

LOCAL AGENCY FORMATION COMMISSION OF MARIN COUNTY

RESOLUTION NO. 81-29

RESOLUTION MAKING DETERMINATIONS AND APPROVING ANNEXATION
TO THE SAN RAFAEL SANITATION DISTRICT

MANN DRIVE/BORTELLS ANNEXATION

WHEREAS, a proposal for the annexation of certain territories 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 submitted by property owners 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, 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 the matter.

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 made by petition, 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 "Mann Drive/Bortells Annexation."

Section 3. Said territory is found to be inhabited.

Section 4. Any resolution authorizing the annexation approved by this resolution shall impose the San Rafael Sanitation District's terms and conditions, as set forth in Exhibit B, attached hereto and incorporated herein.

Section 5. Approval of said proposal allows for a waiver of the strict application of LAFCo's "Dual Annexation Policy" which requires simultaneous annexation of unincorporated territory to the affected city. Waiver was authorized based on the commitment of San Rafael City representatives that examining of the entire Country Club unincorporated island area should be commenced. LAFCo concurred that annexation of the full island area represented a more orderly change of organization than small piecemeal annexation such as the subject proposal.

Section 6. 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 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 and the Commission's Environmental Guidelines.

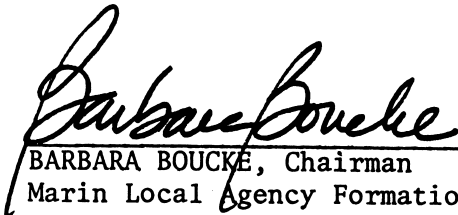
Section 8. The Executive Officer is hereby authorized and directed to mail certified copies of the resolution in the manner prescribed by Section 56272 of the Government Code.

PASSED AND ADOPTED by the Marin County Local Agency Formation Commission on this 15th day of October 1981 by the following vote:


AYES: Commissioners Boessenecker, Giacomini, Haehl, Wilhelm and Boucke

NOES: None

ABSENT: None


BARBARA BOUCKE, Chairman
Marin Local Agency Formation Commission

ATTEST:


WARREN K. NELSON, Executive Officer

DATE: November 2, 1981

Mann Drive - Bortells
Annexation to the
San Rafael Sanitation District

PARCEL 1

Beginning at the Northwest corner of that certain parcel recorded May 28, 1971 in Book 2467 of Official Records at Page 282, Marin County Records, said point being on the existing boundary of the San Rafael Sanitation District; thence leaving said district boundary North $88^{\circ}32'00''$ West 140 Feet; thence North $64^{\circ}29'00''$ West 194.80 Feet; thence South $27^{\circ}08'00''$ East 251.10 Feet to the Northwesterly right-of-way of Highland Avenue; thence continuing South $27^{\circ}08'00''$ East 45.36 Feet across said right-of-way to a point on the Southeasterly line of said Avenue; thence Easterly along said right-of-way to the existing boundary of said San Rafael Sanitation District; thence Northerly along said district line to the Point of Beginning.

PARCEL 2

Beginning at the northeasterly corner of that certain parcel recorded May 28, 1971, in Book 2467 of Official Records at Page 282, Marin County Records, said point being on the existing boundary of the San Rafael Sanitation District; thence leaving said district boundary South $88^{\circ}32'00''$ East 428.02 Feet; thence North $54^{\circ}02'50''$ East 215.99 Feet; thence North $56^{\circ}06'17''$ East 20.18 Feet to a point being the centerline of Margarita Drive and the boundary of the San Rafael Sanitation District; thence North $86^{\circ}31'45''$ East 21.60 Feet along said boundary; thence leaving said boundary South $25^{\circ}20'$ East 208.82 Feet along the northeasterly line of Margarita Drive; thence South $70^{\circ}11'$ West 40.31 Feet to the Southwesterly line of Margarita Drive; thence South $70^{\circ}11'00''$ West 285.71 Feet; thence South $52^{\circ}01'00''$ West 55.00 Feet to a point on the northerly right-of-way of Margarita Avenue, said point being on the boundary of the San Rafael Sanitation District; thence westerly and northerly along said district boundary to the Point of Beginning.

EXHIBIT "A"

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.

EXHIBIT "B"