M.D.M.  
MARIN COUNTY

APN: 058-011-13 LAFCO FILE NO.: 1371 DATE: 02/23/23 AREA: 0.98 AC SCALE: 1"=100'

