

RESOLUTION NO. 2025-81

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
DECLARING ITS INTENTION TO DISSOLVE THE CYPRESS COVE
LANDSCAPE MAINTENANCE DISTRICT

WHEREAS, at the regular meeting of June 16, 1987, the City Council adopted Resolution 1987-23, ordering the formation of the Cypress Cove II Landscape Maintenance Assessment District pursuant to Streets and Highway Code section 22594 and the Landscaping and Lighting Act of 1972 to maintain certain improvements required of new development as a condition of the subdivision approvals, and;

WHEREAS, the current maximum assessment for the Assessment District was set in 2004 and is not sufficient to fully fund the annual expenses of the Assessment District, and;

WHEREAS, to meet this shortfall, the Assessment District has been using its reserve funds, which are nearly depleted and cannot sustain the maintenance of the 68 trees in the District, and;

WHEREAS, by prior resolution, the City Council declared its intent to levy the assessment for Fiscal Year 2025-26 and proposed forming and Overlay Assessment District to levy an increased rate for the assessment in the form of a new overlay assessment; and

WHEREAS, on July 1, 2025, the City Council held a properly noticed public hearing on the Fiscal Year 2025-26 levy; and

WHEREAS, at the July 1, 2025 public hearing, it was determined that the property owners, in an assessment ballot proceeding, had rejected the proposed overlay assessment; and

WHEREAS, due to the lack of funding to maintain the landscape maintenance functions and benefits of the Assessment District the City Council now must dissolve the District; and

WHEREAS, to dissolve the District, the City Council must first declare its intention to dissolve the Assessment District and hold a public hearing at which it finally dissolves the district.

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

1. The City Council declares its intention to dissolve the Assessment District.
2. A public hearing on the dissolution of the Assessment District is scheduled for August 6, 2025, at 6:30 P.M. or as soon thereafter as the matter may be heard, in the City Council Chambers located at 211 Hillcrest Avenue, City of Marina, California.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Marina, on the 1st day of July 2025 by the following vote:

AYES: COUNCIL MEMBERS: McAdams, Biala, Visscher, Delgado

NOES: COUNCIL MEMBERS: McCarthy

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
AND
OVERLAY ASSESSMENT DISTRICT
ENGINEER'S REPORT**

FY 2025-2026

Council Members:

B. DELGADO, MAYOR

B. MCCARTHY
K. BIALA

L. VISSCHER
J. MCADAMS

LAYNE LONG
ANITA SHEPHERD-SHARP
RENÉ ORTEGA
ISMAEL HERNANDEZ

City Manager
Deputy City Clerk
City Attorney
Public Works Director

Prepared By
City of Marina
Public Works Department

CYPRESS COVE II
LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT
&
CYPRESS COVE II
LANDSCAPE MAINTENANCE OVERLAY ASSESSMENT DISTRICT
FY 2025-2026

This report concerns the Cypress Cove II Landscape Maintenance Assessment District (“Original Assessment District”) and the Cypress Cove II Landscape Maintenance Overlay Assessment District (“Overlay Assessment District”), collectively “the Districts”.

The Districts have identical boundaries, and each consist 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 Districts have 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 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.

The Original Assessment District was formed in 1987 and the rate of the assessment in connection with the Original Assessment District has not been increased since 2004. Therefore, the Original Assessment District is “grandfathered” with respect to the requirements of Proposition 218 (Articles XIII C and XIII D of the California Constitution).

The Overlay Assessment District is designed to finance the maintenance of the trees in the landscaping areas noted in the description above. The cost estimate contained in this report is a determination of the cost of the special benefit to each parcel within the Overlay Assessment District from the operation, maintenance and servicing of the landscaping that provides aesthetic benefits to the adjacent and nearby parcels.

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

There is no general benefit from the facilities because the assessed parcels constitute all of the residential parcels within the geographically distinct subdivision that constitutes the Overlay Assessment District. It is unlikely that persons not associated with assessed parcels will make use of the facilities because the Overlay Assessment District is an isolated residential subdivision which has no pass-through traffic. Parcels outside of the Overlay Assessment District are in a different geographically distinct area and served by different facilities. Furthermore, the landscaping is geographically disbursed within the District and each assessed parcel has essentially equal proximity to (and special benefit from) improvements regardless of the parcel's location within the Overlay Assessment District.

