

MARIN LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NO. 99-11

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

"Seaview Avenue Annexation #5"

WHEREAS, a proposal for the proposed annexation of certain territory to 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 of application 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 56837, when a resolution of application 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, 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. Subject to the 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" and "B" attached hereto and by this reference incorporated herein.

Section 3. The territory includes 1.61 acres, is found to be uninhabited, and is assigned the following distinctive short form designation: "Seaview Avenue Annexation #5" to San Rafael Sanitation District.

The foregoing instrument is a correct copy of the original on record in the office of the Local Agency Formation Commission of the County of Marin, State of California.

By Dory Adams

Section 4. The proposal is consistent with the adopted sphere of influence for San Rafael Sanitation District.

Section 5. Approval of the proposal is granted subject to the following terms and conditions:

Proceedings for the annexation shall not be completed until the applicant 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 6. San Rafael Sanitation District is designated as the conducting authority for further proceedings, and the Board of said District is hereby directed to initiate proceedings in compliance with this resolution and is authorized to proceed without notice, or election, pursuant to Government Code Section 56837.

Section 7. The project is categorically exempt pursuant to §15303(a) and §15319(b) of the Guidelines for Implementation of 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 Local Agency Formation Commission on this 9th day of September, 1999 by the following vote:

AYES: Commissioners Blanchfield, Chapman, Heller, Hennessy, Kress, and Ware

NOES: None

ABSENT: Commissioner Murray



Jeffrey Blanchfield, Chairperson

ATTEST:


  
Peter V. Banning, Executive Officer

EXHIBIT "A"

SEAVIEW DRIVE ANNEXATION No. 5  
to  
San Rafael Sanitary District

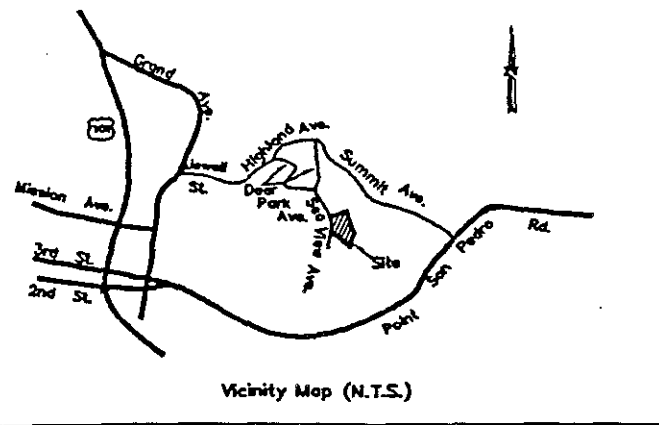
Mapping No. 13/98

Commencing at a point on the easterly line of the San Rafael Sanitary District said point also being on the westerly line of SeaView Ave. near and to the south of the intersection with Deer Park Ave. as is shown on the Map of Colemans Addn. to San Rafael in Book 1 at page 39, Official Records of Marin County, said point being S 75°42' E, 29.07 ft. more or less from the intersection of the two westerly courses of SeaView Ave. being S 40°01' E, 53.33 ft. and S 75°42' E, 145.84 ft.; thence along said westerly line of SeaView Ave. S 75°42' E, 116.77 ft. ; thence S 35°08' E, 119.72 ft.; thence S 15°05' E, 126.49 ft.; thence S 53°45' E, 146.84 ft.; thence S 24°41' E, 339.87 ft. to an angle point of the westerly line of SeaView Ave.; thence leaving the westerly line of SeaView Ave. N 74°29'30" E, 41.51 ft. more or less to the Point of Beginning being an angle point on the easterly line of SeaView Ave., said angle point being S 24°41' E, 6.11 ft. from the southwest corner of that certain parcel of land conveyed by San Rafael Development Company to Alexander P.Ivars, by Deed recorded August 19, 1939 in Book 381 of Official Records at page 257, Marin County Records; running thence from the true point of beginning northerly along the easterly line of SeaView Ave. N 06°20' E, 6.11 ft. to said southwest corner herein mentioned; thence leaving the westerly line of SeaView Ave. along the southerly line of the lands conveyed to Ivars, N 65°19' E, 197.92 ft.; thence leaving said line and running S 15°41'30" E, 273.32 ft.; thence S 00°37' E, 169.46 ft.; thence N 57°32' W, 290.46 ft.; thence N 66°39' W, 76.20 ft. to the easterly line of SeaView Ave.; thence along said easterly line N 45°35' E, 69.79 ft.; thence N 06°20' E, 110.08 ft. to the Point of Beginning.

