

## **RESOLUTION NO. R-18-2024**

**A RESOLUTION OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, RELATING TO THE PROVISION OF STORMWATER MANAGEMENT SERVICES; PROVIDING FINDINGS, AUTHORITY, DEFINITIONS AND INTERPRETATION; REIMPOSING STORMWATER SERVICE ASSESSMENTS AGAINST CERTAIN REAL PROPERTY WITHIN THE INCORPORATED AREA OF THE CITY OF GREEN COVE SPRINGS ESTABLISHED AS THE STORMWATER SERVICE AREA; APPROVING THE UPDATED STORMWATER SERVICE ASSESSMENT ROLL AND PROVIDING FOR COLLECTION; CONFIRMING THE PRELIMINARY RATE RESOLUTION; PROVIDING FOR EFFECT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council (the "Council") of the City of Green Cove Springs, Florida (the "City") has enacted Chapter 78, Article VII of the Green Cove Springs Code of Ordinances (the "Code"), which authorizes the imposition of annual Stormwater Service Assessments for Stormwater Management Services against certain Assessed Property within the City; and

**WHEREAS**, the City Council has enacted Chapter 70 of the City of Green Cove Springs Code of Ordinances (the "Stormwater Ordinance"), which created a municipal Stormwater Utility and implements equitable Stormwater Utility Fees and Charges for the provision of needed Stormwater Management Services; and

**WHEREAS**, the imposition of an annual Stormwater Service Assessment is an equitable and efficient method of allocating and apportioning the cost of the City's Stormwater Service Cost among the Tax Parcels that are specially benefited thereby; and

**WHEREAS**, the City Council desires to reimpose an assessment for Stormwater Management Services within the City's Stormwater Service Area using the tax bill collection method for the Fiscal Year beginning on October 1, 2024; and

**WHEREAS**, on July 16, 2024, the Council adopted Resolution No. R-09-2024 (the "Preliminary Rate Resolution"), geographically identifying the area within which the City provides Stormwater Management Services and those properties to be benefited by the City's Stormwater Management Services (the "Stormwater Service Area"), describing the method of assessing the cost of the City's Stormwater Management Services against properties located within the Stormwater Service Area, directing the preparation of the updated Stormwater Assessment Roll, and directing the provision of the notices if required by the Code; and

**WHEREAS**, to reimpose Stormwater Service Assessments for the Fiscal Year beginning on October 1, 2024, the Code requires the City Council to adopt an Annual Rate Resolution, which confirms or repeals the Preliminary Rate Resolution with such amendments as the City Council deems appropriate, establishes the rate of assessment, and approves the Stormwater Assessment

Roll for the upcoming Fiscal Year after hearing comments and receiving objections of all interested parties; and

**WHEREAS**, the updated Stormwater Assessment Roll has heretofore been made available for inspection by the public, as required by the Code; and

**WHEREAS**, notice of a public hearing has been published in accordance with the Code and, if required by the terms of the Code, mailed to each affected property owner in accordance with the Code, notifying such property owners of the opportunity to be heard; an affidavit regarding the form of notice mailed to each Owner of Residential Property being attached hereto as Appendix A and the proof of publication being attached hereto as Appendix B; and

**WHEREAS**, a public hearing was held on September 3, 2024, and comments and objections of all interested persons have been heard and considered as required by the terms of the Code.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, AS FOLLOWS:**

**SECTION 1. RECITALS.** The above recitals are true and correct and are hereby incorporated herein by reference.

**SECTION 2. AUTHORITY.** This resolution is adopted pursuant to the provisions of Chapter 78, Article VII of the Green Cove Springs Code of Ordinances (the "Code"); Chapter 70 of the Green Cove Springs Code of Ordinances (the "Stormwater Ordinance"); Resolution No. R-12-2020 (the "Amended and Restated Initial Assessment Resolution"); Resolution No. R-15-2020 (the "Amended and Restated Final Assessment Resolution"); Resolution No. R-09-2024 (the "Preliminary Rate Resolution"); Article VIII, Section 2, Florida Constitution; sections 166.021 and 166.041, Florida Statutes; City of Green Cove Springs Charter; and other applicable provisions of law.

**SECTION 3. DEFINITIONS AND INTERPRETATIONS.**

(A) This resolution constitutes the Annual Rate Resolution as defined in the Code for the reimposition of Stormwater Service Assessments.

(B) Unless otherwise defined below, all capitalized terms in this resolution shall have the meanings defined in the Code, the Stormwater Ordinance, the Amended and Restated Initial Assessment Resolution, the Amended and Restated Final Assessment Resolution, and the Preliminary Rate Resolution.

(C) Unless the context indicates otherwise, words imparting the singular number include the plural number, and vice versa; the terms "hereof," "hereby," "herein," "hereto," "hereunder" and similar terms refer to this Resolution; and the term "hereafter" means after, and the term "heretofore" means before, the effective date of this Resolution. Words of any gender include the correlative words of the other genders, unless the sense indicates otherwise.

