

LOCAL AGENCY FORMATION COMMISSION OF MARIN COUNTY

RESOLUTION NO. 97-04

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

"Atherton Avenue Annexation 1997-2"

WHEREAS, a proposal for the proposed annexation of certain territory to the City of Novato and to the Novato Sanitary 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 Resolution No. 2584, a resolution of application adopted by the Board of the Novato Sanitary District; and

WHEREAS, said resolution of application 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 resolution of application 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.

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 Resolution No. 2584, adopted by the Novato Sanitary District, is approved.

Section 2. The boundaries, as set forth in the proposal, are hereby approved as submitted and are as described in Exhibit "A," and "B" attached hereto and by this reference incorporated herein.

Section 3. The territory includes 19.72 acres, is found to be uninhabited, and is assigned the following distinctive short form designation: "Atherton Avenue Annexation 1997-2" to the Novato Sanitary District.

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 terms and conditions:

1. That the property owners enter into an agreement with LAFCO not to oppose future annexation to the City of Novato if the Reorganization Committee determines that City annexation is appropriate.
2. The lateral line extended to the property must be four (4) inches in size, to accommodate one (1) home Berman property and one (1) home on the Drosihn property.
3. The standard terms and conditions imposed by the Novato Sanitary District:
 - a. In the event that pursuant to rules, regulations, resolutions 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, resolutions or ordinances of the District, as now or hereafter amended.
 - b. 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 had 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

2/19/97

NOVATO SANITARY DISTRICT

Atherton Avenue Reorganization 1997-2
Annexation to Novato Sanitary District and City of Novato

Exhibit "A"

Mapping No. 2/97

Parcel A

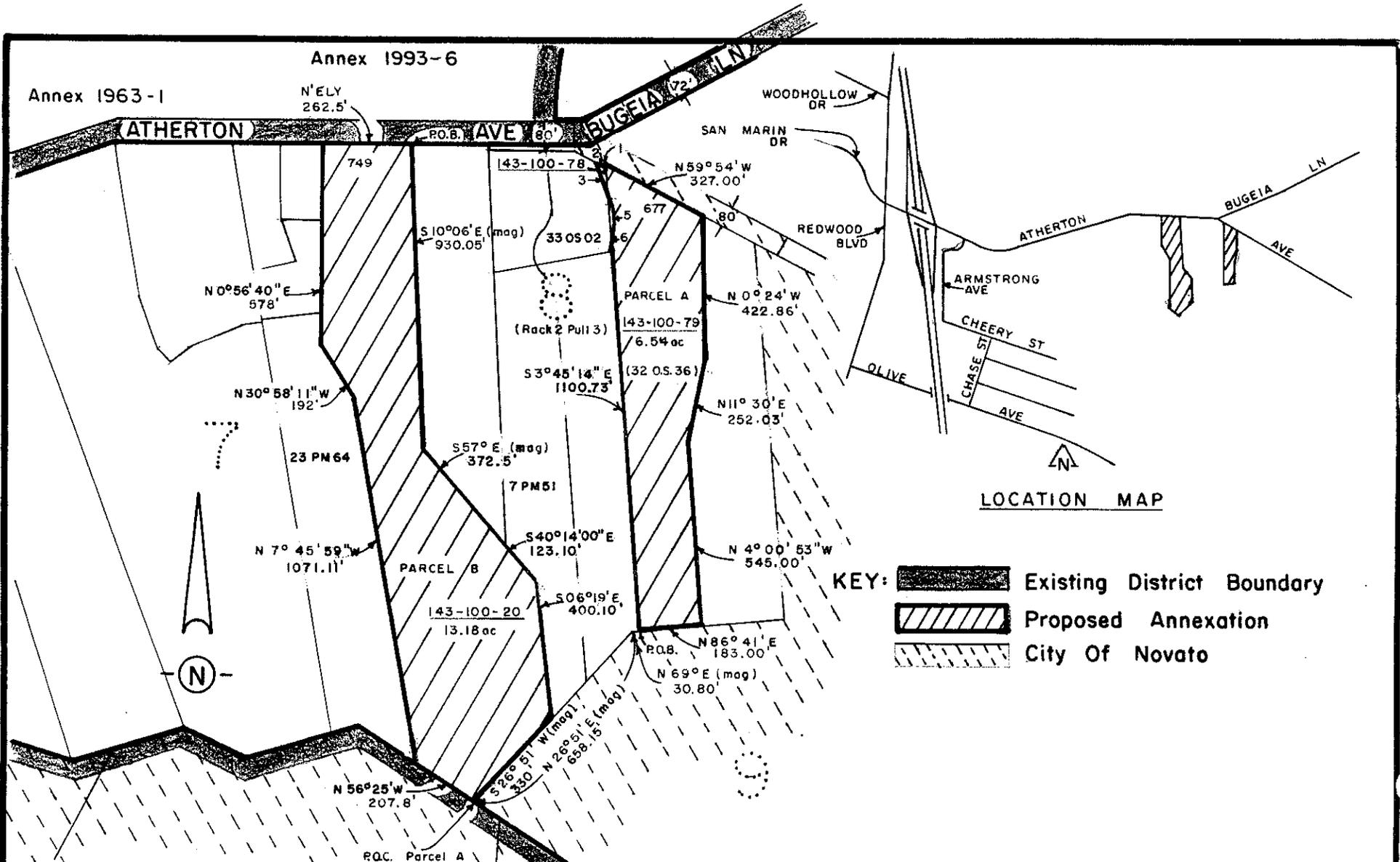
Commencing at a point on the existing boundary of Novato Sanitary District, said point being the corner common to Lots 7, 9, and 17, Division B, as said Lots are shown upon that certain map entitled "Map of East Part; Rancho de Novato, Marin County, California", filed March 22, 1889 in Rack 2, Pull 3, Marin County Records; running thence North $26^{\circ}51'$ East (Mag.) 658.15 feet; thence North 69° East (Mag.) 30.80 feet to the True Point of Beginning, said point also being the southwesterly corner of Parcel One of that certain "Record of Survey Lands of Berman O.R. 91-048687" filed in Book 32 of Survey at Page 36, Marin County Records; running thence from the True Point of Beginning along the southerly line of 32 O.S. 36 North $86^{\circ}41'$ East 183 feet; thence leaving said southerly line of 32 O.S. 36 North $04^{\circ}00'53''$ West 545.00 feet; thence North $11^{\circ}30'$ East 252.03 feet; thence North $0^{\circ}24'$ West 422.86 feet to a point on the southerly line of Atherton Avenue; running thence along said southerly line North $59^{\circ}54'$ West 327.00 feet to a point on the easterly line of 33 O.S. 02; thence along said easterly line of 33 O.S. 02 the following courses; South $3^{\circ}45'14''$ East 24.08 feet, to said southerly line of Atherton Avenue (as widened to 80 feet); thence continuing along said southerly line of Atherton Avenue South $59^{\circ}54'$ West 33.18 feet; thence leaving said southerly line of Atherton Avenue South $17^{\circ}30'53''$ East 169.26 feet, thence South $03^{\circ}45'14''$ East 30.00 feet; thence South $04^{\circ}02'$ West 91.11 feet; thence South $03^{\circ}45'15''$ East 1100.78 feet, more or less to the point of beginning.

