

MARIN LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NO. 06-16

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

"Annexation of the Lands of Kent & Pelz to the San Rafael Sanitation District (File 1276)"

WHEREAS, a proposal for the 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; 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 56663, when a petition is accompanied by written consent signed by 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, pursuant to Government Code Section 56663(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, San Rafael Sanitation District, has consented in writing to a waiver of conducting authority proceedings, this Commission may make determination with respect to said application with waiver of conducting authority proceedings; and

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

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

Section 1. The boundaries, as set forth in the proposal, are hereby approved as submitted and are as described in Exhibit "A" and "B" attached hereto subject to the following condition:

- A. Approved map and legal description to be provided by the applicant.
- B. Proceedings for the annexation shall not be completed until the property owner and the City of San Rafael execute and record an agreement wherein:
 1. 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 City of San Rafael shall be initiated by the City, the owner shall neither directly nor indirectly oppose or protest such annexation; and
 2. 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 territory includes 1.5 acre, is found to be uninhabited, and is assigned the following distinctive short form designation: "Annexation of the Lands of Kent & Pelz to San Rafael Sanitation District (File 1276)".

Section 3. The proposal is consistent with the adopted sphere of influence for San Rafael Sanitation District.

Section 4. The Executive Officer is hereby authorized to complete annexation proceedings in the manner prescribed by Section 57000 of the Government Code.

PASSED AND ADOPTED by the Marin Local Agency Formation Commission on this 10th day of August, 2006 by the following vote:

AYES: Commissioners Blanchfield, Asbo, Heller, Rodoni, McGlashan, Slavitz, Kinsey

NOES: None

ABSENT: None



JEFFRY BLANCHFIELD, Chairperson

ATTEST:



PETER V. BANNING, Executive Officer

EXHIBIT "A"

ANNEXATION OF THE
LANDS OF KENT AND PELZ
TO
SAN RAFAEL SANITATION DISTRICT
LAFCO FILE NO. 1276
MAPPING NO. 06-05

All that certain real property, situate in portion of Rancho San Pedro, Santa Margarita Y Las Gallinas in the County of Marin, State of California, described as follows:

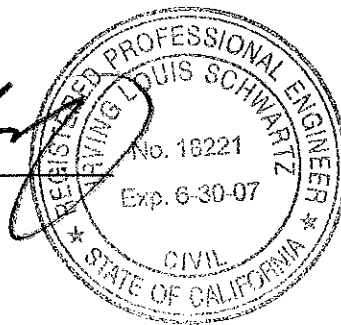
BEGINNING at the Southwesterly corner of Parcel 1 as same as laid down and delineated on that certain parcel map entitled, "Lands of Finley", filed July 22, 1996 in Volume 23 of Parcel Maps at Page 44, Marin County Records; said point also being a point on the San Rafael Sanitation District Boundary;

1. Thence along said Sanitation District boundary South 85°00'00" East 454.70 feet;
2. Thence South 01°00'00" East 138.7 feet;
3. Thence North 85°00'00" West 163.65 feet;
4. Thence South 89°03'01" West 77.79 feet;
5. Thence South 72°03'21" West 56.73 feet;
6. Thence South 40°15'00" West 101.66 feet to the easterly right-of-way line of Margarita Drive;
7. Thence leaving said Sanitation District boundary and proceeding along the easterly right-of-way line of Margarita Drive North 9°16'00" West 56.25 feet;
8. Thence North 19°25'00" West 160.87 to point on said Sanitation District boundary;
9. Thence continuing along the easterly right-of-way line of Margarita Drive and said District Boundary North 31°21'00" West 62.26 feet to the point of beginning.

