

RESOLUTION 244 - 25

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, RELATING TO THE IMPOSITION OF STORMWATER USER FEES; ESTABLISHING THE AMOUNT OF THE USER FEE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2025; IMPOSING USER FEES AGAINST PROPERTY WITHIN THE CITY TO FUND THE CITY'S STORMWATER PROGRAM; AUTHORIZING THE COLLECTION OF DELINQUENT STORMWATER CHARGES; APPROVING THE STORMWATER USER FEE ROLL; 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 Chapter 22 of the City of Cape Coral Code of Ordinances (the "Code"), Sections 166.021, 166.041, 197.3632 and 403.0893, Florida Statutes, and other applicable provisions of law.

SECTION 2. DEFINITIONS. This Resolution is the annual Stormwater User Fee Resolution contemplated by Section 22-4 of the Code. All words and terms not otherwise defined herein shall have the meanings defined in Chapter 22 of the Code.

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

- (A) Chapter 22 of the Code provides for the imposition of Stormwater User Fees against Property located within the City to fund costs related to the City's Stormwater Program, including but not limited to costs associated with stormwater capital improvements acquired or constructed by the City and financing expenses related thereto, and authorizes the collection of Stormwater User Fees on the ad valorem tax bill pursuant to section 403.0893, Florida Statutes.
- (B) The City Council (the "Council") of the City of Cape Coral, Florida City desires to utilize the tax bill collection method contained in Chapter 197, Florida Statutes to collect the Stormwater User Fees for the fiscal year beginning October 1, 2025 ("Fiscal Year 2025-2026").
- (C) The Stormwater User Fee Roll has heretofore been filed in the offices of the Stormwater Director and Clerk, as required in Chapter 22 of the Code of Ordinances.
- (D) City Council conducted a public hearing on August 27, 2025, to consider adoption of the Stormwater User Fee Roll for Fiscal Year 2025-2026. Notice of such public hearing was published in accordance with Section 22-4 of the Code, proof of publication being attached hereto as Appendix A. Notice of such public hearing was also in accordance with Section 22-4 of the Code, an affidavit of mailing being attached hereto as Appendix B.
- (E) The comments and objections from all interested persons were heard and considered at such public hearing as required by Chapter 22 of the Code.
- (F) This Resolution is adopted for purposes of approving the Stormwater User Fee rates and certifying the Stormwater User Fee Roll for Fiscal Year 2025-2026.
- (G) The Stormwater User Fees contemplated hereunder are imposed by the 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.

SECTION 4. APPROVAL OF STORMWATER USER FEE ROLL; COLLECTION OF USER FEES. USER FEES.

- (A) The estimated Stormwater Program Cost for Fiscal Year 2025-2026 is \$28,055,315, a copy of which is on file with the City Clerk and incorporated herein by reference. The annual stormwater user fee for Fiscal Year 2025-2026 shall consist of the sum of (A) the amount computed for each parcel in the manner set forth in Chapter 22 of the Code of Ordinances utilizing the EDU Value and the ERU Rate established in Section 4(B) hereof and applying any prior payment credits, if applicable; (B) plus any delinquency amount.

- (B) Annual stormwater user fees computed in the manner described herein are hereby levied and imposed on all Tax Parcels described in the Stormwater User Fee Roll at a maximum annual ERU Rate of \$156.00, for the ad valorem tax bill to be mailed in November 2025, a copy of which is on file with the City Clerk and incorporated herein by reference.
- (C) The Stormwater Director is hereby authorized and directed to certify the foregoing Stormwater User Fee 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.
- (D) The Stormwater User Fee Roll as delivered to the Tax Collector shall be accompanied by a Certificate of Non-Ad Valorem Stormwater User Fee Roll in substantially the form attached hereto as Appendix C.
- (E) Upon adoption of this Annual Stormwater User Fee Resolution, the stormwater user fees, including any delinquency amounts, shall constitute a lien against 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. The lien shall be deemed perfected upon adoption by the Council of this annual Stormwater User Fee Resolution and shall attach to the property included on the Stormwater User Fee Roll as of January 1, 2025, the lien date for ad valorem taxes.

