

MARIN LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NO. 07-08

**RESOLUTION MAKING DETERMINATIONS AND APPROVING ANNEXATION
TO SANITARY DISTRICT #5 (TIBURON)
WITH WAIVER OF NOTICE, HEARING AND ELECTION**

Annexation of the Lands of Jansheski et al to Sanitary District #5 (Tiburon)
(File #1281)

WHEREAS, a proposal for the annexation of certain territory to the Sanitary District #5 (Tiburon) 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, 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 determinations 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, Sanitary District #5 (Tiburon), 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, as Lead Agency, the Commission certifies that an initial study and proposed mitigated Negative Declaration of Environmental Impact was prepared for this project and distributed on February 16, 2007; was reviewed and considered by the Commission; and was adopted by Resolution No. 07-07 dated May 10, 2007; 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 in Exhibit "A" attached hereto and by this reference incorporated herein.

Section 2. The territory includes approximately 70 acres, is found to be inhabited, and is assigned the following distinctive short form designation: "Annexation of the Lands of Jansheski et al to Sanitary District #5 (File #1281)".

Section 3. The proposed annexation is approved subject to the following conditions:

The applicant shall provide a map and legal description of the approved annexation area meeting the standards of the State Board of Equalization as approved by the County Surveyor.

Section 4. The proposal is consistent with the adopted sphere of influence for Sanitary District #5 (Tiburon).

Section 5. 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 10th day of May 2007 by the following vote:

AYES:

NOES:

ABSENT:

JEFFRY BLANCHFIELD, Chairperson

ATTEST:

PETER V. BANNING, Executive Officer