Containing Approximately 1.61 acres



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Legend:  
 — Existing San Rafael Sanitary District Line  
 — Parcel To Be Annexed

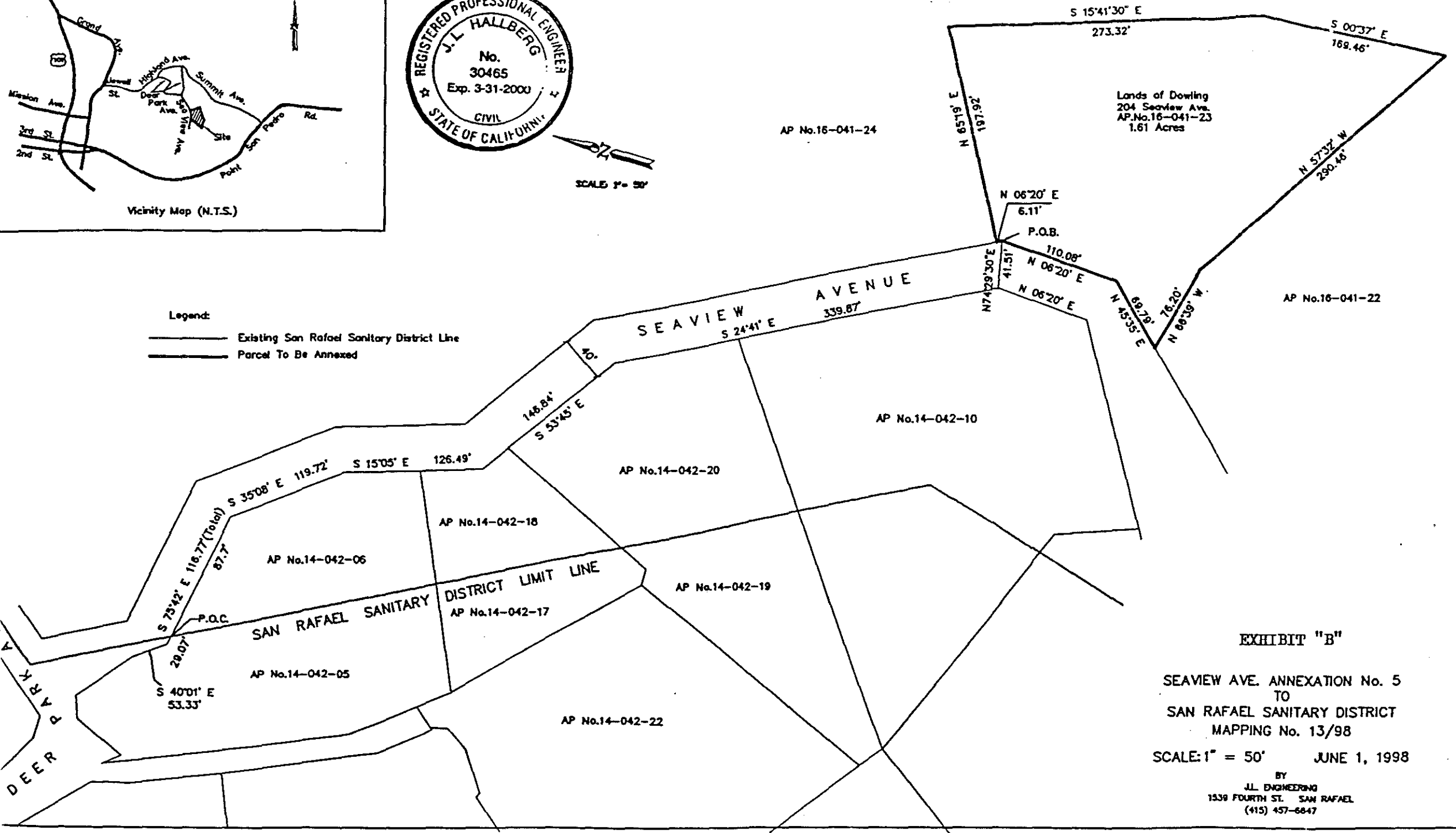


EXHIBIT "B"

SEAVIEW AVE. ANNEXATION No. 5  
 TO  
 SAN RAFAEL SANITARY DISTRICT  
 MAPPING No. 13/98

SCALE: 1" = 50'      JUNE 1, 1998

BY  
 J.L. ENGINEERING  
 1539 FOURTH ST. SAN RAFAEL  
 (415) 457-6647