

LOCAL AGENCY FORMATION COMMISSION OF MARIN COUNTY

RESOLUTION NO. 83-5

RESOLUTION MAKING DETERMINATIONS AND APPROVING ANNEXATION  
WITH WAIVER OF NOTICE, HEARING, AND ELECTION  
TO SAN RAFAEL SANITATION DISTRICT

BALBOA AVENUE ANNEXATION

WHEREAS, a proposal for the annexation of certain territory to the San Rafael Sanitation District, 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 a petition by property owner, Edward S. Chatham, requesting the initiation of annexation proceedings pursuant to the District Reorganization Act of 1965, Division 1 (commencing with Section 56000) of Title 6 of the Government Code; and

WHEREAS, said petition was signed by all owners of land within the territory proposed to be annexed; and

WHEREAS, pursuant to Government Code Section 56261, when a resolution of 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 said annexation without notice and hearing.

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 said petition is approved.

Section 2. The boundaries of the territory proposed to be annexed shall be those set forth in Exhibit A, attached hereto and incorporated herein; and said territory shall be designated as the "Balboa Avenue Annexation."

Section 3. Said territory is found to be uninhabited.

Section 4. Any resolution ordering the annexation approved by this resolution shall provide that such annexation is ordered subject to the standard terms and conditions imposed by the San Rafael Sanitation District.

Section 5. The San Rafael Sanitation District is designated as the conducting district 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 proceed without notice, hearing, or election pursuant to Government Code Section 56261.

Section 6. LAFCo's application fee for subject annexation is hereby waived.

Section 7. The project is Categorically Exempt pursuant to provisions of the California Environmental Quality Act and the Commission's Environmental Guidelines.

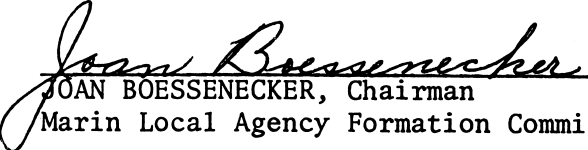
Section 8. The Executive Officer is hereby authorized and directed to mail certified copies of the resolution in the manner prescribed by Section 56272 of the Government Code.

PASSED AND ADOPTED by the Marin County Local Agency Formation Commission on this 14th day of April 1983 by the following vote:

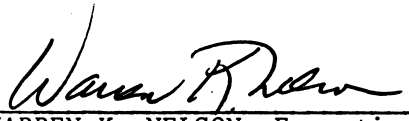
AYES: Commissioners Boucke, Breiner, Stockwell and Boessenecker

NOES: None

ABSENT: Commissioner Giacomini

  
JOAN BOESSENECKER, Chairman  
Marin Local Agency Formation Commission

ATTEST:

  
WARREN K. NELSON, Executive Officer

DATE: April 15, 1983

EXHIBIT "A"

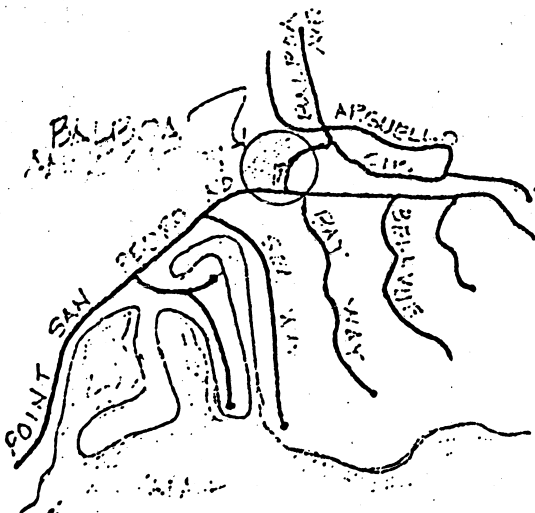
BALBOA ANNEXATION

SAN RAFAEL SANITATION DISTRICT

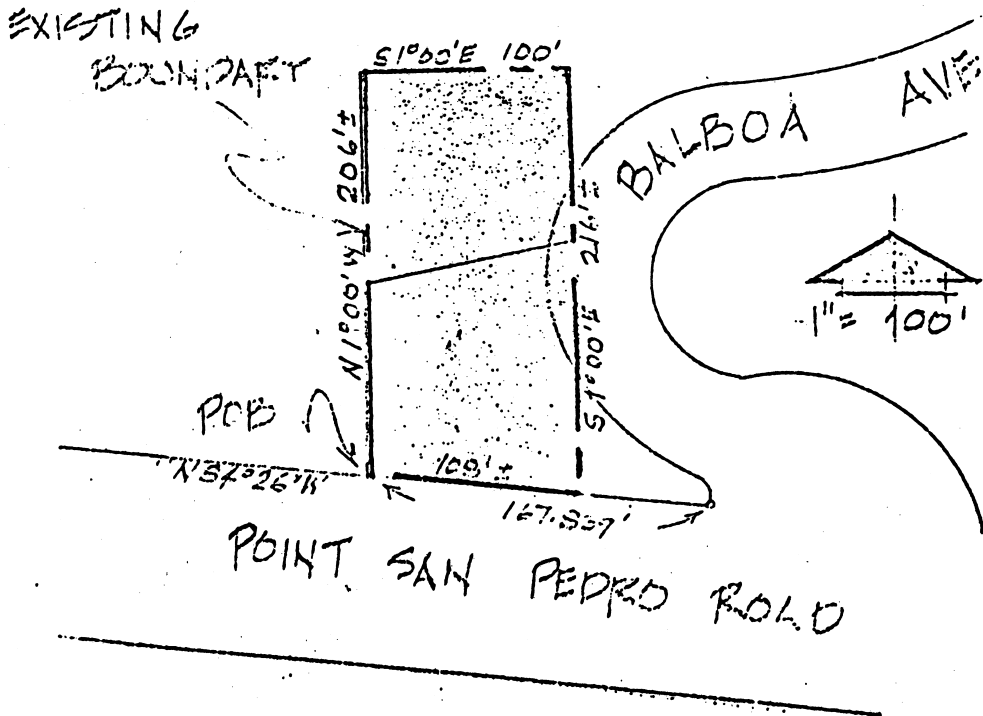
Beginning at a point which bears  $N84^{\circ}26'W$  167.839 feet from the intersection of the westerly right of way of Balboa Avenue (formerly Portola Avenue) and the northerly right of way of Point San Pedro Road; said point also being on the existing boundary of the San Rafael Sanitation District; thence along said district boundary  $N1^{\circ}00'W$  206 feet more or less;  $N89^{\circ}00'E$  100 feet;  $S1^{\circ}00'E$  216 feet more or less to the northerly right of way line of Point San Pedro Road; thence continuing along said district boundary and said right of way 108 feet more or less to the point of beginning.

Contains 0.5 acres more or less.

FILE # 2-83



LOCATION MAP  
NO SCALE



## EXHIBIT "B"

## SAN RAFAEL SANITATION DISTRICT

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

- (1) 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 a fixed or determinable amount of money, either as a lump sum or in installments, or 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 of the District, as now or hereafter amended.
- (3) No right to capacity in any facilities or public improvements of District, service, or priority of service shall arise because of annexation. District shall, in its sole discretion, determine when and if service can be provided, the priority of service and the conditions upon which service may be made if District determines service can be provided.