

LOCAL AGENCY FORMATION COMMISSION OF MARIN COUNTY

RESOLUTION NO. 78-18

RESOLUTION MAKING DETERMINATIONS AND APPROVING ANNEXATION  
WITH WAIVER OF NOTICE, HEARING, AND ELECTION  
TO SANITARY DISTRICT NO. 5

CENTELLAS-WILSON ANNEXATION

WHEREAS, a proposal for the annexation of certain territory to the Sanitary District No. 5, in the County of Marin, has been filed with the Executive Officer of this Commission; and

WHEREAS, said proposal was made by petition, signed by James E. Wilson and Maria Vera Centellas, and requesting 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, at the time and in the form and manner prescribed by law, the Executive Officer has given notice of public hearing by this Commission upon said proposal; and

WHEREAS, the public hearing on said proposal was held by this Commission upon the date and at the time and place specified in said notice of public hearing, and all interested persons present were afforded an opportunity to speak and be heard on the matter;

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, said proposal for annexation 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 "Centellas-Wilson Annexation".

Section 3. Any resolution authorizing the annexation approved by this resolution shall impose the following terms and conditions:

- A. 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, 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.

- B. 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 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.
- C. That petitioners shall enter into a binding contractual agreement which will run with the land to be recorded with the County Recorder's Office; wherein, petitioners and subsequent owners of said property shall agree not to oppose annexation to the City of Tiburon at which time such annexation is legally permissible; and, wherein, petitioners and subsequent property owners shall agree to offer the access roadway for irrevocable dedication for use as a public right-of-way at such time that said property is annexed to the City of Tiburon. Said Commission recognizes that the City of Tiburon has the right to refuse petitioner's offer and that said offer shall not be binding or of any force or effect until said property is annexed to the City of Tiburon. Said agreement shall be implemented by and referred to as Exhibit B, attached to this resolution.

Section 4. The Sanitary District No. 5 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.

Section 5. Environmental documents relevant to the proposed annexation have been reviewed and considered by the Commission in making its final determination. Pursuant to the California Environmental Quality Act and the Commission's Environmental Guidelines, the County of Marin is lead agency and has appropriately issued a Negative Declaration of environmental impact.

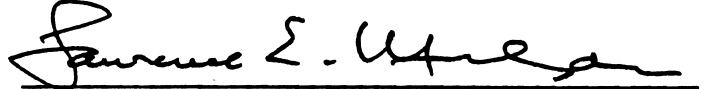
Section 6. The Executive Officer is hereby authorized to mail certified copies of this resolution in the manner and as prescribed by law.

PASSED AND ADOPTED by the Marin Local Agency Formation Commission on this 12th day of July 1978 by the following vote:


AYES: Commissioners Rice, Mulryan, Violich and Haehl

NOES: None

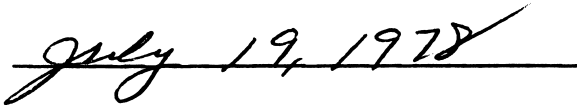
ABSENT: Commissioner Roumiguere

  
LAWRENCE MULRYAN, Chairman  
Marin Local Agency Formation Commission

ATTEST:

  
WARREN K. NELSON, Executive Officer

DATE:



## EXHIBIT B

RESOLUTION NO. 78-6A RESOLUTION MAKING DETERMINATIONS, DESCRIBING  
EXTERIOR BOUNDARIES OF TERRITORY DESIGNATED  
"CENTELLAS-WILSON ANNEXATION"  
ESTABLISHING TERMS AND CONDITIONS, AND ORDERING  
ANNEXATION OF TERRITORY

## SANITARY DISTRICT NO. 5 OF MARIN COUNTY

RESOLVED, by the Sanitary Board of Sanitary District No. 5 of Marin County, California, as follows:

