

LOCAL AGENCY FORMATION COMMISSION OF MARIN COUNTY

RESOLUTION NO. 95-07

RESOLUTION MAKING DETERMINATIONS AND APPROVING ANNEXATION
WITH WAIVER OF NOTICE, HEARING AND ELECTION
TO Sanitary District #5

"ACACIA DRIVE ANNEXATION"

WHEREAS, a proposal for the proposed annexation of certain territory to 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 the owner of subject property; and

WHEREAS, said a petition of application was accompanied by written consent signed by all owners of land with the territory proposed to be annexed; and

WHEREAS, pursuant to Government Code Section 56837, when a resolution of application is accompanied by written consent of 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.

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, 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 .95 acres, is found to be uninhabited, and is assigned the following distinctive short form designation: "Acacia Drive Annexation" to 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 following standard Sanitary District #5 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 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.
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 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.
3. 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 Sanitary District #5 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 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.

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 6th day of July, 1995 by the following vote:

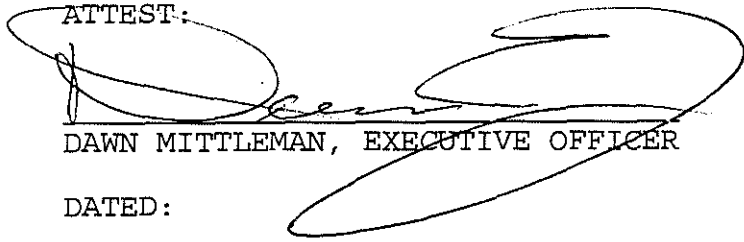
AYES: Commissioners Kress, Richardson, Rose, Thayer, and Williams

NOES: None

ABSENT: Commissioner Giacomini


ERWIN WILLIAMS, CHAIRMAN

ATTEST:


DAWN MITTLEMAN, EXECUTIVE OFFICER

DATED:

EXHIBIT "A"

