

RESOLUTION NO. 2022-45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA CONFIRMING DIAGRAM, ASSESSMENT AND ORDERING LEVY OF \$180.78 FOR FY 2022-23 ASSESSMENT FOR THE CYPRESS COVE II LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT AND AUTHORIZING THE CITY CLERK TO FILE A CERTIFIED COPY OF THE DIAGRAM AND ASSESSMENT WITH THE MONTEREY COUNTY AUDITOR-CONTROLLER PRIOR TO MONDAY, AUGUST 1, 2022

WHEREAS, on June 16, 1987, the City ordered the formation of the Cypress Cove II Landscape Maintenance District pursuant to Streets and Highway Code §22594, and;

WHEREAS, the City Engineer filed the Engineer's Report, fiscal year 2022-2023, required by Streets and Highways Code §22622 for said District, and;

WHEREAS, on March 15, 2022, the City preliminarily approved said Engineer's Report, declared its intention to levy and collect assessments within said District and set a hearing to ascertain whether the City shall order the levy and assessment of said assessment, and;

WHEREAS, said public hearing was held on April 5, 2022, and;

WHEREAS, levying of the assessment is the first step to collect the assessments to fund the landscape maintenance districts, and;

WHEREAS, provisions of this resolution are severable and if anyone provision is determined to be impermissible then the remainder of the resolution shall remain in full force and effect, and;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marina that:

1. The City does hereby confirm the diagram and assessment as described in the Engineer's Report on file with the City Clerk.
2. The City does hereby order the levy and collection of said assessment, \$180.78, for FY 2022-23 assessment for Cypress Cove II Landscape Maintenance Assessment District.
3. It is the intention of the City of Marina that any monetary advance made by it during any fiscal year to cover a deficit in the improvement fund of the Cypress Cove II Landscape Maintenance Assessment District shall be repaid from the next annual assessments levied and collected within the Cypress Cove II Landscape Maintenance Assessment District.
4. The City Clerk is hereby authorized and directed to file a certified copy of said diagram and assessment with the Monterey County Auditor prior to August 1, 2022.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 5th day of April 2022, by the following vote:

AYES: COUNCIL MEMBERS: Medina Dirksen, Burnett, Berkley, Biala, Delgado

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk



**CITY OF MARINA
MONTEREY COUNTY
CALIFORNIA**

**CYPRESS COVE II
LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT

ENGINEER'S REPORT**

FY 2022-2023

Council Members:

B. DELGADO, MAYOR

**L. BERKLEY
K. BIALA**

**D. BURNETT
C. MEDINA DIRKSEN**

**LAYNE LONG
ANITA SHEPHERD-SHARP
ROBERT WELLINGTON
BRIAN MCMINN**

**City Manager
Deputy City Clerk
City Attorney
Public Works Director/City Engineer**

**Prepared By
City of Marina
Public Works Department**

CYPRESS COVE II
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT

FY 2022-2023

This report concerns the Cypress Cove II Landscape Maintenance Assessment District.

The Assessment District consists of the Cypress Cove II Subdivision located in the westerly portion of the City of Marina just east of the Highway I and Reservation Road interchange. The subdivision is bounded on three sides by Abdy Way, Cardoza Avenue, and Beach Road, contains 110 lots, a percolation pond parcel (Parcel B), and an emergency access road (Parcel C).

The subdivision consists of 110 single family homes complete with underground utilities, water and wastewater facilities, street and drainage improvements, and landscaping. The Assessment District has been formed for the purpose of maintaining the exterior boundary landscaping and retaining walls, installed and paid for by the developer.

This report has been prepared pursuant to Sections 22565 through 22574 of the Streets and Highways Code (Landscaping and Lighting Act of 1972).

The existing improvements to be maintained which are the subject of this report, are briefly described as follows:

All exterior landscaping elements located adjacent to the subdivision boundaries along Abdy Way, Cardoza Avenue, and Beach Road and outside the chain link fence on Parcel B are considered as the improvements included in the Assessment District. Landscaping elements consist of hydroseeded areas, groundcover, shrubs, trees, irrigation pipelines, controllers, valves, sprinklers, masonry retaining walls, and electrical service. Plans and specifications showing these existing improvements which are to be maintained are on file in the City of Marina Public Works Division.

This report includes the following attached exhibits:

EXHIBIT A - An assessment diagram and boundary map showing all of the parcels of the real property within the Assessment District. The diagram is keyed to Exhibit C by the separate "Assessment Number".