All residential parcels in the Overlay Assessment District receive equal special benefits from the improvements. The only non-residential parcels in the Overlay Assessment District are a percolation pond and a park. These parcels do not receive special benefit from the improvements because they are themselves public landscaped areas of a nature similar to the landscaping funded by the Overlay Assessment District.

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 2024-2025 and estimated costs for FY 2025-2026 and FY 2026-2027.

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.

EXHIBIT D - Method of determination of assessment spread.

Respectfully Submitted,

Nourdin Khayata, PE
Interim City Engineer

April 2025

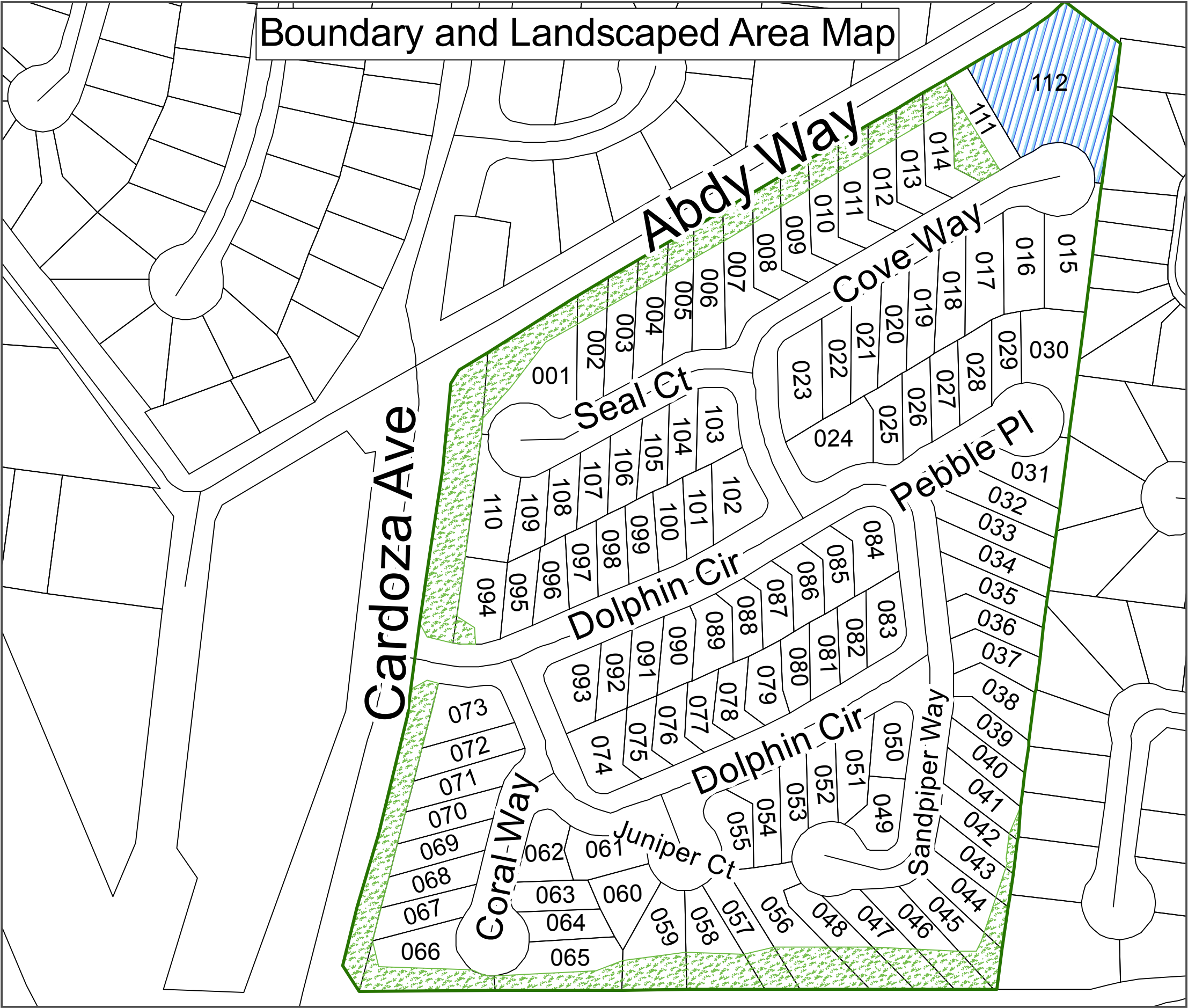
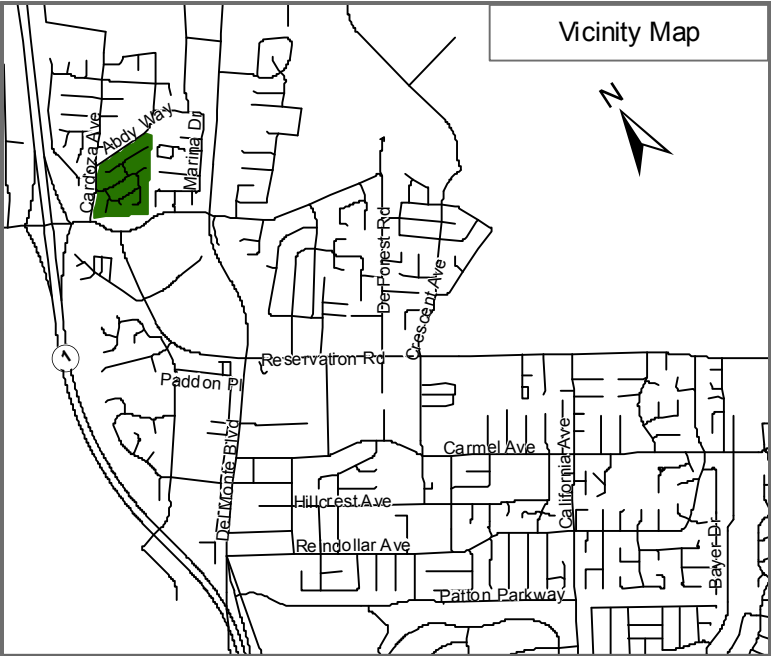


