

RESOLUTION 2024-24

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, APPROVING MEMORANDUM OF AGREEMENT WITH OTHER JURISDICTIONS TO CONTINUE THE RAIL TO TRAIL INITIATIVE; AUTHORIZING CONTRIBUTION OF VILLAGE FUNDS TO ASSIST IN CONTINUING THE GRANT APPLICATION PREPARATION PROCESS; AUTHORIZING SUBMISSION OF CORRESPONDENCE TO THE MPO SUPPORTING THE SUBMISSION OF A GRANT APPLICATION; ESTABLISHING PUBLIC ACQUISITION OF THE SEMINOLE RAILROAD RIGHT OF WAY AS A TOP LEGISLATIVE PRIORITY AND DIRECTING VILLAGE LOBBYISTS TO SEEK LEGISLATIVE SUPPORT FOR THE PROJECT; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, for many years, the Village of Estero has been a major proponent of the Bonita Estero Rail Trail (BERT), which is a proposal to convert some 15 miles of an unused railroad corridor into an improved recreational trail for bikers, walkers and joggers; and

WHEREAS, the BERT is envisioned to eventually connect with and become part of a larger Florida Gulf Coast Trail network and, ultimately, part of the larger Florida Gulf Coast Trail from Collier County to Tampa; and

WHEREAS, while various planning and lobbying initiatives have occurred already on behalf of the project, both through the effort of supportive government entities as well as non-profit organizations and grass roots citizen support, the Trust for Public Land, Collier County, the City of Bonita Springs, and the Village (the Parties) have been negotiating a Memorandum of Agreement Regarding Bonita Estero Rail Trail (the Agreement), along with a request that the Village adopt the Agreement and provide additional support to help keep the initiative progressing forward; and

WHEREAS, the Agreement, which is to be between the Parties, memorializes the framework and responsibilities of the Parties in moving the project forward, with particular focus on efforts to obtain the necessary grant funding from state and federal sources; and

WHEREAS, The Village Council finds that it is in the best interests of the Village, its residents and its business community to continue to support the realization of the BERT by, in part, adopting this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA THAT:

Section 1. The Memorandum of Agreement Regarding Bonita Estero Rail Trail

(attached to this Resolution and incorporated herein) is hereby adopted. Inasmuch as legal counsel for certain Parties have not yet completed their review of the Agreement, the Village Attorney and Village Manager are authorized to accept minor revisions to the attached Agreement where such revisions do not alter the substance of the Parties' respective duties, nor increase the financial obligation of the Village set forth in Section 2 below.

Section 2. The Village Manager is authorized to expend up to \$10,000 to support technical assistance related to the preparation of a federal RAISE grant to secure funds for the purchase of the railroad's right-of-way to allow for the creation of a recreational trail located, in part, within the Village. Such expenditure is expected to be proportional with similar expenditures from other partnering agencies, as determined by the Village Manager.

Section 3. The Mayor and Village Manager are authorized to develop and submit correspondence to the County MPO supporting the MPO's submission of a grant application to the State of Florida's SUN TRAIL program to also provide funding for the purchase of the railroad's right-of-way to allow for the creation of a recreational trail located in part in the Village. The Mayor and Manager are also authorized to participate in the grant application process as a lead agency.

Section 4. The Village Council hereby declares that accomplishing the public acquisition of the Seminole Railroad right-of-way is a top Village legislative priority. Therefore, the Village's lobbyists are directed to make all efforts to obtain legislative financial support for the rail to trail project.

BE IT FURTHER RESOLVED that if any section, subsection, sentence, clause, provision or word of this Resolution is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Resolution shall not be affected by such invalidity, such that any remainder of the Resolution shall withstand any severed provision, as the Village Council would have adopted the Resolution even absent the invalid part.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption.

DULY ADOPTED with a quorum present and voting this 18th day of December, 2024.

VILLAGE OF ESTERO

ATTEST:

Jon McLain, Mayor

Carol Sacco, Village Clerk