

RESOLUTION NO. R-14-2026

A RESOLUTION OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, RELATING TO THE PROVISION OF STORMWATER MANAGEMENT SERVICES PROVIDED BY THE CITY'S STORMWATER UTILITY; PROVIDING CERTAIN FINDINGS, AUTHORITY, PURPOSE AND DEFINITIONS; CONFIRMING THE AMENDED AND RESTATED INITIAL ASSESSMENT RESOLUTION; IMPOSING STORMWATER ASSESSMENTS AGAINST REAL PROPERTY WITHIN THE CITY OF GREEN COVE SPRINGS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2026; APPROVING THE RATES OF ASSESSMENT AND THE STORMWATER ASSESSMENT ROLL; PROVIDING FOR COLLECTION; PROVIDING FOR EFFECT; PROVIDING FOR APPLICATION OF ASSESSMENT PROCEEDS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Council (the "City Council") of the City of Green Cove Springs, Florida (the "City"), has enacted Article VII, Chapter 78 of the City of Green Cove Spring Code of Ordinances (the "Assessment Ordinance"), which authorizes the imposition of annual Stormwater 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, as amended by Ordinance No. O-11-2026 (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, pursuant to the Stormwater Ordinance, Stormwater Utility Fees, including the Base Charge and the Usage Charge, may be imposed and collection as non-ad valorem assessments in accordance with the Assessment Ordinance; and

WHEREAS, the imposition of a Stormwater Assessment for Stormwater Management Services 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, on July 21, 2026, adopted Resolution No. R-11-2026, the Amended and Restated Initial Assessment Resolution For Stormwater Assessments (the "Amended and Restated Initial Assessment Resolution"), identifying the area within which the City provides Stormwater Management Services and those properties to be specially benefited thereby (the "Stormwater Service Area"), describing the method of assessing the cost of the City's Stormwater Management Services against Assessed Property located within the Stormwater Service Area, directing the preparation of the Stormwater Assessment Roll, and directing the provision of the notices required by the Ordinance; and

WHEREAS, pursuant to the provisions of the Assessment Ordinance, the City is required to repeal or confirm the Amended and Restated Initial Assessment Resolution, with such amendments as the City Council deems appropriate, after hearing comments and receiving objections of all interested parties; and

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

WHEREAS, as required by the terms of the Assessment Ordinance, notice of a public hearing has been published and mailed to each property owner proposed to be charged a Stormwater Assessment, notifying such property owner of the opportunity to be heard; the proof of publication and an affidavit of mailing are attached hereto as Appendices A and B respectively; and

WHEREAS, a public hearing was held on September 15, 2026 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 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 Assessment Ordinance; the Stormwater Ordinance; the Amended and Restated Initial Assessment Resolution; Article VIII, Section 2(b), Florida Constitution; Sections 166.021 and 166.041, Florida Statutes; the City Charter of the City of Green Cove Springs; and other applicable provisions of law.

SECTION 3. PURPOSE AND DEFINITIONS.

(A) This Resolution constitutes the Amended and Restated Final Assessment Resolution as defined in the Ordinance for the imposition of Stormwater Assessments.

(B) All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Assessment Ordinance, the Stormwater Ordinance, and the Amended and Restated Initial Assessment 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. CONFIRMATION OF THE AMENDED AND RESTATED INITIAL ASSESSMENT RESOLUTION. The Amended and Restated Initial Assessment Resolution is hereby confirmed.

SECTION 5. IMPOSITION OF STORMWATER 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 referenced or described in the Amended and Restated Initial Assessment Resolution in the amount of the Stormwater Assessment set forth in the Stormwater Assessment Roll.

(B) It is hereby ascertained, determined, and declared that each Tax 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 Assessment for such parcel, computed in the manner set forth in the Amended and Restated Initial Assessment Resolution.

(C) Adoption of this Amended and Restated Final Assessment Resolution constitutes a legislative determination that all parcels assessed derive a special benefit, as set forth in the Assessment Ordinance and the Amended and Restated Initial Assessment Resolution from the Stormwater Management Services to be provided and a legislative determination that the Stormwater Assessments are fairly and reasonably apportioned among the Tax Parcels that receive the special benefit as set forth in the Amended and Restated Initial Assessment Resolution.

(D) The method for computing Stormwater Assessments described in the Amended and Restated Initial Assessment Resolution is hereby approved.