EXHIBIT A

Cypress Cove II
Landscape Maintenance District



Legend

Cypress Cove II

- Boundary
- Landscaped Area
2.00 Acres
- Parcels
- Percolation Lot
- Roads

Date: April 15th, 2009

Notes: The City of Marina assume no warranty or legal responsibility for the information contained on this map. Data and information represented on this map is subject to updates/modifications and may not be complete or appropriate for all purposes. The City of Marina and Monterey 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)

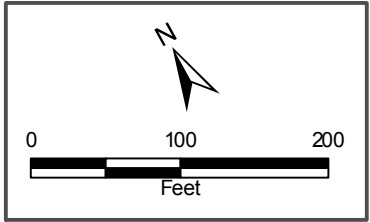


EXHIBIT B

CYPRESS COVE II LANDSCAPE MAINTENANCE DISTRICT

Summary	Estimates		Estimates		Estimates	
	FY 2024-2025		FY 2025-2026		FY 2026-2027	
Existing District Beginning Cash Balance, July 1 st	\$	3,775	\$	393	\$	12,326
^(a) Existing Assessment Revenues (110 Parcels)	\$	19,886	\$	19,886	\$	19,886
Overlay District Beginning Cash Balance, July 1st	\$	-	\$	-	\$	-
^(a) Overlay District Assessment Revenues (110 Parcels)	\$	-	\$	37,050	\$	37,050
Total Available Funds	\$	23,661	\$	57,330	\$	69,263
Expenditures						
Contractor Services						
^(b) Landscape Maintenance Contract	\$	6,439	\$	6,632	\$	6,831
Utilities	\$	644	\$	644	\$	644
Large Tree Trimming	\$	-	\$	31,120	\$	37,050
Extraordinary Maintenance	\$	9,684	\$	-	\$	-
Tree/Plant Replacement						
Administrative Services						
Supervision	\$	-	\$	-	\$	-
Administration (Incl. Engineers Report)	\$	3,500	\$	4,000	\$	4,000
Cost Allocation Plan Charges	\$	2,750	\$	2,750	\$	2,750
Legal Advertising	\$	250	\$	250	\$	250
Total Expenditures	\$	23,267	\$	45,396	\$	51,525
(c) Net Change in Fund Balance						
	\$	(3,381)	\$	11,933	\$	17,737
(d) Ending Fund Balance, June 30th						
	\$	393	\$	12,326	\$	30,064

^(a) The current District's Maximum Assessment per Prop 218 is \$180.78 per parcel. The proposed assessment amount for FY 25/26 is \$187.78 (Original District) + \$336.82 (Overlay District).

