

MARIN LOCAL AGENCY FORMATION COMMISSION

RESOLUTION 21-16

RESOLUTION APPROVING AN ANNEXATION OF 32 FAIRWAY DRIVE TO SAN RAFAEL SANITARY DISTRICT WITH WAIVER OF NOTICE, HEARING AND PROTEST PROCEEDINGS

“Annexation of 32 Fairway Drive (APN 016-021-50) to San Rafael Sanitary District (LAFCo File No. 1358)”

WHEREAS Aaron Shraybman, hereinafter referred to as “Property Owner,” has filed a validated landowner petition with the Marin Local Agency Formation Commission, hereinafter referred to as “Commission,” pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS the proposal seeks Commission approval to annex approximately 1.02 acres of unincorporated land to San Rafael Sanitary District; and

WHEREAS the affected territory represents an entire lot developed with an existing single-family residence located at 32 Fairway Drive and identified by the County of Marin Assessor’s Office as APN 016-021-50 (“Property”); and

WHEREAS the Commission’s staff has reviewed the proposal and prepared a report with recommendations; and

WHEREAS the staff’s report and recommendations on the proposal have been presented to the Commission in the manner provided by law; and

WHEREAS the Commission considered all the factors required by law under Government Code Section 56668 and 56668.3 and adopted local policies and procedures.

WHEREAS the proposal is for an annexation of territory that is uninhabited, and no affected local agency has submitted a written demand for notice and hearing as provided for in Government Code section 56662(a).

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. Approve the proposed annexation of 32 Fairway Drive (APN 016-021-50) to the San Rafael Sanitary District (File #1358) as shown and described on Exhibits “A” and “B”.
2. Proceedings for the annexation shall not be completed until the Property Owners execute an agreement (Exhibit C) with the Marin Local Agency Formation Commission wherein:
 - a. The Property Owners agree on behalf of themselves, their heirs, successors and assigns that, in the event any future proceedings for the annexation of the property to the City of San

Rafael shall be initiated by the City, the Property Owners shall neither directly nor indirectly oppose or protest such annexation; and

b. That the Property Owners agree that their 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 Property Owners shall be binding on all parties having or acquiring any right, title, or interest in the Property.

Section 2. The territory includes 1.02 acres, is found to be uninhabited, and is assigned the following distinctive short form designation: "Annexation of 32 Fairway Drive (APN 016-021-50) to San Rafael Sanitary District (LAFCo File No. 1358)".

Section 3. The proposal is consistent with the adopted spheres of influence of San Rafael Sanitary District.

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

Section 5. As Lead Agency under CEQA for the proposed annexation of APN: 016-021-50 to San Rafael Sanitary District, LAFCo finds that the Project is categorically exempt from the provisions of CEQA pursuant to State CEQA Guidelines Section 15319 (a).

PASSED AND ADOPTED by the Marin Local Agency Formation Commission on August 12, 2021 by the following vote:

AYES: McEntee, Kious, Rodoni, Coler, Murray, Savel

NOES: _____


ABSTAIN: _____

ABSENT: _____


Sashi McEntee, Chair

ATTEST:

Jason Fried, Executive Officer

APPROVED AS TO FORM:

Malathy Subramanian, LAFCo Counsel

Attachments to Resolution No. 21-16

- a) Exhibit 'A' – Legal Description
- b) Exhibit 'B' – Map
- c) Exhibit 'C' – Dual Annexation Agreement

Date: 06-28-2021
File: 2019-20-027

EXHIBIT 'A'
LEGAL DESCRIPTION
SEWER ANNEXATION
LAFCO FILE # _____
APN 016-021-50

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF SAN RAFAEL, COUNTY OF MARIN, STATE OF CALIFORNIA, BEING A SEWER ANNEXATION OF THE LANDS OF SHRAYBMAN AS DESCRIBED IN DOCUMENT NUMBER 2017-0006406, MARIN COUNTY RECORDS AND AS SHOWN ON THAT CERTAIN MAP ENTITLED "PARCEL MAP LOT 77 & PTNS OF LOTS 75 & 76", MARIN COUNTY RECORDS, BEING PARCEL S, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF SAID LANDS, SOUTH 17°21'00" WEST, A DISTANCE OF 233.84 FEET;

THENCE SOUTH 37°32'15" EAST, A DISTANCE OF 102.36 FEET;

THENCE NORTH 51°32'00" EAST, A DISTANCE OF 45.00 FEET;

THENCE NORTH 61°17'00" EAST, A DISTANCE OF 94.52 FEET;

THENCE SOUTH 40°09'00" EAST, A DISTANCE OF 138.33 FEET TO FAIRWAY DRIVE AND A NON-TANGENT CURVE TO THE RIGHT WHOSE CENTER BEARS SOUTH 60°24'00" EAST;

THENCE ALONG SAID FAIRWAY DRIVE AND NON-TANGENT CURVE, HAVING A RADIUS OF 20.00 FEET, THROUGH A CENTRAL ANGLE OF 85°53'60", AND AN ARC LENGTH OF 45.03 FEET;

THENCE LEAVING SAID FAIRWAY DRIVE, NORTH 21°50'09" EAST, A DISTANCE OF 42.51 FEET TO A NON-TANGENT CURVE TO THE LEFT, CONCAVE TO THE SOUTHWEST WHOSE CENTER BEARS SOUTH 68°41'00" WEST;

