

LOCAL AGENCY FORMATION COMMISSION OF MARIN COUNTY

RESOLUTION NO. 96-04

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

"FAIRWAY DRIVE #9 ANNEXATION"

WHEREAS, a proposal for the proposed annexation of certain territory to the San Rafael Sanitation 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 the owners of subject property; and

WHEREAS, said a 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 determination with respect to said annexation without notice and hearing.

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

Section 3. The territory includes 1.60 acres, is found to be uninhabited, and is assigned the following distinctive short form designation: "Fairway Drive #9 Annexation" to the San Rafael Sanitation District.

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. Said District will be held harmless and will not be responsible for any backflow action or maintenance of sewer ejector or pump system required to serve the subject property. Further, the pipe between the ejector system and the District's sewer line shall be the maintenance obligation of the property owner. Said District cautions current and future property owners to the fact that mechanical ejector or pump systems do sometimes fail.
2. In the event that pursuant to rules and 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, 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 will 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.
3. 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 of the District, as now or hereafter amended.

Section 6. The San Rafael Sanitation District is designated as the conducting authority for further proceedings, and the Board of said District is hereby directed to initiate

proceedings in compliance with this resolution and is authorized to proceed without notice, or election, pursuant to Government Code, Section 56837.

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 8th day of February, 1996 by the following vote:

AYES: Commissioners

NOES:

ABSENT:



ERWIN WILLIAMS, CHAIRMAN

ATTEST:


DAWN MIDDLEMAN, EXECUTIVE OFFICER

DATED: February 8, 1996

Date: November 13, 1995

EXHIBIT "A"

FAIRWAY DRIVE ANNEXATION NO. 9

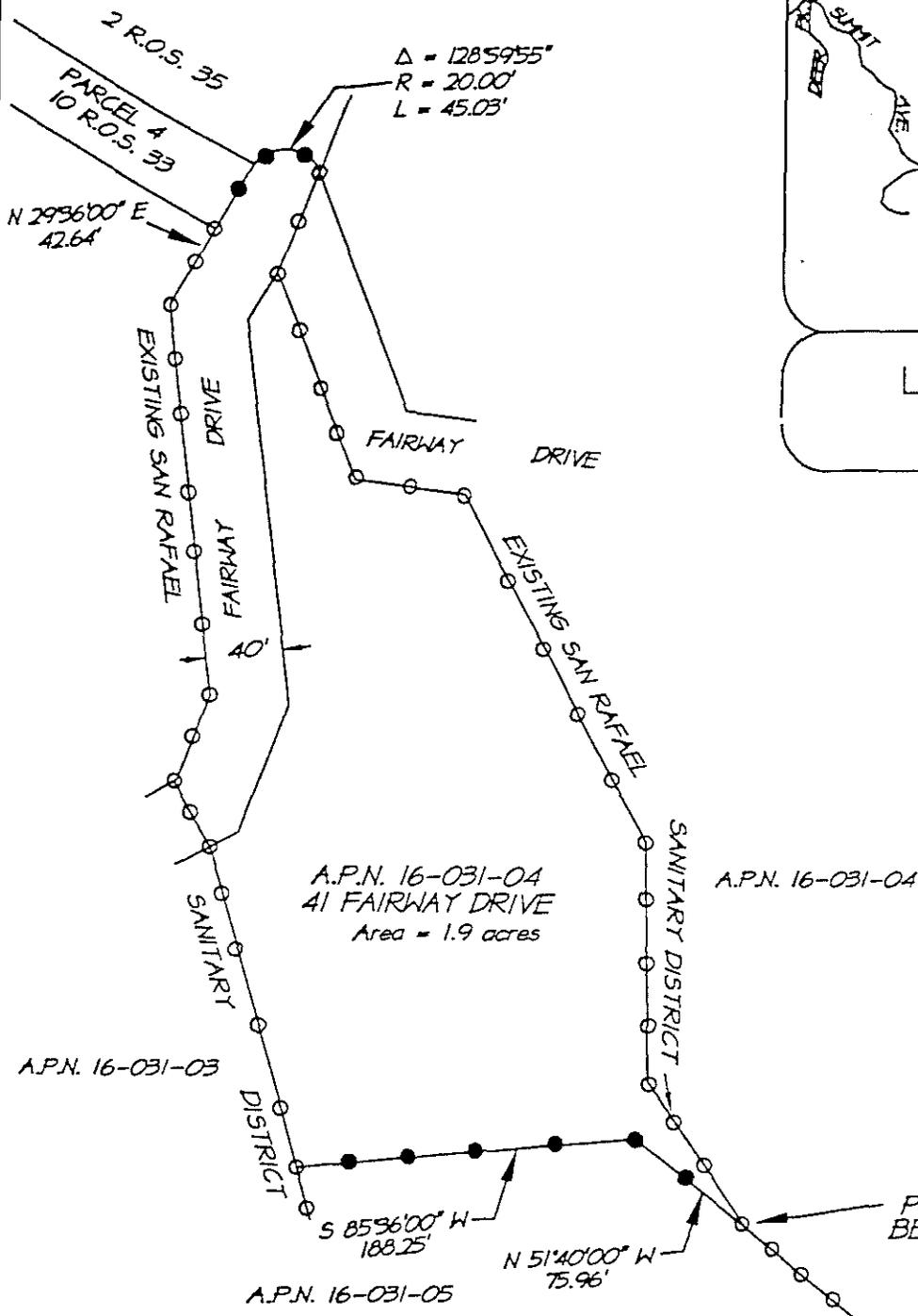
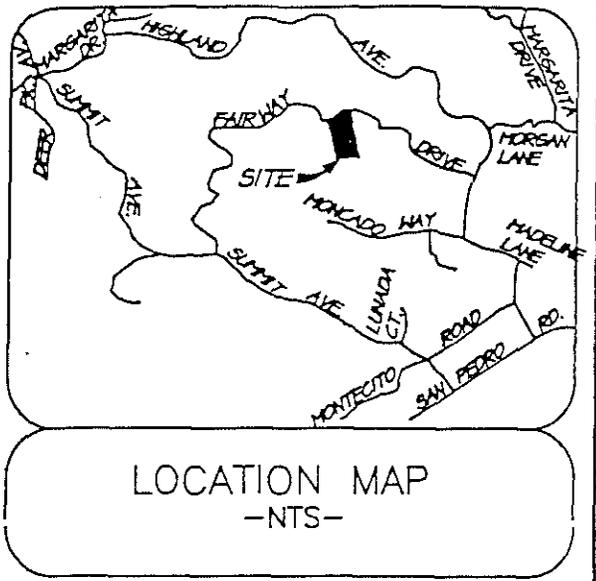
TO