^(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. The FY 25/26 end fund balance will carry over to help finance the continuous work scheduled through the next 5-years.

EXHIBIT C
CYPRESS COVE II
LANDSCAPE MAINTENANCE DISTRICT
ASSESSMENT ROLL FOR
FISCAL YEAR 2025-2026

EXHIBIT A

Diagram & Assessment No.	Assessor's Parcel Number	Original District Assessment	Overlay District Assessment
1	033-076-001	\$ 180.78	\$ 336.82
2	033-076-002	\$ 180.78	\$ 336.82
3	033-076-003	\$ 180.78	\$ 336.82
4	033-076-004	\$ 180.78	\$ 336.82
5	033-076-005	\$ 180.78	\$ 336.82
6	033-076-006	\$ 180.78	\$ 336.82
7	033-076-007	\$ 180.78	\$ 336.82
8	033-076-008	\$ 180.78	\$ 336.82
9	033-076-009	\$ 180.78	\$ 336.82
10	033-076-010	\$ 180.78	\$ 336.82
11	033-076-011	\$ 180.78	\$ 336.82
12	033-076-012	\$ 180.78	\$ 336.82
13	033-076-013	\$ 180.78	\$ 336.82
14	033-076-014	\$ 180.78	\$ 336.82
15	033-076-015	\$ 180.78	\$ 336.82
16	033-076-016	\$ 180.78	\$ 336.82
17	033-076-017	\$ 180.78	\$ 336.82
18	033-076-018	\$ 180.78	\$ 336.82
19	033-076-019	\$ 180.78	\$ 336.82
20	033-076-020	\$ 180.78	\$ 336.82
21	033-076-021	\$ 180.78	\$ 336.82
22	033-076-022	\$ 180.78	\$ 336.82
23	033-076-023	\$ 180.78	\$ 336.82
24	033-076-024	\$ 180.78	\$ 336.82
25	033-076-025	\$ 180.78	\$ 336.82
26	033-076-026	\$ 180.78	\$ 336.82

EXHIBIT C
CYPRESS COVE II
LANDSCAPE MAINTENANCE DISTRICT
ASSESSMENT ROLL FOR
FISCAL YEAR 2025-2026

EXHIBIT A

Diagram & Assessment No.	Assessor's Parcel Number	Original District Assessment	Overlay District Assessment
27	033-076-027	\$ 180.78	\$ 336.82
28	033-076-028	\$ 180.78	\$ 336.82
29	033-076-029	\$ 180.78	\$ 336.82
30	033-076-030	\$ 180.78	\$ 336.82
31	033-076-031	\$ 180.78	\$ 336.82
32	033-076-032	\$ 180.78	\$ 336.82
33	033-076-033	\$ 180.78	\$ 336.82
34	033-076-034	\$ 180.78	\$ 336.82
35	033-076-035	\$ 180.78	\$ 336.82
36	033-076-036	\$ 180.78	\$ 336.82
37	033-076-037	\$ 180.78	\$ 336.82
38	033-076-038	\$ 180.78	\$ 336.82
39	033-076-039	\$ 180.78	\$ 336.82
40	033-076-040	\$ 180.78	\$ 336.82
41	033-076-041	\$ 180.78	\$ 336.82
42	033-076-042	\$ 180.78	\$ 336.82
43	033-076-043	\$ 180.78	\$ 336.82
44	033-076-044	\$ 180.78	\$ 336.82
45	033-076-045	\$ 180.78	\$ 336.82
46	033-076-046	\$ 180.78	\$ 336.82
47	033-076-047	\$ 180.78	\$ 336.82
48	033-076-048	\$ 180.78	\$ 336.82
49	033-076-049	\$ 180.78	\$ 336.82
50	033-076-050	\$ 180.78	\$ 336.82
51	033-076-051	\$ 180.78	\$ 336.82
52	033-076-052	\$ 180.78	\$ 336.82

