

**EXHIBIT "B"**

**LOCAL AGENCY FORMATION COMMISSION OF MARIN COUNTY**

RESOLUTION NO. 94-08

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

**"SUMMIT AVENUE ANNEXATION #3"**

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 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 owners of the subject property; and

WHEREAS, said petition 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 petition 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; and

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 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," attached hereto and by this reference incorporated herein.

Section 3. The territory includes 1.47 acres, is found to be uninhabited and is assigned the following distinctive short form designation: "Summit Avenue Annexation #3" 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 San Rafael Sanitation District 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 district 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, hearing, or election, pursuant to Government Code Section 56837.

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

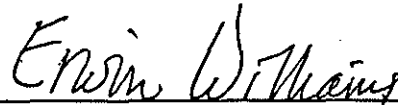
Section 8. The Executive Officer is hereby authorized and directed to mail certified copies of the resolution in the manner prescribed by Section 56853 of the Government Code.

PASSED AND ADOPTED by the Marin County Local Agency Formation Commission on the 2nd day of June 1994 by the following vote:

AYES: Commissioners Giacomini, Richardson, Rose, Thayer and Williams

NOES: None

ABSENT: Commissioners Bevis and Thayer



ERWIN WILLIAMS, Chairman  
Marin Local Agency Formation  
Commission

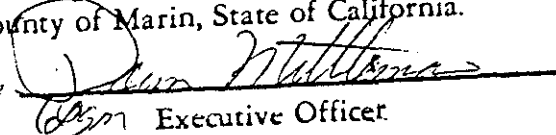
ATTEST:



DAWN MITTLEMAN, Executive Officer

Dated: June 2, 1994

The foregoing instrument is a correct copy of the original on record in the office of the Local Agency Formation Commission of the County of Marin, State of California.