(E) For the Fiscal Year beginning October 1, 2026, the estimated Stormwater Base Service Cost of \$440,957 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 \$97.32 for each Tax Parcel to fund the Stormwater Base Service Cost is hereby approved for the Fiscal Year beginning October 1, 2026.

(F) For the Fiscal Year beginning October 1, 2026, the estimated Stormwater Usage Service Cost of \$1,661,471.88 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 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 adopted in Resolution R-10-2020, as it may be 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, 2026.

(G) Stormwater Assessments in the amount set forth in the Stormwater Assessment Roll, as herein approved, are hereby levied and imposed on all parcels of Assessed Property included in the Stormwater Assessment Roll for the Fiscal Year beginning October 1, 2026.

(H) Any shortfall in the expected Stormwater Assessment proceeds due to any reduction or exemption from payment of the Stormwater 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 Assessments. In the event a court of competent jurisdiction determines any exemption or reduction by the City Council is improper or otherwise adversely affects the validity of the Stormwater Assessment imposed for this Fiscal Year, the sole and exclusive remedy shall be the imposition of a Stormwater Assessment upon each affected Tax Parcel in the amount of the Stormwater Assessment that would have been otherwise imposed save for such reduction or exemption afforded to such Tax Parcel by the City Council.

(I) As authorized in the Assessment Ordinance, 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.

(J) The Stormwater Assessments shall constitute a lien upon all Assessed 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 Stormwater Assessments shall be deemed perfected upon adoption by the City Council of this Amended and Restated Final Assessment Resolution for Stormwater Assessments. Upon perfection, the lien for Stormwater 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 6. APPROVAL OF STORMWATER ASSESSMENT ROLL AND COLLECTION.

(A) The Stormwater Assessment Roll, a copy of which was present at the above referenced public hearing by electronic media and 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, shall be delivered to the Tax Collector for collection using the Uniform Assessment Collection Act in the manner prescribed in Section 78-266 of the Ordinance. 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 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 Amended and Restated Final Assessment 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 adoption of the Stormwater Assessment Roll, and the levy and lien of the Stormwater Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of this Amended and Restated Final Assessment Resolution.

SECTION 8. APPLICATION OF ASSESSMENT PROCEEDS. Proceeds derived by the City from the Stormwater Assessments shall be used for the provision of Stormwater Management Services within the Stormwater Service Area. In the event there is any fund balance remaining at the end of the Fiscal Year, such balance shall be carried forward and used only to fund Stormwater Management Services within the Stormwater Service Area.

SECTION 9. CONFLICTS. This Amended and Restated Final Assessment Resolution shall prevail in the event of any conflicts with any other resolution of Green Cove Springs to the extent of any conflict.

SECTION 10. SEVERABILITY. In the event any portion of this Amended and Restated Final Assessment Resolution is deemed invalid by any court of competent jurisdiction, the invalid portion shall be considered severed, and the remainder of this Amended and Restated Final Assessment Resolution shall continue in effect.

SECTION 11. EFFECTIVE DATE. This Amended and Restated Final Assessment 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 15TH
DAY OF SEPTEMBER, 2026.**

CITY OF GREEN COVE SPRINGS, FLORIDA

Darren Stutts, Mayor

ATTEST:

Erin West, City Clerk

APPROVED AS TO FORM ONLY:

John Wallace, City Attorney

APPENDIX A
AFFIDAVIT OF MAILING

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AFFIDAVIT OF MAILING

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

1. I, Mike Null, 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 City of Green Cove Springs Code of Ordinances (the "Assessment Ordinance") and in conformance with Resolution No. R-11-2026 adopted by the City Council on July 21, 2026 (the "Amended and Restated Initial Assessment Resolution").

2. Mr. Null has caused the notices required by the Assessment Ordinance to be prepared in conformance with the Amended and Restated Initial Assessment 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 25, 2026, Mr. Null directed the mailing of the above-referenced notices in accordance with Section 78-206 of the Assessment Ordinance and the

Amended and Restated Initial Assessment 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 collection of ad valorem taxes.

FURTHER AFFIANT SAYETH NOT.

Mike Null, 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 _____, 2026 by Mike Null, as 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 of Green Cove Springs, Florida, or an 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, 2026.

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 _____, 2026.

CITY OF GREEN COVE SPRINGS, FLORIDA

By: _____
Darren Stutts, Mayor

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