EXHIBIT C
CYPRESS COVE II
LANDSCAPE MAINTENANCE DISTRICT
ASSESSMENT ROLL FOR
FISCAL YEAR 2025-2026

EXHIBIT A

Diagram & Assessment No.	Assessor's Parcel Number	Original District Assessment	Overlay District Assessment
53	033-076-053	\$ 180.78	\$ 336.82
54	033-076-054	\$ 180.78	\$ 336.82
55	033-076-055	\$ 180.78	\$ 336.82
56	033-076-056	\$ 180.78	\$ 336.82
57	033-076-057	\$ 180.78	\$ 336.82
58	033-076-058	\$ 180.78	\$ 336.82
59	033-076-059	\$ 180.78	\$ 336.82
60	033-076-060	\$ 180.78	\$ 336.82
61	033-076-061	\$ 180.78	\$ 336.82
62	033-076-062	\$ 180.78	\$ 336.82
63	033-076-063	\$ 180.78	\$ 336.82
64	033-076-064	\$ 180.78	\$ 336.82
65	033-076-065	\$ 180.78	\$ 336.82
66	033-076-066	\$ 180.78	\$ 336.82
67	033-076-067	\$ 180.78	\$ 336.82
68	033-076-068	\$ 180.78	\$ 336.82
69	033-076-069	\$ 180.78	\$ 336.82
70	033-076-070	\$ 180.78	\$ 336.82
71	033-076-071	\$ 180.78	\$ 336.82
72	033-076-072	\$ 180.78	\$ 336.82
73	033-076-073	\$ 180.78	\$ 336.82
74	033-076-074	\$ 180.78	\$ 336.82
75	033-076-075	\$ 180.78	\$ 336.82
76	033-076-076	\$ 180.78	\$ 336.82
77	033-076-077	\$ 180.78	\$ 336.82
78	033-076-078	\$ 180.78	\$ 336.82

EXHIBIT C
CYPRESS COVE II
LANDSCAPE MAINTENANCE DISTRICT
ASSESSMENT ROLL FOR
FISCAL YEAR 2025-2026

EXHIBIT A

Diagram & Assessment No.	Assessor's Parcel Number	Original District Assessment	Overlay District Assessment
79	033-076-079	\$ 180.78	\$ 336.82
80	033-076-080	\$ 180.78	\$ 336.82
81	033-076-081	\$ 180.78	\$ 336.82
82	033-076-082	\$ 180.78	\$ 336.82
83	033-076-083	\$ 180.78	\$ 336.82
84	033-076-084	\$ 180.78	\$ 336.82
85	033-076-085	\$ 180.78	\$ 336.82
86	033-076-086	\$ 180.78	\$ 336.82
87	033-076-087	\$ 180.78	\$ 336.82
88	033-076-088	\$ 180.78	\$ 336.82
89	033-076-089	\$ 180.78	\$ 336.82
90	033-076-090	\$ 180.78	\$ 336.82
91	033-076-091	\$ 180.78	\$ 336.82
92	033-076-092	\$ 180.78	\$ 336.82
93	033-076-093	\$ 180.78	\$ 336.82
94	033-076-094	\$ 180.78	\$ 336.82
95	033-076-095	\$ 180.78	\$ 336.82
96	033-076-096	\$ 180.78	\$ 336.82
97	033-076-097	\$ 180.78	\$ 336.82
98	033-076-098	\$ 180.78	\$ 336.82
99	033-076-099	\$ 180.78	\$ 336.82
100	033-076-100	\$ 180.78	\$ 336.82
101	033-076-101	\$ 180.78	\$ 336.82
102	033-076-102	\$ 180.78	\$ 336.82
103	033-076-103	\$ 180.78	\$ 336.82
104	033-076-104	\$ 180.78	\$ 336.82

EXHIBIT C
CYPRESS COVE II
LANDSCAPE MAINTENANCE DISTRICT
ASSESSMENT ROLL FOR
FISCAL YEAR 2025-2026

EXHIBIT A

Diagram & Assessment No.	Assessor's Parcel Number	Original District Assessment	Overlay District Assessment
105	033-076-105	\$ 180.78	\$ 336.82
106	033-076-106	\$ 180.78	\$ 336.82
107	033-076-107	\$ 180.78	\$ 336.82
108	033-076-108	\$ 180.78	\$ 336.82
109	033-076-109	\$ 180.78	\$ 336.82
110	033-076-110	\$ 180.78	\$ 336.82
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 July 1, 2025

