

MARIN LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NO. 07-04

**RESOLUTION MAKING DETERMINATIONS AND APPROVING ANNEXATION
TO SANITARY DISTRICT #5 (TIBURON)
WITH WAIVER OF NOTICE, HEARING AND ELECTION**

“Annexation of the Lands of McMillen to Sanitary District #5 (Tiburon) (File 1283)”

WHEREAS, a proposal for the annexation of certain territory to Sanitary District #5 (Tiburon) 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, Sanitary District #5 (Tiburon), 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 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:

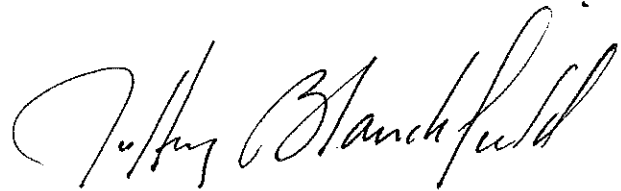
- 1. Adopt a resolution making determinations approving the proposed Annexation of the Lands of McMillen to the Sanitary District #5 (Tiburon) (File #1283) subject to the following condition:
 - A. Approved map and legal description to be provided by the applicant.
 - B. Proceedings for the annexation shall not be completed until the property owner and the Town of Tiburon execute and record an agreement wherein:
 - 1. 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 Town of Tiburon shall be initiated by the Town, the owner shall neither directly nor indirectly oppose or protest such annexation; and
 - 2. 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.
- 2. Authorize staff to initiate subsequent proceedings pursuant to Government Code §57000 without notice and hearing.

PASSED AND ADOPTED by the Marin Local Agency Formation Commission on this 12th day of April 2007 by the following vote:

AYES: Commissioners Adams, Asbo, Blanchfield, Condon, Heller, McGlashan, Rodoni

NOES: None.

ABSENT: Commissioner Slavitz



JEFFERY BLANCHFIELD, Chairperson

ATTEST:


PETER V. BANNING, Executive Officer

Annexation of the Lands of McMillen
to the
Tiburon Sanitary District #5
File # _____
Mapping # 04-07

All that certain property, in the County of Marin, State of California, being portions of Lots 9, 10 and 11, "Paradise Cove Subdivision", recorded November 16, 1939 in book 5, page 81 of Maps, Records of said Marin County, as shown on the map "Record of Survey, Lands of Meadows", recorded March 13, 1997 in book 36, page 09 of Surveys, Records of said Marin County, described as follows:

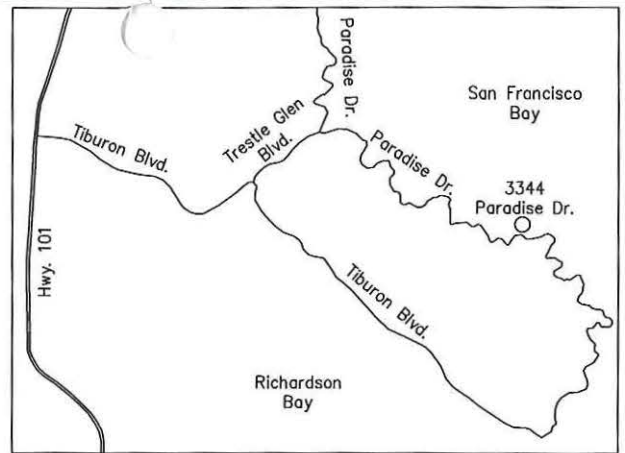
Beginning at a point on the Tiburon Sanitary District #5 boundary distant $S77^{\circ}00'00''W$ 13.087 feet from the most northerly corner of said Lot 10, said point also being on the northerly line of said Lot 9; 1. thence leaving said line and running $S09^{\circ}10'00''W$ 308.063 feet; 2. thence $S80^{\circ}50'00''E$ 161.61 feet; 3. thence $N09^{\circ}24'15''E$ 230.18 to the northeasterly line of said Lot 10; 4. thence $N52^{\circ}00'00''W$ 171.74 feet along the northeasterly line of said Lot 10 to the most northerly corner of said Lot 10; 5. thence $S77^{\circ}00'00''W$ 13.087 feet along the northerly line of said Lot 9 to the **Point of Beginning**.

Containing approximately **1.02** acres.



