

ORDINANCE NO. 5

SETTING FORTH THE TERMS AND CONDITIONS OF AN AGREEMENT FOR THE ANNEXATION OF CERTAIN UNINCORPORATED TERRITORY IN THE COUNTY OF CONTRA COSTA TO ALAMEDA-CONTRA COSTA TRANSIT DISTRICT, DECLARING THE INTENTION OF THE BOARD OF DIRECTORS OF CAUSING SAID AGREEMENT TO BE EXECUTED BY THE DISTRICT, FIXING THE TIME AND PLACE OF HEARING THEREON AND DIRECTING NOTICE OF SAID HEARING TO BE GIVEN

WHEREAS, the Board of Supervisors of the County of Contra Costa has agreed in writing with the Board of Directors of Alameda-Contra Costa Transit District upon the terms and conditions for the annexation of certain unincorporated territory in said county to said District,

NOW, THEREFORE BE IT ENACTED by the Board of Directors of Alameda-Contra Costa Transit District:

Section 1. The terms and conditions of the agreement for the annexation of certain unincorporated territory in the County of Contra Costa hereinafter set forth are satisfactory and agreeable to this Board of Directors and said Board of Directors does hereby declare its intention of causing said agreement to be executed by the District:

Section 2. Said agreement is set forth at length as follows:

AGREEMENT FOR ANNEXATION
of
CERTAIN UNINCORPORATED TERRITORY OF COUNTY OF CONTRA COSTA
to
ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

THIS AGREEMENT made and entered into by and between ALAMEDA-CONTRA COSTA TRANSIT DISTRICT, a body corporate and politic organized and existing under and by virtue of the laws of the State of California and hereinafter referred to as "District," and COUNTY OF CONTRA COSTA, a political subdivision organized and existing under and by virtue of the laws of the State of California and hereinafter referred to as "County"

W I T N E S S E T H

WHEREAS, County seeks to annex to District certain unincorporated territory situate within the boundaries of said County and more particularly described hereinafter; and

WHEREAS, District is agreeable to such annexation in accordance with the provisions of law authorizing the annexation of unincorporated territory to District; and

WHEREAS, District is authorized to issue on behalf of Special Transit Service District No. 1, bonds in the aggregate principal amount of \$16,500,000 for the purpose of acquiring, constructing, and completing transit facilities necessary or convenient for transit service and, accordingly, has the means and will be able to provide facilities for supplying such transit service; and

WHEREAS, District has agreed in writing with the Cities of Richmond and San Pablo on the terms and conditions of annexing said Cities to District; and

WHEREAS, the Cities of Richmond and San Pablo have each agreed to call a special annexation election to be held June 7, 1960; and

WHEREAS, the unincorporated territory hereinafter described, together with the Cities of Richmond and San Pablo, constitutes a single composite area contiguous to the District,

NOW, THEREFORE, it is hereby mutually agreed, as follows:

1. The unincorporated territory to be annexed pursuant to this agreement is described as follows:

All that unincorporated territory situated in the County of Contra Costa, State of California, lying southerly and westerly of the following described line;

Beginning at the southwestern corner of the City of El Cerrito as said City boundary existed on March 11, 1960; said point of beginning being also a point on a southern boundary of said county; thence from said point of beginning

