

LOCAL AGENCY FORMATION COMMISSION OF MARIN COUNTY

RESOLUTION NO. 94-05

RESOLUTION MAKING DETERMINATIONS AND APPROVING  
REORGANIZATION WITH WAIVER OF NOTICE, HEARING AND ELECTION  
TO THE TOWN OF TIBURON AND TO SANITARY DISTRICT #5

"PARADISE DRIVE REORGANIZATION #5"

WHEREAS, a proposal for the proposed reorganization for annexation of certain territory to the Town of Tiburon and 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, said petition 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 petition 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; 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 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", "B", "C" and "D" attached hereto and by this reference incorporated herein.

Section 3. The territory includes 1.8 acres, is found to be uninhabited, and is assigned the following distinctive short form designation: "Paradise Dr. Reorganization #5" to the Town of Tiburon and 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, 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.
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.

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 proceed without notice, hearing, or election, pursuant to Government Code, Section 56837.

Section 7. The Town of Tiburon, as lead agency, has conducted Environmental Review in conjunction with rezoning of this property. The Town has determined that the project is Categorically Exempt pursuant to 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 5th day of May 1994 by the following vote:

AYES: Commissioners Bevis, Blanchfield, Richardson, Rose and Thayer

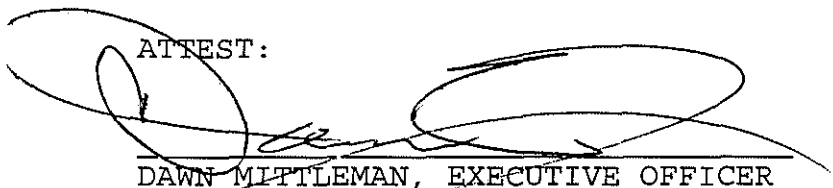
NOES: None

ABSENT: Giacomini and Williams



NORMAN RICHARDSON, Chairman Pro Tem  
Marin Local Agency Formation Commission

ATTEST:



DAWN MITTLEMAN, EXECUTIVE OFFICER

DATED: May 5, 1994

PARADISE DRIVE, REORGANIZATION #5

TO

TOWN OF TIBURON

Beginning at a point on the existing boundary of the Town of Tiburon, said point which bears North 57°30' West 402.46 feet from the most Northerly corner of Lot No. 1, as the same is laid down and delineated upon that certain map entitled, "Map of Paradise Cove Subdivision Marin Co., Cal.", surveyed April, 1939 by Geo. F. Comstock, C.E., filed and recorded in the office of the County Recorder of the County of Marin, State of California, and running thence South 39°14' West 197.53 feet along the existing boundary of the Town of Tiburon to a point; thence North 56°49' West 10.00 feet along the existing boundary of the Town of Tiburon to a point; thence South 36°38' West 76.75 feet to a point; thence South 50°24' West 89.16 feet to a point; thence North 67°52' East 137.40 feet to a point; thence South 69°55' East 48.66 feet to a point; thence North 72°17' East 129.92 feet to a point; thence North 36°22' East 135.96 feet to a point; thence North 46°16' East 315.22 feet to a point; thence North 45°30' West 103.19 feet along the existing boundary of the Town of Tiburon to a point; thence South 53°47' West 351.63 feet along the existing boundary of the Town of Tiburon to the point of beginning.

Containing 1.8 acres, more or less

EXHIBIT B

PARADISE DRIVE, REGORGANIZATION #5

TO

MARIN SANITARY DISTRICT NO.5

Beginning at a point on the existing boundary of the Sanitary District No. 5, said point which bears North 57°30' West 402.46 feet from the most Northerly corner of Lot No. 1, as the same is laid down and delineated upon that certain map entitled, "Map of Paradise Cove Subdivision Marin Co., Cal.", surveyed April, 1939 by Geo. F. Comstock, C.E., filed and recorded in the office of the County Recorder of the County of Marin, State of California, and running thence South 39°14' West 197.53 feet along the existing boundary of the Sanitary Distr.No.5 to a point; thence North 56°49' West 10.00 feet along the existing boundary of Sanitary District No. 5 to a point; thence South 36°38' West 76.75 feet to a point; thence South 50°24' West 89.16 feet to a point; thence North 67°52' East 137.40 feet to a point; thence South 69°55' East 48.66 feet to a point; thence North 72°17' East 129.92 feet to a point; thence North 36°22' East 135.96 feet to a point; thence North 46°16' East 315.22 feet to a point; thence North 45°30' West 103.19 feet to a point; thence South 53°47' West 351.63 feet along the existing boundary of Sanitary District No. 5 to the point of beginning.

