

MARIN LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NO. 13-03

RESOLUTION MAKING DETERMINATIONS AND APPROVING ANNEXATION  
TO THE TOWN OF TIBURON  
WITH WAIVER OF NOTICE, HEARING AND ELECTION

"Annexation of the Lands of SODA to the Town of Tiburon (File #1312)"

**WHEREAS**, a proposal for the annexation of certain territory to the Town of Tiburon 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 property owner; and

**WHEREAS**, pursuant to Government Code Section 56663, when a resolution is accompanied by written consent signed by all owners of land within the territory proposed to be annexed, this Commission may make determination with respect to said annexation without notice and hearing; and

**WHEREAS**, pursuant to Government Code Section 56663(c), the affected territory is uninhabited; all the owners of land within the affected territory have given their written consent; and the affected local agency that will gain territory, Town of Tiburon, has consented in writing to a waiver of protest proceedings, this Commission may make determinations with respect to said application with waiver of protest proceedings; and

**WHEREAS**, the Executive Officer has reviewed the application and prepared a report, including a recommendation thereon, the application and report having been presented to and considered by this Commission.

**NOW THEREFORE**, the Marin Local Agency Formation **DOES HEREBY RESOLVE, DETERMINE AND ORDER** as follows:

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Section 1. The boundaries, as set forth in the proposal, are hereby approved as submitted and are as described in Exhibits "A" and "B" attached hereto subject to the following condition:

1. An approved map and legal description meeting the standards of the State Board of Equalization shall be provided by the applicant.

Section 2. The Commission certifies that it has reviewed and considered the environmental impact report (EIR) prepared for the Alta Robles project by the Town of Tiburon.

Section 3. The Commission finds that changes or alterations to the project and mitigation measures to lessen environmental effects to less than significant levels as identified Environmental Impact Report adopted by the Town of Tiburon are within the responsibility of the Town of Tiburon and not LAFCO. The Town of Tiburon, acting as lead agency, has adopted a mitigation monitoring and reporting plan in which staff of the Town of Tiburon is responsible for compliance and is empowered to sanction non-compliance.

Section 4. The Commission finds that the three instances of significant unavoidable impacts identified in the Alta Robles EIR relating to impacts on regional roadways, construction noise and visual quality are outside the scope of the factors to be considered by LAFCO under Government Code Section 56668 and that the Statement of Overriding Considerations and the findings of fact adopted by the Town of Tiburon are sufficient and appropriate for compliance with the applicable requirements of the California Environmental Quality Act in explaining the specific reasons why the benefits of the project outweigh its unavoidable adverse impacts.

Section 5. The territory includes 24.8 acres, is found to be uninhabited, and is assigned the following distinctive short form designation: "Annexation of the Lands of SODA to the Town of Tiburon (File #1312)".

Section 6. The proposal is consistent with the adopted sphere of influence for Town of Tiburon.

Section 7. The Executive Officer is hereby authorized to complete reorganization proceedings in the manner prescribed by Section 57000 of the Government Code.

**PASSED AND ADOPTED** by the Marin Local Agency Formation Commission on this 14<sup>th</sup> day of March 2013 by the following vote:

AYES: Commissioners Arnold, Adams, Asbo, Blanchfield, Condon and Redoni

NOES: None

ABSENT: None



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JEFFRY BLANCHFIELD, Chairperson

ATTEST:



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PETER V. BANNING, Executive Officer

Date: 11/27/13

File: 549511

## EXHIBIT 'B'

### S.O.D.A. LLC. ANNEXATION LEGAL DESCRIPTION

All that certain real property situate in the Town of Tiburon, County of Marin, State of California, being a portion of the Rancho Corte Madera Del Presidio described as follows:

**Beginning** at a point along the Westerly line of Paradise Drive distance .75 miles from the intersection of said Paradise Drive and Trestle Glen, also being the existing Town of Tiburon boundary

Thence, (1) leaving said boundary North 45°26'27" East 84.58 feet to the easterly line of the Right of Way of Paradise Drive;

Thence, along said Right of Way the following courses and distances:

- (2) North 00°15'26" East 124.29 feet;
- (3) North 14°22'45" West 163.54 feet;
- (4) North 63°55'45" West 226.37 feet;
- (5) North 08°51'45" West 111.64 feet;
- (6) North 62°13'45" West 119.02 feet;
- (7) North 39°01'45" West 23.17 feet;
- (8) North 00°28'15" East 84.61 feet;
- (9) North 21°19'15" East 395.45 feet;
- (10) North 24°21'45" West 479.52 feet;
- (11) North 56°10'45" West 134.93 feet;

Thence, (12) leaving said Right of Way South 45°30'52" West 1078.27 feet to said Town boundary;

Thence, (13) South 46°15'19" East 1475.86 feet along said Town boundary;

Thence, (14) North 45°26'27" East 264.86 feet to the **Point of beginning** containing **24.63** acres of land more or less.

