

RESOLUTION NO. R-16-2021

A RESOLUTION OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE AND RECYCLABLE MATERIALS WITHIN THE MAGNOLIA WEST ASSESSMENT AREA IN THE CITY OF GREEN COVE SPRINGS, FLORIDA; REIMPOSING SOLID WASTE SERVICE ASSESSMENTS AGAINST RESIDENTIAL PROPERTY LOCATED THE MAGNOLIA WEST ASSESSMENT AREA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021; APPROVING THE RATE OF ASSESSMENT; APPROVING THE UPDATED SOLID WASTE ASSESSMENT ROLL; CONFIRMING THE PRELIMINARY RATE RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council (the "Council") of the City of Green Cove Springs, Florida (the "City"), has enacted Ordinance No. O-04-2016, as codified in Article VII, Chapter 78 of the Green Cove Springs Code of Ordinances (the "Code"), which authorizes the imposition of annual Solid Waste Service Assessments for Solid Waste and Recyclable Materials collection services, facilities and programs against certain Residential Property within the City;

WHEREAS, the imposition of an annual Solid Waste Service Assessment for Solid Waste and Recyclable Materials collection services, facilities and programs for each Fiscal Year is an equitable and efficient method of allocating and apportioning the Solid Waste Cost among parcels of Residential Property;

WHEREAS, the City Council desires to reimpose an assessment program for Solid Waste and Recyclable Materials collection services, facilities and programs within the Magnolia West Assessment Area using the tax bill collection method for the Fiscal Year beginning on October 1, 2021;

WHEREAS, the Council, on July 20, 2021, adopted Resolution No. R-11-2021 (the "Preliminary Rate Resolution"), containing a brief and general description of the Solid Waste and Recyclable Materials collection services, facilities and programs to be provided to Residential Property, describing the method of apportioning the Solid Waste Cost to compute the Solid Waste Service Assessment for Solid Waste and Recyclable Materials collection services, facilities and programs against Residential Property, designating a rate of assessment, and directing preparation of the Solid Waste Assessment Roll and provision of the notice required by the Code;

WHEREAS, in order to reimpose Solid Waste Service Assessments for the Fiscal Year beginning October 1, 2021, the Code requires the City to adopt an Annual Rate Resolution, during its budget adoption process for each Fiscal Year, which establishes the rate of assessment and approves the Solid Waste Assessment Roll for the upcoming Year, with such amendments as the City Council deems appropriate, after hearing comments and objections of all interested parties;

WHEREAS, the updated Solid Waste Assessment Roll has heretofore been made available for inspection by the public, as required by the Code;

WHEREAS, notice of a public hearing has been published and, if required by the terms of the Code, mailed to each Owner of Residential Property proposed to be assessed notifying such Owners of their 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 7, 2021, and comments and objections of all interested persons have been heard and considered as required by the terms of the Ordinance.

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

SECTION 1. AUTHORITY. This resolution is adopted pursuant to the Code; Resolution No. R-09-2016, as amended (the "Initial Assessment Resolution"); Resolution No. R-14-2016 (the "Final Assessment Resolution"); the Preliminary Rate Resolution; Article VIII, Section 2(b), Florida Constitution; the Charter of the City of Green Cove Springs; sections 166.021 and 166.041, Florida Statutes; and other applicable provisions of law.

SECTION 2. DEFINITIONS AND INTERPRETATION.

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

(B) All capitalized terms in this resolution shall have the meanings defined in the Code, the Initial Assessment Resolution, the 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; 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 3. CONFIRMATION OF PRELIMINARY RATE RESOLUTION. The Preliminary Rate Resolution is hereby confirmed.

SECTION 4. REIMPOSITION OF SOLID WASTE COLLECTION AND DISPOSAL ASSESSMENTS.

(A) The Tax Parcels of Residential Property included in the Solid Waste Assessment Roll are hereby found to be specially benefited by the provision of Solid Waste and Recyclable Materials collection services, facilities and programs described in the Preliminary Rate Resolution

in the amount of the Solid Waste Service Assessment set forth in the updated Solid Waste Assessment Roll.