CITY COUNCIL TO CONSIDER OPENING PUBLIC HEARING, TAKING ANY TESTIMONY FROM PUBLIC, AND CONSIDER ADOPTING RESOLUTION NO. 2025- , FORMING THE CYPRESS COVE II LANDSCAPE MAINTENANCE OVERLAY ASSESSMENT DISTRICT AND LEVYING THE ASSESSMENT FOR FY 2025-26 IN CONNECTION WITH THE OVERLAY DISTRICT AND THE EXISTING CYPRESS COVE II LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT, AND CERTIFYING CITY OF MARINA COMPLIANCE WITH STATE LAW (PROPOSITION 218) WITH RESPECT TO THE ASSESSMENT FOR THE EXISTING CYPRESS COVE II LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2025-2026; OR, IN THE ALTERNATIVE, ADOPTING A RESOLUTION DECLARING ITS INTENTION TO DISSOLVE THE EXISTING CYPRESS COVE II LANDSCAPE MAINTENANCE DISTRICT

REQUEST:

It is requested that the City Council consider:

1. Opening public hearing, taking any testimony from the public, and;
2. Adopting Resolution No. 2025-____ (Attachment #1 hereto), forming the Cypress Cove II Landscape Maintenance Overlay Assessment District (“Overlay Assessment District”) and levying the assessment for FY 2025-26 in connection with that District and the existing Cypress Cove II Maintenance Assessment District (“existing Assessment District”); and
3. Adopting Resolution No. 2025-__ (Attachment #2 hereto) certifying City of Marina compliance with State law (Proposition 218) with respect to FY 2025-2026 assessments for the existing Cypress Cove II Landscape Maintenance Assessment Districts;

or, in the alternative,

4. Adopting Resolution No. 2025-____ (Attachment #3 hereto), declaring its intention to dissolve the landscape maintenance district known as Cypress Cove II Landscape Maintenance District.

BACKGROUND:

At the regular meeting of June 16, 1987, the City Council adopted Resolution 1987-23, ordering the formation of the Cypress Cove II Landscape Maintenance Assessment District pursuant to Streets and Highway Code section 22594 and the Landscaping and Lighting Act of 1972 to maintain certain improvements required of new development as a condition of the Cypress Cove II 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.

The first step in the annual update process is for the City Council to initiate the process by adopting a resolution ordering the City Engineer to prepare and file an Engineer's Report for the District. At the regular meeting of February 19, 2025, the City Council adopted Resolution No. 2025-12, ordering the City Engineer to prepare and to file a report related to maintenance of the existing Cypress Cove II Landscape Maintenance Assessment District for Fiscal Year 2025-26. The report has been included as "Exhibit A".

After initiation of the update process and preparation of the update report, the next step in the process is for the City Council to adopt a resolution of intention to set a Public Hearing. At the regular meeting of May 6, 2025, the City Council adopted Resolution No. 2025-30, receiving the Fiscal Year 2025-26 Engineer's Report for the Cypress Cove II Landscape Maintenance Assessment District and Overlay Assessment District, approving, preliminarily, the Engineer's Report as filed, declaring its intention to order the formation of the Overlay Assessment District and to levy an assessment in Fiscal Year 2025-26 in each district (the existing Assessment District and the Overlay Assessment District), and setting a public hearing and assessment ballot proceeding for July 1, 2025 or as soon thereafter as the matter may be heard. Public hearing notices and assessment ballots were mailed to all affected property owners on May 15, 2025.

ANALYSIS:

For Fiscal Year 2025/26, an increase of 186%, from \$180.78 to \$517.60, is proposed to the assessment rate. This rate will enable the existing Assessment District to fully fund its tree maintenance expenses and reestablish a reasonable operating reserve for unforeseen costs.

Because the existing assessment predates Proposition 218 and therefore is "grandfathered" with respect to Proposition 218's requirements, past legal counsel has advised that the \$336.82 per parcel increase in the assessment be assessed through a separate "overlay" district (which would be subject to Proposition 218) rather than as an increase to the assessment levied in connection with the existing Assessment District. If approved, this structure would result in each homeowner paying a maximum total of \$517.60 per year; \$180.78 to the existing district and \$336.82 to the new district. The property-owner approval requirement for the overlay structure is the same as it would be for an increase to the existing assessment.

