

CITY OF BONITA SPRINGS, FLORIDA

ORDINANCE NO. 26-05

AN ORDINANCE ORDERING AND CALLING FOR A BOND REFERENDUM ELECTION TO BE HELD ON AUGUST 18, 2026, IN THE CITY OF BONITA SPRINGS, FLORIDA TO DETERMINE IF THE QUALIFIED ELECTORS RESIDING IN THE CITY APPROVE THE ISSUANCE BY THE CITY OF GENERAL OBLIGATION BONDS PAYABLE FROM AD VALOREM TAXES LEVIED IN AMOUNTS SUFFICIENT TO PAY DEBT SERVICE ON SUCH BONDS ON ALL TAXABLE PROPERTY WITHIN THE CITY TO FINANCE THE ACQUISITION OF INACTIVE RAILROAD CORRIDOR PROPERTY AND THE DEVELOPMENT AND CONSTRUCTION OF CAPITAL IMPROVEMENTS THERETO FOR THE BONITA ESTERO RAIL TRAIL; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, it is necessary and desirable and in the best interests of the City of Bonita Springs, Florida (the "City") to acquire approximately 5.8 miles of inactive railroad corridor property and to develop and construct capital improvements thereto for a recreational trail project generally known as the "Bonita Estero Rail Trail," as more particularly described in the plans and specifications on file with the City (collectively, the "Project"); and

WHEREAS, the most efficient and fair method of financing costs of the Project is through the issuance of general obligation bonds (the "Bonds") secured by and payable from the proceeds of ad valorem taxes levied without limit on all taxable property within the City (the "Ad Valorem Taxes"); and

WHEREAS, in accordance with the Constitution of the State of Florida, the question as to whether or not such Bonds should be issued to finance costs of the Project must be submitted to the qualified electors of the City at a primary, general or special election.

THE CITY OF BONITA SPRINGS HEREBY ORDAINS:

Section 1. Recitals. The foregoing recitals are hereby ratified and confirmed as being true and correct and hereby made a part of this Ordinance and adopted as legislative findings.

Section 2. Referendum Election Called. A bond referendum election of the qualified electors in the City is hereby ordered and called to be held on August 18, 2026 (the "Referendum Election"), to determine whether or not the City shall issue the Bonds to finance costs of the Project. Such Bonds shall mature not later than thirty (30) years from their date of issuance, shall be issued in an aggregate principal amount of not exceeding \$35,000,000, shall bear interest at a rate not in excess of the maximum lawful rate and shall be secured by and payable from the Ad Valorem Taxes. If the issuance of

the Bonds is approved by the qualified electors voting at such Referendum Election, the specific provisions of the Bonds shall be set forth in a resolution or ordinance subsequently adopted by the City Council.

Section 3. Conduct of Referendum Election. The Referendum Election shall be conducted in accordance with applicable law at the same time and places as the primary election to be held on August 18, 2026, coordinated by the Supervisor of Elections of Lee County (the "Supervisor of Elections") and, to the extent required, the City Clerk.

The polling places, election officials, and hours of election for the Referendum Election will be as determined by the Supervisor of Elections in accordance with applicable Florida law.

Early voting and voting by mail will be utilized to the extent allowable by, and in accordance with, applicable law, and as determined and conducted by the Supervisor of Elections.

Section 4. Form of Ballot. The form of ballot to be used shall be in substantially the form attached hereto as Exhibit A. The ballots to be used in the Referendum Election, including any required sample ballots, shall be prepared and distributed by the Supervisor of Elections in accordance with applicable law. Electronic balloting may be utilized to the extent allowable by, and in accordance with, applicable law.

Section 5. Notice of Referendum Election. The City Clerk is directed to make this Ordinance available for inspection at the office of the City Clerk and available on the City's official website.

The City Clerk is directed to publish a notice of the Referendum Election in a newspaper of general circulation within the City at least thirty (30) days prior to the date of the election. The notice must be published at least twice, once in the fifth week and once in the third week prior to the week in which the Referendum Election is to be held, all in the manner and to the extent provided in Section 100.342, Florida Statutes. The notice shall be in substantially the form attached hereto as Exhibit B.

Section 6. Filing with Supervisor of Elections. Upon this Ordinance becoming effective, the City Clerk is directed to file a certified copy of this Ordinance with the Supervisor of Elections and is authorized and directed to coordinate with and through the Supervisor of Elections in carrying out the Referendum Election and the purposes of this Ordinance.

Section 7. Referendum Election Results. Returns of the votes cast at the Referendum Election shall be made as required by law.

If a majority of the votes cast for the referendum question is "YES – For Bonds," then the referendum question will be approved and the Bonds may be issued by the City following the certification of the Referendum Election results.

If less than a majority of the votes cast for the referendum question is "YES – For Bonds," then the referendum question will be defeated and will not be effective or operative, and the Bonds may not be issued by the City.

Section 8. General Authority. The members of the Council of the City and the officers, attorneys and other agents or employees of the City are hereby authorized to do all acts and things required of them by this Ordinance, or desirable or consistent with the requirements hereof for the full punctual and complete performance of all the terms, covenants and agreements contained herein.

Section 9. Conflicts. In the event of any conflict between the provisions of this Ordinance and any other Ordinance, in whole or in part, the provisions of this Ordinance will prevail to the extent of the conflict.

Section 10. Severability. In the event that any portion or section of this Ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Ordinance which shall remain in full force and effect.

Section 11. Effective Date. This Ordinance shall become effective immediately upon its enactment.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida this 15th day of April, 2026.

AUTHENTICATION:

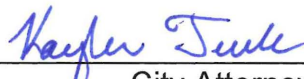


Mayor



City Clerk



APPROVED AS TO FORM: 

City Attorney

Vote:

Gibson	<u>aye</u>	Carr	<u>not present</u>
Bogacz	<u>aye</u>	Corrie	<u>aye</u>
Purdon	<u>aye</u>	Fullick	<u>aye</u>
		Fitzpatrick	<u>aye</u>

Date filed with City Clerk: 4/16/25

EXHIBIT A

**Official Ballot
City of Bonita Springs, Florida
Bond Referendum Election
August 18, 2026**

Bonita Estero Rail Trail (BERT) General Obligation Bonds

To acquire the Bonita Estero Rail Trail (BERT), and build a multi-use trail for runners, walkers, and cyclists to improve pedestrian safety, shall Bonita Springs issue general obligation bonds not exceeding thirty-five million dollars principal amount, maturing within thirty years of issuance, with interest not exceeding the maximum legal rate, and payable from ad valorem property taxes levied in amounts sufficient to pay debt service on such Bonds?

INSTRUCTIONS TO VOTERS:

YES - FOR BONDS

NO - AGAINST BONDS

EXHIBIT B

Notice to Electors of the City of Bonita Springs of a Bond Referendum Election to be held on August 18, 2026 Regarding the Bonita Estero Rail Trail (BERT) Project

[Notice is hereby given that a bond referendum election will be held on August 18, 2026, to be conducted concurrently with the Lee County Primary Election, to determine whether the City of Bonita Springs may finance the acquisition and construction of the Bonita Estero Rail Trail (BERT), and build a multi-use trail for runners, walkers, and cyclists to improve pedestrian safety, by issuing general obligation bonds not exceeding thirty-five million dollars principal amount, maturing within thirty years of issuance, with interest not exceeding the maximum legal rate, and payable from ad valorem property taxes levied in amounts sufficient to pay debt service on such Bonds on all taxable property within the City?]

As required by Ordinance No. 26-05, this Notice is given by publishing said Ordinance No. 26-05 in full as follows:

[copy Ordinance]