

MARIN LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NO. 20-08

RESOLUTION MAKING DETERMINATIONS AND APPROVING REORGANIZATION INCLUDING DEATCHMENT FROM RICHARDSON BAY SANITARY DISTRICT AND ANNEXATION TO ALTO SANITARY DISTRICT WITH WAIVER OF NOTICE, HEARING AND ELECTION

“Reorganization of 70 Knoll Road (APN 034-012-26 and 034-061-09), Including Detachment from the Richardson Bay Sanitary District and Annexation to the Alto Sanitary District (File #1345)”

WHEREAS a proposal for the reorganization of certain territory including detachment from Richardson Bay Sanitary District to be annexed to the Alto Sanitary 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 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 Sections 56662 and 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, Alto Sanitary District, 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:

Section 1. The boundaries, as set forth in the proposal, are hereby approved as submitted and are as described and depicted in Exhibits “A” and “B” attached hereto and by this reference incorporated herein.

1. Amend the sphere of influence of the Alto Sanitary District to include APN 034-012-26 and 034-061-09 and the sphere of influence of Richardson Bay Sanitary District to exclude these parcels and makes the written determinations pursuant to Government Code section 56425(e) as provided for in Exhibit "C" attached hereto and incorporated herein by reference.
2. Approve the proposed Reorganization of 70 Knoll Road (APN 034-012-26 and 034-061-09), Including Detachment from the Richardson Bay Sanitary District and Annexation to the Alto Sanitary District (File #1345) as shown and described on Exhibits "A" and "B".
3. Proceedings for the annexation shall not be completed until the applicant an agreement with the Marin Local Agency Formation Commission wherein:
 - a. The property owner agrees on behalf of himself, his heirs, successors and assigns that, in the event any future proceedings for the annexation of the property to the Town of Tiburon shall be initiated by the Town, the owner shall neither directly nor indirectly oppose or protest such annexation; and
 - b. That the owner agrees that his obligations under the agreement shall run with the property and that the property shall be held, conveyed, hypothecated, encumbered, leased, rented, used and occupied subject to the provisions of the agreement and that the obligations undertaken by the owner shall be binding on all parties having or acquiring any right, title, or interest in the property.

Section 2. The territory includes 6.74 acres, is found to be uninhabited, and is assigned the following distinctive short form designation: "Reorganization of 70 Knoll Road (APN 034-012-26 and 034-061-09), Including Detachment from the Richardson Bay Sanitary District and Annexation to the Alto Sanitary District (File #1345)".

Section 3. The proposal is consistent with the adopted spheres of influence of the Alto Sanitary District and the Richardson Bay Sanitary District, as amended.

Section 4. The Executive Officer is hereby authorized to waive protest proceedings and complete reorganization proceedings .

PASSED AND ADOPTED by the Marin Local Agency Formation Commission on this 13th day of February 2020 by the following vote:

AYES: McEntee, Murray, Coler, Kious, Connolly, Arnold, Loder

NOES: None

ABSTAIN: None

ABSENT: None

Sashi McEntee

Sashi McEntee, Chair
Marin LAFCo

ATTEST:

Jason Fried

Jason Fried, LAFCo Executive Officer

APPROVED AS TO FORM:

Malathy Subramanian

Malathy Subramanian, LAFCo Counsel

Attachments to Resolution No. 20-08

- a) Exhibit A – Map
- b) Exhibit B – Legal Description
- c) Exhibit C – Determinations

EXHIBIT B


Reorganization of APN 034-061-09 & 034-012-26 LAFCO # 1345 - Legal Description

BEING A PORTION OF THE RANCHO CORTE MADERA DEL PRESIDIO AS DESCRIBED BY DEED RECORDED UNDER DOCUMENT NUMBER 2016-0047983, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE STATE DIVISION OF HIGHWAYS MONUMENT M-85 AS SHOWN ON THAT CALIFORNIA STATE HIGHWAY MONUMENT MAP 4-MRN-101-P.M.5.8, S-182.6, AND ALSO AS SHOWN ON THAT CERTAIN "MAP OF CENTRAL COURT" FILED IN BOOK 19 OF RECORD MAPS, AT PAGE 52, MARIN COUNTY RECORDS, THENCE NORTH 14°42'10" EAST, 534.409 FEET TO M-84 AS SHOWN ON SAID MAP OF CENTRAL COURT; THENCE ALONG THE TIE LINE AS SHOWN THEREON, NORTH 27°21'28" EAST, 156.03 TO A POINT ON THE EASTERLY LINE OF THE U.S. HIGHWAY NO. 101 RIGHT OF WAY; THENCE ALONG SAID RIGHT OF WAY NORTH 28°28'22" EAST, 340.596 FEET TO THE NORTHWEST CORNER OF LOT 1, ALSO BEING A POINT ON THE TOWN OF CORTE MADERA LIMITS; THENCE ALONG SAID LIMITS SOUTH 78°31'44" EAST, 219.54 FEET; THENCE CONTINUING SOUTH 74°11'15" EAST, 455.066 FEET TO THE NORTHEAST CORNER OF LOT 2 OF SAID MAP AND THE **POINT OF BEGINNING**; THENCE CONTINUING, COURSE 1 - SOUTH 74°11'15" EAST (SOUTH 74°15'00" EAST PER DEED), 267.22 FEET TO THE NORTHEAST CORNER OF SAID DEED, ALSO BEING AN ANGLE POINT IN THE TOWN LIMITS; THENCE COURSE 2 - SOUTH 02°12'00" EAST, 808.31 FEET; THENCE COURSE 3 - NORTH 74°58'00" WEST, 364.61 FEET; THENCE COURSE 4 - NORTH 78°20'00" WEST, 32.43 FEET; THENCE COURSE 5 - NORTH 10°40'00" WEST, 266.41 FEET; THENCE COURSE 6 - NORTH 01°50'00" EAST, 197.95 FEET; THENCE COURSE 7 - NORTH 25°50'00" EAST, 210.00 FEET; THENCE COURSE 8 - NORTH 68°00'00" EAST, 118.83 FEET; THENCE COURSE 9 - NORTH 36°15'00" WEST, 108.43 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 6.74 ACRES MORE OR LESS.

THE BASIS OF BEARING OF THIS DESCRIPTION IS THE ABOVEMENTIONED MAP OF CENTRAL COURT.


GJ HARMINA, III PLS 7950

December 18, 2019
DATE



EXHIBIT C

Reorganization of 70 Knoll Road (APN 034-012-26 and 034-061-09), Including Detachment from the Richardson Bay Sanitary District and Annexation to the Alto Sanitary District (File #1345)

SPHERE OF INFLUENCE DETERMINATIONS

GOVERNMENT CODE SECTION 56425

- 1) The present and planned land uses in the area, including agricultural and open-space lands.
 - This is currently 2 undeveloped lots in unincorporated Marin County. Future plans for these parcels are to develop a single-family home.
- 2) The present and probable need for public facilities and services in the area.
 - This parcel is just outside of both Alto Sanitary District and Richardson Bay Sanitary District boundaries. Since this parcel has not been developed no sanitary services have been connected to either parcel. Future planned development will require connection to a sanitary system.
- 3) The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
 - Alto Sanitary District based on the 2017 Central Marin Wastewater Services Study has capacity for the current future plans of this parcel.
- 4) The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the district.
 - These parcels do not reside in any social or economic communities of interest.
- 5) For an update of a sphere of influence for a city that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, that occurs on or after July 1, 2012, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.
 - There are no unincorporated communities within the Study Area that have been identified as disadvantaged.