

**RESOLUTION NO. 2007-\_\_\_\_**  
**A RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS**  
**A RESOLUTION OF NECESSITY WITH RESPECT TO THE ACQUISITION**  
**OF A PORTION OF REAL PROPERTY NECESSARY FOR THE**  
**“EAST SHORE WASTEWATER IMPROVEMENT PROJECT.”**  
**(AKA: “MARSHALL PHASE 1 COMMUNITY WASTEWATER SYSTEM PROJECT.”)**

**WHEREAS**, over the past several years the County of Marin (“County”) has been involved in numerous efforts to improve the water quality in Tomales Bay; and

**WHEREAS**, one of those specific efforts has been investigating the feasibility of a community wastewater treatment system for the area around Marshall; and

**WHEREAS**, as part of this effort the County has produced both a “Draft Feasibility Report” as well as Draft and Final Environmental Impact Reports (“EIR”) for this proposed project; and

**WHEREAS**, the feasibility report and EIR determined that an approximately 5.84 acre portion of a 823 acre property known as the “Goodman-Barinaga Ranch” (the “property”; APN 106-210-75), would be the best and preferred site for the leachfield for this community wastewater treatment system; but

**WHEREAS**, this property is encumbered with an agricultural conservation easement in favor of the Marin Agricultural Land Trust (“MALT”), that cannot be rescinded or otherwise amended in the absence of an appropriate exercise of a public entity’s power of eminent domain.

**NOW, THEREFORE, BE IT RESOLVED** by the Marin County Board of Supervisors as follows pursuant to California code of Civil Procedure section 1245.230:

1. The public use for which the property is to be taken is for a wastewater disposal site to serve the community of Marshall. Exercise of the power of eminent domain to acquire property for this purpose by a County is provided by California Government Code section 54341.
2. The property to be taken is a 5.84 acre portion of the property located at 9059 Marshall-Petaluma Road; Marin County Assessor’s Parcel Number 106-210-75. This property is graphically identified in both the Draft Feasibility Report and EIR referenced above. A specific legal description of the property is attached to this Resolution as Exhibit “A.”

**FURTHER**, the Marin County Board of Supervisors finds and determines each of the following:

1. The public interest and necessity require this proposed project.
2. This proposed project is planned and located in a manner that will be most compatible with the greatest public good and the least private injury.
3. The property described in this resolution is necessary for the proposed project.
4. The offer required by Section 7267.2 of the Government Code has not been made in this matter because the owners of the property and the holder of the MALT easement have

specifically consented to the acquisition dependent upon the adoption of an otherwise appropriate Resolution of Necessity.

5. The owners of the property and the holder of the MALT easement have specifically waived the notice and hearing requirements of Code of Civil Procedure section 1245.230.

**PASSED AND ADOPTED** at a regular meeting of the Board of Supervisors of the County of Marin held on this \_\_\_ day of \_\_\_\_\_, 2007, by the following vote:

AYES: SUPERVISORS

NOES:

ABSENT:

\_\_\_\_\_  
PRESIDENT, BOARD OF SUPERVISORS

ATTEST:

\_\_\_\_\_  
CLERK