

LOCAL AGENCY FORMATION COMMISSION OF MARIN COUNTY

RESOLUTION NO. 97-08

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

"Olive Avenue Reorganization (Budny Parcel)"

WHEREAS, a proposal for the proposed annexation of certain territory to the City of Novato and 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 a petition, filed by the property owners; 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 this matter.

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 petition, is approved.

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

Section 3. Said boundary was previously amended to exclude from this reorganization the Budny property (AP #143-110-79) which comprises 2.14 acres, at the Commission's December 19, 1996 meeting, for the following reasons:

- A. Adopted Commission policies require that "amendment of the urban service area boundary shall precede Commission review and approval of subsequent annexation requests."

- B. The Novato Community USA/SOI Report is ambiguous regarding whether this parcel is within the USA boundary.
- C. Additional study is necessary to determine whether this parcel and six adjacent parcels (Novato General Plan designation "Low-Density Residential") are or should be included in the USA.

Section 4. At the completion of said study, the Commission has determined that the Budny parcel is partially within the Urban Service Area and amended the Urban Service Area boundary to include all of the parcel and approved inclusion of the Budny parcel in the "Olive Avenue Reorganization."

Section 5. The territory includes 2.14 acres, is found to be uninhabited, and is assigned the following distinctive short form designation: "Olive Avenue Reorganization (Budny Parcel)" to the City of Novato and the Novato Sanitary District.

Section 6. The proposal is consistent with the spheres of influence of affected local agencies.

Section 7. Any resolution authorizing the annexation approved by this resolution shall impose the following standard Novato Sanitary District terms and conditions:

- A. That the sewer line extended to the Budny parcel be sized to accommodate only the existing Budny home and the proposed additional home on the property, consistent with the City of Novato's rezoning.
- B. The standard terms and conditions imposed by the Novato Sanitary District as follows:
 - 1. In the event that pursuant to rules, regulations or ordinances of the District, as now or hereafter amended, the District shall require any payment of 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 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 or ordinances of the District, as now or hereafter amended.
 - 2. 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 has been a part of the District upon its original formation; shall be liable for the payment of principle, interest and any other amounts which shall become due on account of any outstanding or then authorized but thereafter sued bonds, including revenue bonds, or other contracts or obligations of the District; shall be subject to the levying or fixing and collection of any and all taxes, assessments, service charges, rentals or rates as may be necessary to provide for such payment; and shall be subject to all of the rates, rules, regulations and ordinances of the District, as now or hereafter amended.

Section 8. The Marin County Board of Supervisors is designated as the conducting authority for further proceedings, and the Board is hereby directed to initiate proceedings in compliance with this Resolution, and is authorized to take further proceedings upon said annexation with waiver of notice, hearing, and election.

Section 9. The City of Novato, as Lead Agency, has determined that the Budny parcel is Categorically Exempt from CEQA guidelines, section 15319 (Annexations of Existing Facilities and Lots for Exempt Facilities), dated December 10, 1996.

Section 10. 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 County Local Agency Formation Commission on this 4th day of September, 1997 by the following vote:

AYES: Commissioners Richardson, Blanchfield, Thayer, and Ware.
NOES: Commissioners Barner and Moore.
ABSENT: Commissioner Kress.



NORMAN RICHARDSON, CHAIRPERSON

ATTEST:



DAWN MITTLEMAN, EXECUTIVE OFFICER

DATED: September 4, 1997

Date: October 10, 1996
File: 5.609.00

EXHIBIT A

OLIVE AVENUE REORGANIZATION NO. 1
TO CITY OF NOVATO & NOVATO SANITARY DISTRICT
MAPPING NO. 5/96

All that certain real property situated in the County of Marin, State of California, described as follows:

Commencing at a street monument located on the centerline of Olive Avenue, 807.64 feet southeast of the intersection with Samrose Drive, as shown upon that certain map entitled "MAP OF WILDWOOD GLEN (21PM7) said point also being on the Limit Line of the City of Novato;

thence North $11^{\circ}32'53''$ East 58.56 feet along the City Limit Line to the northerly right-of-way of Olive Avenue;

thence along the City Limit Line, the Novato Sanitary District Line, and the easterly line of 21PM7 North $11^{\circ}32'53''$ East 1,420.34 feet;

thence leaving said City of Novato Limit Line, and Novato Sanitary District Line South $67^{\circ}51'23''$ East 112.99 feet;

thence leaving said property line North $64^{\circ}22'39''$ East (North $47^{\circ}14'02''$ East - 23PM23) 461.21 feet along the boundary line of Parcel 2 of 23PM23;

thence South $81^{\circ}29'23''$ East 92.09 feet (South $81^{\circ}22'$ East 91.00 feet - 23PM23);

thence South $10^{\circ}18'15''$ West 327.07 feet (North $06^{\circ}50'22''$ West - 23PM23) to the southerly corner of Parcels 1 and 2 of 23PM23;

thence along said property line South $79^{\circ}47'53''$ East 367.47 feet along the boundary line of Parcel 1 of 23PM23 and Parcel 2 of 24PM56;

thence along said Parcel 2 of 24PM56 South $48^{\circ}16'09''$ East 254.09 feet;

thence South $59^{\circ}32'05''$ West 158.64 feet;

thence North $35^{\circ}18'55''$ West 85.75 feet;

thence North $62^{\circ}34'55''$ West 51.00 feet;

thence North $61^{\circ}32'55''$ West 92.55 feet;

thence North 39°56'55" West 46.68 feet;
thence South 50°12'05" West 45.89 feet;
thence South 43°02'05" West 40.25 feet;
thence South 25°29'05" West 11.10 feet;
thence South 38°18'55" East 100.34 feet;
thence South 36°39'55" East 135.81 feet;
thence South 21°08'55" East 16.10 feet;
thence South 10°27'55" East 33.63 feet;
thence South 20°17'55" East 90.88 feet;
thence South 29°03'55" East 81.41 feet;
thence South 41°39'55" East 39.19 feet;
thence South 46°41'55" east 72.66 feet;
thence South 43°38'55" East 19.38 feet to a point on the northerly right-of-way of Olive Avenue;
thence South 33°17'55" East 70.00 feet to a point on the City Limit Line and southerly right-of-way of Olive Avenue;
thence following said City Limit Line South 56°42'05" West 867.21 feet;
thence South 83°31'36" West 630.87 feet;
thence North 66°08'37" West 1.58 feet;
thence leaving the southerly right-of-way of Olive Avenue North 11°32'53" East 30.71 feet to the True Point of Beginning.

EXHIBIT B - PROJECT MAP
OLIVE AVENUE REORGANIZATION (BUDNEY)

PLEASE REFER TO MAP RECORDED
WITH OFFICIAL RECORD #61,550
ON OCTOBER 28, 1997 (No Amendment)