

MARIN LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NO. 10-05

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

“Annexation of the Lands of Cherin to the San Rafael Sanitation District (File 1302)”

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 the property owners; 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 56663, when a petition 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 Section 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, San Rafael Sanitation District, has consented in writing to a waiver of conducting authority proceedings, this Commission may make determination with respect to said application with waiver of conducting authority proceedings; and

WHEREAS, the Executive Officer has reviewed the proposal and prepared a report, including a recommendation thereon, the proposal 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 in Exhibit "A" and "B" attached hereto subject to the following condition:

- A. Approved map and legal description to be provided by the applicant.
- B. Proceedings for the annexation shall not be completed until the property owner and the City of San Rafael execute and record an agreement wherein:
 1. 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 City of San Rafael shall be initiated by the City, the owner shall neither directly nor indirectly oppose or protest such annexation; and
 2. 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 1.46 acre, is found to be uninhabited, and is assigned the following distinctive short form designation: "Annexation of the Lands of Cherin to San Rafael Sanitation District (File 1302)".

Section 3. The proposal is consistent with the adopted sphere of influence for San Rafael Sanitation District.

Section 4. The Executive Officer is hereby authorized to complete annexation proceedings in the manner prescribed by Section 57000 of the Government Code.

PASSED AND ADOPTED by the Marin Local Agency Formation Commission on this 13th day of May, 2010 by the following vote:

AYES: Commissioners Arnold, Aobo, Blanchfield, Condon, McGlashan, Rodoni and Slavitz.

NOES: None.

ABSENT: Commissioners Adams and Heller.



JEFFRY BLANCHFIELD, Chairperson

ATTEST:



PETER V. BANNING, Executive Officer

Date: April 1, 2010
File: 6.667.92.1

EXHIBIT "A"

Annexation of the Lands of Cherin
to the
San Rafael Sanitary District (File #1302)
Mapping No. 01-10

All that certain real property situate in the City of San Rafael, County of Marin, State of California, also being a portion of Rancho San Pedro, Santa Margarita Y Las Gallinas, more particularly described as follows:

BEGINNING at the most southwesterly corner of Parcel 1, as recorded in Inter Spousal Transfer Deed 2009-0023553 on May 4, 2009, Marin County Records, said point being at the intersection of the courses called "North 15° 20' West 251.87 feet and North 78° 17' West 195.40 feet" in said deed, said point also being a point on the existing boundary of the San Rafael Sanitary District;

- 1) Thence leaving said Point of Beginning, along said boundary line of the San Rafael Sanitary District, and along the westerly line of said Parcel 1, North 15° 20' West, a distance of 251.87 feet;
- 2) thence continuing along said boundary line of the San Rafael Sanitary District, and along the northwesterly line of said Parcel 1, North 83° 36' East, a distance of 188.25 feet;
- 3) thence continuing along said boundary line of the San Rafael Sanitary District, and along the northeasterly line of said Parcel 1, South 51° 40' East, a distance of 140.96 feet;
- 4) thence continuing along said boundary line of the San Rafael Sanitary District, and along the easterly line of said Parcel 1, South 10° 53' West, a distance of 213.40 feet;
- 5) thence continuing along said boundary line of the San Rafael Sanitary District, and along the southerly line of said Parcel 1, North 78° 17' West, a distance of 195.40 feet to the Point of Beginning.

Containing 1.46 Acres, more or less.

Prepared by:

CSW/STUBER-STROEH ENGINEERING GROUP, INC.

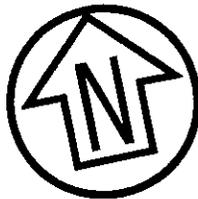


Tracy W. Park
P.L.S. #8176, Expires 12/31/10



'For assessment purposes only. This description of land is not a legal property boundary as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale or transfer of the land described'.

EXHIBIT "B"



1 inch = 60 ft.

LANDS OF CHERIN
41 FAIRWAY DRIVE
A.P.N. 016-031-04

LANDS OF
CONSTANTIN
25 FAIRWAY DRIVE
A.P.N. 016-031-06

SAN RAFAEL SANITARY
DISTRICT BOUNDARY

LANDS OF
GERSHENGORN
5 FAIRWAY DRIVE
A.P.N. 016-031-07

FAIRWAY DR
PARCEL 2
ACCESS EASEMENT

② N85°36'E 188.25'

③ S51°40'E 140.96'

LANDS OF CHERIN

DEED #2009-0023553
43 FAIRWAY DRIVE

AREA = 1.46 ± ac

PARCEL 1

LANDS OF THORNHILL
45 FAIRWAY DRIVE
A.P.N. 016-031-03

RANCHO SAN PEDRO,
SANTA MARGARITA Y LAS
GALLINAS

④ S10°53'W 213.40'
LANDS OF TAYLOR
20 MONCADA WAY
A.P.N. 016-031-11

NOTE:

"For assessment purposes only. This description of land is not a legal property boundary as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale or transfer of the land described".

① N15°20'W 251.87'

POINT OF BEGINNING

LANDS OF BENSON
60 MONCADA WAY
A.P.N. 016-031-14

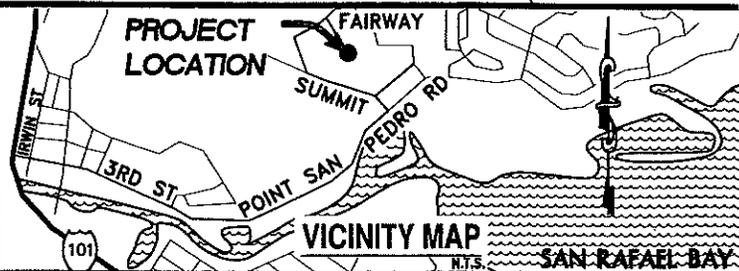
⑤ N78°17'W 195.40'

LANDS OF LUM
50 MONCADA WAY
A.P.N. 016-031-13

LANDS OF ZAKHOUR
30 MONCADA WAY
A.P.N. 016-031-12

LEGEND:

- ||| SANITARY DISTRICT BOUNDARY
- PROPOSED ANNEXATION
- BOUNDARY LINES
- - - ACCESS EASEMENT



CSW ST2

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

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Rev.	Date:	April 1, 2010
Job No. 666792	Scale:	1 inch = 60 ft.

**ANNEXATION OF THE LANDS OF CHERIN
TO THE SAN RAFAEL SANITARY DISTRICT**
MAPPING No. 01-10 FILE No. 1302
SAN RAFAEL MARIN COUNTY CALIFORNIA