in a clockwise direction along the boundary line of said City of El Cerrito to the most Easterly corner thereof, being a point on the boundary of the City of Richmond as said boundary existed on March 11, 1960; thence following the boundary line of the City of Richmond in a counterclockwise direction as said boundary existed on March 11, 1960, to the intersection of said City of Richmond boundary with the boundary line of the San Pablo Rancho, also being on the boundary line of the East Bay Municipal Utility District as said boundary existed on March 11, 1960; thence Northerly along the said Rancho boundary line to its intersection with the southerly line of the E.B.M.U.D. Annexation Resolution No. 18732; thence counterclockwise following said Resolution No. 18732 to the northwest corner thereof, being the northeast corner of the E.B.M.U.D. Annexation Resolution No. 18986; thence Westerly and Southerly along the boundary line of Resolution No. 18986 to the southwest corner thereof, being on the northern line of the San Pablo Rancho; thence Northwesterly and Southwesterly along the boundary line of the San Pablo Rancho to the Northern line of the E.B.M.U.D. Annexation Resolution No. 17924; thence counterclockwise along the northern and western line of Resolution No. 17924 to the most western corner thereof, being on the northern line of the City of Richmond; thence following the boundary of said City of Richmond in a counterclockwise direction to an intersection with the eastern right of way line of the Southern Pacific Railroad Company as it now exists at the northwesterly corner of Parchester Village Unit No. 1, filed January 4, 1950, Vol. 38 Maps page 48; thence Southerly, along the western line of said Parchester Village Unit No. 1, said western line being coincident with the eastern right of way line of the Southern Pacific Railroad Company, to an intersection with the easterly prolongation of a line parallel with and 300 feet distant southerly, measured at right angles from the southern line of Survey No. 460, Swamp and Overflow Lands, Contra Costa County, State of California, said point being an angle point in the boundary line of the City of Richmond, Annexation Ordinance No. 1568; thence continuing counterclockwise along the boundary line of the City of Richmond, Ordinance No. 1568, to its intersection with the westerly extension of the northern line of Tide Land Survey No. 243; thence Northwesterly continuing along the northern line of Annexation Ordinance No. 1568 and the northwestern extension thereof to a point in the common boundary of Marin and Contra Costa Counties, said point being 18,000 feet and 2,560 feet, more or less, northeasterly and northerly respectively, measured along said common boundary, from the intersection thereof with the common boundary between Township 2 North, and Township 1 North, Mount Diablo Base.

2. After annexation all property within the unincorporated territory of the County of Contra Costa, State of California, described above, shall be subject to such taxes as may be levied by District pursuant to Article 8, Chapter 6, of the Transit District Law of the State of California.

3. This agreement shall not take effect unless and until a proposition for the annexation of such lands is approved by a majority of the voters within said unincorporated territory voting at a special election to be called by District to be held June 7, 1960 in the manner provided by law. County agrees to bear all expenses of such election.

4. Each party agrees to proceed diligently to complete its portion of the annexation proceedings provided by law. If a majority of all voters voting on the proposition at the election required by law for approval of this agreement favor the annexation to District of said unincorporated territory described above, such annexation shall become effective upon completion of the requirements of law and the execution of this agreement by the parties hereto.

5. Upon receipt by District of a copy of the agreement for annexation properly executed by District and County, the Board of Directors shall pass a resolution declaring the said unincorporated territory described above annexed to District, and shall cause a certified copy of the resolution to be filed with the Secretary of State. From and after the filing of the resolution with the Secretary of State, the annexation of said unincorporated territory to District is complete.

6. Should the electors of the City of Richmond fail to approve annexation of said City to District and the electors of the unincorporated territory described above approve annexation of said unincorporated territory to the District at the election to be held on June 7, 1960, District will consent to exclusion of said unincorporated territory.

DATED:

ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

By _____
Robert K. Barber, President

By _____
George M. Taylor, Secretary

COUNTY OF CONTRA COSTA

By _____
Chairman of the Board of Supervisors

The County of Contra Costa approves the foregoing form of agreement and requests the Alameda-Contra Costa Transit District to institute proceedings for the annexation of the unincorporated territory described therein to the District.

