

RESOLUTION NO. 2025-102

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA  
DISSOLVING THE CYPRESS COVE II LANDSCAPE MAINTENANCE  
DISTRICT AND AUTHORIZE THE FINANCE DIRECTOR TO MAKE THE  
NECESSARY BUDGETARY AND ACCOUNTING ENTRIES

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 Cypress Cove II subdivision approvals, and;

WHEREAS, District assessment rates have not increased since 2004. Due to the ever-increasing cost of maintenance for the District, the City held a Proposition 218 ballot hearing on July 1, 2025 for the creation of an Overlay District to obtain the necessary funds to properly maintain the District's landscaping. At the public hearing held on July 1, twenty-five (25) ballots were received. After counting the ballots, the proposed increase failed by a count of 7 to 18. The City Council approved Resolution No. 2025-81, declaring its intention to dissolve the existing Cypress Cove II Landscape Maintenance District. A public hearing would need to be set for the Public to provide comment regarding the dissolution of the District, and;

WHEREAS, notice of the public hearing was mailed to all property owners within the Cypress Cove II Landscape Maintenance District informing them of the public hearing on September 3, 2025, or as soon after as the hearing may be held, to consider dissolution of the District, and;

WHEREAS, the majority of ballots collected denied the request to create the Overlay District that, effectively, would have raised the assessment need to fund the increased cost of maintenance of the Landscape District. Therefore, the landscaping, trees and retaining walls within the District boundaries will fall under the following maintenance responsibilities, and

WHEREAS, all residential properties on Seal Court and Cove Way with properties adjacent to Abdy Way (APN 033-076-001 to 033-076-014) will be responsible for the trees and retaining walls within their individual properties. The City will continue to maintain the Emergency Access Parcel (APN 033-076-091) and the adjacent percolation basin along with the landscaping within the right of way on Cardoza Avenue, and;

All residential properties on Coral Way, Juniper Court, and Sandpiper Way with properties adjacent to the District Boundaries along Reservation/Beach Road and adjacent to the Seabreeze Landscape District will be responsible for the trees and retaining walls within their individual properties. The City will continue to maintain the landscaping within the right of way on Cardoza Avenue, and;

WHEREAS, as stated at the July 1<sup>st</sup> public hearing, any property owner who wishes to remove a tree on their property is exempt from a Tree Removal Permit per City Ordinance 17.62.040. Any other improvements on private property including extending fencing, improving on existing retaining walls or any other work will require review by the City on a case-by-case basis, and subject to meeting applicable City permitting requirements. Additionally, other easements may exist within these areas that may have their own restrictions. It is up to each individual property owner to check whether an existing easement prevents extending improvements into any easement areas, and;

WHEREAS, finally, should any tree identified in the District's Tree Assessment Management Report become a public nuisance as defined by City Ordinance 8.70.050(D), the City shall enforce all necessary measures to ensure the abatement of such nuisance including, but not limited to, requiring the property owner to remove the tree at their own expense or, failing to do so, the City removing the tree and placing a lien on the property owner for expenses incurred, and;

WHEREAS, should the City Council approve the dissolution of the Cypress Cove II Landscape Assessment District, the District would be dissolved effective September 4, 2025, and the estimated negative fund balance, estimated at \$3,000 would be eliminated by a General Fund transfer into the Cypress Cove II Landscape Assessment District Fund 235. The Public Works Division would then carry out a biannual maintenance schedule for Cardoza Avenue right-of-way landscaping at an estimated cost of \$15,000 a year. This maintenance work would include weed abatement, trash cleanup, and public safety measures (keeping the public right-of-way clear of bushes/tree encroachment).

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

1. The City Council hereby orders that the Cypress Cove II Landscape Maintenance District be dissolved and services provided in connection with the District be ceased.
2. The Finance Director is authorized to make the necessary budgetary and accounting entries to close out the existing negative balance in the Cypress Cove II Landscape Assessment District Fund 235 by a transfer from the general fund.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Marina, on the 3<sup>rd</sup> day of September 2025, by the following vote:

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

NOES: COUNCIL MEMBERS: McCarthy

ABSENT: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

APPROVED:

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Liesbeth Visscher, Mayor Pro Tem

ATTEST:

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Anita Sharp, Deputy City Clerk

Honorable Mayor and Members  
of the Marina City Council

City Council Meeting  
of September 3, 2025

**CITY COUNCIL OPEN A PUBLIC HEARING, TAKE ANY TESTIMONY  
FROM THE PUBLIC, AND CONSIDER ADOPTING RESOLUTION NO.  
2025-, DISSOLVING THE CYPRESS COVE II LANDSCAPE  
MAINTENANCE DISTRICT AND AUTHORIZE THE FINANCE  
DIRECTOR TO MAKE THE NECESSARY BUDGETARY AND  
ACCOUNTING ENTRIES**

**REQUEST:**

It is requested that the City Council:

1. Open public hearing, take any testimony from the public; and
2. Consider adopting Resolution No. 2025-, dissolving the Cypress Cove II Landscape Maintenance District (“Landscape District”) and authorize the Finance Director to make the necessary budgetary and accounting entries.

