

LOCAL AGENCY FORMATION COMMISSION OF MARIN COUNTY

RESOLUTION NO. 98-02

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

"Upper Road Annexation #4"

WHEREAS, a proposal for the proposed annexation of certain territory to the Las Gallinas Valley 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 as submitted and are as described in Exhibits "A" and "B" attached hereto and by this reference incorporated herein.

Section 3. The territory includes .99 acres, is found to be uninhabited, and is assigned the following distinctive short form designation: "Upper Road Annexation #4" to the Las Gallinas Valley 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 standard terms and conditions:

- A. 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, pursuant to which such payment is required.
- 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 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 issued 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.
- C. 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.

Section 6. The Las Gallinas Valley Sanitary 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 take further proceedings upon said annexation in compliance with applicable provisions of State law.

Section 7. The project is categorically exempt pursuant to provisions of the California Environmental Quality Act.

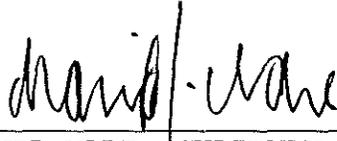
Section 8. The Executive Officer is hereby authorized and directed to mail certified copies of the resolution in the manner prescribed by Section 56853 of the Government Code.

PASSED AND ADOPTED by the Marin County Local Agency Formation Commission on this 8th day of January, 1998 by the following vote:

AYES: Commissioners Blanchfield, Chapman, Kress, Moore and Ware

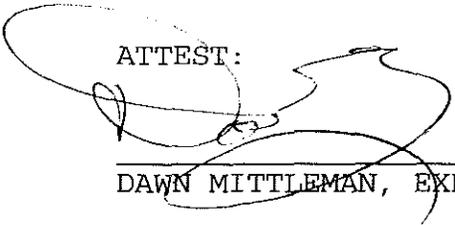
NOES:

ABSENT:



\_\_\_\_\_  
DAVID WARE, CHAIRMAN PRO TEM

ATTEST:



\_\_\_\_\_  
DAWN MITTLEMAN, EXECUTIVE OFFICER

DATED: January 8, 1998

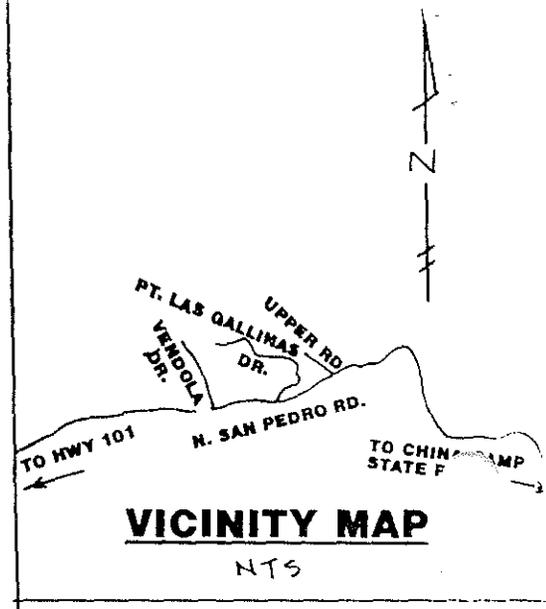
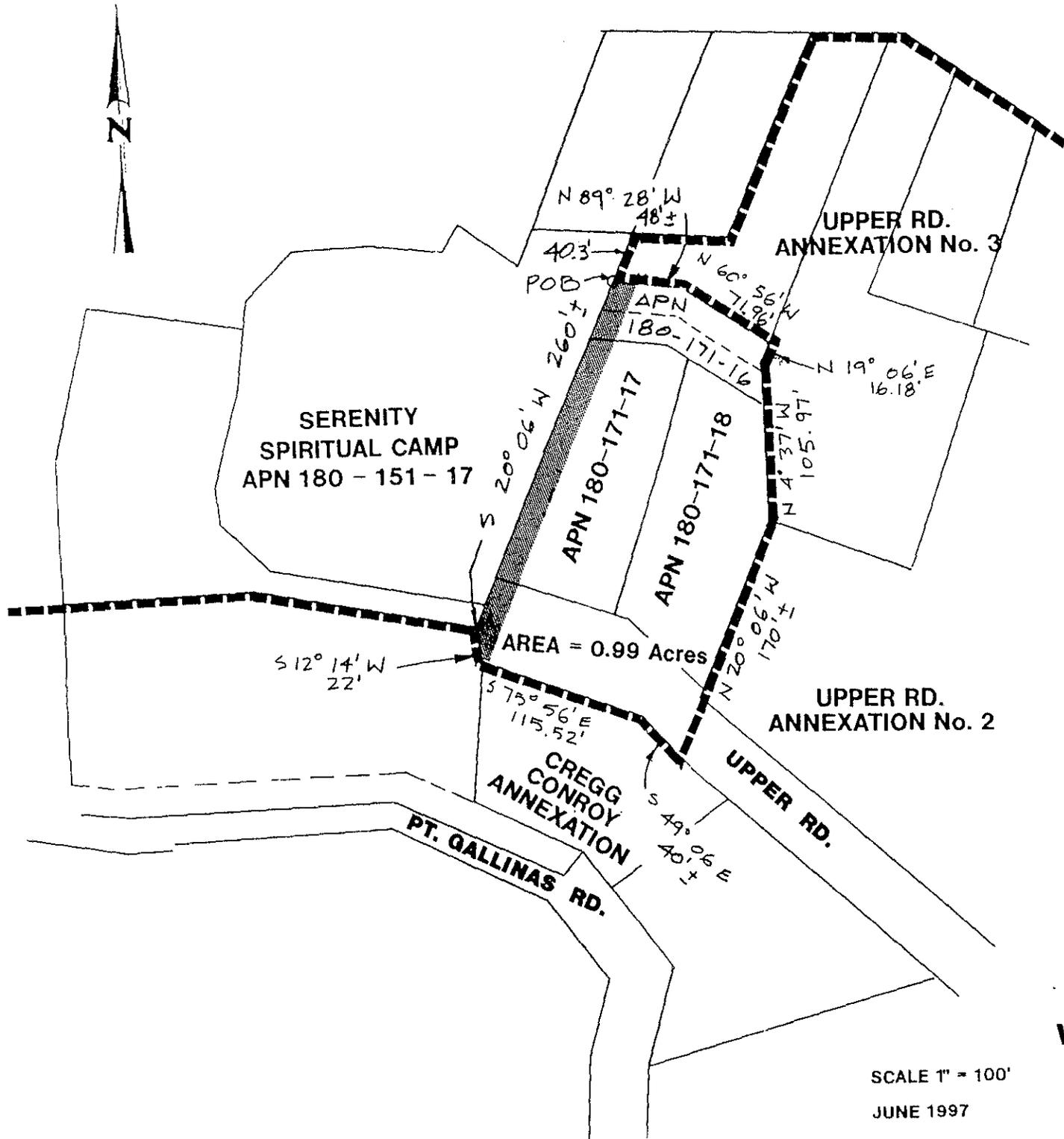
EXHIBIT "A"

