

LOCAL AGENCY FORMATION COMMISSION OF MARIN COUNTY

RESOLUTION NO. 96-14

RESOLUTION MAKING DETERMINATIONS AND APPROVING ANNEXATION
WITH WAIVER OF NOTICE, HEARING AND ELECTION
TO THE CITY OF NOVATO AND TO NOVATO SANITARY DISTRICT

"Olive Avenue Reorganization"

WHEREAS, a proposal for the proposed annexation of certain territory to the City of Novato and Novato 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, 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 with amendment and are as described in Exhibit "A," and "B" attached hereto and by this reference incorporated herein.

Section 3. Said boundary amendment excludes from this reorganization the Budny property (AP #143-110-79) which comprises 2.14 acres, for the following reasons:

- A. Adopted Commission policies require that "amendment of the urban service area boundary shall precede Commission review and approval of subsequent annexation requests."
- B. The Novato Community USA/SOI Report is ambiguous regarding whether this parcel is within the USA boundary.
- C. Additional study is necessary to determine whether this parcel and six adjacent parcels (Novato General Plan designation "Low-Density Residential") are or should be included in the USA.

Section 4. The territory includes 27+ acres, is found to be uninhabited, and is assigned the following distinctive short form designation: "Olive Avenue Reorganization" to the City of Novato and the Novato Sanitary District.

Section 5. The proposal is consistent with the spheres of influence of affected local agencies.

Section 6. Any resolution authorizing the annexation approved by this resolution shall impose the following standard Novato Sanitary District 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, for 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.
- 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.

Section 6. The Marin County Board of Supervisors is designated as the conducting authority for further proceedings, and the Board 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. In accordance with applicable provisions contained in the adopted Marin Local Agency Formation Commission Environmental Guidelines and Procedures, the City of Novato as lead agency, has conducted an initial study incorporating concerns of said Commission, a responsible agency, and has issued a Mitigated Negative Declaration. The Marin Local Agency Formation Commission hereby certifies that the Commission has considered said documents.

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

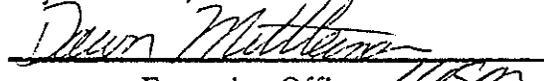
ATTEST:


DAWN MITTLEMAN, EXECUTIVE OFFICER

DATED: December 19, 1996

(FORMS\RES9614.96)

The foregoing instrument is a correct copy of the original on record in the office of the Local Agency Formation Commission of the County of Marin, State of California.

By 
Executive Officer