

LOCAL AGENCY FORMATION COMMISSION OF MARIN COUNTY

RESOLUTION NO. 82-24

RESOLUTION MAKING DETERMINATIONS AND APPROVING ANNEXATION  
TO THE NOVATO SANITARY DISTRICT

ATHERTON AVENUE - HIGHWAY 37 ANNEXATION 1982-5

WHEREAS, a proposal for the annexation of certain territories to the Novato Sanitary District in the County of Marin has been filed with the Executive Officer of this Commission; and

WHEREAS, said proposal was made in the form of Resolution No. 1940, a resolution of application adopted by the Board of Directors of the Novato Sanitary District; and

WHEREAS, at the time and in the form and manner prescribed by law, the Executive Officer has given notice of public hearing by this Commission upon said proposal; and

WHEREAS, the public hearing on said proposal was held by this Commission upon the date and at the time and place specified in said notice of public hearing, and all interested persons present were afforded an opportunity to speak and be heard on the matter.

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 proposal made by Resolution No. 1940, adopted by the Board of Directors of the Novato Sanitary District, is approved.

Section 2. The boundaries of the territory proposed to be annexed shall be those set forth in Exhibit A, attached hereto and incorporated herein; and said territory shall be designated as the Atherton Avenue - Highway 37 Annexation 1982-5.

Section 3. Said territory is found to be uninhabited.

Section 4. That this resolution shall be considered null and void on October 31, 1983 unless the Novato Sanitary District Board of Directors provides definitive assurances that the irrigation project has received funding adequate for construction of this phase of the District's wastewater program.

Section 5. Any resolution authorizing the annexation approved by this resolution shall impose the Novato Sanitary District's terms and conditions as set forth in Exhibit B, attached hereto and incorporated herein.

Section 6. The Novato Sanitary District is designated as the conducting district for further proceedings, and the Board of Directors of said District is hereby directed to initiate proceedings in compliance with this resolution, and is authorized to take further proceedings upon said annexation in compliance with applicable provisions of State law.

Section 7. In accordance with applicable provisions contained in the adopted Marin Local Agency Formation Commission Environmental Guidelines and Procedures, the Novato Sanitary District is the appropriate lead agency, has completed an Environmental Impact Report titled "East Marin - Southern Sonoma Wastewater Management Plan." This document was certified by the Novato Sanitary District Board of Directors on September 17, 1979. The Marin Local Agency Formation Commission hereby certifies that the Commission has considered said document and finds the report to be adequate as to content.

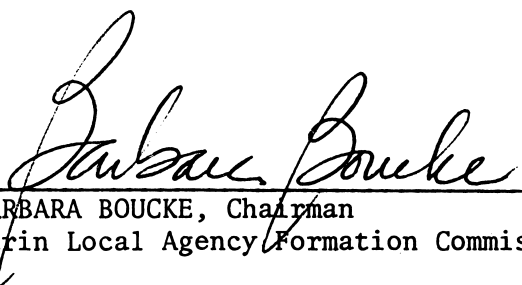
Section 8. The Executive Officer is hereby authorized to mail certified copies of this resolution in the manner and as prescribed by law.

PASSED AND ADOPTED by the Marin Local Agency Formation Commission on this 7th day of December 1982 by the following vote:

AYES: Commissioners Boessenecker, Wilhelm and Boucke

NOES: None

ABSENT: Commissioners Breiner and Giacomini

  
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BARBARA BOUCKE, Chairman  
Marin Local Agency Formation Commission

ATTEST:

  
\_\_\_\_\_  
WARREN K. NELSON, Executive Officer

DATE: December 8, 1982

August 6, 1982

Revised December 9, 1982

NOVATO SANITARY DISTRICT

Atherton Avenue - Highway 37 Annex 1982-5

Exhibit "A"

Beginning at a point on the southeasterly line of the Sonoma Branch of the Northwestern Pacific Railroad, at its intersection with the center of the levee of the northerly bank of Novato Creek, as said southeasterly line and said northerly bank existed on April 4, 1905; running thence along said northerly bank of Novato Creek Northwesterly, crossing said Sonoma Branch of the Northwestern Pacific Railroad and across State Highway No. 37 to a point on the northwesterly line of said State Highway No. 37; thence leaving said center of the levee of the northerly bank of Novato Creek and running along said northwesterly line of State Highway No. 37 Northeasterly 1300 feet, more or less, to a point distant South  $45^{\circ}38'$  West 1340 feet from the intersection of the northwesterly line of the lands conveyed to the State of California as Parcel 1 by a Deed recorded October 17, 1959 in Book 1227 of Official Records at Page 44, Marin County Records, with the northeasterly line of the parcel conveyed to Marin County Flood Control and Water Conservation District by Deed recorded February 28, 1975 in Book 2872 at Page 159 and February 27, 1976 in Book 2999 at Page 26, Marin County Records; thence leaving said northwesterly line of State Highway No. 37 and running thence at right angles to said line in a Northwesterly direction North  $44^{\circ}22'$  west to the intersection with the 8.5 foot contour line on the general southerly slope of Deer Island (said 8.5 foot contour line is defined by the intersection of the presently existing ground surface with a level surface having a height of 8.5 feet above the National Geodetic Vertical Datum of 1929), said contour line being also the boundary of the aforementioned Marin County Flood Control and Water Conservation District lands, running thence Easterly, Northerly and Westerly along said boundary defined by the 8.5 foot contour to the northerly line of said lands of the Marin County Flood Control and Water Conservation District; thence

