

MARIN LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NO. 00-16

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

“Annexation of the Lands of Baxter to Sanitary District #5 (File #1177)”

WHEREAS, an application 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 property owners; and

WHEREAS, signatures on said petition constitutes written consent of all owners of land within the territory proposed to be annexed; and

WHEREAS, pursuant to Government Code Section 56837, when a petition of application is signed by all owners of land within the affected territory, this Commission may make determination with respect to said annexation without notice and hearing; and

WHEREAS, pursuant to Government Code Section 56837(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 has consented in writing to a waiver of conducting authority proceedings and therefore this Commission may make determination with respect to said application with waiver of conducting authority proceedings;

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

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

Section 1. Subject to the terms and conditions hereinafter specified, the application is approved:

Proceedings for the annexation shall not be completed until the property owner and the Town of Tiburon execute and record an agreement wherein:

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

Dory Adams
★ Formation

- A. 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
- B. 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.

Section 2. The boundaries, as set forth in the application, are hereby approved as submitted and are as described in Exhibit "A" and "B" attached hereto and by this reference incorporated herein. The approved boundaries include Assessor Parcels #058-031-18 and 19.

Section 3. The territory includes 2.36 acres, is found to be uninhabited, and is assigned the following distinctive short form designation: "Annexation of the Lands of Baxter to Sanitary District #5 (File #1177)".

Section 4. The application is consistent with the adopted sphere of influence for Sanitary District #5.

Section 5. The Executive Officer is hereby authorized to complete annexation proceedings 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 Local Agency Formation Commission on this 14th day of September, 2000, by the following vote:

AYES: Commissioners Blanchfield, Chapman, Heller, Hennessy, Kress, Murray and Quesada

NOES: None

ABSENT: Commissioner Ware



 JEFFRY BLANCHFIELD, Chairperson

ATTEST:



 PETER V. BANNING, Executive Officer

Exhibit "A"

May 11, 2000

Lands of Baxter Annexation
to
Sanitary District 5
Mapping No. 7/00

An annexation to Sanitary District 5 of Marin County, to encompass Parcels A and B as shown on that map entitled "Parcel Map lands of Esther Dodge portion of Lot 1, Paradise Cove, County of Marin, California" recorded October 31, 1969 in Volume 4 of Parcel Maps at page 35, Marin County Records, said Parcels being more particularly described as follows:

Beginning at the southwestern corner of Parcel A, as shown upon that certain map entitled "Parcel Map lands of Esther Dodge portion of Lot 1, Paradise Cove, County of Marin, California" recorded October 31, 1969 in Volume 4 of Parcel maps at page 35, Marin County Records. Said point also being on the existing boundary of Sanitary District 5 and the northerly right of way of Paradise Drive:
Thence from said Point of beginning

along the boundary of Sanitary District 5, and the northwesterly line of said Parcel A, North 36°34'00" East, 217.32 feet to the corner common to Parcels A & B;

thence along the northwesterly line of said Parcel B, and the boundary of Sanitary District 5, North 36°34'00" East, 236.98 feet;

thence leaving the boundary of Sanitary District 5, and continuing along the line of said Parcel B, North 30°21'00" East, 274.16 feet;

thence, South 67°15'00" East, 90.80 feet;

thence, South 21°27'00" West, 291.91 feet;

thence, South 49°11'00" West, 102.75 feet;

thence, South 16°44'40" West, 73.00 feet to the corner common to Parcels A & B;