(B) It is hereby ascertained, determined and declared that each parcel of Residential Property within the Magnolia West Assessment Area will be benefited by the City's provision of Solid Waste and Recyclable Materials collection services, facilities and programs in an amount not less than the Solid Waste 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 Initial Assessment Resolution, the Final Assessment Resolution, and the Preliminary Rate Resolution, from the Solid Waste and Recyclable Materials collection services, facilities and programs to be provided and a legislative determination that the Solid Waste Service Assessments are fairly and reasonably apportioned among the Residential Properties that receive the special benefit as set forth in the Preliminary Rate Resolution.

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

(E) For the Fiscal Year beginning October 1, 2021, the Solid Waste Cost of \$119,700.00 shall be allocated among all parcels of Residential Property within the Magnolia West Assessment Area, based upon each parcels' classification as Residential Property and the number of Dwelling Units for such parcels. An annual rate of assessment equal to \$228.00 is hereby approved for each Dwelling Unit for the Fiscal Year beginning October 1, 2021. Solid Waste Service Assessments for Solid Waste and Recyclable Materials collection and disposal services, facilities and programs in the amounts included in the Solid Waste Assessment Roll, as herein approved, are hereby levied and imposed on all parcels of Residential Property in the Magnolia West Assessment Area.

(F) Any shortfall in the expected Solid Waste Service Assessment proceeds due to any reduction or exemption from payment of the Solid Waste Service Assessments required by law or authorized by the 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 Solid Waste Service Assessments.

(G) As authorized in the Code, interim Solid Waste Service Assessments are also levied and imposed against all Residential property for which a Certificate of Occupancy is issued after adoption of this Annual Rate Resolution based upon the rates of assessment approved herein.

(H) The Solid Waste Service Assessments shall constitute a lien upon the Residential Property so assessed equal in rank and dignity with the liens of all state, county, district or municipal taxes and other 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

Solid Waste Service Assessments shall be deemed perfected upon adoption by the City Council of this Annual Rate Resolution. Upon perfection, the lien for Solid Waste 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.

SECTION 5. APPROVAL OF SOLID WASTE ASSESSMENT ROLL.

(A) The updated Solid Waste Assessment Roll, a copy of which was present at the above referenced public hearing and is incorporated herein by reference, is hereby approved.

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

(C) The Solid Waste Assessment Roll, as herein approved, shall be delivered to the Tax Collector for collection using the tax bill collection method in the manner prescribed by the Code. The Solid Waste 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 Solid Waste 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 Chapter 66 of the Green Cove Springs Code.

SECTION 6. 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 method of apportionment, the rate of assessment, the Solid Waste Assessment Roll and the levy and lien of the Solid Waste Service Assessments for Solid Waste and Recyclable Materials collection and disposal services, facilities or programs) 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 7. EFFECTIVE DATE. This Annual Rate Resolution shall take effect immediately upon its passage and adoption.

DONE AND RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, IN REGULAR SESSION THIS 7th DAY OF SEPTEMBER, 2021.

CITY OF GREEN COVE SPRINGS, FLORIDA

Edward Gaw, Mayor

ATTEST:

Erin West, City Clerk

APPROVED AS TO FORM ONLY:

L. J. Arnold, III, City Attorney

APPENDIX A

AFFIDAVIT REGARDING NOTICE MAILED TO PROPERTY OWNERS

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 Article VII, Chapter 78 of the Green Cove Springs Code of Ordinances (the "Assessment Ordinance") and in conformance with the Preliminary Rate Resolution adopted by the City Council on July 20, 2021 (the "Preliminary Rate Resolution").

2. Steve Kennedy has caused the notices required by the Assessment 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 17, 2021, Mr. Kennedy directed the mailing of the above-referenced notices in accordance with Section 78-206 of the Assessment 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

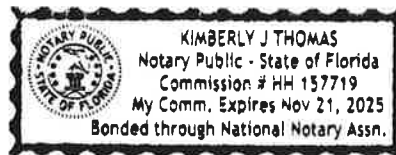
STATE OF FLORIDA
COUNTY OF CLAY

The foregoing Affidavit of Mailing was sworn to and subscribed before me, by means of physical presence or online notarization, this 31st day of August, 2021 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: Kimberly S Thomas
Notary Public, State of Florida