#### **SECTION 4. REIMPOSITION OF STORMWATER SERVICE ASSESSMENTS.**

(A) The Tax Parcels of Assessed Property included in the Stormwater Assessment Roll are hereby found to be specially benefited by the City's Stormwater Management Services described in the Preliminary Rate Resolution in the amount of the Stormwater Service Assessment set forth in the updated Stormwater Assessment Roll, a copy of which was present at the above referenced public hearing through electronic media and is incorporated herein by reference.

(B) It is hereby ascertained, determined and declared that each parcel of Assessed Property within the Stormwater Service Area will be benefited by the City's provision of Stormwater Management Services in an amount not less than the Stormwater Service Assessment for such parcel, computed in the manner set forth in the Preliminary Rate Resolution.

(C) Adoption of this Annual Rate Resolution constitutes a legislative determination that all parcels assessed derive a special benefit, as set forth in the Code, the Amended and Restated Initial Assessment Resolution, the Amended and Restated Final Assessment Resolution, and the Preliminary Rate Resolution, from the Stormwater Management Services to be provided and a legislative determination that the Stormwater Service Assessments are fairly and reasonably apportioned among the Assessed Property that receives the special benefit as set forth in the Preliminary Rate Resolution.

(D) The method for computing Stormwater Service Assessments described in the Preliminary Rate Resolution is hereby approved.

(E) For the Fiscal Year beginning October 1, 2024, the Stormwater Base Service Cost of \$338,604.00 shall be assessed and apportioned among all Tax Parcels of Assessed Property within the Stormwater Service Area equally on a per Tax Parcel basis. As provided in Section 70-7 of the Stormwater Ordinance, a rate of assessment equal to \$84.00 for each Tax Parcel to fund the Stormwater Base Service Cost is hereby approved for the Fiscal Year beginning October 1, 2024.

(F) For the Fiscal Year beginning October 1, 2024, the Stormwater Usage Service Cost of \$1,290,686.40 shall be assessed and apportioned among all Tax Parcels of Developed Property within the Stormwater Service Area based upon the special benefit accruing to such Developed Property from the City's provision of Stormwater Management Services, measured by the number of Net ESUs attributable to each Tax Parcel, as determined in accordance with Section 70-9 of the Stormwater Ordinance after the application of any Mitigation Credits as determined in accordance

with the City's Mitigation Credit Policy, as amended. As provided in Section 70-8 of the Stormwater Ordinance, a rate of assessment equal to \$300.00 for each Net ESU to fund the Stormwater Usage Service Cost is hereby approved for the Fiscal Year beginning October 1, 2024.

(G) Stormwater Service Assessments in the amounts included in the Stormwater Assessment Roll are hereby levied and imposed on all Tax Parcels of Assessed Property and all Developed Property, as applicable, included in the Stormwater Assessment Roll.

(H) Any shortfall in the expected Stormwater Service Assessment proceeds due to any reduction or exemption from payment of the Stormwater Service Assessments required by law or authorized by the City Council shall be supplemented by any legally available funds, or combination of such funds, and shall not be paid for by proceeds or funds derived from the Stormwater Service Assessments.

(I) The Stormwater Service Assessments shall constitute a lien upon the Assessed Property so assessed equal in rank and dignity with the liens of all state, county, district or municipal taxes and non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid. The lien for Stormwater Service Assessments shall be deemed perfected upon adoption by the City Council of this Annual Rate Resolution. Upon perfection, the lien for Stormwater Service Assessments collected under the Uniform Assessment Collection Act shall attach to the property included on the roll as of the prior January 1, the lien date for ad valorem taxes.

(J) As authorized in the Code, interim Stormwater Assessments are also levied and imposed to fund the Stormwater Usage Service Cost against any Tax Parcel for which a Certificate of Occupancy is issued after adoption of this Annual Rate Resolution based upon the rates of assessment approved in Section 4(F) herein.

**SECTION 5. CONFIRMATION OF PRELIMINARY RATE RESOLUTION.** The Preliminary Rate Resolution is hereby confirmed.

**SECTION 6. APPROVAL OF STORMWATER ASSESSMENT ROLL AND COLLECTION.**

(A) The updated Stormwater Assessment Roll, copies of which was present or available at the public hearing and is incorporated herein by reference, is hereby approved.

(B) Additionally, the Stormwater Assessment Roll, as approved, includes those Tax Parcels of Assessed Property within the Stormwater Service Area, that cannot be set forth in that Stormwater Assessment Roll due to the provisions of Section 119.071(4), Florida Statutes, concerning exempt "home addresses."

