

**MARIN LOCAL AGENCY FORMATION COMMISSION**

**RESOLUTION NO. 11-02**

**RESOLUTION MAKING DETERMINATIONS AND APPROVING ANNEXATION  
TO SANITARY DISTRICT #2 (CORTE MADERA)  
WITH WAIVER OF NOTICE, HEARING AND ELECTION**

**"Annexation of the Lands of Ip to Sanitary District #2 (Corte Madera)  
(File 1303)"**

**WHEREAS**, a proposal for the annexation of certain territory to Sanitary District #2 (Corte Madera) 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 property owner; 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 56663, when a petition is accompanied by written consent signed by 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; and

**WHEREAS**, pursuant to Government Code Section 56663(c), the affected territory is uninhabited; all the owners of land within the affected territory have given their written consent; and the affected local agency that will gain territory, Sanitary District #2 (Corte Madera), has consented in writing to a waiver of conducting authority proceedings, this Commission may make determination with respect to said application with waiver of conducting authority proceedings; and

WHEREAS, the Executive Officer has reviewed the proposal and prepared a report, including a recommendation thereon, the proposal and report having been presented to and considered by this Commission.

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

1. Adopt a resolution making determinations approving the proposed Annexation of the Lands of Ip to Sanitary District #2 (File #1303) subject to the following condition:
  - A. Proceedings for annexation shall not be completed until the property owner and the Town of Tiburon execute and record an agreement wherein:
    - 1) The property owner agrees on behalf of himself, his heirs, successors and assigns that, in the event any future proceedings for the annexation of the property to the Town of Tiburon shall be initiated by the Town, the owner shall neither directly nor indirectly oppose or protest such annexation; and
    - 2) That the owner agrees that his obligations under the agreement 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 the agreement and that the obligations undertaken by the owner shall be binding on all parties having or acquiring any right, title, or interest in the property.
  - B. The applicant shall provide a map and legal description conforming to the standards of the State Board of Equalization as determined by the County Department of Public Works.
2. Authorize staff to initiate subsequent proceedings pursuant to Government Code §57000 without notice and hearing.

WHEREAS, the Executive Officer has reviewed the proposal and prepared a report, including a recommendation thereon, the proposal and report having been presented to and considered by this Commission.

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

1. Adopt a resolution making determinations approving the proposed Annexation of the Lands of Ip to Sanitary District #2 (File #1303) subject to the following condition:
  - A. Proceedings for annexation shall not be completed until the property owner and the Town of Tiburon execute and record an agreement wherein:
    - 1) The property owner agrees on behalf of himself, his heirs, successors and assigns that, in the event any future proceedings for the annexation of the property to the Town of Tiburon shall be initiated by the Town, the owner shall neither directly nor indirectly oppose or protest such annexation; and
    - 2) That the owner agrees that his obligations under the agreement 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 the agreement and that the obligations undertaken by the owner shall be binding on all parties having or acquiring any right, title, or interest in the property.
  - B. The applicant shall provide a map and legal description conforming to the standards of the State Board of Equalization as determined by the County Department of Public Works.
2. Authorize staff to initiate subsequent proceedings pursuant to Government Code §57000 without notice and hearing.

**PASSED AND ADOPTED** by the Marin Local Agency Formation Commission on this 12<sup>th</sup> day of May 2011 by the following vote:

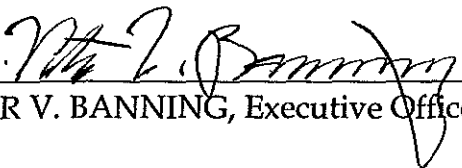
AYES: Commissioners: Asbo, Heller, Rodoni, Slavitz

NOES: None

ABSENT: Commissioners: Arnold, Blanchfield

  
\_\_\_\_\_  
BARBARA HELLER, Vice-Chairperson

ATTEST:

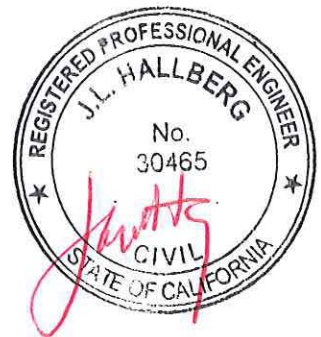
  
\_\_\_\_\_  
PETER V. BANNING, Executive Officer

Annexation of the Lands of Ip  
to the  
Marin County Sanitation District #2  
File # 1303  
Mapping # 02-11

All that certain property, situate in the Town of Tiburon, County of Marin, State of California, being Lot 24, as shown upon that certain map entitled "Map of Paradise Cove, Subd. No. Two", recorded in Book 5, Page 90 of Maps, Marin County Records, hereinafter referred to as the "Record Map", more specifically described as:

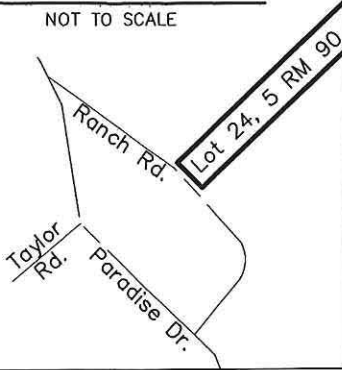
**Beginning** at a point on the Northerly line of a 40 foot Right of Way known as "Ranch Rd." as shown upon said Record Map, said point also being the most Westerly Corner of Lot 24 of said Record Map, said point also being the Southerly Common Corner of Lots 23 and 24 of said Record Map, said point also being a corner of the Existing Sanitary District #2 Limit Line; thence along, and coincident with, the Common line of said Lots 23 and 24, said line also being common to said Sanitary District Limit Line, 1)N45°00'00"E 1011.40' to the Northerly Common corner of said Lots 23 and 24, said point also being a corner of said Sanitary District Limit Line; thence leaving said Sanitary District Limit Line, along, and coincident with, the Northerly line of said Lot 24, 2)N90°00'00"E 127.28' to the Northerly Common Corner of Lots 24 and that certain Portion of Lot 135 of said Record Map; thence along, and coincident with, the Common line of said Lots 24 and 135, 3)S45°00'00"W 1099.29' to a point on the Northerly line of said "Ranch Rd.", said point also being the Southerly Common Corner of said Lots 24 and 135, said point also being a corner of said Sanitary District Limit Line; thence along the Northerly line of said road, said line also being common to said Sanitary District Limit Line, 4)N42°01'00"W 50.95' and 5)N51°56'00"W39.41' to the **Point of Beginning**.

Containing approximately **2.18** acres.



