

RESOLUTION 241 – 25

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, APPROVING THE FISCAL YEAR 2025-2026 NON-AD VALOREM ASSESSMENT ROLL FOR SOLID WASTE SERVICE ASSESSMENTS; APPROVING THE SOLID WASTE SERVICE ASSESSMENT RATES FOR SUCH FISCAL YEAR AND PROVIDING FOR COLLECTION OF THE ASSESSMENTS PURSUANT TO THE UNIFORM ASSESSMENT COLLECTION ACT; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. This Resolution is adopted pursuant to the provisions of Chapter 17 of the City of Cape Coral, Florida Code of Ordinances (the "Assessment Ordinance"), Sections 166.021, 166.041, and 197.3632, Florida Statutes and other applicable provisions of law, and City Resolution 205-25 (the "Preliminary Rate Resolution").

SECTION 2. DEFINITIONS. This resolution constitutes the Annual Rate Resolution, as defined in section 17-1 of the Assessment Ordinance, for Solid Waste Service Assessments for the Fiscal Year commencing October 1, 2025 (the "Fiscal Year 2025-2026"). All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Assessment Ordinance and the Preliminary Rate Resolution. Unless the context indicates otherwise, words imparting the singular number include the plural number, and vice versa.

SECTION 3. FINDINGS. It is hereby ascertained, determined and declared as follows:

- (A) On July 23, 2025, the Mayor and City Council adopted the Preliminary Rate Resolution for Fiscal Year 2025-2026 which determined the estimated Solid Waste Cost to be assessed for Fiscal Year 2025-2026, established the assessment rates for such Fiscal Year and directed the Assessment Coordinator to update the Assessment Roll in accordance with such rates.
- (B) The Assessment Ordinance provides for the adoption of a Preliminary Rate Resolution and an Annual Rate Resolution for each Fiscal Year approving, confirming or amending the Assessment Roll.
- (C) The Mayor and City Council conducted a public hearing on August 27, 2025, to consider adoption of the Assessment Roll for Fiscal Year 2025-2026. Notice of such public hearing was published in accordance with Sections 17-33 and 17-37 of the Assessment Ordinance, proof of publication being attached hereto as Appendix A. Mailed notice of such public hearing was also provided in accordance with Section 17-34 of the Assessment Ordinance, an affidavit of mailing being attached hereto as Appendix B.
- (D) This Annual Rate Resolution is adopted for purposes of approving the Solid Waste Service Assessment rates and certifying the Assessment Roll for Fiscal Year 2025-2026.
- (E) The Assessments contemplated hereunder are imposed by the Mayor and City Council, not the Property Appraiser or Tax Collector. Any activity of the Property Appraiser or Tax Collector under the provisions of this Resolution shall be construed solely as ministerial.
- (F) The legislative determinations and findings set forth in Section 3 of the Preliminary Rate Resolution are hereby ratified, confirmed and incorporated herein by reference.

SECTION 4. APPROVAL OF ASSESSMENT ROLL; COLLECTION OF ASSESSMENTS.

- (A) The estimated Solid Waste Cost for Fiscal Year 2025-2026 is \$37,150,052. The Assessment Roll for Fiscal Year 2025-2026, a copy of which is on file with the City Clerk and incorporated herein by reference, is hereby confirmed and approved based upon the rate of \$384.25 per Dwelling Unit.
- (B) The Assessment Coordinator is hereby authorized and directed to certify the foregoing Assessment Roll to the Tax Collector by no later than September 15, 2025 for collection on the November 2025 ad valorem property tax bill pursuant to the Uniform Assessment Collection Act.

- (C) The Assessment Roll as delivered to the Tax Collector shall be accompanied by a Certificate of Non-Ad Valorem Assessment Roll in substantially the form attached hereto as Appendix C.
- (D) Solid Waste Assessments shall constitute a lien upon Assessed Property 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.

SECTION 5. INTERIM ASSESSMENTS. An interim Solid Waste Assessment for Fiscal Year 2025-2026 shall be imposed against all property for which a certificate of occupancy is issued on or after October 1, 2025. The interim Solid Waste Assessment shall be deemed due and payable on the date such certificate of occupancy is issued. The amount of the interim Solid Waste Assessment shall be calculated by dividing the annual rate for the property approved hereunder for Fiscal Year 2025-2026 by twelve and multiplying that amount by the number of full calendar months remaining in such Fiscal Year. No certificate of occupancy shall be issued until full payment of the interim Solid Service Assessment is received by the City. Issuance of the certificate of occupancy by mistake or inadvertence, and without the payment in full of the interim Solid Waste Assessment, shall not relieve the owner of the property of the obligation of full payment. Any delinquency in payment of the interim Solid Waste Assessment may be included on the Assessment Roll for the forthcoming Fiscal Year and collected, together with any Solid Waste Assessment for such forthcoming Fiscal Year, pursuant to the Uniform Assessment Collection Act.