ACACIA DRIVE ANNEXATION
TO
SANITARY DISTRICT NUMBER 5
MAPPING NO. 5/95

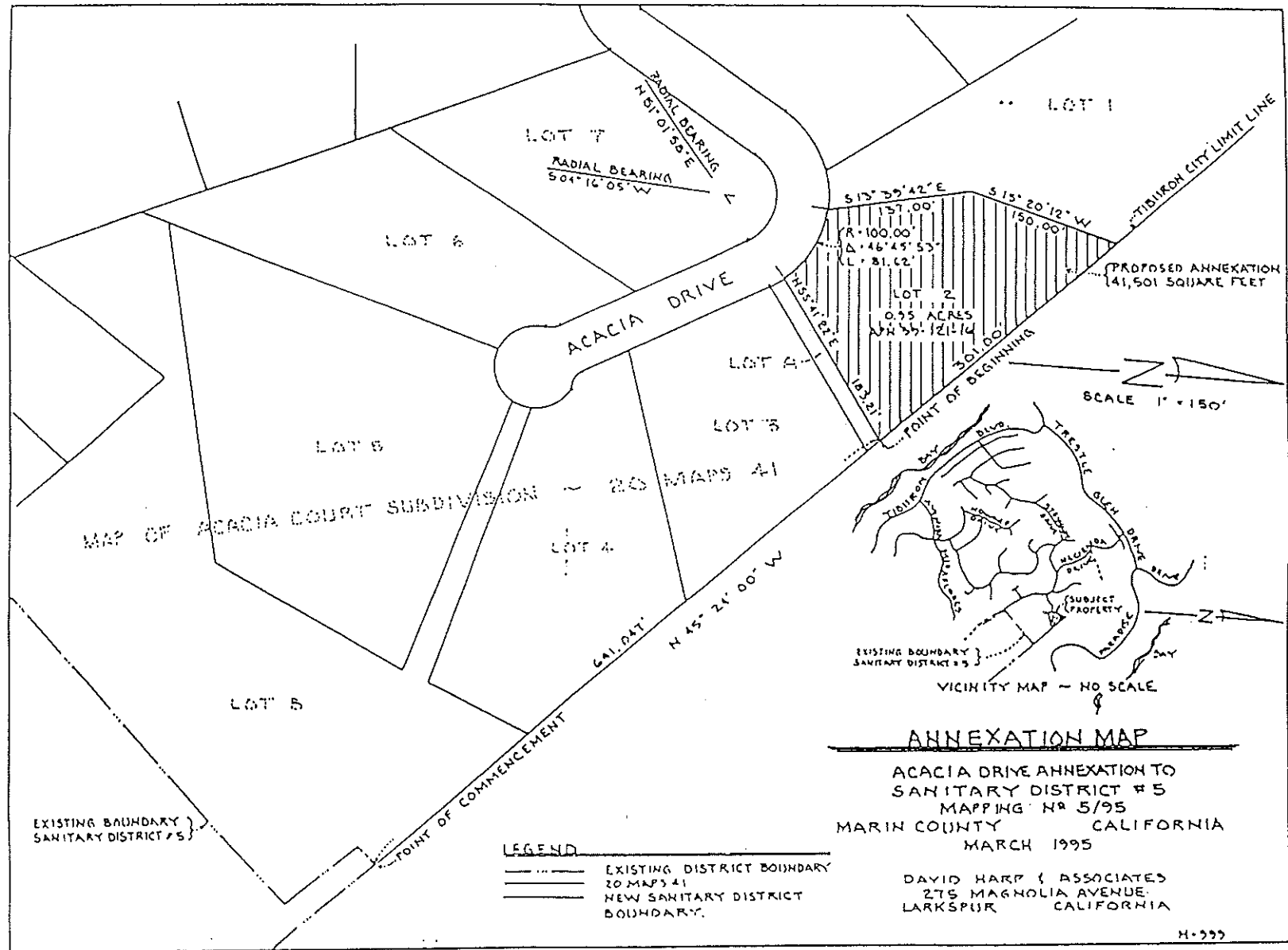
Commencing at a point on the existing boundary of Sanitary District Number 5 of Marin County, said point also being the southerly terminus of the course " S 45°24' W 1217.713 feet" as shown upon that certain map entitled "Map of Acacia Court Subdivision(portion of 2 RS 158)" filed for record September 12, 1988 in Book 20 of Maps at Page 41, Marin County Records; thence, leaving said boundary line of Sanitary District Number 5 of Marin County and along the easterly line of the above described map, N 45°24'00" W 641.047 feet, more or less, to the most southerly corner of Lot 2 of said map and the POINT OF BEGINNING of the parcel to be herein described; thence, continuing along said easterly line, N 45°24'00" W 301.00 feet; thence, leaving said easterly line S 15°20'12" W 150.00 feet and S 13°39'42" E 137.00 feet to the northeasterly line of Acacia Drive, a 50 foot right of way; thence, along said right of way line southeasterly along a curve having a radius of 100.00 feet concave to the southwest, from which a radial line of said curve bears S 04°16'05" W, a distance of 81.62 feet through a central angle of 46°45'53"; thence, leaving said right of way line, N 55°41'22" E 183.21 feet, more or less, to the POINT OF BEGINNING.

Being Lot 2 of "Map of Acacia Court Subdivision (portion of 2 RS 158)" filed for record September 12, 1988 in Book 20 of Maps at Page 41, Marin County Records.




Having an area of 41,501 square feet, more or less.

Prepared by:

David Harp and Associates
March 22, 1995



LEGEND

 EXISTING DISTRICT BOUNDARY
 20 MAPS 41
 NEW SANITARY DISTRICT BOUNDARY

ANNEXATION MAP

ACACIA DRIVE ANNEXATION TO
 SANITARY DISTRICT #5
 MAPPING NO 5/95
 MARIN COUNTY CALIFORNIA
 MARCH 1995

DAVID HARP & ASSOCIATES
 275 MAGNOLIA AVENUE
 LARKSPUR CALIFORNIA