LEGEND

- PARCEL TO BE ANNEXED
- OLD LAFCO/SANITARY DISTRICT LIMITS
- NEW LAFCO/SANITARY DISTRICT LIMITS



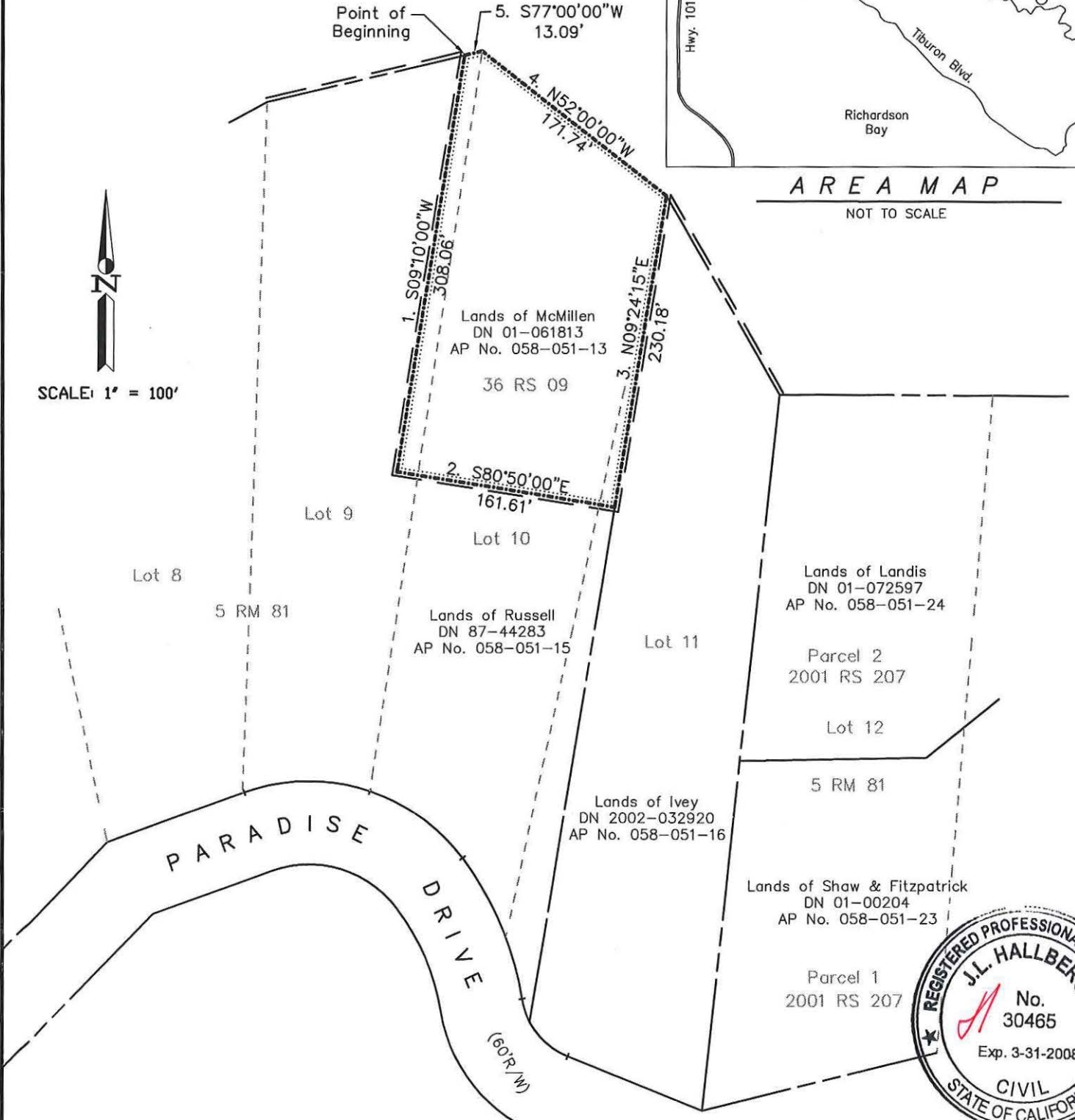
AREA MAP

NOT TO SCALE



SCALE: 1" = 100'

Point of Beginning



Note: All distances are in feet and decimals thereof.



SHEET	1	OF	1
SCALE:	1" = 100'	DESIGN:	XXX
DATE:	JAN 2007	DRAWN:	XXX
FILE:	2007-014	CHECKED:	J.L.H

J.L. ENGINEERING
CIVIL ENGINEERS-LAND SURVEYORS
 1539 4th ST., SAN RAFAEL, CA. 94901 (415) 457-6647

Annexation of Lands of McMillen to
 Sanitary District #5 (File # , Mapping #04-07
 APN 058-051-13, Tiburon, Marin County, CA