The basis of bearings for this description is that certain map entitled "Parcel Map Snyder, Winslow, Kilgore, Mills College Land Division", filed in book 26 of Parcel Maps, page 32, Marin County Records.

This legal description and plat are for assessment purposes only. This description of land is not a legal property description as defined in the Subdivisions Map Act and may not be used as the basis for an offer for sale of the land described.

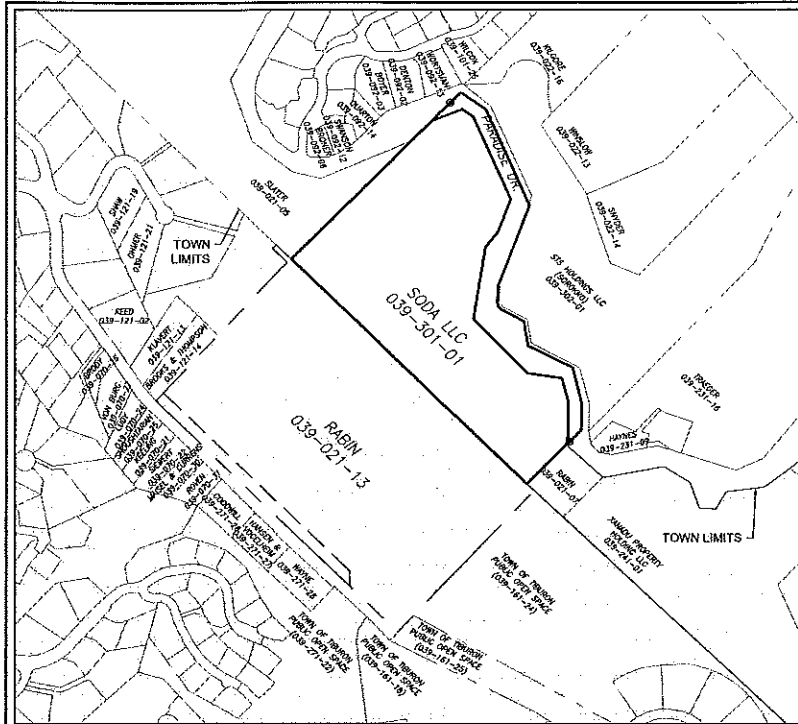
Prepared by:

CSW/STUBER-STROEH ENGINEERING GROUP, INC.

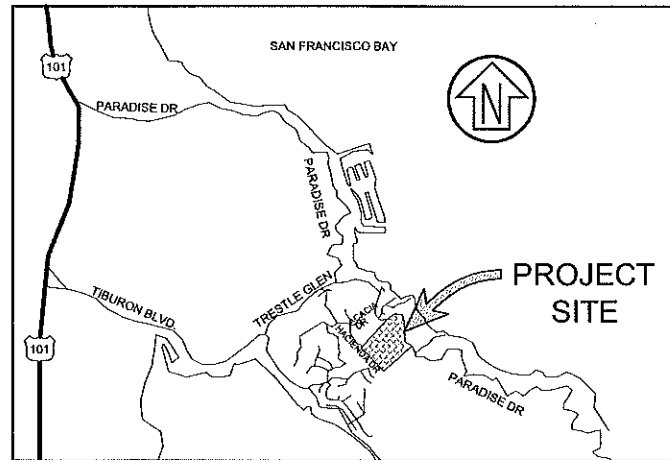


Alan G. Cornwell  
R.C.E. 27577





**INDEX**  
SCALE: 1" = 400'



**VICINITY MAP**  
SCALE: NTS

**DISCLAIMER:**  
THIS LEGAL DESCRIPTION AND PLAT ARE FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF LAND DESCRIBED

