

LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF MARIN

RESOLUTION NO. 79-1

RESOLUTION MAKING DETERMINATIONS AND APPROVING WITH WAIVER OF NOTICE,  
HEARING AND ELECTION THE REORGANIZATION INVOLVING ANNEXATION OF TERRITORY TO  
THE LAS GALLINAS VALLEY SANITARY DISTRICT,  
MARIN MUNICIPAL WATER DISTRICT, AND COUNTY SERVICE AREA NO. 13

SMITH RANCH ESTATES REORGANIZATION

WHEREAS, a proposal for a reorganization involving the annexation of certain territory to the Las Gallinas Valley Sanitary District, Marin Municipal Water District, and County Service Area No. 13 has been filed with the Executive Officer of this Commission; and,

WHEREAS, said proposal was made in the form of a petition requesting initiation of proceedings pursuant to the District Reorganization Act of 1965, Division 1, (commencing with Section 56000) of the Government Code; and,

WHEREAS, pursuant to Government Code Section 56261 and 56261.1 when an application making a proposal for a reorganization is signed by owners of all affected properties, this Commission may make determinations with respect to said proposal without notice and hearing.

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 reorganization proposal is approved.

Section 2. The boundaries of the territory proposed for reorganization shall be those set forth in Exhibit A, attached hereto and incorporated herein. The reorganization consists of the following changes of organization: annexation to the Marin Municipal Water District, annexation to the Las Gallinas Valley Sanitary District, and annexation to the County Service Area No. 13. The territory shall be designated as the "Smith Ranch Estates Reorganization".

Section 3. Any resolution authorizing the reorganization approved shall impose the following terms and conditions:

- A. No right to capacity in any facilities or public improvements of District, service, or priority of service shall arise because of annexation. District shall, in its sole discretion, determine when and if service can be provided, the priority of service and the conditions upon which service may be made if District determines service can be provided. (Las Gallinas Valley Sanitary District condition)
- B. That the territory to be annexed shall be subject to those annexation charges and procedures as will be determined by the Board of Directors of the Marin Municipal Water District. (MMWD condition)
- C. That prior to extension of water facilities to the annex territory, the owners will enter into a Pipeline Extension Agreement with the District in compliance and in accordance with prevailing ordinances and regulations of the District. (MMWD condition)

D. That the property owners shall enter into a binding contractual agreement which will run with the land to be recorded with the County Recorder's Office; wherein, property owners and subsequent owners of said property shall agree not to oppose annexation to the City of San Rafael at which time such annexation is legally permissible.

Section 4. The Board of Supervisors of the County of Marin is designated as the conducting agency for further proceedings, and is hereby directed to initiate such proceedings in compliance with this resolution and provisions of law, and is authorized to take such proceedings without notice and hearing.

Section 5. The environmental documents relevant to the proposed annexation have been reviewed and considered by the Commission in making its final determination. Pursuant to the California Environmental Quality Act and the Commission's Environmental Guidelines, said Commission hereby certifies the adequacy of the Negative Declaration issued by the lead agency, the County of Marin.

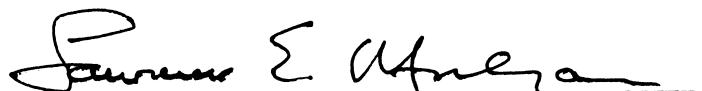
Section 6. The Executive Officer is hereby authorized and directed to mail certified copies of this resolution in the manner prescribed in Section 56272 of the Government Code.

PASSED AND ADOPTED by the Local Agency Formation Commission of the County of Marin on this 10th day of January 1979 by the following vote:


AYES: Commissioners Haehl, Rice, Roumiguere, Violich and Mulryan

NOES: None

ABSENT: None

  
LAWRENCE E. MULRYAN, Chairman  
Marin Local Agency Formation Commission

ATTEST:

  
WARREN K. NELSON, Executive Officer

DATE: January 18, 1979

"EXHIBIT B"

AGREEMENT

THIS AGREEMENT made and entered into by and between James R. Erickson, his heirs, successors and assigns, hereinafter collectively referred to as "Owners" and the MARIN COUNTY LOCAL AGENCY FORMATION COMMISSION hereinafter referred to as "LAFCO";

W I T N E S S E T H :


FOR AND IN CONSIDERATION of the mutual promises hereinafter contained, the parties hereto do hereby agree as follows:

1. Owners own all that certain real property situate in the County of Marin, State of California, described in Exhibit A, legal description.
2. This agreement shall be recorded in the Office of the Marin County Recorder by LAFCO.
3. This agreement is hereby denominated by the parties as a covenant which shall run with the land above described and shall be binding upon the transferees, heirs, successors and assigns of owners.
4. Owners agree in the event of any transfer of the above-described property to furnish the transferee with a copy of this agreement.
5. LAFCO agrees to approve the annexation of the lands herein described to the Las Gallinas Valley Sanitary District, Marin Municipal Water District, and County Service Area # 13 pursuant to said Commission's Resolution No. 79-1.
6. Owners agree that in the event their property or any portion thereof shall become contiguous to the City of San Rafael or as soon as otherwise legally possible, they will apply to the municipality or agency of competent jurisdiction to secure the annexation of the above described real property to the City of San Rafael.


IN WITNESS whereof the parties hereto have set their hand the day and year first above written.

  
JAMES R. ERICKSON

"Owner"

  
LAWRENCE E. MULRYAN, Chairman  
Marin Local Agency Formation Commission

ATTEST:

  
WARREN K. NELSON, Executive Officer  
Marin Local Agency Formation Commission

"LAFCO"

SMITH RANCH ESTATES  
REORGANIZATION NO. 1

December 1, 1978

Regarding Annexation to Marin Municipal Water District, Las Gallinas  
Valley Sanitary District and County Service Area 13

EXHIBIT A

BEGINNING at a point which is the most southerly corner of the parcel of land conveyed to the County of Marin, a political subdivision, by Deed recorded January 23, 1964 in Book 1772 of Official Records at Page 587; thence South  $46^{\circ} 34' 14''$  West 367.79 feet; thence South  $90^{\circ} 56' 54''$  West 136.75 feet; thence South  $29^{\circ} 33' 24''$  West 357.73 feet; thence North  $83^{\circ} 33' 06''$  West 525.00 feet; thence North  $78^{\circ} 49' 06''$  West 104.10 feet; thence North  $72^{\circ} 25' 29''$  West 147.13 feet to a point on the line of the parcel of land conveyed to R. J. Brant, et ux, by Deed recorded January 13, 1953 in Book 784 of Official Records, at Page 558, thence Northeasterly along the existing district boundary to the Northwest corner of the parcel to be annexed; thence Easterly along the existing district boundary to the Point of Beginning.