Containing 1.8 acres, more or less

EXHIBIT Bb

EXHIBIT A

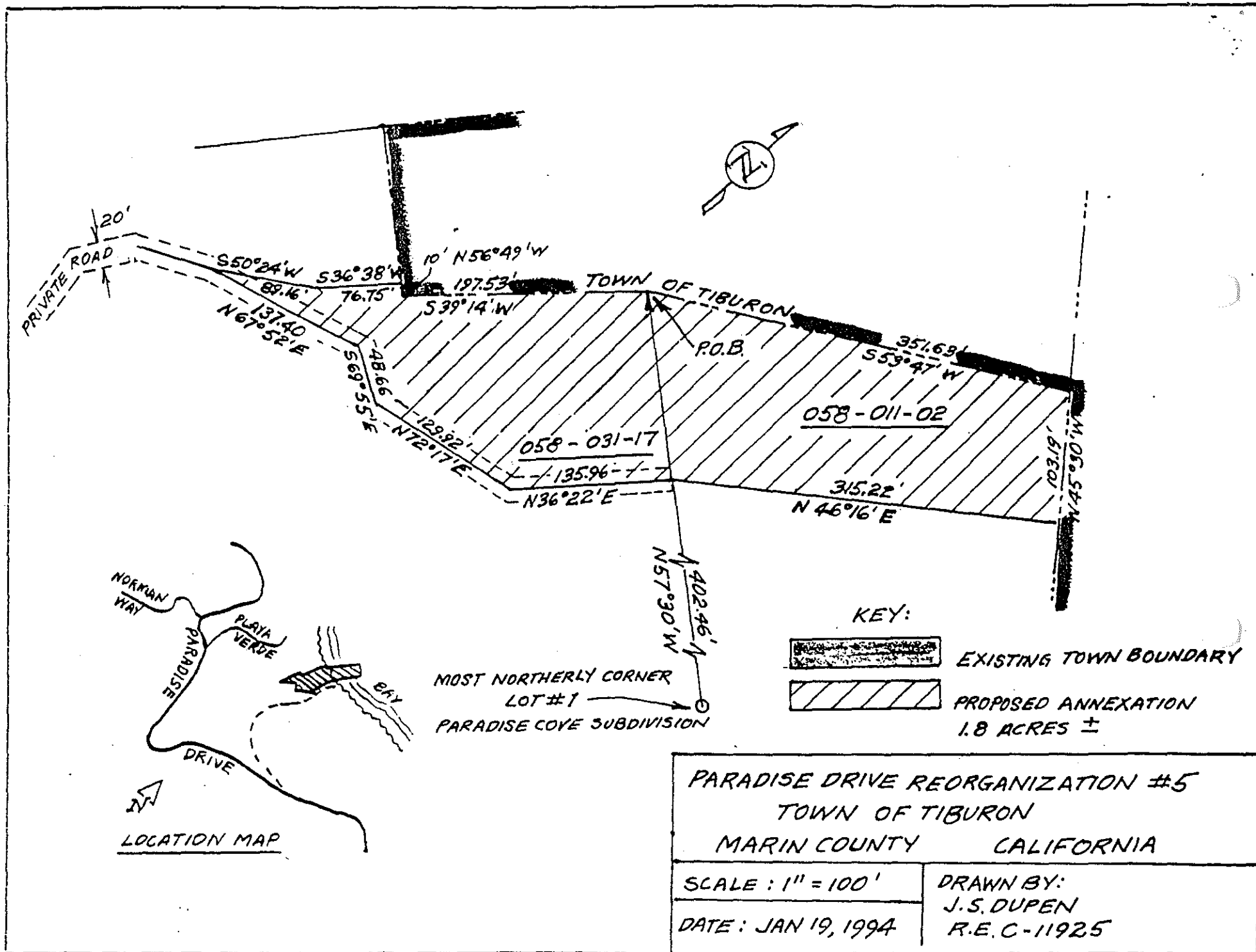


EXHIBIT Aa