By   
Executive Officer

"EXHIBIT A"  
SUMMIT AVENUE NO. 3  
ANNEXATION TO  
SAN RAFAEL SANITATION DISTRICT

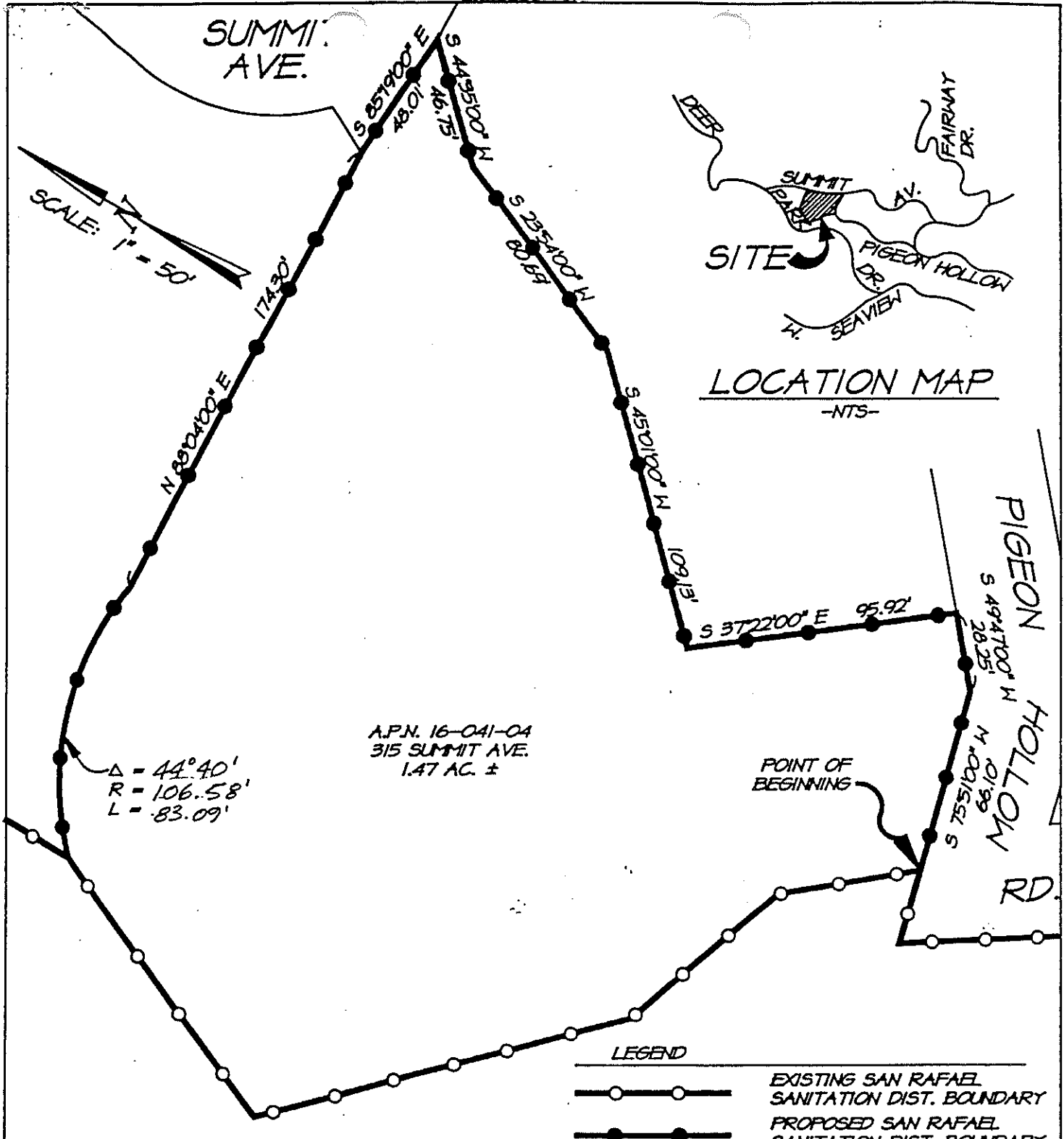
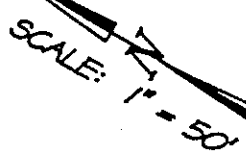
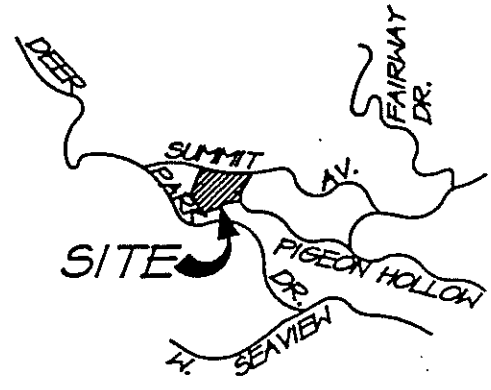
MAPPING NO. 38-94

BEGINNING at a point on the existing boundary of the San Rafael Sanitation District, said point being on the northerly right-of-way line of Pigeon Hollow Road and also being the southeasterly corner of the Lands of G. Pasha as recorded in Book 3286, Official Records at Page 224; thence along said existing boundary westerly and northerly; thence leaving said boundary and along the exterior boundary of said Lands of G. Pasha on a non-tangent curve to the right, whose center bears S 43° 22'00" E 106.58 feet, an arc length of 83.09 feet, thence N 88° 04'00" E 174.30 feet to the southerly right-of-way line of Summit Avenue, thence along said southerly line S 85°19'00" E 48.01 feet, thence leaving said southerly line and along said exterior boundary of Lands of G. Pasha S 44° 35'00" W 46.75 feet, S 23° 54'00" W 80.69 feet, S 45° 01'00" W 109.13 feet and S 37° 22'00" E 95.92 feet to said northerly line of Pigeon Hollow Road, thence along said northerly line S 49° 47'00" W 28.25 feet and S 75° 51'00" W 66.10 feet to the POINT OF BEGINNING.

Containing 1.47 acres more or less.

Date:

SUMMIT AVE.



A.P.N. 16-041-04  
315 SUMMIT AVE.  
1.47 AC. ±

POINT OF BEGINNING

LEGEND

	EXISTING SAN RAFAEL SANITATION DIST. BOUNDARY
	PROPOSED SAN RAFAEL SANITATION DIST. BOUNDARY

SUMMIT AVENUE NO. 3  
ANNEXATION TO  
SAN RAFAEL SANITATION DISTRICT

MAPPING NO. 38-94

APRIL 1, 1994  
J.N. 5440  
DWS. FILE: 5440A  
DWS. DISK NO: 76

**I. L. SCHWARTZ ASSOCIATES, INC.**  
CIVIL ENGINEERING AND LAND SURVEYING  
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