Containing 6.54 acres, more or less.

Parcel B

Beginning at a point on the existing boundary of Novato Sanitary District, said point being on the southerly line of Atherton Avenue, at its intersection with the easterly line of Lot 7, Division B, as said Avenue and Lot are shown upon that certain map entitled "Map of East Part Rancho de Novato, Marin County, California", filed March 22, 1889 in Rack 2, Pull 3, Marin County Records; thence leaving said Sanitary District boundary and said southerly line of Atherton Avenue and running along said easterly line of Lot 7, South $10^{\circ}06'$ East (mag.) 930.05 feet; thence South 57° East (mag.) 372.5 feet to a point on the westerly line of Parcel 4 of 7 P.M. 51; thence along said westerly line South $40^{\circ}14'00''$ East 123.10 feet; thence South $6^{\circ}19'$ East 400.10 feet to the southeasterly corner of said Lot 7 and southwesterly corner of Parcel 4; running thence along the southerly line of said Lot 7 South $26^{\circ}51'$ West (mag.) 330 feet to a point on said Sanitary District boundary; running thence along said Sanitary District boundary North $56^{\circ}25'$ West 207.8 feet to the southeasterly corner of Parcel 3 of 23 P.M. 64; thence leaving said southerly line of Lot 7 and said Sanitary District boundary along Parcel 3 North $7^{\circ}45'59''$ West 1071.11 feet; thence North $30^{\circ}58'11''$ West 192 feet; thence North $0^{\circ}56'40''$ East 578 feet to a point on said southerly line of Atherton Avenue and on said Sanitary District boundary; running thence along said southerly line of Atherton Avenue and along said Sanitary District boundary Northeasterly 262.5 feet to the point of beginning.

Containing 13.18 acres, more or less.



LOCATION MAP

1. S 3°45'14"E 24.08'
2. N 59°54' W 33.18'
3. S 17°30'53"E 169.26'
5. S 03°45'14" 30.00'
6. S 04°02'W 91.11'

MAPPING NO 2/97

NOVATO SANITARY DISTRICT			
SANITARY DISTRICT NO. 6			
MARIN COUNTY		CALIFORNIA	
SCALE: 1" = 400'	APPROVED BY <i>[Signature]</i> Manager-Engineer	DRAWN BY RLB	
DATE: 2-19-97		CHK'D BY	
ATHERTON AVE REORG. 1997 - 2			
ANNEXATION TO NOVATO SANITARY DISTRICT & CITY OF NOVATO			DRAWING NO.