

TOWN OF SAN ANSELMO

RESOLUTION NO. #3287

RESOLUTION GRANTING CONSENT TO
CONDUCT ASSESSMENT PROCEEDINGS

OAK AVENUE SEWER ASSESSMENT DISTRICT
SANITARY DISTRICT NO. 1, TOWN OF SAN ANSELMO,
MARIN COUNTY, CALIFORNIA

The Town Council of the Town of San Anselmo resolves:

The Sanitary District No. 1 of Marin County has submitted to this Town Council a proposed Resolution of Intention to order improvements and levy special assessments within a special assessment district to be known as Oak Avenue Sewer Assessment District, together with an adopted boundary map of the proposed assessment district. All of the land to be assessed lies within the Town of San Anselmo.

This Town Council hereby consents to the formation of this assessment district and to the work described in the proposed Resolution of Intention, a copy of which is attached to this resolution as Exhibit A.

This Town Council consents to the assumption of jurisdiction by the Sanitary District No. 1 of Marin County, with the understanding that the Board of Directors of the Sanitary District No. 1 of Marin County may hereafter take each and every step required for or suitable for consummation of the work and the levying, collecting and enforcement of the assessments to cover the expenses thereof, and the issuance and enforcement of bonds to represent unpaid assessments.

This Town Council agrees that the Sanitary District No. 1 of Marin County shall be the "lead agency" as defined in the California Environmental Quality Act for the purpose of complying with the requirements of that statute.

The Town Clerk is authorized and directed to deliver a certified copy of this resolution to the District Secretary of the Sanitary District No. 1 of Marin County.

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Approved and Adopted the 15th day of November, 1994.

I, the undersigned, hereby certify that the foregoing Resolution Number # 3287 was duly adopted by the Town Council of the Town of San Anselmo by the following vote:

AYES: Breen, Kroot, Yarish

NOES: (None)

ABSENT: Chignell

ATTEST: Caroline Foster
Caroline Foster, TOWN CLERK

RESOLUTION NO. ~~3207~~ SD#1 to assign

RESOLUTION OF INTENTION TO ORDER IMPROVEMENT IN
OAK AVENUE SEWER ASSESSMENT DISTRICT
SANITARY DISTRICT NO. 1, MARIN COUNTY, CALIFORNIA

The Board of Directors of the Sanitary District No. 1
resolves:

This Board of Directors intends to order the following
improvement under the authority of the Municipal Improvement Act of
1913:

- a. The construction of a 6 inch sanitary sewer main from the end of the existing sanitary sewer main for a distance of approximately 1,850 feet including sewer manholes, cleanouts and other sanitary sewer appurtenances.
- b. The construction of Oak Avenue including clearing, grading, base, pavement, storm drainage facilities and appurtenances necessary to allow for safe and adequate access for the maintenance of the sanitary sewer facilities described above.
- c. The acquisition of necessary easements within Oak Avenue for the installation of sanitary sewer facilities and road construction mentioned above.

This Board of Directors finds that the land specially benefited by the improvement is shown within the boundaries of the map entitled, "Proposed Boundaries of Oak Avenue Sewer Assessment District, Sanitary District No. 1, County of Marin, California." This map has been approved by the Board of Directors and is now on file with the District Secretary. The land within the exterior boundaries shown on the map shall be designated Oak Avenue Sewer Assessment District, Sanitary District No. 1, Marin County, California.

This Board of Directors intends to levy a special assessment upon the land within the described district in accordance with the special benefit to be received by each parcel of land, respectively, from the improvement. There shall be omitted from special assessment all public streets, alleys and places and all land belonging to the United States, the State of California, the County of Marin, the Town of San Anselmo and this Sanitary District now in use in the performance of a public function.

Where any disparity occurs in level or size between the improvement and private property, this Board of Directors determines that it is in the public interest and more economical to eliminate the disparity by doing work on the private property instead of adjusting the work on public property. Accordingly, work may be done on private property for this purpose with the written consent of the landowner.

EXHIBIT A

This Board intends, pursuant to subparagraph (f) of Section 10204 of the California Streets and Highways Code, to provide for an annual assessment upon each of the parcels of land in the proposed assessment district to pay various costs and expenses incurred from time to time by the County and not otherwise reimbursed to the County which result from the administration and collection of assessment installments or from the administration or registration of the improvement bonds and the various funds and accounts pertaining thereto.

Bonds representing unpaid assessments, and bearing interest at a rate not to exceed twelve percent (12%) per annum, will be issued in the manner provided by the Improvement Bond Act of 1915 (Division 10, Streets and Highways Code), and the last installment of the bonds shall mature not to exceed nineteen (19) years from the second day of September next succeeding twelve (12) months from their date.

The procedure for the collection of assessments and advance retirement of bonds under the Improvement Bond Act of 1915 shall be as provided in Part 11.1, Division 10, of the Streets and Highways Code of the State of California.

The District will not obligate itself to advance available funds from the District treasury to cure any deficiency which may occur in the bond redemption fund. A determination not to obligate itself shall not prevent the District from, in its sole discretion, so advancing funds.

This Board of Directors finds that the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (commencing with Section 2800, Streets and Highways Code) does not apply to these proceedings.

This Board of Directors appoints I.L. Schwartz Associates, Inc. as Engineer of Work for this project, and directs the preparation of the report required by Section 10204 of the Streets and Highways Code.

In the opinion of this Board of Directors, the public interest will not be served by allowing owners of assessable lands to enter into a contract for the work of improvement as otherwise permitted in Section 20485 of the Public Contract Code.

The amount of any surplus remaining in the improvement fund after completion of the improvement and payment of all claims shall be distributed in accordance with the provisions of Section 10427 of the Streets and Highways Code.

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