UPPER ROAD ANNEXATION NO. 4  
TO  
LAS GALLINAS VALLEY SANITARY DISTRICT

MAPPING NO. 7/97

BEGINNING at a point on the existing Boundary of the Las Gallinas Valley Sanitary District, said point being also a point on the northerly line of a 40 foot road, said point being also on the Westerly line of the tract of land conveyed by deed from Adrian McMahan, et ux, to G. G. McDaniel, recorded December 20, 1943 in Book 454 of Official Records at Page 411, distant thereon South 20° 06' West 40.3 feet from the southwesterly corner of the tract of land conveyed by deed to Carl M. Clarkson, recorded in Book 443 of Official Records at page 387, Marin County Records, said Point of Beginning being also the most northwesterly corner of APN 180-171-06, running thence from said POINT OF BEGINNING along said westerly line of McMahan and the southwesterly extension thereof South 20° 06' West 260 feet, more or less to the boundary line of the Las Gallinas Valley Sanitary District, said boundary line being also the southerly right-of-way line of Upper Road; running thence along said boundary of the Las Gallinas Valley Sanitary District South 12° 14' West 22 feet; South 75° 56' East 115.52 feet; South 49° 06' East 40 feet, more or less to the southerly extension of the easterly line of APN 180-171-18; thence North 20° 06' West 170 feet, more or less, North 4° 37' West 105.97 feet; North 19° 06' East 16.18 feet; North 60° 56' West 71.96 feet; thence North 89° 28' West 48 feet, more or less, to the POINT OF BEGINNING.

CONTAINING an area of 0.99 acres, more or less



**LEGEND**

- EXISTING BOUNDARY  
 LAS GALLINAS VALLEY  
 SANITARY DISTRICT
- PROPOSED BOUNDARY  
 LAS GALLINAS VALLEY  
 SANITARY DISTRICT

MAPPING # 7/97  
**UPPER RD ANNEXATION  
 # 4 TO LAS GALLINAS  
 VALLEY SANITARY DISTRICT**

SCALE 1" = 100'  
 JUNE 1997

**NUTE ENGINEERING**  
 SAN RAFAEL CALIFORNIA