THENCE NORTH 81°58'28" EAST, A DISTANCE OF 23.70 FEET TO TANGENT CURVE TO THE RIGHT;

THENCE ALONG SAID NON-TANGENT CURVE, HAVING A RADIUS OF 116.00 FEET, THROUGH A CENTRAL ANGLE OF 08°50'00", AND AN ARC LENGTH OF 17.88 FEET;

THENCE NORTH 30°09'00" EAST, A DISTANCE OF 26.88 FEET TO A CURVE TO THE RIGHT;

THENCE ALONG SAID CURVE, HAVING A RADIUS OF 84.00 FEET, THROUGH A CENTRAL ANGLE OF 26°26'00", AND AN ARCH LENGTH OF 38.75 FEET;

THENCE LEAVING SAID CURVE, SOUTH 86°17'00" WEST, A DISTANCE OF 32.00 FEET;

THENCE NORTH 30°58'48" EAST, A DISTANCE OF 172.59 FEET;

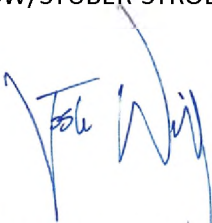
THENCE NORTH 45°13'00" WEST, A DISTANCE OF 105.80 FEET TO THE **POINT OF THE BEGINNING**;

SAID EASEMENT CONTAINING 43,521 SQUARE FEET MORE OR LESS

THIS DESCRIPTION IS FOR ANNEXATION PURPOSES ONLY

PREPARED BY:

CSW/STUBER-STROEH ENGINEERING GROUP, INC.



JOSH WOELBING, PLS 9387





POINT OF BEGINNING

N45°13'00"W 105.80'

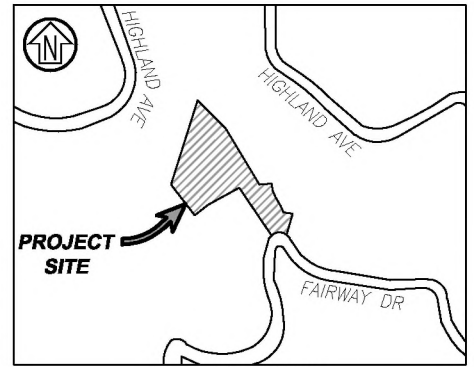
LANDS OF SHRAYBMAN
APN 016-021-50
(DN 2017-6406)

PARCEL S
2 PM 35

AREA
43,521 ± S.F.

LANDS OF DEV
APN 016-021-51
(DN 2017-42655)

PARCEL L
2 PM 35



VICINITY MAP

LEGEND

- PROPOSED ANNEXATION OF 32 FAIRWAY DRIVE INTO SAN RAFAEL SANITARY DISTRICT
- ▨ EXISTING SAN RAFAEL SANITARY DISTRICT BOUNDARY

EDGE OF SAN RAFAEL SANITARY DISTRICT

Δ=26°26'00"
R=84.00'
L=38.75'

Δ=8°50'00"
R=116.00'
L=17.88'
N81°58'28"W 23.70'

N21°50'09"E 42.51'

Δ=128°59'53"
R=20.00' L=45.03'

EDGE OF SAN RAFAEL SANITARY DISTRICT

LANDS OF CLAUSEN
APN 016-021-54
(DN 2016-18689)



1 inch = 50 ft.

CSW | ST2

CSW/Stuber-Stroeh Engineering Group, Inc.
Civil & Structural Engineers | Surveying & Mapping | Environmental Planning
Land Planning | Construction Management
45 Leveroni Court tel: 415.883.9850
Novato, CA 94949 fax: 415.883.9835
http://www.cswst2.com © 2019

Rev. 06/29/21
Job No. 2019-20-027

Date: 06/28/21
Scale: 1" = 50'

32 FAIRWAY SAN RAFAEL SANITARY DISTRICT ANNEXATION
EXHIBIT 'B' - PARCEL S
LAFCO FILE # _____
SAN RAFAEL MARIN COUNTY CALIFORNIA

Exhibit 'C'

AGREEMENT REGARDING ANNEXATION OF REAL PROPERTY
TO MARIN LOCAL AGENCY FORMATION COMMISSION

This agreement is made and entering into on this 14 day of July, 2021, by and between the Marin Local Agency Formation Commission, ("LAFCo" hereafter), and Aaron Shraybman ("Owner" hereafter) and is based upon the following facts:

- (a) Owner holds title to that certain real property ("the Property" hereafter) described in Exhibit "A" attached hereto and shown for illustrative purposes only on the attached Exhibit "B"; and
- (b) Owner desires annexation to the sanitary service provided by San Rafael Sanitary District. LAFCo recognizes that at this time, annexation of this property would result in inefficient provision of services to the property, but that at some point in the future, the LAFCo may desire annexation.

NOW, THEREFORE, IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES HERETO AS FOLLOWS:

- 1. Owner agrees on behalf of himself, his heirs, successors and assigns that, in the event any future proceedings for annexation of the property to San Rafael shall be initiated by LAFCo, Owner shall neither directly nor indirectly oppose or protest such annexation.
- 2. Owner agrees that his obligations hereunder 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 this Agreement and that the obligations undertaken by Owner hereunder shall be binding on all parties having or acquiring any right, title, or interest in the Property.

OWNER:

By: _____
Property Owner

MARIN LOCAL AGENCY FORMATION COMMISSION:

By: _____
Jason Fried, Executive Officer