

LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF MARIN

RESOLUTION NO. 74-7

RESOLUTION APPROVING THE ADDITION OF CONDITIONS TO RESOLUTION NO. 73-40
APPROVING THE ANNEXATION OF TERRITORY DESIGNATED AS NATIONAL AUDUBON SOCIETY
PROPERTY ANNEXATION TO THE RICHARDSON BAY SANITARY DISTRICT

WHEREAS, by Resolution No. 73-40 this Commission approved the National Audubon Society Property Annexation to the Richardson Bay Sanitary District as requested by sufficient petition; and

WHEREAS, the Richardson Bay Sanitary District, pursuant to said resolution and the provisions of the District Reorganization Act of 1965, has initiated further proceedings for said annexation; and

WHEREAS, pursuant to Government Code Section 56275, a legislative body conducting a proceeding for a change of organization pursuant to the District Reorganization Act of 1965, may, prior to the adoption of a resolution, ordering or disapproving such change of organization, file with this Commission a written application requesting an addition, deletion, amendment or revision to the Commission resolution making determinations with regard to said change of organization; and

WHEREAS, the Richardson Bay Sanitary District has filed such a written application with this Commission requesting the addition of conditions to Commission Resolution No. 73-40; and

WHEREAS, pursuant to Government Code Section 56275, this Commission, in its discretion may, without further notice or hearing approve said application.

NOW, THEREFORE, the Local Agency Formation Commission of the County of Marin does hereby RESOLVE, DETERMINE AND ORDER as follows:

1. The request made by the Richardson Bay Sanitary District for the addition of conditions to Commission Resolution No. 73-40 is approved.

2. The conditions added to Commission Resolution No. 73-40 are as follows:

a. In the event 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 shall 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, pursuant to which such payment is required.

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 had 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, the District, as now or hereafter amended; and shall be subject to the provisions of existing and subsequent orders of the California Regional Water Quality Control Board, which current orders place a restriction upon the number of sewer connections allowable to District's sewer systems.

c. No right to capacity in any facilities or public improvements of the District, service, or priority of service, shall arise because of annexation. District shall, pursuant to contractual obligations, and pursuant to applicable orders, regulations, rules and limitations of the California Regional Water Quality Control Board, determine when and if sewer service can be provided, the priority of service and the conditions upon which service may be made.

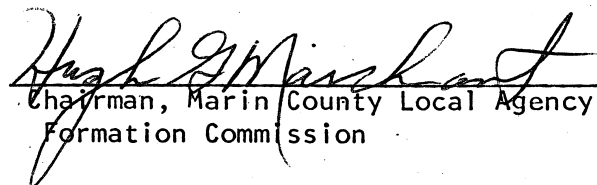
3. With the exception of the conditions added herein, all other provisions of the Commission Resolution No. 73-40 shall remain in full force and effect.

PASSED AND ADOPTED at the Marin County Local Agency Formation Commission on this 20th day of March 1974, by the following vote:

AYES: Commissioners Baptiste, Giacomini, Jones and Marchant

NOES: None

ABSENT: Commissioner Mulryan


Chairman, Marin County Local Agency
Formation Commission

ATTEST:


Executive Officer