EXHIBIT B - Spreadsheet showing estimated costs for FY 2021-2022 and estimated costs for FY 2022-2023 and FY 2023-2024.

EXHIBIT C - An assessment roll showing the amount proposed to be assessed against each parcel of real property within this Assessment District. In addition to the Assessor's Parcel Number each parcel has been assigned a separate "Assessment Number" which corresponds to that parcels lot number.

Page Two
Engineer's Report
Cypress Cove II Landscape Maintenance Assessment District

EXHIBIT D - Method of determination of assessment spread.

Respectfully Submitted,



Brian McMinn, P.E., P.L.S.
Public Works Director/City Engineer

March 2022

**Cypress Cove II
Landscape Maintenance District**



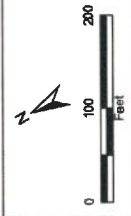
Legend

- Cypress Cove II**
- Boundary**
- Landscaped Area**
- 2.00 Acres**
- Parcels**
- Percolation Lot**
- Roads**

Date: April 15th, 2009

Note: The City of Maricopa assumes no warranty or legal responsibility for the information contained on this map. Data and information represented on this map is subject to updates and modifications and may not be complete or appropriate for all purposes. The City of Maricopa and Maricopa County GIS should be queried for the most current information. Parcel data is of mapping grade only and does not represent reliable locations or legal boundaries.

Sources: Monterey County GIS, City of Marina CDD
Map Projection: California State Plane Zone IV NAD 83 (Feet)



Boundary and Landscaped Area Map



EXHIBIT B

CYPRESS COVE II LANDSCAPE MAINTENANCE DISTRICT

Summary	Estimates FY 2021-2022	Estimates FY 2022-2023	Estimates FY 2023-2024
Beginning Cash Balance, July 1st	\$ 3,763	\$ 6,424	\$ 5,184
^(a)Total Assessment Revenues (110 Parcels)	\$ 19,886	\$ 19,886	\$ 19,886

Expenditures

Contractor Services			
^(b) Landscape Maintenance Contract	\$ 6,360	\$ 6,551	\$ 6,747
Utilities	\$ 925	\$ 925	\$ 1,000
Large Tree Trimming	\$ 3,640	\$ -	\$ 3,000
Extraordinary Maintenance	\$ -	\$ 8,650	\$ 2,880
Tree/Plant Replacement	\$ -	\$ -	\$ 775
Administrative Services			
Supervision	\$ -	\$ -	\$ -
Administration (Incl. Engineers Report)	\$ 3,000	\$ 2,000	\$ 2,000
Cost Allocation Plan Charges	\$ 2,750	\$ 2,750	\$ 2,750
Legal Advertising	\$ 550	\$ 250	\$ 250
Total Expenditures	\$ 17,225	\$ 21,126	\$ 19,402

^(c)Net Change in Fund Balance	\$ 2,661	\$ (1,240)	\$ 484
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^(d)Ending Fund Balance, June 30th	\$ 6,424	\$ 5,184	\$ 5,667
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^(a) Maximum Assessment per Prop 218 is \$180.78 per parcel. The assessment amount for FY22-23 is consistent with FY21-22 at \$180.78 per parcel. Final total assessment revenue includes interest income totals.

^(b) Maintenance Costs are shown as increasing per fiscal year by an estimated Consumer Cost Index (CPI) of 3% as allowed by the Contract Specifications.

^(c) Net Change in Fund Balance equals the Total Expenditures subtracted from Total Assessment Revenue for that Fiscal Year.

^(d) End Fund Balance equals the Net Change in Fund Balance plus the Beginning Cash Balance of that Fiscal Year.

EXHIBIT C
CYPRESS COVE II
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT
ASSESSMENT ROLL
FOR FISCAL YEAR 2022-2023

DIAGRAM & ASSESSMENT NO.	ASSESSOR'S PARCEL NUMBER	NET ASSESSMENT
1	33-076-01	\$180.78
2	33-076-02	\$180.78
3	33-076-03	\$180.78
4	33-076-04	\$180.78
5	33-076-05	\$180.78
6	33-076-06	\$180.78
7	33-076-07	\$180.78
8	33-076-08	\$180.78
9	33-076-09	\$180.78
10	33-076-10	\$180.78
11	33-076-11	\$180.78
12	33-076-12	\$180.78
13	33-076-13	\$180.78
14	33-076-14	\$180.78

