

MARIN LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NO. 02-26

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

"Annexation of the Lands of Clever to Novato Sanitary District (File 1229)"

WHEREAS, a proposal for the annexation of certain territory to the 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 owner; 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 56663, when a petition 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, pursuant to Government Code Section 56663(c), the affected territory is uninhabited; all the owners of land within the affected territory have given their written consent; and the affected local agency that will gain territory, Novato Sanitary District, has consented in writing to a waiver of conducting authority proceedings, this Commission may make determination with respect to said application with waiver of conducting authority proceedings; and

WHEREAS, the County of Marin, acting as Lead Agency, prepared and distributed an initial study and proposed mitigated Negative Declaration of Environmental Impact on February 11, 2002, which as approved by Board of Supervisors of the County of Marin with the adoption of Resolution No. 2002-105 on July 23, 2002; and

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 Miller

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. The Commission certifies that it has reviewed and considered the initial study and Negative Declaration of Environmental Impact prepared for this project by the County of Marin acting as lead agency.

Section 2. The Commission finds that changes or alterations to the project and mitigation measures to lessen environmental effects to less than significant levels as identified in the Mitigated Negative Declaration are within the responsibility of the County of Marin Community Development Agency and Novato Sanitary District and not LAFCO. The Mitigated Negative Declaration includes a mitigation monitoring and reporting plan in which the County staff and District staff are responsible for compliance and are empowered to sanction noncompliance.

Section 3. The proposal is consistent with the adopted sphere of influence for Novato Sanitary District.

Section 4. The territory includes 18.29 acres, is found to be uninhabited, and is assigned the following distinctive short form designation: "Annexation of the Lands of Clever to Novato Sanitary District (File 1229)".

Section 5. The boundaries, as set forth in the proposal, are hereby approved as submitted and are as described in Exhibit "A" and "B" attached hereto subject to the following condition:

Proceedings for the annexation shall not be completed until the applicant executes and the City of Novato has had ample opportunity to execute an agreement wherein:

- a) 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 Novato shall be initiated by the City, the owner shall neither directly nor indirectly oppose or protest such annexation; and

- b) 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. The Executive Officer is hereby authorized to complete reorganization proceedings in the manner prescribed by Section 57000 of the Government Code.

PASSED AND ADOPTED by the Marin Local Agency Formation Commission on this 12th day of September, 2002 by the following vote:

AYES: Commissioners Blanchfield, Chapman, Eklund, Heller, Kress and Rodoni

NOES: None

ABSENT: Commissioner Slavitz



JEFFRY BLANCHFIELD, Chairperson

ATTEST:



PETER V. BANNING, Executive Officer

07-10-2002

Annexation of the
Lands of Clever
To
Novato Sanitary District
(File # 1229)
MAPPING No. 15/02

Description:

Beginning at the common corner of Lots 6 and 7, Subdivision "B" Map of East Part of the Rancho de Novato, filed March 22, 1889, on Rack 2, Pull 3, Marin County Records, said point being the center line of the road from Novato to Block Point and said point is an angle point in the existing boundary of the Novato Sanitary District; and running thence along said centerline and the existing boundary of the Novato Sanitary District

1. North 55°15' East 388.23 feet;
2. thence leaving said road center line and leaving said existing District boundary South 25°14' East 211.28 feet;
3. thence on a curve to the left whose center bears South 25°14' East and whose radius is 8 feet, curve length of 25.13 feet, through a delta of 180°00'00";
4. thence South 25°14' East 261.70 feet;
5. thence South 36°31' East 161.95 feet;
6. thence South 59°45' East 39.49 feet;
7. thence North 42°57' 10" East 75.50 feet;
8. thence North 50° 50' East 162.30 feet;
9. thence North 61°35' East 57.03 feet to the Northeasterly boundary line of that certain tract of land conveyed from Purley E. Scofield to Merle Tharp and Wayne Tharp, by deed recorded July 31, 1942 in Volume 433 of Official Records at Page 198, Marin County Records;
10. thence along said Northeasterly, Southerly and Southwesterly boundary lines South 25°30' East 1216.84 feet;
11. South 59°45' West 256.85 feet;
12. North 80°15' West 192.72 feet to the line between said Lots 6 and 7;
13. thence along said common dividing line between said Lots 6 and 7 North 35° 50' West 1548.71 feet to the Southeast corner of the Lands described in that certain deed from Arendell to Arendell and Amaral recorded in Document Number 90-54953 on September 18, 1990 in the office of the Marin County Recorder, said point being an angle point in the Novato Sanitary District Boundary;
14. thence along said District boundary and said common line of said Lots 6 & 7 North 35°50' West 155 feet to the **Point of Beginning**.

Said annexation contains 18.4 acres, more or less.



Exhibit "B"

"Annexation of Clever to Novato Sanitary District
(File #1229)"

Refer to:

RECORDED ON APRIL 8, 2003

AS BOOK 2003 OF MAPS,

PAGE 79;

MARIN COUNTY RECORDER