

LOCAL AGENCY FORMATION COMMISSION OF MARIN COUNTY

RESOLUTION NO. 91-12

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

"HACIENDA DRIVE ANNEXATION #2"

WHEREAS, a proposal for the 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 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 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 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 32.44 acres, is found to be uninhabited, and is assigned the following distinctive short form designation: "Hacienda Drive Annexation #2" 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 standard terms and conditions, as set forth in Exhibit "B" attached hereto and incorporated herein.

Section 6. Sanitary District #5 is designated as the conducting district 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. In accordance with applicable provisions contained in the adopted Marin Local Agency Formation Commission Environmental Guidelines and Procedures, the Town of Tiburon is the appropriate lead agency, has completed an Environmental Impact Report titled "Tiburon General Plan and Update." This document was certified by the Town Council on September 28, 1989. The Marin Local Agency Formation Commission hereby certifies that the Commission has considered said document and finds the report to be adequate as to content.


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 the 11th day of July 1991 by the following vote:

AYES: Commissioners Breiner, Giacomini, Richardson and Williams

NOES: None

ABSENT: Commissioner Bevis



ERWIN L. WILLIAMS, Chairman
Marin Local Agency Formation
Commission

ATTEST:



DAWN MITTLEMAN, Executive Officer

Dated: July 11, 1991

EXHIBIT "A"

HACIENDA DRIVE ANNEXATION # 2
TO
SANITARY DISTRICT NO. 5

BEGINNING AT THE MOST EASTERLY CORNER OF PARCEL ONE AS DELINEATED ON A CERTAIN MAP ENTITLED "RECORD OF SURVEY OF ASSESSOR'S BLK. 21 LOTS 7-12 TOWN OF TIBURON ALSO BEING A PORTION OF RANCHO CORTE MADERA DEL PRESIDIO, MARIN COUNTY, CALIFORNIA SCALE 1" = 160', MAY 1991" PREPARED BY MERIDIAN SURVEYING ENGINEERING INC., 210 FELL ST. SAN FRANCISCO, CALIFORNIA, SAID CORNER BEING AT THE INTERSECTION OF THE EXISTING TOWN LIMITS OF TIBURON AND THE EXISTING BOUNDARY OF SANITARY DISTRICT NO. 5 OF MARIN COUNTY; THENCE LEAVING SAID DISTRICT BOUNDARY N 45°51'00" W 1616.00 FEET ALONG SAID TOWN LIMITS; THENCE LEAVING SAID TOWN LIMITS S 44°09'00" W 25.00 FEET; THENCE S 45°51'00" E 91.00 FEET; THENCE S 44°09'00" W 900.00 FEET TO A POINT ON THE CENTERLINE OF HACIENDA DRIVE, SAID POINT BEING ON THE EXISTING BOUNDARY OF RICHARDSON BAY SANITARY DISTRICT; THENCE SOUTHEASTERLY ALONG SAID CENTERLINE AND RICHARDSON BAY SANITARY DISTRICT BOUNDARY TO A POINT OF INTERSECTION WITH SAID EXISTING SANITARY DISTRICT 5 BOUNDARY; THENCE NORTHEASTERLY ALONG SAID BOUNDARY TO THE POINT OF BEGINNING.

CONTAINING 32.44 ACRES MORE OR LESS

DATE: MAY 1991

TIBURON TOWN LIMITS

LEGEND

- PROPOSED ANNEXATION
- SANITARY 5
- RICHARDSON BAY SANITARY



1" = 300'

C/L HACIENDA DRIVE (50')

L4 (TO C/L HACIENDA DR.)

L3

L1

TIBURON TOWN LIMITS LINE CONCORDANT WITH LOT LINE

PARCEL 1*
(32.44 ACRES)
AP 39 021 8 - 12 (Incl.)

RICHARDSON BAY SANITARY DISTRICT

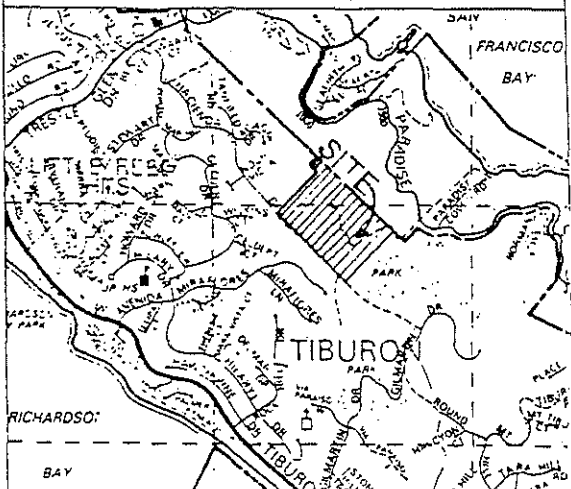
POB
TIBURON TOWN LIMITS

SANITARY 5

* TOTAL ANNEXATION AREA

LINE	DIRECTION	DISTANCE
L1	N 45°51'00" W	1616.00'
L2	S 44°09'00" W	25.00'
L3	S 45°51'00" E	91.00'
L4	S 44°09'00" W	900.00'

LOCATION MAP
NOT TO SCALE



C/L HACIENDA DRIVE

FILE # 10 - 91

HACIENDA DRIVE ANNEXATION #2
TO
SANITARY DISTRICT # 5

PREPARED AT THE REQUEST
OF
IRVING RABIN
MAY 1991
BY

MERIDIAN SURVEYING ENGINEERING, INC
210 FELL STREET, S.F., CA 94102
(415) 861-3687

EXHIBIT "B"

SANITARY DISTRICT NO. 5 (TIBURON)

The annexation shall be subject to the following 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 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.
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 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.
3. That the owner enter into a formalized written agreement with Richardson Bay Sanitary District, Sanitary District #5 and Town of Tiburon that when sewer service from Sanitary District #5 becomes available, the connection to Richardson Bay Sanitary District would be removed, and the property would be connected to Sanitary District #5.
4. That the property owner enter into a formalized written agreement with Richardson Bay Sanitary District, Sanitary District #5 and Town of Tiburon that any future development of the property would receive sewer service from Sanitary District #5.
5. That the owner agree to include A.P. No. 39-021-07 when application is made for future development.