**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.

District assessment rates have not increased since 2004. Due to the ever-increasing cost of maintenance for the District, the City held a Proposition 218 ballot hearing on July 1, 2025 for the creation of an Overlay District to obtain the necessary funds to properly maintain the District’s landscaping. At the public hearing held on July 1, twenty-five (25) ballots were received. After counting the ballots, the proposed increase failed by a count of 7 to 18. The City Council approved Resolution No. 2025-81, declaring its intention to dissolve the existing Cypress Cove II Landscape Maintenance District. A public hearing would need to be set for the Public to provide comment regarding the dissolution of the District.

Notice of the public hearing was mailed to all property owners within the Cypress Cove II Landscape Maintenance District informing them of the public hearing on September 3, 2025, or as soon after as the hearing may be held, to consider dissolution of the District.

**ANALYSIS:**

The majority of ballots collected denied the request to create the Overlay District that, effectively, would have raised the assessment need to fund the increased cost of maintenance of the Landscape District. Therefore, the landscaping, trees and retaining walls within the District boundaries will fall under the following maintenance responsibilities:

All residential properties on Seal Court and Cove Way with properties adjacent to Abdy Way (APN 033-076-001 to 033-076-014) will be responsible for the trees and retaining walls within their individual properties. The City will continue to maintain the Emergency Access Parcel (APN 033-076-091) and the adjacent percolation basin along with the landscaping within the right of way on Cardoza Avenue.



All residential properties on Coral Way, Juniper Court, and Sandpiper Way with properties adjacent to the District Boundaries along Reservation/Beach Road and adjacent to the Seabreeze Landscape District will be responsible for the trees and retaining walls within their individual properties. The City will continue to maintain the landscaping within the right of way on Cardoza Avenue.



As stated at the July 1<sup>st</sup> public hearing, any property owner who wishes to remove a tree on their property is exempt from a Tree Removal Permit per City Ordinance 17.62.040. Any other improvements on private property including extending fencing, improving on existing retaining walls or any other work will require review by the City on a case-by-case basis, and subject to meeting applicable City permitting requirements. Additionally, other easements may exist within these areas that may have their own restrictions. It is up to each individual property owner to check whether an existing easement prevents extending improvements into any easement areas.

Finally, should any tree identified in the District's Tree Assessment Management Report become a public nuisance as defined by City Ordinance 8.70.050(D)<sup>1</sup>, the City shall enforce all necessary measures to ensure the abatement of such nuisance including, but not limited to, requiring the property owner to remove the tree at their own expense or, failing to do so, the City removing the tree and placing a lien on the property owner for expenses incurred.

**FISCAL IMPACT:**

Should the City Council approve the dissolution of the Cypress Cove II Landscape Assessment District, the District would be dissolved effective September 4, 2025, and the estimated negative fund balance, estimated at \$3,000 would be eliminated by a General Fund transfer into the Cypress Cove II Landscape Assessment District Fund 235. The Public Works Division would then carry out a biannual maintenance schedule for Cardoza Avenue right-of-way landscaping at an estimated cost of \$15,000 a year. This maintenance work would include weed abatement, trash cleanup, and public safety measures (keeping the public right-of-way clear of bushes/tree encroachment).

**CONCLUSION:**

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

Respectfully submitted,

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Edrie Delos Santos, PE  
Engineering Division  
Public Works Department

**REVIEWED/CONCUR:**

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Ismael Hernandez  
Public Works Director  
City of Marina

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Layne P. Long  
City Manager  
City of Marina

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<sup>1</sup> See [https://marina.municipal.codes/Code/8.70.050\(D\)\(1\)](https://marina.municipal.codes/Code/8.70.050(D)(1)): Overgrown, diseased, dead, or decayed trees, weeds, vegetation, or dilapidated structures that:

- a. Harbor rats, vermin, or other vectors for disease; or
- b. Substantially detract from the aesthetic and property values of neighboring properties; or
- c. Obstruct public right-of-way or sidewalk or obscure the necessary view of drivers or pedestrians on public streets or private driveways; or
- d. Constitute a fire hazard or other condition that is dangerous to the public health, safety, or welfare.