REVISED

December 9, 1982

continuing along said 8.5-foot contour northerly 325 feet, more or less, to the most southerly corner of the parcel

of land firstly described in the Judgement and Decree Quieting Title rendered in the Marin County Superior Court on December 7, 1931, Case No. 9515, a certified copy of which was recorded on December 7, 1931 in Book 235 of Official Records, at Page 445, Marin County Records; running thence along the

southeasterly line of the parcel of land quieted to Theodore Teixeira by the above mentioned Judgement and Decree,

North 40°45'

East 3682.35 feet to a point in the southerly line of a County Road leading from Novato to Black Point, now known as Atherton Avenue, as said Road existed on January 16, 1907, running thence along said southerly line of Atherton Avenue South 76° East 660 feet, more or less, to the most northeasterly corner of that certain parcel of land described in the Deed from Home and Farm Company of California, a corporation, to Caesar Rodoni, recorded January 23, 1907 in Book 106 of Deeds at Page 168; thence continuing along said southerly line of Atherton Avenue South 80°15' East 877.40 feet; thence South 47° East 372.82 feet; thence South 60° East 234.96 feet; thence North 82°39' East 975.0 feet, more or less, to a point that bears North 7°21' West 20.0 feet from the westerly terminus of the course South 82°39' West 55.01 feet as described in that Deed (relinquishment of State Highway in the County of Marin) recorded February 10, 1960 in Volume 1344 at Page 189 of Official Records, Marin County Records; thence continuing along the southerly line of Atherton Avenue, as widened South 7°21' East 20.0 feet; thence North 82°39' East 55.01 feet; thence along the arc of a tangent curve concave to the north, having a radius of 2550 feet, a distance of 76.61 feet; thence leaving said southerly line of Atherton Avenue South 69°02' East 141.99 feet; thence South 45°38' West 746 feet, more or less, to the most westerly corner of that certain parcel conveyed to Doris and John Groshak by Deed recorded in Book 3175 at Page 302, Marin County Records; thence South 44°22' East 260.06 feet to a point on said northwesterly line of State Highway No. 37;

thence crossing said State Highway No. 37 and said Sonoma Branch of the Northwestern Pacific Railroad at right angles Southeasterly to a point on said southeasterly line of the Sonoma Branch of the Northwestern Pacific Railroad; thence running along said southeasterly line Southwesterly to a point distant North  $44^{\circ}35'$  East 1821.06 feet and North  $45^{\circ}25'$  West 50 feet from the most westerly corner of that certain parcel conveyed to Alameda Homes Corporation by Deed recorded May 1, 1964 in Book 1809 of Official Records at Page 165, Marin County Records; thence leaving said southeasterly line South  $45^{\circ}25'$  East 50 feet; thence South  $40^{\circ}58'40''$  East 1815.37 feet; thence North  $28^{\circ}52'30''$  East 310.62 feet; thence South  $83^{\circ}50'40''$  East 1091.29 feet; thence North  $72^{\circ}09'40''$  East 1730.18 feet; thence North  $34^{\circ}26'20''$  East 84.88 feet; thence North  $05^{\circ}28'57''$  East 288.47 feet to an angle point in the general northerly line of the parcel of land conveyed to I. Satori by Deed recorded April 29, 1907 in Book 108 of Deeds at Page 354, said point being also on the general Northerly line of the parcel conveyed to Alameda Homes Corporation by Deed recorded May 1, 1964 in Book 1809 of Official Records at Page 165, Marin County Records; thence along said northerly line, North  $89^{\circ}47'$  East 2740.69 feet to the general southeasterly line of said parcel (1809 OR 165); running thence along said general southeasterly line South  $22^{\circ}09'30''$  West 866.46 feet; thence South  $26^{\circ}03'30''$  West 229.53 feet; thence South  $15^{\circ}31'30''$  West 1298.11 feet; thence South  $36^{\circ}59'$  West 269.85 feet; thence South  $63^{\circ}49'30''$  West 802.76 feet; thence South  $56^{\circ}10'30''$  West 799.88 feet; thence South  $47^{\circ}07'30''$  West 599.85 feet; thence South  $34^{\circ}01'30''$  West 599.74 feet; thence South  $25^{\circ}19'30''$  West 343.54 feet; thence South  $28^{\circ}51'$  West 434.99 feet; thence South  $22^{\circ}58'$  East 32.55 feet to the most southerly corner of the Alameda Homes Parcel (1809 OR 165) thence along the general southwesterly line of said parcel North  $58^{\circ}54'$  West 194.00 feet; thence North  $31^{\circ}07'$  East 85.07 feet; thence North  $28^{\circ}54'$  West 539.91 feet; thence North  $15^{\circ}33'$  West 1948.98 feet; thence South  $56^{\circ}00'$  West 2431.10 feet; thence North  $09^{\circ}43'10''$  West 269.97 feet; thence North  $45^{\circ}08'20''$  West 467.70 feet; thence North  $60^{\circ}08'30''$  West 243.65 feet to

the intersection of the centerline of Simons Slough with said northerly bank of Novato Creek; thence following the northerly, westerly and easterly bank of said Novato Creek in a general Southwesterly, Southeasterly and Northwesterly course and following the sinuosities of said Novato Creek to the point of intersection of said southeasterly line of the Sonoma Branch of the Northwestern Pacific Railroad with the northerly bank of said Novato Creek and to the point of beginning.

Containing 1124 acres, more or less