SECTION 6. SEVERABILITY. If any clause, section, or other part of this Resolution shall be held by any court of competent jurisdiction unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affects the validity of the other provisions in this Resolution.

SECTION 7. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AT THEIR REGULAR SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.

\_\_\_\_\_  
JOHN GUNTER, MAYOR

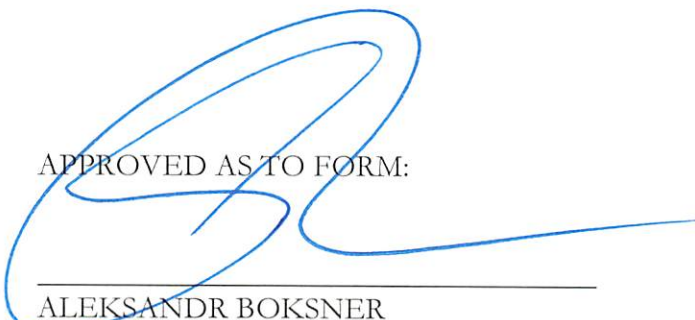

VOTE OF MAYOR AND COUNCILMEMBERS:

GUNTER	_____	LAstra	_____
STEINKE	_____	KILRAINE	_____
LEHMANN	_____	LONG	_____
DONNELL	_____	KADUK	_____

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.

\_\_\_\_\_  
KIMBERLY BRUNS  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
ALEKSANDR BOKSNER  
CITY ATTORNEY  
res/Assessment – Residential Solid Waste Final  


**APPENDIX A**  
**PROOF OF PUBLICATION**

**AFFIDAVIT OF PUBLICATION**

Leslie Menapace  
City Attorney's Office  
City Of Cape Coral Clerks Off  
Po Box 150027  
Cape Coral FL 33915-0027

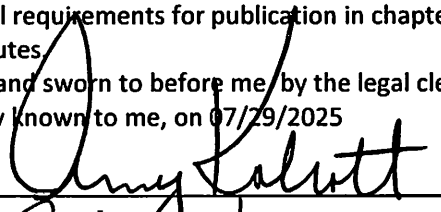
STATE OF WISCONSIN, COUNTY OF BROWN

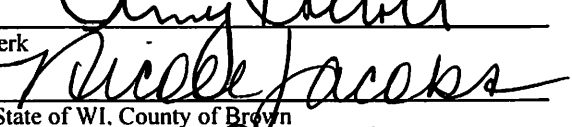
Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of , was published on the publicly accessible website of Lee County, Florida, or in a newspaper by print in the issues of, on:

07/29/2025

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me by the legal clerk, who is personally known to me, on 07/29/2025

  
\_\_\_\_\_  
Legal Clerk

  
\_\_\_\_\_  
Notary, State of WI, County of Brown

8-21-26

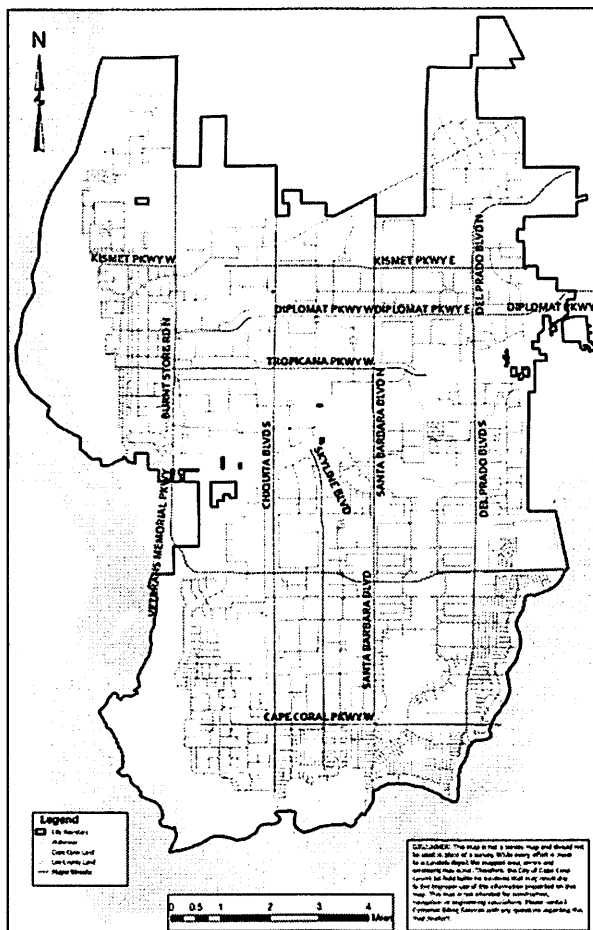
My commission expires

Publication Cost:	\$136.71	
Tax Amount:	\$0.00	
Payment Cost:	\$136.71	
Order No:	11521985	# of Copies:
Customer No:	1124492	1
PO #:		

