

RESOLUTION NO. 07/2022

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CORTE MADERA APPROVING A PROPERTY TAX REVENUE EXCHANGE AGREEMENT WITH THE CITY OF MILL VALLEY AND MARIN COUNTY SANITARY DISTRICT NO. 2 FOR PROPOSED REORGANIZATION OF LANDS OF MARIN COUNTY PARKS (PORTION OF APN 033-200-001), INCLUDING DETACHMENT FROM THE CITY OF MILL VALLEY AND ANNEXATION TO TOWN OF CORTE MADERA AND SANITARY DISTRICT NO. 2, AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the parcel located at 800 Corte Madera Avenue, Corte Madera, CA (APN 025-231-18) (the "800 CM Property"), is within the territorial boundaries of the Town of Corte Madera and of the Marin County Sanitary District No. 2. The predecessor of the current owner of the 800 CM Property constructed improvements onto an approximately 21,680 square foot portion of an adjacent parcel (APN 033-200-01). 23; and

WHEREAS, a previous owner of the 800 CM Property built a basketball court, retaining walls, and landscaping improvements that encroach onto an approximately 5-acre portion of the adjacent parcel, which is a 37-acre property Marin County Open Space District ("MCOSD") known as the Alto Bowl Open Space Preserve and is located within the jurisdictional limits of the City of Mill Valley; and

WHEREAS, MCOSD and the owner of the 800 CM Property wish to resolve the long-standing encroachment and have entered into a Transfer Agreement by which MCOSD has agreed to sell the Encroachment Area to the owner of the 800 CM Property, contingent on annexation of the encroachment Area into the Town of Corte Madera and completion of a lot line adjustment; and

WHEREAS, MCOSD has submitted an application for a jurisdictional boundary adjustment, called a "reorganization," with the Marin County Local Agency Formation Commission ("Marin LAFCo"); and

WHEREAS, before Marin LAFCo may act on the proposed reorganization, the City of Mill Valley, Town of Corte Madera, and Marin County Sanitary District No. 2 must approve an agreement for the exchange of property tax revenues pursuant to Revenue and Taxation Code Section 99. 44; and

WHEREAS, to date, the Encroachment Area has been exempt from property tax because it has been owned by Marin County Parks; and

WHEREAS, the reorganization will have no effect on Town services otherwise provided in the area and will not result in negative impacts to the cost and adequacy of services; and

WHEREAS, the terms of Transfer Agreement for the Encroachment Area provide for a \$250,000 payment to be used for potential future restoration activities in the Alto Bowl Open Space Reserve, including fire-fuel reduction, which would be a long-term public benefit; and

WHEREAS, this action does not constitute the approval of a project, as defined in Section 15378

of the CEQA Guidelines, and therefore is not subject to environmental review; and

WHEREAS, the Town Council hereby does approve the Property Tax Revenue Exchange agreement between the City of Mill Valley, Town of Corte Madera, and Marin County Sanitary District No. 2, whereby, upon completion of the reorganization, the Town agrees to make no claim to any share of the property tax revenues that will result; and

WHEREAS, the Town Manager is hereby authorized and directed to execute the Property Tax: Revenue and Exchange Agreement, in substantially the form attached hereto, with such changes as may be approved by the Town Attorney, and to do and perform everything necessary to carry out the purpose and intent of this Resolution; and

WHEREAS, the Town Council provides in the public notices and agendas for all public meetings the online and telephone options for participation in public meetings, protecting the right of the public to address their local officials and to participate in public meetings, and posts this information on the Town’s website, including instructions on how to access the public meeting remotely; now, therefore be it

RESOLVED, that the Town Council has considered the circumstances of this resolution; and

FURTHER RESOLVED, that the Town Council does hereby direct that the other legislative bodies within the Town that are subject to the Brown Act make these same findings until directed otherwise by the Town Council; and be it

FURTHER RESOLVED, that the Town Council authorizes and directs the Town Manager and legislative bodies of the to take all actions necessary to carry out the intent and purpose of this Resolution including conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

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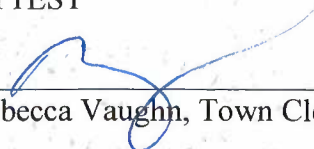
I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the Town Council of Corte Madera at a regular meeting held on the 15th day of February 2022, by the following vote, to wit:

AYES: Councilmembers: Beckman, Casissa, Lee, Mongan, Ravasio
NOES: Councilmembers: - None -
ABSENT: Councilmembers: - None -

APPROVED


Fred Casissa, Mayor

ATTEST


Rebecca Vaughn, Town Clerk