SECTION 5. INTERIM STORMWATER USER FEES. City Council may determine, in its sole discretion, whether to impose an interim Stormwater User Fee for Fiscal Year 2025-2026 against all property for which a certificate of occupancy is issued on or after October 1, 2025. Such determination shall be made by approving vote of City Council subsequent to adoption of this Resolution, in which case the interim Stormwater User Fee shall be deemed due and payable on the date such certificate of occupancy is issued. The amount of the interim Stormwater User Fee 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. In the event interim Stormwater User Fees are imposed, no certificate of occupancy shall be issued until full payment of the interim Stormwater User Fee is received by the City. Issuance of the certificate of occupancy by mistake or inadvertence, and without the payment in full of the interim Stormwater User Fee, shall not relieve the owner of the property of the obligation of full payment. Any delinquency in payment of the interim Stormwater User Fee may be included on the Stormwater User Fee Roll for the forthcoming Fiscal Year and collected, together with any Stormwater User Fee for such forthcoming Fiscal Year, pursuant to the Uniform Assessment Collection Act.

[Remainder of Page Intentionally Left Blank]

SECTION 6. 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:

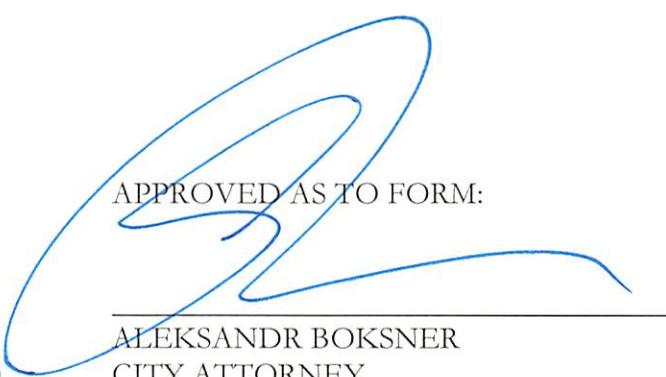
GUNTER _____
STEINKE _____
LEHMANN _____
DONNELL _____

LASTRA _____
KILRAINE _____
LONG _____
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/Assessments – Stormwater Final 2025