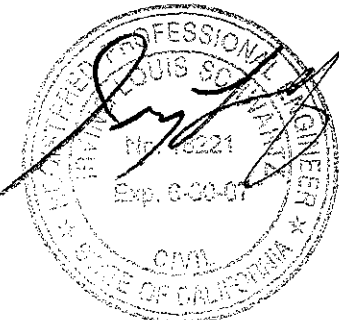
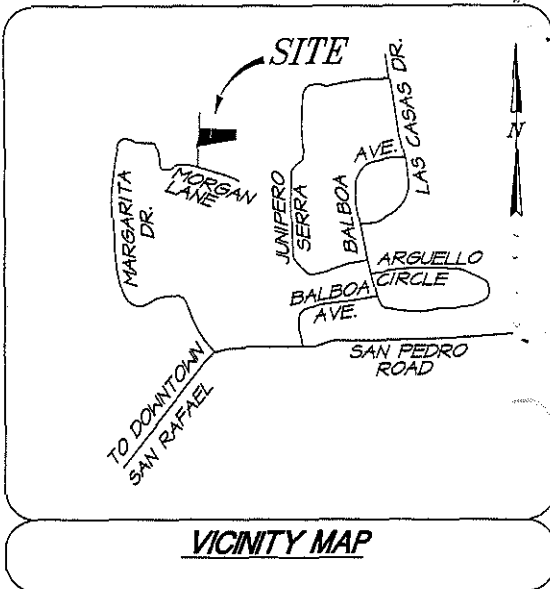
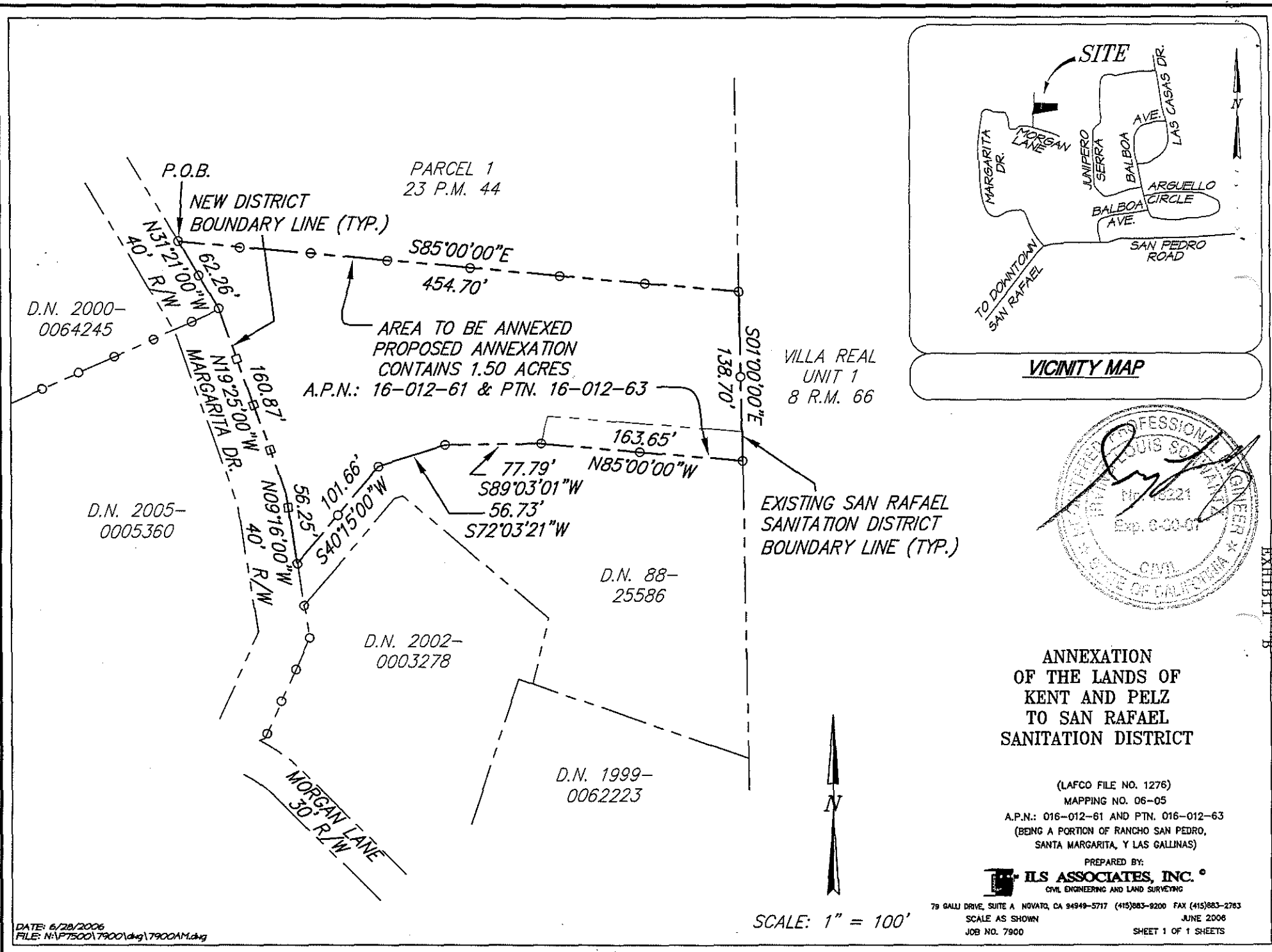
Containing 1.50 acres, more or less.

Prepared by:
ILS Associates, Inc.


Irving J. Schwartz
R.C.E. 18221



6/28/2006
Job No. 7900



**ANNEXATION
OF THE LANDS OF
KENT AND PELZ
TO SAN RAFAEL
SANITATION DISTRICT**

(LAFCO FILE NO. 1276)
MAPPING NO. 06-05
A.P.N.: 016-012-61 AND PTN. 016-012-63
(BEING A PORTION OF RANCHO SAN PEDRO,
SANTA MARGARITA, Y LAS GALLINAS)

PREPARED BY:
ILS ASSOCIATES, INC.
CIVIL ENGINEERING AND LAND SURVEYING

79 GALL DRIVE, SUITE A NOVATO, CA 94949-5717 (415)883-9200 FAX (415)883-2763
SCALE AS SHOWN JUNE 2006
JOB NO. 7900 SHEET 1 OF 1 SHEETS

DATE: 6/28/2006
FILE: N:\P7500\7900\dwg\7900AM.dwg

SCALE: 1" = 100'

EXHIBIT 18A