

RESOLUTION NO. 2043
RESOLUTION GRANTING JURISDICTION

SUN VALLEY OPEN SPACE ASSESSMENT DISTRICT

The Town Council of the Town of San Anselmo resolves:

Pursuant to Section 10103 of the Streets and Highways Code (Municipal Improvement Act of 1913), the City of San Rafael has submitted to this Council a proposed Resolution of Intention to order improvements and levy special assessments within a special assessment district to be known as Sun Valley Open Space Assessment District, City of San Rafael, Marin County, California, together with an adopted boundary map of the proposed assessment district. A portion of the land to be assessed lies within the territory of this Town.

This 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 Council consents to the assumption of jurisdiction by the City of San Rafael, with the understanding that the City Council of the City of San Rafael 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 Council agrees that the City of San Rafael shall be the "lead agency" as defined in the California Environmental Quality Act for the purpose of complying with the requirements of that statute.

ORIGINAL

The Town Clerk is authorized and directed to deliver a certified copy of this resolution to the City Clerk of the City of San Rafael.

*

*

*

I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the Town Council of the Town of San Anselmo, Marin County, California, at a regular meeting thereof, held on the 23rd day of July, 1985.

AYES: Councilmembers Capurro, Ollinger

NOES: Councilmember Toal

ABSENT: Councilmembers Wooliever, Cordingley

CAROLINE FOSTER, Town Clerk, Town
of San Anselmo, Marin County,
California

Caroline Foster

RESOLUTION OF INTENTION TO ORDER IMPROVEMENT IN
SUN VALLEY OPEN SPACE ASSESSMENT DISTRICT

The City Council of the City of San Rafael resolves:

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

The acquisition of real property for the purpose of preserving and maintaining it for hiking, picknicking and open space use by the public.

This Council finds that the land specially benefited by the improvement is shown within the boundaries of the map entitled, "Proposed Boundaries of Sun Valley Open Space Assessment District, City of San Rafael, Marin County, California." This map has been approved by the City Council and is now on file with the City Clerk. The land within the exterior boundaries shown on the map shall be designated Sun Valley Open Space Assessment District, City of San Rafael, Marin County, California.

This Council 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 and this City now in use in the performance of a public function.

This Council orders that a portion of the cost of the improvement shall be paid from the general fund of the City, and that the balance of the cost shall be paid by other contribution or specially assessed.

Where any disparity occurs in level or size between the improvement and private property, this Council 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.

Serial bonds representing unpaid assessments, and bearing interest at a rate not to exceed twelve percent (12%) per annum,

EXHIBIT A

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 nineteen 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.

This Council 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 Council appoints the Public Works Director of the City of San Rafael as Engineer of Work for this project, and Nute Engineering as Project Engineer, and directs the preparation of the report required by Section 10204 of the Streets and Highways Code.

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