

LOCAL AGENCY FORMATION COMMISSION OF MARIN COUNTY

RESOLUTION NO. 85-17

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

SIMON ANNEXATION

WHEREAS, a proposal for the annexation of certain territory to the San Rafael Sanitation 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 a petition, signed by Joseph and Anna Simon, requesting the initiation of annexation proceedings pursuant to the District Reorganization Act of 1965, Division 1, (commencing with Section 56000) of Title 6 of the Government Code; and

WHEREAS, said petition 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 56261, when a petition is accompanied by written consent of all owners of land within the territory proposed to be annexed, this Commission may make determinations with respect to said annexation without notice and hearing.

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 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 "Simon Annexation."

Section 3. Said territory is found to be uninhabited.

Section 4. Any resolution ordering the annexation approved by this resolution shall provide that such annexation is ordered subject to San Rafael Sanitation District's terms and conditions as set forth in Exhibit B, attached hereto and incorporated herein.

Section 5. The San Rafael Sanitation 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 proceed without notice, hearing or election, pursuant to Government Code Section 56261.

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Section 6. In accordance with applicable provisions contained in the adopted Marin Local Agency Formation Commission Environmental Guidelines and Procedures, LAFCo is the appropriate lead agency and has determined the project to be Categorically Exempt pursuant to Section 15319(b), Public Resources Code, "Annexation of Existing Facilities."

Section 7. The Executive Officer is hereby authorized and directed to mail certified copies of the resolution in the manner prescribed by Section 56272 of the Government Code.

PASSED AND ADOPTED by the Marin County Local Agency Formation Commission on this 12th day of December 1985 by the following vote:

AYES:


NOES:

ABSENT:



CHAIRMAN,
MARIN LOCAL AGENCY FORMATION COMMISSION

ATTEST:



WARREN K. NELSON, Executive Officer

DATED: December 13, 1985

"EXHIBIT A"

SIMON ANNEXATION FILE NO. 12-85

TO

SAN RAFAEL SANITATION DISTRICT

BEGINNING at a point in the existing boundary of the San Rafael Sanitation District, said point being the northeast corner of Parcel A as said Parcel is shown on that certain Parcel Map recorded August 31, 1972 and filed in Book 7 of Parcel Maps at Page 68, Marin County Records, thence leaving said District Boundary easterly along the southerly right-of-way line of Seaview Avenue; along the arc of a curve, the center of which bears N 14° 35' 26" W 86.88 feet, through a central angle of 77° 52' 42", a distance of 118.09 feet to a point on the existing boundary of said Sanitary District, thence leaving the right-of-way line of Seaview Avenue and along the existing Sanitary Boundary, easterly, southerly, westerly, and northerly to the POINT OF BEGINNING.

Containing 1.16 acres

Date: 2-15-85

EXHIBIT B

SAN RAFAEL SANITATION DISTRICT

The annexation shall be subject to the following terms and conditions:

1. Said District will be held harmless and will not be responsible for any backflow action or maintenance of a sewer ejector or pump system required to serve the subject property. Further, the pipe between the ejector system and the District's sewer line shall be the maintenance obligation of the property owner. Said District cautions current and future property owners to the fact that mechanical ejector or pump systems do sometimes fail.
2. 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 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 or ordinances of the District, as now or hereafter amended.
3. 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 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 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.

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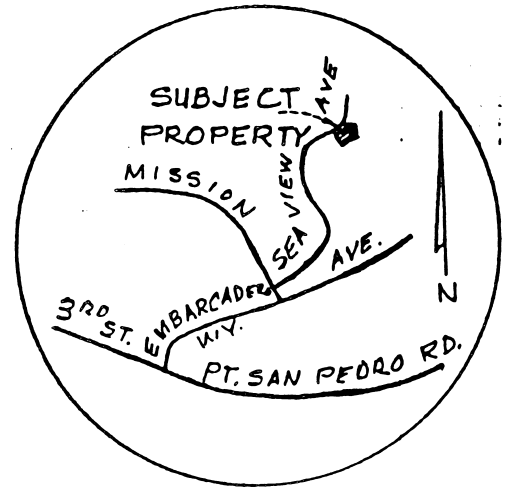
SCHWARTZ WAAG ASSOCIATES
CIVIL ENGINEERING AND LAND SURVEYING

134 PAUL DRIVE SAN RAFAEL, CA 94903 (415) 472-5200

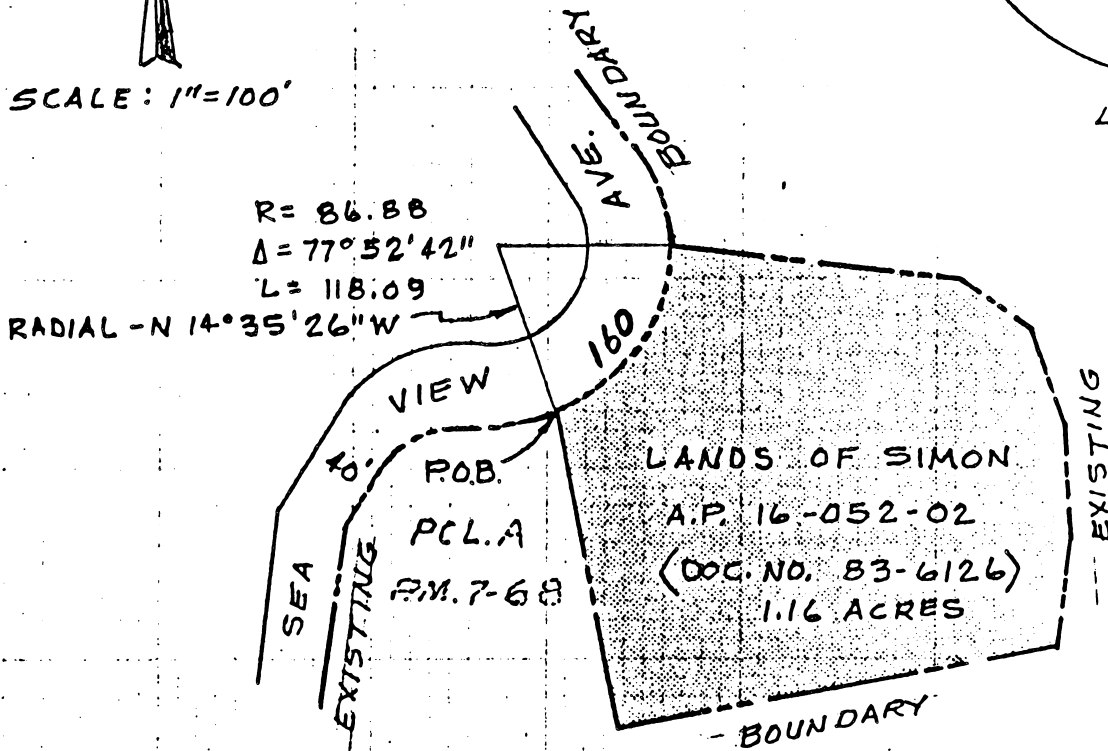
BY: DGW	JOB NO. 5416
DATE: 12-21-84	SHEET NO. 1/1



SCALE: 1"=100'



LOCATION MAP
(NO SCALE)



LEGEND

- EXISTING BOUNDARY
- PROPOSED BOUNDARY

SIMON ANNEXATION
TO
SAN RAFAEL SANITATION DISTRICT
FILE NO. 12-85