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

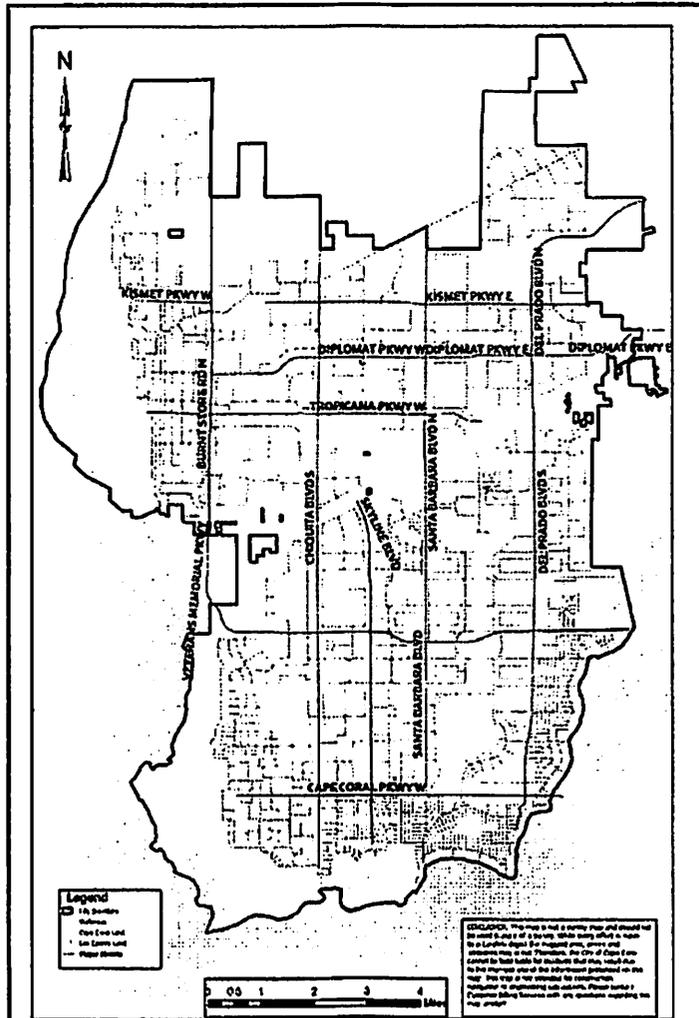
My commission expires

Publication Cost: \$129.62
Tax Amount: \$0.00
Payment Cost: \$129.62
Order No: 11521957 # 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**

DATE: 08/27/2024
DRAWN BY: J. GARCIA

**CITY OF CAPE CORAL, FLORIDA
NOTICE OF HEARING
TO IMPOSE AND PROVIDE FOR COLLECTION OF STORMWATER FEES
FOR FISCAL YEAR 2025-26**

Notice is hereby given that the City Council of the City of Cape Coral, Florida, will conduct a public hearing to consider imposing fees, for the fiscal year beginning October 1, 2025 ("Fiscal Year 2025-26"), against certain parcels located within the incorporated areas of the City to fund the cost of the City's Stormwater Program, plus any unpaid or delinquent charges for previous stormwater charges. 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 fees. 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 (239) 574-0411 at least 48 hours prior to the meeting.

The stormwater fee for each parcel of property will be based upon the number of equivalent residential units ("ERUs") attributable to such parcel. The proposed rate of the stormwater fee for Fiscal Year 2025-26 is \$156.00 per ERU. A more specific description of the stormwater fee is set forth in Chapter 22 of the City Code of Ordinances and the proposed annual Stormwater Resolution for Fiscal Year 2025-26, copies of which are available for inspection at the City Clerk's office, City Hall, located at 1015 Cultural Park Boulevard, Cape Coral, Florida.

The stormwater fees 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 22-6 of the City Code and Section 197.3632, Florida Statutes, or by direct billing to affected property owners pursuant to Section 22-6 of the City Code. The stormwater fee is an annual charge that will continue from year to year. Florida law provides that failure to pay the fees 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

NP-42284118

APPENDIX B

**STORMWATER FEE
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 Stormwater Director of the City of Cape Coral, Florida, to mail the notices required by Section 4 of Resolution 207-25 adopted by the Council of the City of Cape Coral, Florida, on July 23, 2025.
2. On or before August 6, 2025 I facilitated and directed the mailing of notice in accordance with Section 4 of City Resolution No. 207-25 (the "Preliminary Rate Resolution") and Section 22-4 of the City Code of Ordinances, by first class mail, to each owner of real property located within the City subject to the Stormwater User Fee contemplated by the Preliminary Rate Resolution, as reflected on, and at the address then shown on, the real property assessment tax roll database maintained by the Lee County Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

FURTHER AFFIANT SAYETH NAUGHT.

Affiant

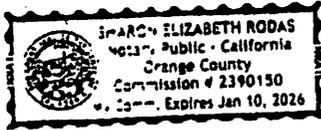
See Attached.

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 "Josue Martinez Castro", written over a horizontal line.

APPENDIX C

FORM OF CERTIFICATE
OF NON-AD VALOREM STORMWATER USER FEE 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 Stormwater User Fees (the "Non-Ad Valorem Stormwater User Fee 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 Stormwater User Fee 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 Stormwater User Fee Roll this _____ day of _____, 2025.

CITY OF CAPE CORAL, FLORIDA

By: _____
John Gunter, Mayor