CYPRESS COVE II
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT ASSESSMENT ROLL
FOR FISCAL YEAR 2022-2023

DIAGRAM & ASSESSMENT NO.	ASSESSOR'S PARCEL NUMBER	NET ASSESSMENT
15	33-076-15	\$180.78
16	33-076-16	\$180.78
17	33-076-17	\$180.78
18	33-076-18	\$180.78
19	33-076-19	\$180.78
20	33-076-20	\$180.78
21	33-076-21	\$180.78
22	33-076-22	\$180.78
23	33-076-23	\$180.78
24	33-076-24	\$180.78
25	33-076-25	\$180.78
26	33-076-26	\$180.78
27	33-076-27	\$180.78
28	33-076-28	\$180.78
29	33-076-29	\$180.78
30	33-076-30	\$180.78
31	33-076-31	\$180.78
32	33-076-32	\$180.78

CYPRESS COVE II
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT ASSESSMENT ROLL
FOR FISCAL YEAR 2022-2023

DIAGRAM & ASSESSMENT NO.	ASSESSOR'S PARCEL NUMBER	NET ASSESSMENT
33	33-076-33	\$180.78
34	33-076-34	\$180.78
35	33-076-35	\$180.78
36	33-076-36	\$180.78
37	33-076-37	\$180.78
38	33-076-38	\$180.78
39	33-076-39	\$180.78
40	33-076-40	\$180.78
41	33-076-41	\$180.78
42	33-076-42	\$180.78
43	33-076-43	\$180.78
44	33-076-44	\$180.78
45	33-076-45	\$180.78
46	33-076-46	\$180.78
47	33-076-47	\$180.78
48	33-076-48	\$180.78
49	33-076-49	\$180.78
50	33-076-50	\$180.78

CYPRESS COVE II
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT ASSESSMENT ROLL
FOR FISCAL YEAR 2022-2023

DIAGRAM & ASSESSMENT NO.	ASSESSOR'S PARCEL NUMBER	NET ASSESSMENT
51	33-076-51	\$180.78
52	33-076-52	\$180.78
53	33-076-53	\$180.78
54	33-076-54	\$180.78
55	33-076-55	\$180.78
56	33-076-56	\$180.78
57	33-076-57	\$180.78
58	33-076-58	\$180.78
59	33-076-59	\$180.78
60	33-076-60	\$180.78
61	33-076-61	\$180.78
62	33-076-62	\$180.78
63	33-076-63	\$180.78
64	33-076-64	\$180.78
65	33-076-65	\$180.78
66	33-076-66	\$180.78
67	33-076-67	\$180.78
68	33-076-68	\$180.78

CYPRESS COVE II
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT ASSESSMENT ROLL
FOR FISCAL YEAR 2022-2023

DIAGRAM & ASSESSMENT NO.	ASSESSOR'S PARCEL NUMBER	NET ASSESSMENT
69	33-076-69	\$180.78
70	33-076-70	\$180.78
71	33-076-71	\$180.78
72	33-076-72	\$180.78
73	33-076-73	\$180.78
74	33-075-01	\$180.78
75	33-075-02	\$180.78
76	33-075-03	\$180.78
77	33-075-04	\$180.78
78	33-075-05	\$180.78
79	33-075-06	\$180.78
80	33-075-07	\$180.78
81	33-075-08	\$180.78
82	33-075-09	\$180.78
83	33-075-10	\$180.78
84	33-075-11	\$180.78
85	33-075-12	\$180.78
86	33-075-13	\$180.78

CYPRESS COVE II
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT ASSESSMENT ROLL
FOR FISCAL YEAR 2022-2023

DIAGRAM & ASSESSMENT NO.	ASSESSOR'S PARCEL NUMBER	NET ASSESSMENT
87	33-075-14	\$180.78
88	33-075-15	\$180.78
89	33-075-16	\$180.78
90	33-075-17	\$180.78
91	33-075-18	\$180.78
92	33-075-19	\$180.78
93	33-075-20	\$180.78
94	33-076-74	\$180.78
95	33-076-75	\$180.78
96	33-076-76	\$180.78
97	33-076-77	\$180.78
98	33-076-78	\$180.78
99	33-076-79	\$180.78
100	33-076-80	\$180.78
101	33-076-81	\$180.78
102	33-076-82	\$180.78
103	33-076-83	\$180.78
104	33-076-84	\$180.78

CYPRESS COVE II
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT ASSESSMENT ROLL
FOR FISCAL YEAR 2022-2023

DIAGRAM & ASSESSMENT NO.	ASSESSOR'S PARCEL NUMBER	NET ASSESSMENT
105	33-076-85	\$180.78
106	33-076-86	\$180.78
107	33-076-87	\$180.78
108	33-076-88	\$180.78
109	33-076-89	\$180.78
110	33-076-90	\$180.78
111		EXEMPT
112		EXEMPT

EXHIBIT D

METHOD OF DETERMINATION OF ASSESSMENT SPREAD

The maintenance of the subdivision exterior boundary landscaping benefits the Assessment District as a whole. Therefore, the assessment spread should be based on the number of building sites or lots contained within the district.

