

## **RESOLUTION NO. R-13-2026**

**A RESOLUTION OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, RELATING TO THE COLLECTION OF SOLID WASTE WITHIN THE MAGNOLIA WEST ASSESSMENT AREA IN THE CITY OF GREEN COVE SPRINGS, FLORIDA; PROVIDING CERTAIN FINDINGS, AUTHORITY, PURPOSE AND DEFINITIONS; CONFIRMING THE PRELIMINARY RATE RESOLUTION; REIMPOSING SOLID WASTE SERVICE ASSESSMENTS AGAINST RESIDENTIAL PROPERTY LOCATED THE MAGNOLIA WEST ASSESSMENT AREA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2026; APPROVING THE RATES OF ASSESSMENT AND THE SOLID WASTE 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 Chapter 78, Article VII of the Green Cove Springs Code of Ordinances (the "Assessment Ordinance"), which authorizes the imposition of annual Solid Waste Service Assessments for Solid Waste collection services, facilities, and programs against certain Residential Property within the City; and

**WHEREAS**, the City Council has enacted Chapter 66 of the City of Green Cove Springs Code of Ordinances (the "Solid Waste Ordinance"), which implements equitable fees and charges for the provision of Solid Waste collection services, facilities, and programs; and

**WHEREAS**, the imposition of an annual Solid Waste Service Assessment for Solid Waste 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; and

**WHEREAS**, the City Council desires to reimpose an assessment for Solid Waste 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, 2026; and

**WHEREAS**, on July 21, 2026, the City Council adopted Resolution No. R-10-2026 (the "Preliminary Rate Resolution"), containing a brief and general description of the Solid Waste 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 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 Assessment Ordinance; and

**WHEREAS**, to reimpose Solid Waste Service Assessments for the Fiscal Year beginning October 1, 2026, the Assessment Ordinance 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 Solid Waste Assessment Roll for the upcoming Fiscal Year after hearing comments and objections of all interested parties; and

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

**WHEREAS**, notice of a public hearing has been published and, if required by the terms of the Assessment Ordinance, 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 15, 2026, and comments and objections of all interested persons have been heard and considered as required by the terms of the Assessment 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 Solid Waste Ordinance; 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; 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 Annual Rate Resolution as defined in the Assessment Ordinance for the reimposition of Solid Waste Service Assessments.

(B) All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Assessment Ordinance, the Solid Waste Ordinance, and 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; 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 PRELIMINARY RATE RESOLUTION.** The Preliminary Rate Resolution is hereby confirmed.

**SECTION 5. REIMPOSITION OF SOLID WASTE SERVICE 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 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 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 Assessment Ordinance, the Initial Assessment Resolution, the Final Assessment Resolution, and the Preliminary Rate Resolution from the Solid Waste 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, 2026, the estimated Solid Waste Cost of \$152,145.00 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 \$289.80 is hereby approved for each Dwelling Unit for the Fiscal Year beginning October 1, 2026.

(F) Solid Waste Service Assessments for Solid Waste collection services, facilities, and programs in the amounts included in the Solid Waste Assessment Roll are hereby levied and imposed on all parcels of Residential Property in the Magnolia West Assessment Area for the Fiscal Year beginning October 1, 2026.

(G) 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 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 Solid Waste Service 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 Solid Waste Service Assessment imposed for this Fiscal Year, the sole and exclusive remedy shall be the imposition of a Solid Waste Service Assessment upon each affected Tax Parcel in the amount of the Solid Waste Service Assessment that would have been otherwise imposed save for such reduction or exemption afforded to such Tax Parcel by the City Council.

(H) As authorized in the Assessment Ordinance, 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.

(I) 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 6. APPROVAL OF SOLID WASTE ASSESSMENT ROLL AND COLLECTION.**

(A) The Solid Waste Assessment Roll, a copy of which was present at the above referenced public hearing by electronic media 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, together with the correction of any errors or omissions as provided for in the Assessment Ordinance, shall be delivered to the Tax Collector for collection using the Uniform Assessment Collection Act as provided in Section 78-266 of the Assessment Ordinance. 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 Solid Waste Assessment Roll and shall continue to be collected pursuant to Section 66-7 of the Solid Waste 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 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 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 8. APPLICATION OF ASSESSMENT PROCEEDS.** Proceeds derived by the City from the Solid Waste Service Assessments shall be used for the provision of Solid Waste collection services, facilities, and programs within the Magnolia West Assessment 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 Solid Waste collection services, facilities, and programs within the Magnolia West Assessment Area.

**SECTION 9. CONFLICTS.** This Annual Rate 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 Annual Rate Resolution is deemed invalid by any court of competent jurisdiction, the invalid portion shall be considered severed, and the remainder of this Annual Rate Resolution shall continue in effect.

**SECTION 11. 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 15<sup>th</sup> DAY  
OF SEPTEMBER, 2026.**

**CITY OF GREEN COVE SPRINGS, FLORIDA**

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Darren Stutts, Mayor

**ATTEST:**

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Erin West, City Clerk

**APPROVED AS TO FORM ONLY:**

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John Wallace, City Attorney

**APPENDIX A**

**AFFIDAVIT REGARDING NOTICE MAILED TO PROPERTY OWNERS**

**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 Green Cove Springs Code of Ordinances (the "Assessment Ordinance") and in conformance with Resolution No. R-10-2026 (the "Preliminary Rate Resolution").

2. Mr. Null 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 25, 2026, Mr. Null 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.

\_\_\_\_\_  
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, 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  
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 **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, 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]**