Dated: March 15, 1960

COUNTY OF CONTRA COSTA

By _____ s/ Joe S. Silva
Vice-Chairman of the Board of Supervisors

Section 3. Wednesday, April 20, 1960, at 4:30 o'clock P.M. (P.S.T.), in the meeting room of the Board of Directors, 700 Plaza Building, 506 Fifteenth Street, Oakland, California, is hereby fixed as the time and place for hearing written objections to the execution of the agreement hereinabove set forth at length in Section 2. The Secretary of the District is hereby authorized and directed to publish this Ordinance, which contains the notice fixing the time and place of said hearing once in the Oakland Tribune, a newspaper of general circulation published in said District, and such publication shall constitute due notice of said hearing. Notice of said hearing is hereby given as follows:

NOTICE FIXING TIME AND PLACE FOR HEARING ON THE QUESTION OF THE EXECUTION BY ALAMEDA-CONTRA COSTA TRANSIT DISTRICT OF THE AGREEMENT FOR THE ANNEXATION OF CERTAIN UNINCORPORATED TERRITORY IN THE COUNTY OF CONTRA COSTA TO SAID DISTRICT.

NOTICE IS HEREBY GIVEN that the Board of Directors of Alameda-Contra Costa Transit District has fixed Wednesday the 20th day of April, 1960, at the hour of 4:30 o'clock P.M. of said day in the meeting room of the Board of Directors, 700 Plaza Building, 506 Fifteenth Street, Oakland, California, as the time and place for the hearing on the question of the execution by Alameda-Contra Costa Transit District of the agreement for the annexation of certain unincorporated territory in the County of Contra Costa to said District as set forth in full in Section 2 of this Ordinance.

NOTICE IS FURTHER GIVEN that at the time and place fixed herein, or at such time and place to which such hearing may be adjourned, any person interested may file written objections to the execution of said Agreement with the Board of Directors of said District. Failure of any person interested in said District or in the matter of the proposed execution of said Agreement to show cause in writing as aforesaid, shall constitute an assent on his part to a change in the boundaries of the District, and to the execution of the Agreement. Upon the hearing the Board of Directors of said District shall determine whether or not said Agreement shall be carried into execution and shall hear and determine all objections thereto.

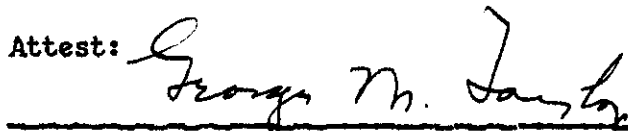
Section 4. This Ordinance shall take effect immediately upon its passage and approval.



President

Board of Directors Alameda-Contra
Costa Transit District

Attest:


Secretary

SECRETARY'S CERTIFICATE

I, George M. Taylor, Secretary of the Board of Directors of Alameda-Contra Costa Transit District, do hereby certify that the foregoing ordinance is a full, true and correct copy of an ordinance introduced and read at an adjourned regular meeting of the Board of Directors of said District duly and regularly held on the 15th day of March, 1960, and said ordinance was thereafter duly passed and adopted by vote of the Board of Directors at an adjourned regular meeting of said Board of Directors duly and regularly held at the office of the District, 700 Plaza Building, 506 Fifteenth Street, Oakland, California, on the 19th day of March, 1960, of which meeting all of the members of said Board of Directors had due notice, as follows:

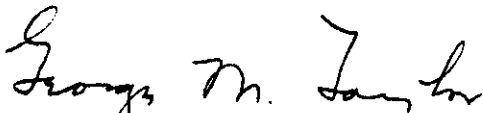
Ayes: Directors Arnold, Coburn, Copeland, Deadrach and McDonnell;
Vice President Bettencourt; President Barber

Noes: None

Absent: None

That I have carefully compared the same with the original minutes of said meeting on file and of record in my office and that said ordinance is duly entered of record in said minutes, and said ordinance is a full, true and correct copy of the original ordinance adopted at said meeting and entered in said minutes. That said ordinance has not been amended, modified or rescinded since the date of its adoption and that the same is now in full force and effect.

WITNESS my hand and the seal of the Alameda-Contra Costa Transit District this 21st day of March, 1960.



Secretary of the Board of Directors of
Alameda-Contra Costa Transit District