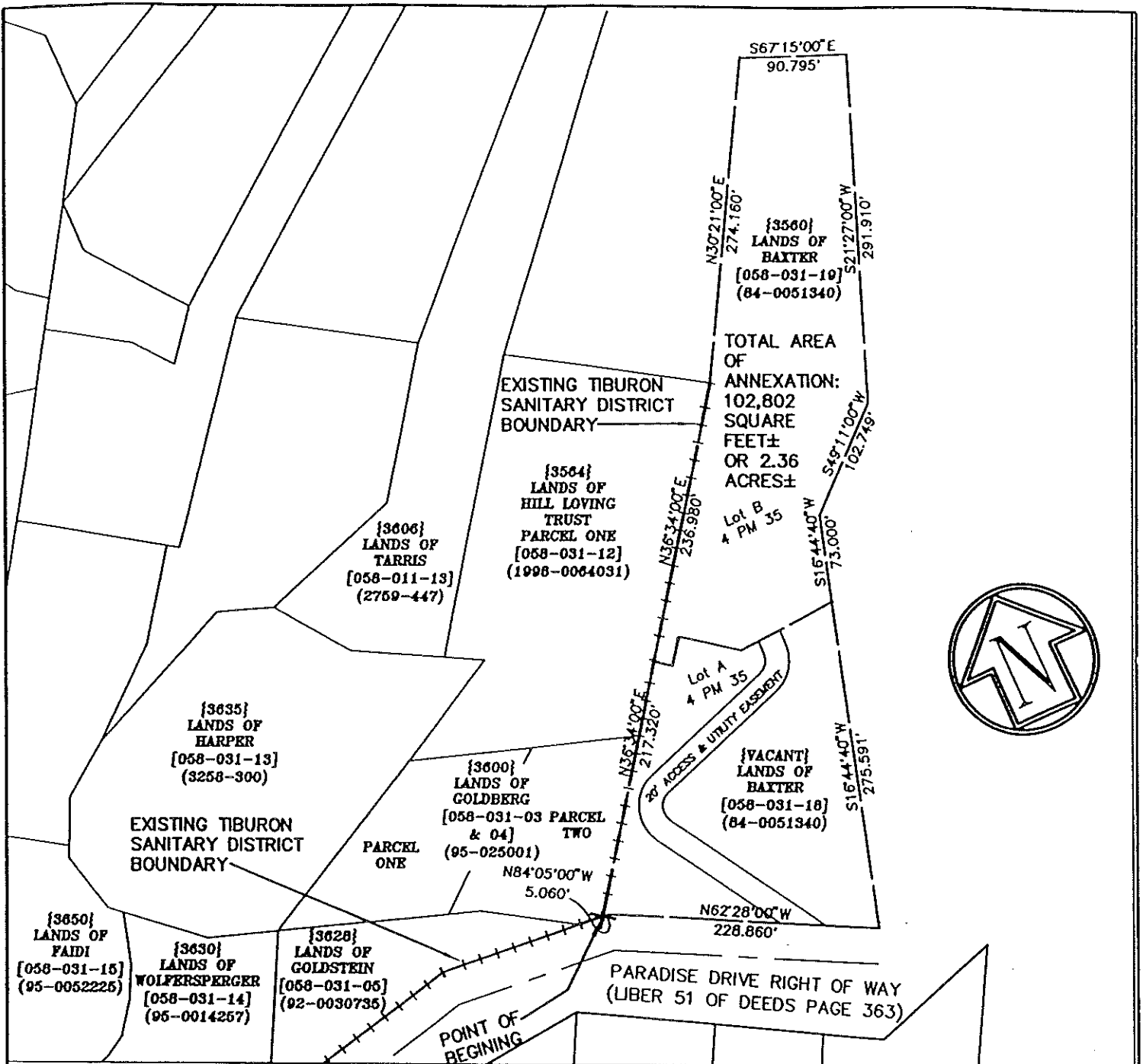
thence along the line of said Parcel A, South 16°44'40" West, 275.59 feet to the southeasterly corner of Parcel A and the northerly right of way of Paradise Drive

thence along the line of said Parcel A and the right of way, North 62°28'00" West, 228.86 feet;

thence, North 84°05'00" West, 5.06 feet, to the Point of Beginning.

Containing approximately 102,802 square feet or 2.36 acres more or less.

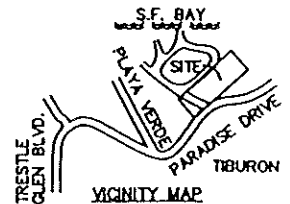
EXHIBIT "B"



LEGEND:

- () - DEED
- ⋮ - ADDRESS ON PARADISE DRIVE
- [] - ASSESSOR'S PARCEL NO.
- ⋮⋮ - EXISTING BOUNDARY
- — - PROPOSED ANNEXATION

MAPPING NO. 7/00



CSW

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CSW/STUBER-STROEH
ENGINEERING GROUP, INC.
CONSULTING ENGINEERS

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SCALE: 1" = 120'
5/10/99

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**LANDS OF BAXTER
ANNEXATION TO
SANITARY DISTRICT NO. 5**

TIBURON

COUNTY OF MARIN

CA