(C) The Stormwater Assessment Roll, as herein approved, together with the correction of any errors or omissions as provided for in the Code, shall be delivered to the Tax Collector for collection using the Uniform Assessment Collection Act as provided in Section 78-266 of the Code. The Stormwater Assessment Roll, as delivered to the Tax Collector, shall be accompanied by a Certificate to Non-Ad Valorem Assessment Roll in substantially the form attached hereto as Appendix C.

(D) Any Stormwater Service Assessments or charges imposed on Government Property shall not be included on the Stormwater Assessment Roll and shall continue to be collected pursuant to Section 70-8 of the Stormwater Ordinance.

**SECTION 7. EFFECT OF ADOPTION OF RESOLUTION.** The adoption of this Annual Rate Resolution shall be the final adjudication of the issues presented herein (including, but not limited to, the apportionment methodology, the rate of assessment, the Stormwater Assessment Roll and the levy and lien of the Stormwater Service Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of this Annual Rate Resolution.

**SECTION 8. EFFECTIVE DATE.** This Annual Rate Resolution shall take effect immediately upon its adoption.

**DONE AND RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, IN REGULAR SESSION THIS 3RD DAY OF SEPTEMBER, 2024.**

**CITY OF GREEN COVE SPRINGS, FLORIDA**

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Steven R. Kelley, Mayor

**ATTEST:**

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Erin West, City Clerk

**APPROVED AS TO FORM ONLY:**

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L. J. Arnold, III, City Attorney

**APPENDIX A**

**AFFIDAVIT OF MAILING**

### **AFFIDAVIT OF MAILING**

BEFORE ME, the undersigned authority, personally appeared Steve Kennedy, who, after being duly sworn, deposes and says:

1. Steve Kennedy as City Manager of the City of Green Cove Springs, Florida ("City"), pursuant to the authority and direction received from the City Council, timely directed the preparation of the Assessment Roll and the preparation, mailing, and publication of notices in accordance with Chapter 78, Article VII of the Green Cove Springs Code of Ordinances (the "Ordinance") and in conformance with Resolution No. R-09-2024 (the "Preliminary Rate Resolution").

2. Mr. Kennedy has caused the notices required by the Ordinance to be prepared in conformance with the Preliminary Rate Resolution. An exemplary form of such notice is attached hereto. He has caused such individual notices for each affected property owner to be prepared and each notice included the following information: the purpose of the assessment; the total amount proposed to be levied against each parcel; the unit of measurement to be applied against each parcel to determine the assessment; the number of such units contained within each parcel; the total revenue the City expects to collect by the assessment; a statement that failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title; a statement that all affected property owners have a right to appear at the hearing and to file written objections with the local governing board within 20 days of the notice; and the date, time, and place of the hearing.

3. On or before August 13, 2024, Mr. Kennedy directed the mailing of the above-

referenced notices in accordance with Section 78-206 of the Ordinance and the Preliminary Rate Resolution by First Class mail to each affected owner, at the addresses then shown on the real property assessment tax roll database maintained by the Clay County Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

FURTHER AFFIANT SAYETH NOT.

\_\_\_\_\_  
Steve Kennedy, affiant

STATE OF FLORIDA  
COUNTY OF CLAY

The foregoing Affidavit of Mailing was sworn to and subscribed before me, by means of  physical presence or  online notarization, this \_\_\_\_ day of \_\_\_\_\_, 2024 by Steve Kennedy, City Manager, City of Green Cove Springs, Florida. He is personally known to me or has produced \_\_\_\_\_ as identification and did take an oath.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Notary Public, State of Florida  
At Large  
My Commission Expires: \_\_\_\_\_  
Commission No.: \_\_\_\_\_



**APPENDIX B**

**PROOF OF PUBLICATION**

**APPENDIX C**

**FORM OF CERTIFICATE TO  
NON-AD VALOREM ASSESSMENT ROLL**

**CERTIFICATE  
TO  
NON-AD VALOREM ASSESSMENT ROLL**

I HEREBY CERTIFY that, I am the Mayor of the City Council or the authorized agent of the City of Green Cove Springs, Florida (the "City"); as such I have satisfied myself that all property included or includable on the non-ad valorem assessment roll for Stormwater Management Services (the "Non-Ad Valorem Assessment Roll") for the City is properly assessed so far as I have been able to ascertain; and that all required extensions on the above-described roll to show the non-ad valorem assessments attributable to the property listed therein have been made pursuant to law.

I FURTHER CERTIFY that, in accordance with the Uniform Assessment Collection Act, this certificate and the herein described Non-Ad Valorem Assessment Roll will be delivered to the Clay County Tax Collector by September 15, 2024.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the Clay County Tax Collector and made part of the above-described Non-Ad Valorem Assessment Roll this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

CITY OF GREEN COVE SPRINGS, FLORIDA

By: \_\_\_\_\_  
Steven R. Kelley, Mayor

**[to be delivered to Clay County Tax Collector prior to September 15]**