

LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF MARIN

RESOLUTION NO. 74-44

RESOLUTION MAKING DETERMINATIONS AND APPROVING THE ANNEXATION OF
TERRITORY DESIGNATED AS McCLAY ROAD ANNEXATION (30-74)
TO THE CITY OF NOVATO

WHEREAS, a proposal for the annexation of certain territory to the City of Novato 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 an application submitted by the City of Novato in accordance with the provisions of the Knox-Nisbet Act, Chapter 6.6 (commencing with Section 54773) of Division 2, Title 5 of the Government Code; and 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 54797.1, when an application 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 such application without notice or hearing; and

WHEREAS, the proposal, as submitted, would result in unincorporated territory being completely surrounded by the City of Novato; and

WHEREAS, pursuant to Government Code Section 35002.3, territory may not be annexed to a city if as a result of such annexation, unincorporated territory will be completely surrounded by a city; and

WHEREAS, the restrictions of said Government Code Section 35002.3 may be waived by this Commission pursuant to Government Code Section 54790(g), if it makes certain findings relative thereto,

NOW THEREFORE, the Local Agency Formation Commission of the County of Marin DOES HEREBY RESOLVE, DETERMINE, FIND, AND ORDER as follows:

1. This Commission hereby finds that:

(a) The restrictions of Government Code Section 35002.3 would be detrimental to the orderly growth of the City of Novato if imposed regarding the subject McClay Road Annexation (30-74).

(b) The unincorporated territory which will be completely surrounded by the City of Novato as a result the McClay Road Annexation (30-74) because of its size and location cannot be annexed to any city other than the City of Novato, or incorporated into a new city.

2. Based on the findings stated above, this Commission, in accordance with the authority vested in it pursuant to Government Code Section 54790(g), hereby waives the restrictions of said Government Code Section 35002.3.

3. Subject to the terms and conditions hereinafter specified, the proposal made by application submitted by the City of Novato is approved.

4. The territory proposed for annexation is designated as the McClay Road Annexation (30-74) and is found to be uninhabited.

5. The boundaries of the territory proposed to be annexed shall be those set forth in the application filed with this Commission.

6. The annexation proposal is not subject to any terms and conditions.


7. The City of Novato shall be the conducting agency for further proceedings to annex this territory; and the City Council of Novato is hereby authorized to take further proceedings upon said annexation proposal in compliance with this resolution, the proposal application, and applicable provisions of State Law; and is hereby authorized to proceed without notice and hearing pursuant to Government Code Sections 54797.1 and 35015.

PASSED AND ADOPTED by the Marin County Local Agency Formation Commission on this 16th day of October, 1974, by the following vote:

AYES: Commissioners Baptiste, Giacomini, Jones, Mulryan and Marchant


NOES: None

ABSENT: None

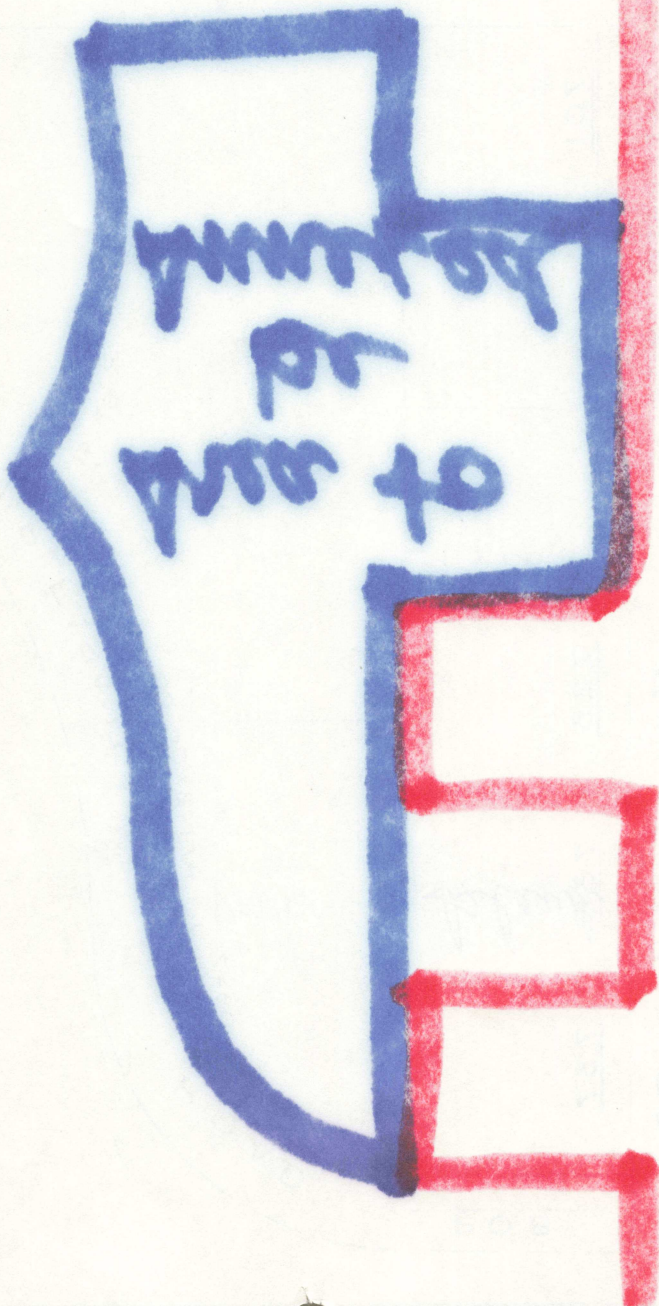


Hugh S. Marchant, Chairman, Local Agency
Formation Commission of the County of Marin

ATTEST:



Lara Sheehan, Executive Officer



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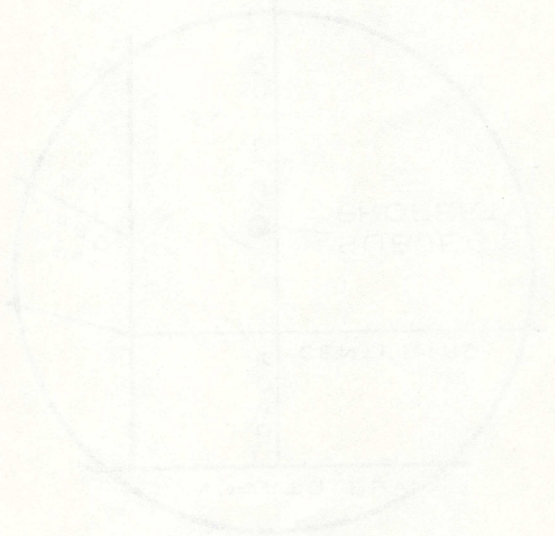


EXHIBIT "A"

LEGAL DESCRIPTION McCLAY ROAD ANNEXATION NO. 4

BEGINNING at a point on the corporate limits line of the City of Novato, said point being the northeasterly corner of parcel 2 as per "Parcel Map Elloway Division of Land" recorded in book 4 of Parcel Maps at page 65, Marin County Records; thence leaving said corporate limits line northwesterly, westerly and southwesterly along the northwesterly line of lots 2 and 3 (4 P.M. 65) on the arc of a curve to the left, the center of which bears South 29°15' West having a radius of 125 feet through a central angle of 90°00' an arc distance of 196.35 feet; thence tangent to the preceding curve South 29°15' West 7 feet; thence on the arc of a tangent curve to the right having a radius of 420 feet through a central angle of 34°20'30" an arc distance of 251.74 feet; thence South 2°45' West 83.41 feet; thence South 29°15' West 156.42 feet; thence along the southwesterly and southeasterly lines of said parcel 3 South 60°45' East 160.99 feet and North 29°15' East 100 feet; thence leaving said line, South 60°45' East 115 feet to the corporate limits line of the City of Novato; thence along said corporate limits line North 29°15' East 200 feet; thence North 60°45' West 115 feet; thence along the southeasterly line of said parcels 2 and 3 North 29°15' East 300 feet to the point of beginning.

Containing 2.53 acres more or less.