WHEREAS, on July 12, 1978, the Local Agency Formation Commission of Marin County adopted its Resolution No. 78-18, Resolution Making Determinations and Approving Annexation With Waiver of Notice, Hearing and Election to Sanitary District No. 5, wherein it designated said territory as "Centellas-Wilson Annexation";

WHEREAS, said Resolution No. 78-18 of the Local Agency Formation Commission of Marin County approved the proposed annexation and authorized this Sanitary Board to annex said territory without notice and hearing and without an election;

WHEREAS, said resolution of the Local Agency Formation Commission made certain findings and determinations which were summarized before the Sanitary Board of Sanitary District No. 5 of Marin County;

WHEREAS, a form of Written Consent, signed by all of the owners of all of the land within the territory proposed to be annexed, was filed with the Local Agency Formation Commission of Marin County; and

WHEREAS, all of the proceedings for the annexation of territory are being had pursuant to the District reorganization Act of 1965, Division 1 of Title 6, comprising Government Code Section 56000 through 56550;

NOW, THEREFORE, IT IS FOUND, DETERMINED and ORDERED, that

1. The territory proposed to be annexed is uninhabited as such term is defined in Government Code Section 56074, and the description of the exterior boundaries of the territory is set forth in Exhibit "A" attached hereto and made a part hereof, and that no written protests were or have been filed.

2. Annexation is approved subject to the terms and conditions authorized and approved by said Resolution No. 78-18 adopted by the Local Agency Formation Commission, as follows:

(a) 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, 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;

(b) 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.

(c) That petitioners shall enter into a binding contractual agreement which will run with the land to be recorded with the County Recorder's Office; wherein, petitioners and subsequent owners of said property shall agree not to oppose annexation to the City of Tiburon at which time such annexation is legally permissible; and, wherein, petitioners and subsequent property owners shall agree to offer the access roadway for irrevocable dedication for use as a public right-of-way at such time that said property is annexed to the City of Tiburon. Said Commission recognizes that the City of Tiburon has the right to refuse petitioner's offer and that said offer shall not be binding or of any force

or effect until said property is annexed to the City of Tiburon. Said agreement shall be implemented by and referred to as Exhibit B, attached to this resolution.

3. The Executive Officer of the Local Agency Formation Commission of Marin County is hereby authorized and directed to prepare and execute a certificate of completion of said annexation, which certificate shall have a certified copy of this resolution attached, together with a map indicating the boundaries of the area hereby ordered annexed, a certified copy of which certificate, resolution and map shall be filed by said Executive Officer with the County Recorder of Marin County, being the County in which all of Sanitary District No. 5 is located, and the Executive Officer shall make such filings as are required in the office of the State Board of Equalization with a certified copy of the certificate of completion attached in the office of the County Assessor, pursuant to Chapter 8 of Part 1, Division 2, Title 5 of the Government Code of the State of California (commencing at Section 54900), and pursuant to the District Reorganization Act of 1965 and particularly Sections 56457 and 54797.2 of the Government Code.

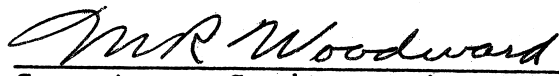
\* \* \* \* \*

I hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly passed and adopted by the Sanitary Board of Sanitary District No. 5 of Marin County, California, at a regular meeting thereof duly held on the 6th day of November, 1978, by the following vote:

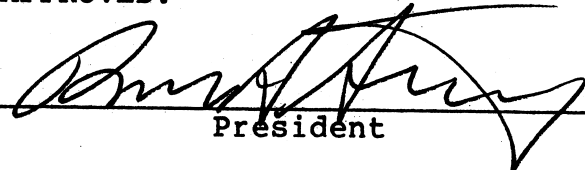
AYES, and in favor thereof, Members: Kawamoto, Murray,  
Sterling, Talbot  
Woodward

NOES, Members: None

ABSENT, Members: None

  
Secretary, Sanitary District No. 5  
of Marin

APPROVED:

  
President

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