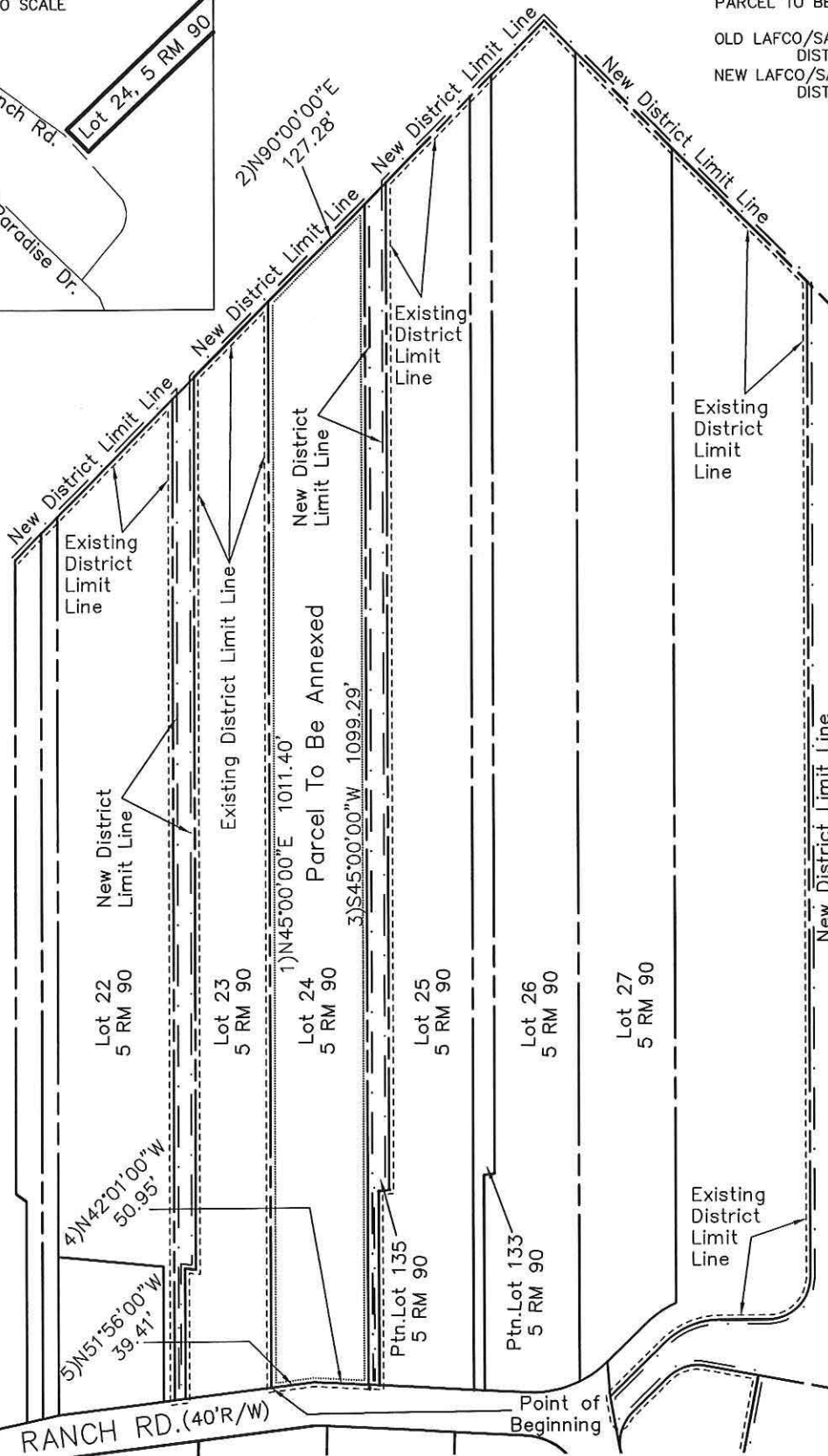
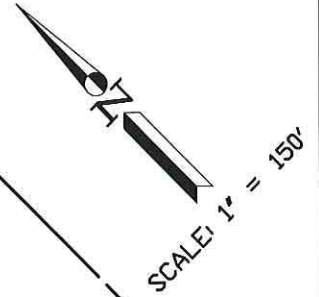
**AREA MAP**

NOT TO SCALE



**LEGEND**

- PARCEL TO BE ANNEXED
- OLD LAFCO/SANITARY DISTRICT LIMITS
- NEW LAFCO/SANITARY DISTRICT LIMITS



Note: All distances are in feet and decimals thereof.



SHEET	1	OF	1
SCALE:	1" = 150'	DESIGN:	PR
DATE:	Mar 2011	DRAWN:	PR
FILE:	2009-005	CHECKED:	J.L.H
2009-005\DWG\09-005-BASE,SAN-ANNEX			

**J.L. ENGINEERING**  
**CIVIL ENGINEERS-LAND SURVEYORS**  
 1539 4th ST., SAN RAFAEL, CA. 94901 (415) 457-6647

**EXHIBIT B**  
 Annexation-Lands of Ip, to the Marin County Sanitation District #2  
 (File #1303, Mapping # 02-11)  
 AP# 038-041-39, Tiburon, Marin County, CA