SAN RAFAEL SANITATION DISTRICT

FILE NO. 15/95

BEGINNING at a point on the existing boundary of the San Rafael Sanitation District, said point being the most southerly corner of Assessor's Parcel Number 16-031-04 as shown in Book 25 of Surveys at Page 85, Marin County Records and the same is recorded in Doc. 86-39458 County of Marin records; thence leaving said District Boundary along the southerly line of said Assessor's Parcel Number 16-031-04 N 51° 40'00" W, 75.96 feet; S 85° 36'00" W, 188.25 feet to a point on the aforementioned District Boundary; thence northerly along said District Boundary to a point on the northerly right-of-way line of Fairway Drive, and also being the southeasterly corner of Parcel 4 as shown in Book 10 of Parcel Maps at Page 33, Marin County Records; thence leaving said District Boundary along said right-of-way line, N 29°36'00" E, 42.64 feet; thence continuing along the northerly right-of-way of Fairway Drive as shown on Record Map in Book 2 at Page 35 Marin County, along a curve to the left with a radius of 20.00 feet through a central area of 128° 59'55" an arc length of 45.03 feet to a point on the District Boundary; thence southerly along said District Boundary to the POINT OF BEGINNING.

Containing approximately 1.9 acres.



LEGEND

- PROPOSED SAN RAFAEL SANITATION DISTRICT BOUNDARY
- EXISTING SAN RAFAEL SANITATION DISTRICT BOUNDARY

FAIRWAY DRIVE NO.9
ANNEXATION TO
SAN RAFAEL SANITATION DISTRICT

MAPPING # 15/95

NOVEMBER 13, 1995
JOB NO. 6506
DWS. FILE: 6506PLAT
DWS. DSK. 251

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