

LOCAL AGENCY FORMATION COMMISSION OF MARIN COUNTY

RESOLUTION NO. 95-04

RESOLUTION MAKING DETERMINATIONS AND APPROVING ANNEXATION
WITH WAIVER OF NOTICE, HEARING AND ELECTION
TO SANITARY DISTRICT #5

"Paradise Drive Annexation #2"

WHEREAS, a proposal for the proposed annexation of certain territory to Sanitary District #5, 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 the owners of subject property; and

WHEREAS, said petition of application 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 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.

WHEREAS, the Executive Officer has reviewed the proposal and prepared a report, including 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, 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" hereto and by this reference incorporated herein.

Section 3. The territory includes .28 acres, is found to be uninhabited, and is assigned the following distinctive short form designation: "Paradise Drive Annexation #2" to Sanitary District #5.

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

Section 5. Any resolution authorizing the annexation approved by this resolution shall impose the following standard 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 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 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, 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 system.
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, 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.

Section 6. The Sanitary District #5 is designated as the conducting agency for further proceedings, and the Board 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 project is categorically exempt pursuant to provisions of the California Environmental Quality Act.


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 4th day of May by the following vote:

AYES: Commissioners Richardson, Rose, Thayer and Williams

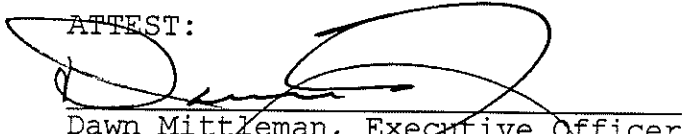
NOES: None

ABSENT: Commissioner Giacomini



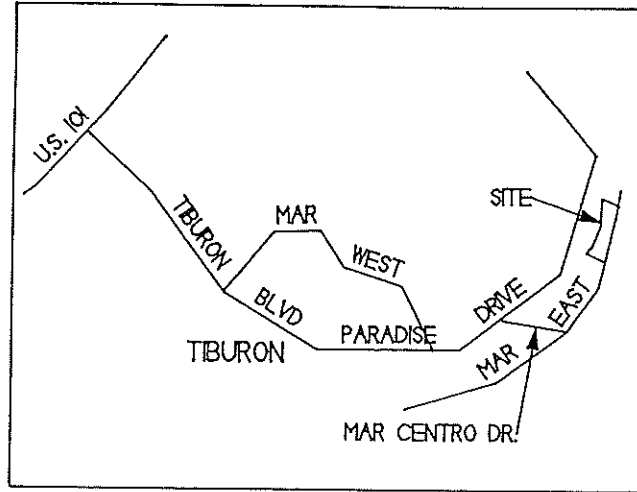
Erwin Williams, Chairman

ATTEST:



