

LOCAL AGENCY FORMATION COMMISSION OF MARIN COUNTY

RESOLUTION NO. 94-07

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

"OLIVE AVENUE ANNEXATION 1994-2"

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 Resolution No. 2514, a Resolution of Application adopted by the Board of Directors of the Novato Sanitary District; and

WHEREAS, said Resolution of Application was accompanied by written consent signed by all owners of land within the territory proposed to be annexed; and

WHEREAS, the City of Novato provided written request for notice and hearing pursuant to Government Code Section 56837; 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; and

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 the terms and conditions hereinafter specified, the proposal made by Resolution No. 2514, adopted by the Board of Directors of the Novato Sanitary District, is approved.

Section 2. The boundaries, as set forth in the proposal, are hereby approved as submitted and are as described in Exhibit "A," and "B," attached hereto and by this reference incorporated

herein.

Section 3. The territory includes .91 acre, is found to be uninhabited, and is assigned the following distinctive short form designation: "Olive Avenue Annexation 1994-2" to the Novato Sanitary District.

Section 4. The proposal is consistent with the spheres of influence of affected local agencies.

Section 5. The dual annexation policy will be waived due to the public health hazard of a failed septic system on the condition that the property owner enter into an agreement not to oppose future annexation to the City of Novato. This agreement shall be recorded and run with the property.

Section 6. Any resolution authorizing the annexation approved by this resolution shall impose the following standard Novato Sanitary District 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, as now or hereafter amended.
- 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.

Section 7. The Novato Sanitary District is designated as the conducting district for further proceedings, and the Board 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 56837.

Section 8. The project is categorically exempt pursuant to provisions of the California Environmental Quality Act and the Commission's Environmental Guidelines


Section 9. 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 the 2nd day of June 1994 by the following vote:

AYES: Commissioners Giacomini, Richardson, Rose, and Williams

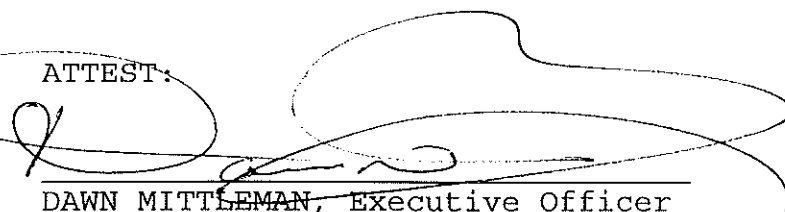
NOES: None

ABSENT: Commissioners Bevis, Thayer and Thayer



ERWIN WILLIAMS, Chairman
Marin Local Agency Formation
Commission

ATTEST:



DAWN MITTLEMAN, Executive Officer

Dated: June 2, 1994

April 12, 1994

NOVATO SANITARY DISTRICT

Olive Avenue Annex 1994-2

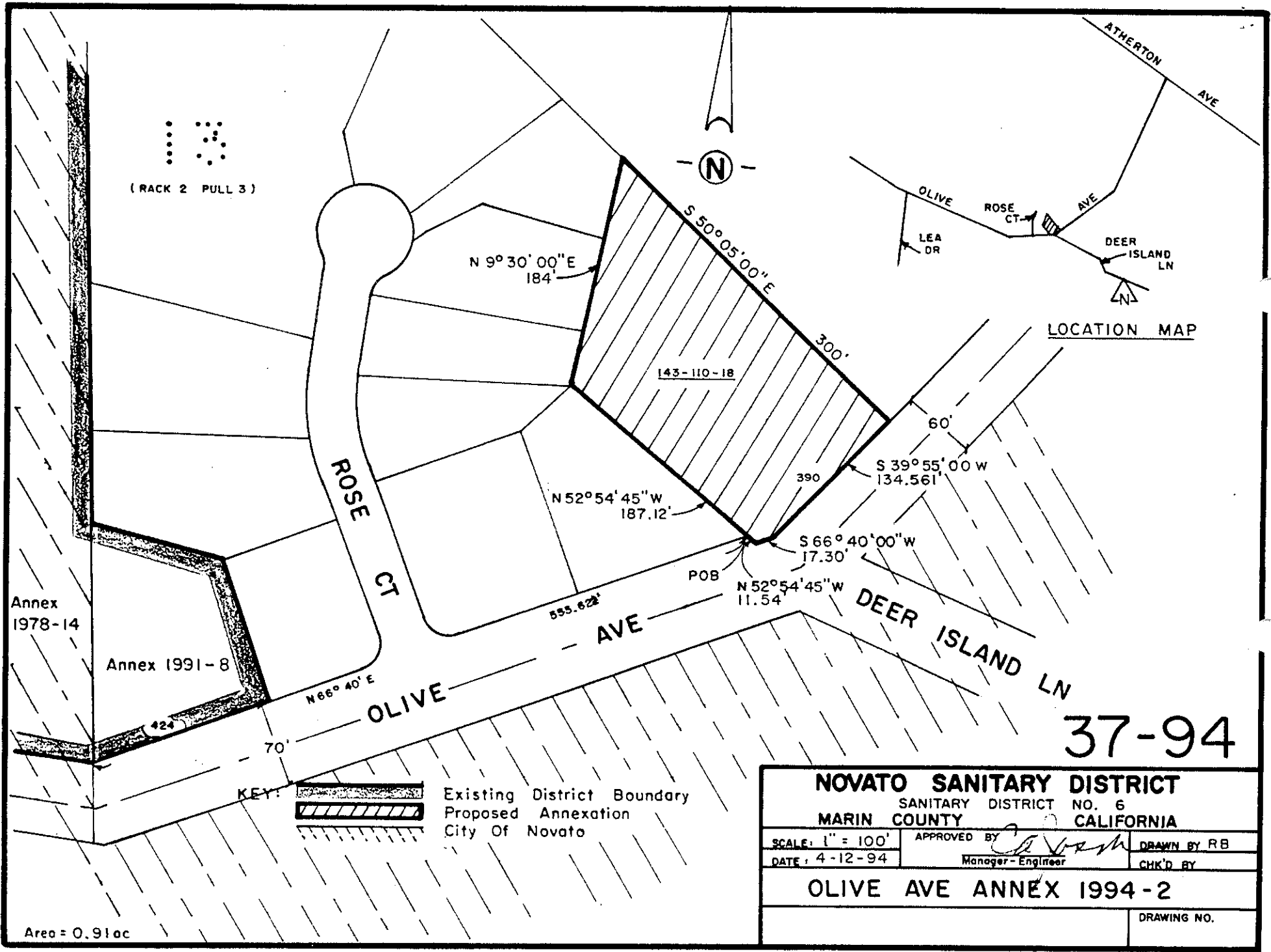
Exhibit "A"

BEGINNING AT A POINT on the northerly line of Olive Avenue as widened to 70 feet, distant thereon North $66^{\circ}40'$ East 555.622 feet from its intersection with the westerly line of Lot 13 as said Avenue and Lot are shown upon that certain map entitled "Map of East Part Rancho de Novato", Marin County, California, filed March 22, 1889 in Rack 2 Pull 3, Marin County Records; thence leaving said northerly line of Olive Avenue (as widened to 70 feet) North $52^{\circ}54'45''$ West 187.12 feet; thence North $9^{\circ}30'00''$ East 184 feet; thence South $50^{\circ}05'00''$ East 300 feet to a point on said northerly line of Olive Avenue (60 feet wide); running thence along said northerly line of Olive Avenue (60 feet wide) South $39^{\circ}55'00''$ West 134.561 feet; thence South $66^{\circ}40'00''$ West 17.30 feet; thence North $52^{\circ}54'45''$ West 11.54 feet to said point of beginning.
Containing 0.91 acres, more or less.



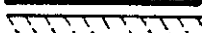
(RACK 2 PULL 3)



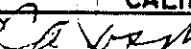
LOCATION MAP



Annex 1978-14
Annex 1991-8

KEY:  Existing District Boundary
 Proposed Annexation
 City Of Novato

37-94

NOVATO SANITARY DISTRICT		
SANITARY DISTRICT NO. 6		
MARIN COUNTY		CALIFORNIA
SCALE: 1" = 100'	APPROVED BY 	DRAWN BY RB
DATE: 4-12-94	Manager-Engineer	CHK'D BY
OLIVE AVE ANNEX 1994-2		
		DRAWING NO.

Area = 0.91 ac

EXHIBIT "B"