**LEGEND**

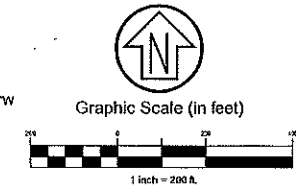
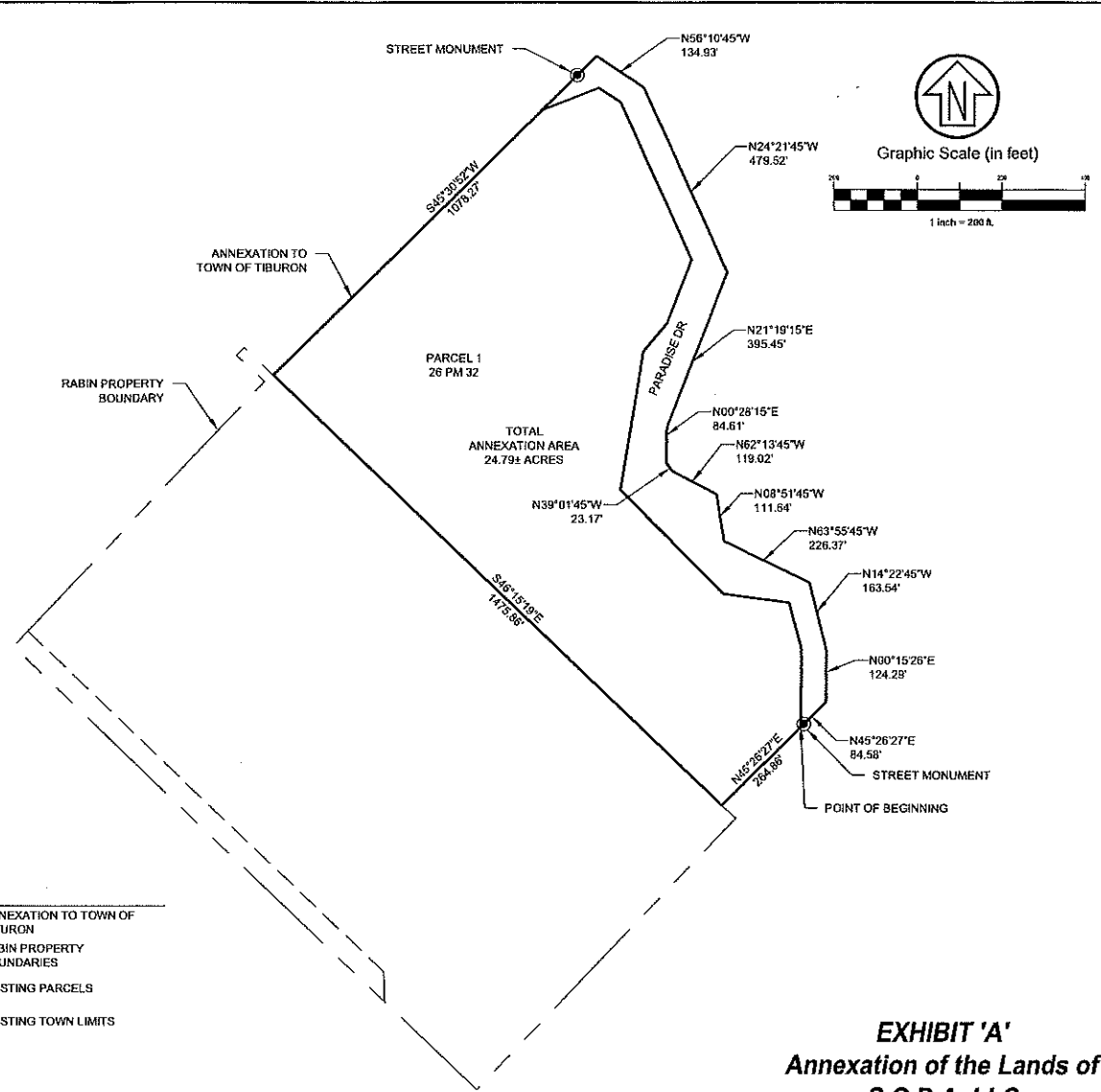
- ANNEXATION TO TOWN OF TIBURON
- RABIN PROPERTY BOUNDARIES
- EXISTING PARCELS
- EXISTING TOWN LIMITS

**BASIS OF BEARING**

THE BASIS OF BEARING FOR THIS PLAT IS THAT CERTAIN MAP ENTITLED "PARCEL MAP SNYDER, WINSLOW, KILGORE, MILLS COLLEGE LAND DIVISION", FILED IN BOOK 26 OF PARCEL MAPS, PAGE 32, MARIN COUNTY RECORDS.

**NOTES**

1. ANNEXATION BOUNDARIES SHOWN HERON BEING A PORTION OF THE RANCHO CORTE MADERA DEL PRESIDIO



**EXHIBIT 'A'**  
**Annexation of the Lands of**  
**S.O.D.A. LLC**  
**to the Town of Tiburon**  
**(LAFCO File #13-04)**

PARCEL 1, AS SHOWN ON "PARCEL MAP SNYDER, WINSLOW, KILGORE, MILLS COLLEGE LAND DIVISION", FILED IN BOOK 26 OF PARCEL MAPS, PAGE 32, MARIN COUNTY RECORDS, PORTION OF THE RANCHO CORTE MADERA DEL PRESIDIO

TOWN OF TIBURON, COUNTY OF MARIN, STATE OF CALIFORNIA  
OCTOBER 2012

**CSW ST2**

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