As required by Proposition 218, in order to form the Overlay Assessment District and levy the overlay assessment, the City Council must hold a public hearing on the proposed overlay assessment. After the Council has heard any written and oral testimony that members of the public wish to present, staff will tabulate the assessment ballots returned to the City. If the number of ballots returned in support of the overlay assessment is no less than the number of ballots returned in opposition to the assessment, then the City Council may proceed to form the Overlay Assessment District and levy the overlay assessment for Fiscal Year 2025-26 at \$336.82 per parcel, or at any lower rate (Resolution Attachment #1). Because the proposed assessment rate is the same for every parcel, every ballot will have the same weight.

Except for the Constitutionally-limited 1% ad valorem tax, the Monterey County Auditor-Controller will not place taxes, assessments, fees or charges on the rolls unless the City Council certifies by resolution that the City is in compliance with Proposition 218, the 1996 "Right to Vote on Taxes Act" with respect to each such tax, assessment, fee and charge. Certification resolution(s) must contain hold harmless and indemnification provisions for administrative expenses of the County associated with collection of the City's taxes, assessments, fees and charges placed on the

rolls. These certifications, along with copies of the resolutions setting the tax, assessment fee and/or charge rates and certain other documentation, must be submitted to the County no later than August 1, 2025.

Should the ballot not approve the overlay assessment, the City will move to dissolve the existing Assessment District and hold a separate Public Hearing to finalize the dissolution (Resolution Attachment #3). Homeowners of properties with yards facing Abdy Way, Beach Road and Dolphin Circle will be responsible for the maintenance areas previously within the District while the City will take responsibility for maintenance areas within the City's right-of-way.

FISCAL IMPACT:

Should the City Council approve this request, the anticipated revenue for the FY 2025-26 assessment levy is \$517.60 (\$180.78 for the existing Assessment District and \$336.82 for the Overlay Assessment District) for the purpose of the landscape maintenance districts.

CONCLUSION:

This request is submitted for City Council's approval.

Respectfully submitted,

Edrie Delos Santos, PE
Engineering Division
Public Works Department

REVIEWED/CONCUR:

Ismael Hernandez
Public Works Director
City of Marina

Layne P. Long
City Manager
City of Marina

RESOLUTION NO. 2025-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
CONFIRMING THE ENGINEER'S REPORT, FORMING THE CYPRESS
COVE II LANDSCAPE MAINTENANCE OVERLAY ASSESSMENT
DISTRICT, AND LEVYING THE ASSESSMENT FOR FY 2025-26 IN
CONNECTION WITH THE OVERLAY ASSESSMENT DISTRICT AND
THE CYPRESS COVE II LANDSCAPE MAINTENANCE ASSESSMENT
DISTRICT**

WHEREAS, at the regular meeting of June 16, 1987, the City Council adopted Resolution 1987-23, ordering the formation of the Cypress Cove II Landscape Maintenance Assessment District pursuant to Streets and Highway Code section 22594 and the Landscaping and Lighting Act of 1972 to maintain certain improvements required of new development as a condition of the subdivision approvals; and

WHEREAS, the Interim City Engineer, on the direction of the City Council, has filed with the City Clerk the Cypress Cove II Landscape Maintenance Assessment and Overlay Assessment District Engineer's Report (the "Report") with respect to the Fiscal Year 2025-26 levy of the assessment in connection with the existing Assessment District and the proposed Overlay Assessment District; and

WHEREAS, the existing annual assessment rate of \$108.78 per parcel is insufficient to fully fund the activities of the Assessment District; and

WHEREAS, the Report also describes the formation of the Cypress Cove II Landscape Maintenance Overlay Assessment District (the "Overlay Assessment District") and the Fiscal Year 2025-26 levy of an assessment in connection with the Overlay Assessment District; and

WHEREAS, the Overlay Assessment District has identical boundaries to the Assessment District, and has been designed to levy an additional \$336.82 per parcel annual assessment that will fill the funding shortfall in the existing assessment for tree maintenance; and

WHEREAS, on May 6, 2025, the City Council adopted Resolution No. 2025-30 (the "Resolution of Intention"), which approved, preliminarily, the Report and declared the Council's intention to form the Overlay Assessment District and to levy assessments in connection with the Assessment District and the Overlay Assessment District for fiscal year 2025-26 as described in the Report; and;

WHEREAS, the Resolution of Intention set a public hearing on these matters for July 1, 2025; and

WHEREAS, notices of the public hearing, along with assessment ballots, were mailed to each affected property owner as required by law and a full and fair public hearing was held at the appointed time and place; and

WHEREAS, the ballots properly submitted in opposition to the assessment in the Overlay Assessment District do not outnumber the ballots properly submitted in support of that assessment; and

WHEREAS, the City Council now desires to proceed with the formation of the Overlay Assessment District and the levy of assessments in connection with the Assessment District and the Overlay Assessment District.

