

LOCAL AGENCY FORMATION COMMISSION OF MARIN COUNTY

RESOLUTION NO. 88-12

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

"JAMPOLSKY ANNEXATION #3"

WHEREAS, a proposal for the proposed annexation of certain territory to the Richardson Bay 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 Dr. Arthur Jampolsky, owner of the property; 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 56837, when a petition is accompanied by written consent of all owners of land within the territory proposed to be annexed, this Commission may make determinations with respect to said annexation without notice and hearing; and

WHEREAS, Dr. Jampolsky and the Town of Tiburon have agreed on a development proposal for this property which meets the requirements of the Marin County Countywide Plan and the proposed General Plan of the Town; the Town has agreed to the waiver of LAFCO's Dual Annexation Policy; and

WHEREAS, the Executive Officer has reviewed the proposal and prepared a report, including his 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 petition by Dr. Jampolsky is approved.

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

Section 3. The territory includes 7.11 acres, is found to be uninhabited, and is assigned the following distinctive short form designation: "Jampolsky Annexation #3" to the Richardson Bay Sanitary District.

Section 4. The proposal is consistent with the spheres of influence of affected local agencies; but, because of the specific agreement between Dr. Jampolsky and the Town of Tiburon, the Dual Annexation Policy of LAFCO is waived in this instance.

"Jampolsky Annexation #3" Resolution No. 88-12

Section 5. Any resolution authorizing the annexation approved by this resolution shall impose the standard terms and conditions of the Richardson Bay Sanitary District, as set forth in Exhibit "B" attached hereto and incorporated herein.

Section 6. The Richardson Bay Sanitary District is designated as the conducting agency 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 environmental documents relevant to the proposed annexation have been reviewed and considered by the Commission in making its final determination. Pursuant to the California Environmental Quality Act and the Commission's Environmental Guidelines, a Negative Declaration has been issued.

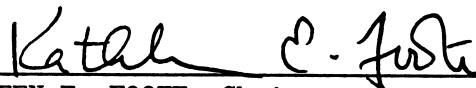
Section 8. The Executive Officer is hereby authorized and directed to mail certified copies of the resolution in the manner prescribed by Section 56853 of the Government Code.

PASSED AND ADOPTED by the Marin County Local Agency Formation Commission on this 10th day of November 1988 by the following vote:

AYES: Commissioners Breiner, Stockwell, Williams and Foote


NOES: None

ABSENT: Commissioner Giacomini



KATHLEEN E. FOOTE, Chairman
Marin Local Agency Formation Commission

ATTEST:


WALTER J. MONASCH, Executive Officer

Dated: November 14, 1988

EXHIBIT "A"

JAMPOLSKY ANNEXATION

TO

RICHARDSON BAY SANITARY DISTRICT

Beginning at a point on the existing boundary of the Richardson Bay Sanitary District, said point being the most northerly corner of that certain map entitled "Lands of Jampolsky 1382 O.R. 447 Excepting 1484 O.R. 99", recorded August 14, 1984 in Book 18 of Maps at Page 75, Official Records of Marin County, running thence southeasterly, southwesterly, and northwesterly along the line of the Lands of Jampolsky and the existing boundary of the Richardson Bay Sanitary District to the most southwesterly corner of said Lands of Jampolsky; thence leaving said boundary of the Richardson Bay Sanitary District and running along said line of Jampolsky North 28° 20' 26" East 169.54 feet; North 33° 57' 49" East 162.324 feet; North 23° 47' 15" East 201.834 feet to the POINT OF BEGINNING.

CONTAINING an area of 7 acres, more or less.

Revised: May 10, 1988

RICHARDSON BAY SANITARY DISTRICT
TERMS AND CONDITIONS

The annexation shall be subject to the following terms and conditions:

(1) 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.

(2) 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.

(3) 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.