**THIS IS NOT AN INVOICE!**

*Please do not use this form for payment remittance.*

NICOLE JACOBS  
Notary Public  
State of Wisconsin



## CITY OF CAPE CORAL BOUNDARY

PREPARED BY: GUYMON  
CREATED BY: H. GUYMON

### CITY OF CAPE CORAL, FLORIDA NOTICE OF HEARING TO CONSIDER APPROVAL OF SOLID WASTE ASSESSMENT RATES FOR FISCAL YEAR 2025-26

The City of Cape Coral (the "City") imposes non-ad valorem special assessments each year upon residential property throughout the City to fund the cost of providing solid waste collection and disposal services. Notice is hereby given that the City Council of the City (the "City Council") will conduct a public hearing to consider adoption of an annual assessment resolution establishing the solid waste assessment rates for the fiscal year commencing October 1, 2025 ("Fiscal Year 2025-26"). The hearing will be held at 4:00 p.m. on August 27, 2025, in Council Chambers, 1015 Cultural Park Boulevard, Cape Coral, Florida, for the purpose of receiving public comment on the proposed solid waste assessment rates and method of collection. 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 Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting should contact the City Clerk at (239) 574-0411 at least 48 hours prior to the meeting.

The assessments will be computed by multiplying the number of dwelling units on each parcel by the rate of assessment plus any unpaid or delinquent charges for solid waste services that have not been previously billed on the tax bill. The proposed solid waste assessment rate for Fiscal Year 2025-26 is \$384.25 per dwelling unit.

Additional information concerning the solid waste assessments and the method of calculating the assessment for each parcel is set forth in Resolution No. 205-25 adopted by the City Council on July 23, 2025 (the "Preliminary Rate Resolution"). Copies of the Preliminary Rate Resolution, together with the City's assessment procedure ordinance (codified in Chapter 17 of the City Code of Ordinances) and the proposed Solid Waste Assessment Roll for Fiscal Year 2025-26 are available for inspection at the City Clerk's office, City Hall, located at 1015 Cultural Park Blvd, Cape Coral, Florida.

The assessments will be collected by the Lee County Tax Collector on the ad valorem tax bill to be mailed in November 2025, as authorized by Section 17-50 of the City Code and section 197.3632, Florida Statutes or by direct billing to affected property owners pursuant to Section 17-51 of the City Code. The solid waste assessments are annual charges which will continue from year to year. Florida law provides that failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

If you have any questions, please contact the Financial Services Department, Customer Billing Services Division at (239) 574-7722, Monday through Friday between 7:30 a.m. and 4:30 p.m.

Kimberly Bruns, CMC  
City Clerk  
City of Cape Coral, Florida

## APPENDIX B

### SOLID WASTE ASSESSMENT AFFIDAVIT OF MAILING

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

1. I, JOSUE MARTINEZ, have been designated by the Solid Waste Assessment Coordinator of the City of Cape Coral, Florida, to mail the notices required by Section 8 of Resolution 205-25 adopted by the Council of the City of Cape Coral, Florida, on July 23, 2025.

2. On or before August 6, 2025 I mailed, or directed the mailing of, a notice in accordance with Section 8 of Resolution 205-25 (the "Preliminary Rate Resolution"), Section 17-34 and Section 17-37 of the City Code of Ordinances, by first class mail, to each owner of property located within the City subject to the Solid Waste Assessments contemplated by the Preliminary Rate Resolution, as reflected on, and at the address shown on the real property assessment tax roll maintained by the Lee County Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

FURTHER AFFIANT SAYETH NOT.

\_\_\_\_\_  
Affiant

Please see Attached.



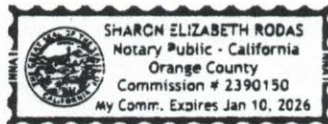
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Orange

Subscribed and sworn to (or affirmed) before me on this 11th  
day of August, 2025, by Josue Martinez Castro

\_\_\_\_\_,  
proved to me on the basis of satisfactory evidence to be the  
person(s) who appeared before me.



(Seal)

Signature

A handwritten signature in black ink, appearing to read 'J Martinez Castro', written over a horizontal line.

APPENDIX C

FORM OF CERTIFICATE  
OF NON-AD VALOREM ASSESSMENT ROLL

I HEREBY CERTIFY that I am the Mayor of the City of Cape Coral, 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 are 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 Lee County Tax Collector by September 15, 2025.

IN WITNESS WHEREOF, I have subscribed this certificate and directed the same to be delivered to the Lee County Tax Collector and made part of the above described Non-Ad Valorem Assessment Roll this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

CITY OF CAPE CORAL, FLORIDA

By: \_\_\_\_\_  
John Gunter, Mayor