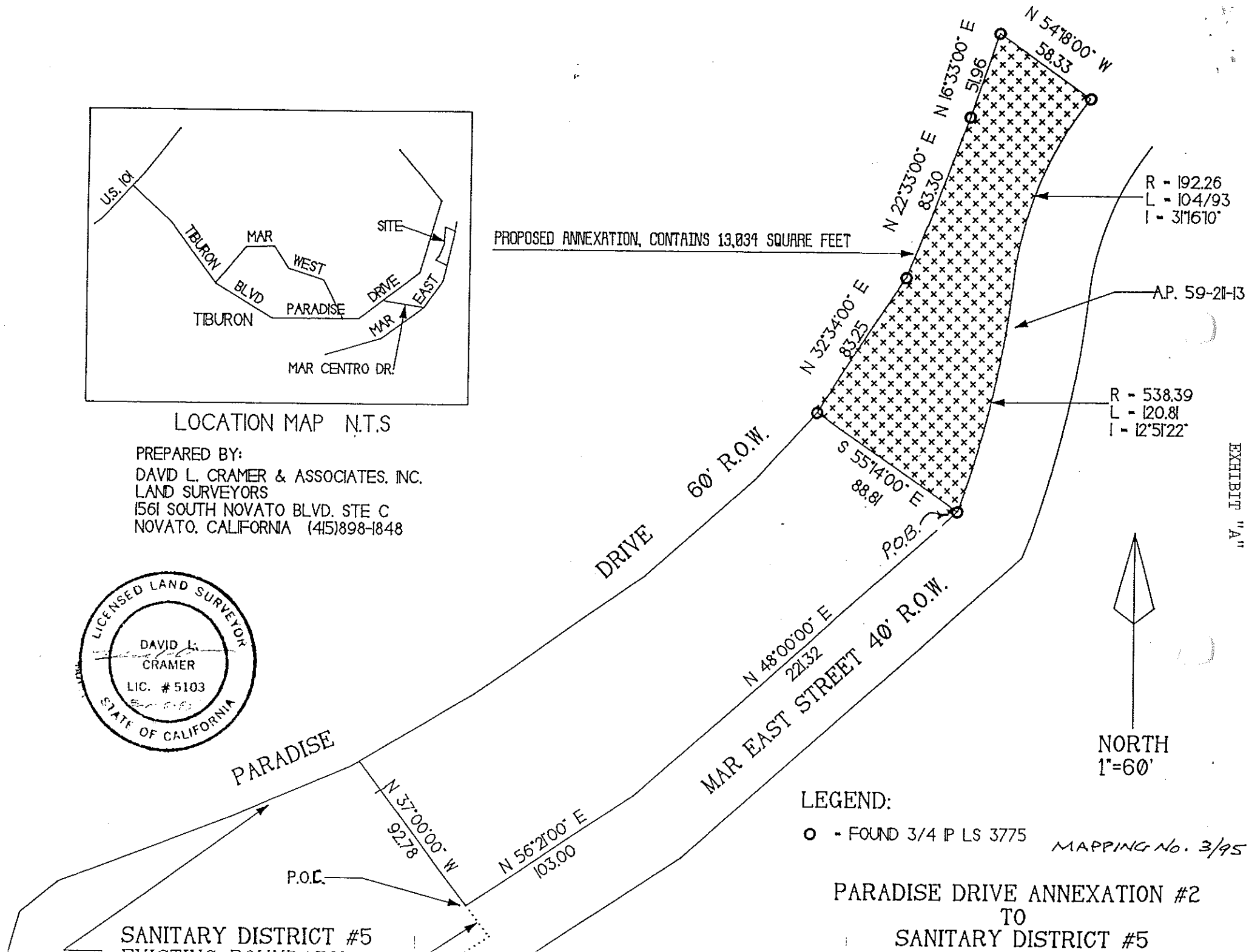
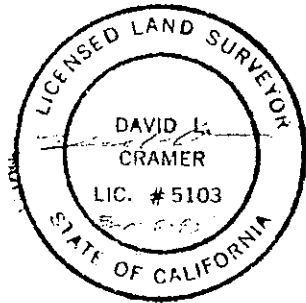
Dawn Mittleman, Executive Officer

Dated: May 4, 1995



LOCATION MAP N.T.S

PREPARED BY:
 DAVID L. CRAMER & ASSOCIATES, INC.
 LAND SURVEYORS
 1561 SOUTH NOVATO BLVD. STE C
 NOVATO, CALIFORNIA (415)898-1848



PARADISE DRIVE ANNEXATION #2
 TO
 SANITARY DISTRICT #5
 MAPPING NO. 3195

Commencing at a point on the existing boundary of Sanitary District No. 5 of Marin County, said point being South 37°03'00" East 92.78 feet from the Easterly Right of Way of Paradise Drive, and along the existing boundary of Sanitary District No. 5, said point of beginning is on the Westerly Right of Way of Mar East and at the Southeasterly corner of Elliot, as shown on that certain map "Record of Survey, Lands of Martha Co.", recorded February 3, 1984 in Book 18 of Surveys, Page 95, County of Marin; thence along the Westerly Right of Way of Mar East Street, North 56°21'00" East 103.00 feet; thence North 48°00'00" East 221.32 feet to the Southeast corner of Lot 1, as shown on that certain map entitled "Oak Park" filed July 22, 1915 in Book 1 of Records of Surveys at Page 28, Marin county Recorder, said corner being the Southeast corner of A.P. 59-211-13 and the True Point of Beginning of said annexation; thence North 55°14' West 88.81 feet along the Southerly line of Lot 1 of that certain map "Oak Park"; thence along the Easterly Right of Way of Paradise Drive North 32°34' East 83.25 feet; thence North 22°33' East 83.30 feet; thence North 16°33' East 51.96 feet; thence leaving the Right of Way of Paradise Drive, South 54°18' East 58.33 feet to the Westerly Right of Way of Mar East Street; thence on a curve to the left whose radius bears South 52°14'35" East 192.26 feet, thence westerly through an angle of 31°16'10" along an arc of 104.93 feet; thence on a curve to the right whose radius bears North 83°30'45" West 538.40 feet, thence westerly through an angle of 12°51'22" along an arc of 120.81 feet to the true point of beginning.

Said Parcel contains 13,034 square feet, more or less.