Assessments shall be spread over the 110 lots indicated on the Assessment Diagram (Exhibit A).

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of April 5, 2022

**CITY COUNCIL OPEN PUBLIC HEARING, TAKE TESTIMONY
FROM THE PUBLIC AND CONSIDER ADOPTING RESOLUTION NO.
2022-, CONFIRMING DIAGRAM, ASSESSMENT AND ORDERING
LEVY OF \$180.78 FOR FY 2022-23 ASSESSMENT FOR THE CYPRESS
COVE II LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT,
AND; AUTHORIZING THE CITY CLERK TO FILE A CERTIFIED
COPY OF THE DIAGRAM AND ASSESSMENT WITH THE
MONTEREY COUNTY AUDITOR-CONTROLLER PRIOR TO
THURSDAY, AUGUST 2, 2022**

REQUEST:

It is requested that the City Council:

1. Open public hearing and take testimony from the public;
2. Consider adopting Resolution No. 2022-, confirming diagram, assessment and ordering levy of \$180.78 for FY 2022-23 assessment for Cypress Cove II Landscape Maintenance Assessment District, and;
3. Authorize City Clerk to file a certified copy of the diagram and assessment with the Monterey County Auditor-Controller prior to Thursday, August 1, 2022.

BACKGROUND:

At the regular meeting of June 16, 1987, the City Council adopted Resolution No. 1987-23, ordering the formation of the Cypress Cove II Landscape Maintenance Assessment District pursuant to Streets and Highway Code §22594 and the Landscaping and Lighting Act of 1972 to maintain certain improvements required of new development as a condition of the subdivision approvals.

The Landscaping and Lighting Act of 1972 requires an annual update report to be prepared, which includes the costs to maintain the improvements of the Cypress Cove II Landscape Maintenance Assessment District and what the proposed assessments will be to provide for that maintenance.

At the regular meeting of March 15, 2022, the City Council adopted Resolution No. 2022-36, preliminarily approving the FY 2022-23 Engineer's Report for Cypress Cove II Landscape Maintenance Assessment District and calling a public hearing for April 5, 2022 on proposed intention to levy and collect assessments for the Cypress Cove II Landscape Maintenance Assessment District.

ANALYSIS:

Based on the Engineer's Report (Exhibit A), the annual assessment has been set in the amount of \$180.78. This is the same amount as last year's assessment and is the upper limit set by the assessment district at its formation in 1987. This current annual assessment of \$180.78 has not changed since 2004.

The public hearing for the FY 21/22 assessment, residents requested a review of proposed improvement costs and whether an increase in the special tax assessment was needed to fund construction of those improvements. In November 2021, staff met with the District's contract landscape maintenance contractor (New Image Landscape) to evaluate the current costs for proposed improvements that residents have provided input to the City.

On February 22, 2022, City staff conducted two public outreach forums to present the cost proposals for the following improvements: new irrigation backflow preventer, four (4) new cypress trees, temporary irrigation improvements to establish the new trees, and replacement of the existing irrigation pedestal. The City also received comments from District residents for any additional improvements for the District. Upon review by legal counsel, staff has concluded that the cost of proposed improvements at this time do not warrant increasing the special tax assessment.

FISCAL IMPACT:

Should the City Council approve this request, the anticipated revenue for the FY 2022-23 assessment levy is \$19,885.80 for the purpose of the landscape maintenance district.

Levying of the assessment is the first step to collect the assessments to fund the landscape maintenance district.

CONCLUSION:

This request is submitted for City Council consideration and possible action.

Respectfully submitted,

Edrie Delos Santos, P.E.
Senior Engineer
Public Works Department
City of Marina

REVIEWED/CONCUR:

Brian McMinn, P.E., P.L.S.
Public Works Director/City Engineer
City of Marina

Layne P. Long
City Manager
City of Marina