My Commission Expires: Nov. 21, 2025
Commission No.: HH 157719



APPENDIX B
PROOF OF PUBLICATION

PUBLISHER AFFIDAVIT

CLAY TODAY
Published Weekly
Orange Park, Florida

**STATE OF FLORIDA
COUNTY OF CLAY:**

Before the undersigned authority personally appeared Jon Cantrell, who on oath says that he is the publisher of the "Clay Today" a newspaper published weekly at Orange Park in Clay County, Florida; that the attached copy of advertisement Being

NOTICE OF HEARING

in the matter of

SOLID WASTE SERVICE

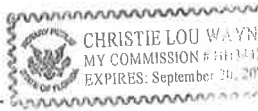
LEGAL 48219 Order 279199

was published in said newspaper in the issues

AUG 12, 2021

Affiant further says that said "Clay Today" is a newspaper published at Orange Park, in said Clay County, Florida, and that the said newspaper has heretofore been continuously published in said Clay County, Florida, weekly, and has been entered as Periodical material matter at the post office in Orange Park, in said Clay County, Florida, for period of one year next proceeding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to me and subscribed before me this 12TH day of AUGUST, 2021

NOTARY PUBLIC, STATE OF FLORIDA

3513 US HWY 17 Suite A, Fleming Island FL 32003
Telephone (904) 264-3200 - FAX (904) 264-3285

**NOTICE OF HEARING TO IMPOSE
AND PROVIDE FOR
COLLECTION OF SOLID WASTE SERVICE
NON-AD VALOREM ASSESSMENTS**

Notice is hereby given that the City Council of the City of Green Cove Springs, will conduct a public hearing to consider reimposing Solid Waste Service Assessments against certain improved residential properties located within the Magnolia West assessment area of the City, as shown below, for the fiscal year October 1, 2021 – September 30, 2022 and future fiscal years to fund the cost of solid waste and recyclable materials collection services, facilities, and programs, provided to such properties and to authorize collection of such assessments on the tax bill.

The hearing will be held at 7:00 p.m. on September 7, 2021, in the City Council Chambers, City Hall, 321 Walnut Street, Green Cove Springs, Florida, for the purpose of receiving public comment on the proposed assessments. All affected property owners have a right to appear at the hearing and to file written objections with the City Council within 20 days of this notice. If a person decides to appeal any decision made by the City Council with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the City Clerk, Erin West, (904) 297-7500, ext. 3307, at least three (3) days prior to the meeting.

The Solid Waste Service Assessments will be generally computed by multiplying the number of dwelling units on each parcel by the rate of assessment. The rate of assessment for the upcoming fiscal year and future fiscal years shall be \$228.00 for each dwelling unit. Copies of the updated assessment roll, showing the amount of the assessment to be imposed against each parcel of property, and the legal documentation relating to the assessments are available for inspection at the office of the City Clerk, located at City Hall, 321 Walnut Street, Green Cove Springs, Florida.

The Solid Waste Service Assessments will be collected on the ad valorem tax bill to be mailed in November 2021, as authorized by section 197.3632, Florida Statutes. Failure to pay the assessment will cause a tax certificate to be issued against the assessed property which may result in a loss of title.

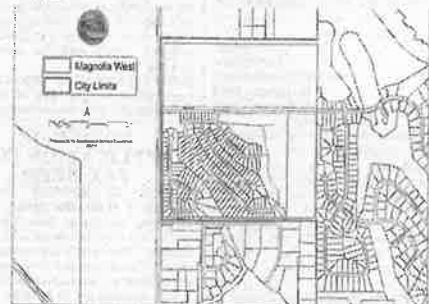
If you have any questions, please contact the City at (904) 297-7500, Monday through Thursday between 7:00 a.m. and 5:30 p.m.

City of Green Cove Springs

Erin West, City Clerk
321 Walnut Street

Green Cove Springs, FL 32043

Steve Kennedy, City Manager



Legal 48219 published Aug 12, 2021 in Clay County's Clay Today newspaper

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 solid waste 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, 2021.

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 7th day of September, 2021.

CITY OF GREEN COVE SPRINGS, FLORIDA

By: _____
Edward Gaw, Mayor

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

**2021 Magnolia West Solid Waste Disposal
Collection Assessment Roll 09-07-2021
525 Accounts
525 Units
119,700.00**