

LOCAL AGENCY FORMATION COMMISSION OF MARIN COUNTY

RESOLUTION NO. 88-10

RESOLUTION MAKING DETERMINATIONS AND APPROVING ANNEXATION
WITH WAIVER OF NOTICE, HEARING AND ELECTION
TO THE SAN RAFAEL SANITATION DISTRICT

"BELLEVUE AVENUE ANNEXATION"

WHEREAS, a proposal for the proposed annexation of certain territory to the San Rafael Sanitation 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, filed by the property owners of the subject 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 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 .81 acre, is found to be uninhabited, and is assigned the following distinctive short form designation: "Bellevue Avenue Annexation" to the San Rafael Sanitation District.

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 the San Rafael Sanitation District, as set forth in Exhibit "B," attached hereto and incorporated herein.

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Section 6. The San Rafael Sanitation District is designated as the conducting district for further proceedings, and the Board of Directors 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 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 11th day of August 1988 by the following vote:

AYES: Commissioners Aramburu, Breiner, Stockwell, Williams and Foote

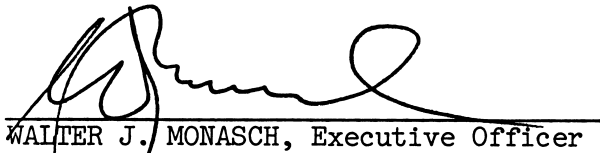
NOES: None

ABSENT: None



KATHLEEN E. FOOTE, Chairman
Marin Local Agency Formation Commission

ATTEST:


WALTER J. MONASCH, Executive Officer

DATED: August 12, 1988

EXHIBIT "A"

PROPOSED ANNEXATION OF 53-55 BELLEVUE AVENUE

TC

SAN RAFAEL SANITARY DISTRICT

Legal Description for 53 and 55 Bellevue Avenue
(AP nos. 16-241-11 and 16-241-12):

"All that certain real property situate in the City of San Rafael, County of Marin, State of California, described as follows:

BEGINNING at a point on the Northerly line of Bellevue Avenue, which lies on the existing northern boundary of the San Rafael Sanitation District, distant thereon North 57° 22'00" West 14.76 feet from the most Southerly corner of Lot 99, in Block 4 as shown upon that certain map entitled 'Map of Uplands Beautiful Villa Lots Overlooking San Francisco Bay' recorded November 20, 1908. in Book 3 of Maps at Page 4, Marin County Records, thence leaving said line North 43° 48'00" East 81.18 feet; thence North 30° 31'00" East 55.0 feet; thence North 51° 04'00" East 10.44 feet; 100.44 thence South 56° 54'40" East 3.05 feet; thence South 49° 06'24" East 138.60 feet; thence South 23° 23'00" West 159.61 feet to the Northerly line of Bellevue which is the existing boundary of the San Rafael Sanitation District; thence Westerly along said boundary line to the point of beginning."

EXHIBIT B

SAN RAFAEL SANITATION DISTRICT

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

1. Said District will be held harmless and will not be responsible for any backflow action or maintenance of a sewer ejector or pump system required to serve the subject property. Further, the pipe between the ejector system and the District's sewer line shall be the maintenance obligation of the property owner. Said District cautions current and future property owners to the fact that mechanical ejector or pump systems do sometimes fail.
2. 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.
3. 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.