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

1. The Report, as filed, is hereby finally approved.
2. The City Council forms the Overlay Assessment District as set forth in the Report.
3. The City Council confirms the diagram and assessment set forth in the Report for the existing Assessment District and for the Overlay Assessment District.
4. The levy and collection of the Fiscal Year 2025-26 assessment in connection with the existing Assessment District is ordered at the rate of \$180.78 per parcel, as set forth in the Report.
5. The levy and collection of the Fiscal Year 2025-26 assessment in connection with the Overlay Assessment District is ordered at the rate of \$336.82 per parcel, as set forth in the Report.
6. The City Council determines that a majority protest against levy of the assessment in connection with the Overlay Assessment District the increase to the assessment does not exist, and that said assessment satisfies all requirements of Article XIII D, Section 4 of the California Constitution.
7. The City Council determines that the assessment levied in connection with the existing Assessment District predates the effective date of Article XIII D, Section 4 of the California Constitution and is exempt from the requirements of that section.
8. It is the intention of the City Council that any monetary advance made by the City during any fiscal year to cover a deficit in the improvement fund of the Existing Assessment District shall be repaid from the next annual assessments levied and collected within the Existing and Overlay Assessment Districts.
9. The provisions of this resolution are severable and if any one provision is determined to be impermissible then the remainder of the resolution shall remain in full force and effect.
10. The City Clerk is hereby authorized and directed to file a certified copy of said diagram and assessments with the Monterey County Auditor prior to August 1, 2025 and staff is directed to take any actions necessary to cause the collection of the assessments on the property tax roll.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 1st day of July 2025, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

RESOLUTION NO. 2025-

A RESOLUTION OF THE CITY OF MARINA CERTIFYING
COMPLIANCE WITH STATE LAW WITH RESPECT TO
LEVYING OF SPECIAL ASSESSMENTS FOR FISCAL YEAR 2025-2026

WHEREAS, the City of Marina requests that the Monterey County Auditor-Controller enter the special assessment identified in Exhibit "A" on the property tax roll for collection and distribution by the Monterey County Treasurer-Tax Collector commencing with the property tax bills for fiscal year 2025-26 ("EXHIBIT A").

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

1. The City hereby certifies that it has, without limitation, complied with all legal procedures and requirements necessary for the levying and imposition of the general or special taxes and assessments identified in **EXHIBIT A** regardless of whether those procedures and requirements are set forth in the Constitution of the State of California, in State statutes, or in the applicable decisional law of the State of California.
2. The City further certifies that, except for the sole negligence or misconduct of the County of Monterey, its officers, employees and agents, the City shall be solely liable and responsible for defending, at its sole expense, cost and risk, each and every action, suit or other proceeding brought against the County of Monterey, its officers, employees and agents for every claim, demand or challenge to the levying or imposition of the general or special taxes and assessments identified in **EXHIBIT A** and that the City shall pay or satisfy any judgment rendered against the County of Monterey, its officers, employees and agents on every such action, suit, or other proceeding, including all claims for refunds and interest thereon, legal fees, court costs and administrative expenses of the County of Monterey to correct the tax rolls.

PASSED AND ADOPTED by the City of Marina City Council at a regular meeting duly held on the 1st day of July 2025, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

EXHIBIT A

**ATTACHMENT TO RESOLUTION NO. 2025-__ OF THE CITY OF MARINA,
COUNTY OF MONTEREY, CALIFORNIA, CERTIFYING COMPLIANCE WITH
STATE LAW WITH RESPECT TO THE LEVYING OF SPECIAL ASSESSMENTS FOR
FISCAL YEAR 2025-2026**

PER-PARCEL ASSESSMENTS:

Assessment District – Operations:

Cypress Cove II Landscape Maintenance Assessment District	\$180.78
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Overlay Assessment District – Operations:

Cypress Cove II Landscape Maintenance Assessment Overlay District	\$336.82
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