




Interoffice Memorandum

July 20, 2022

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

FROM: David D. Jones, P.E., CEP, Manager
Environmental Protection Division 

SUBJECT: Orange and Osceola Counties request for a linear facilities determination for the Osceola Parkway extension through Split Oak Forest and Wildlife Environmental Area

The County Administrator requested that the Orange County Attorney's Office and the Environmental Protection Division provide the Board with an update regarding the Osceola Parkway Extension (OPE) through the Split Oak Forest and Wildlife Environmental Area (SOFWEA). This memo supplements the update provided on May 2, 2022.

Provided below as background is a timeline of historic, current and future actions relevant to the extension of the OPE that is proposed to impact a portion of SOFWEA within Osceola County:

Historic and Current Actions:

- December 17, 2019: BCC approved Resolution 2019-M-50 regarding Support of Central Florida Expressway Authority (CFX) Preferred Alternative for the OPE Project PD&E Study Re-Evaluation and petitioning Florida Communities Trust (FCT) for a modification of the Grant Award Agreement, Interagency Agreement, and Management Plan.
- May 8, 2020: Osceola and Orange County applied to FCT for a linear facilities determination pursuant to Rule 62-818.015, Florida Administrative Code.
- July 30, 2020: Osceola and Orange County received a Request for Additional Information (RAI) from FCT.
- August 26, 2020: Osceola County files a Complaint challenging the ballot measure that proposed a SOFWEA amendment to Orange County's Charter.
- October 23, 2020: Osceola and Orange County submitted a response to the FCT RAI.
- November 3, 2020: The Split Oak Forest Wildlife and Environmental Area Charter Amendment passed.
- November 24, 2021: Osceola County filed a Second Amended Complaint challenging the Orange County SOFWEA Charter Amendment.
- February 9, 2022: Following written argument by the parties and a hearing, the Court issued an Order Denying Orange County's Motion to Dismiss.
- March 1, 2022: Orange County filed an Answer and Affirmative Defenses.
- March 11, 2022: Osceola County filed a Motion to Strike several of Orange County's affirmative defenses.
- April 20, 2022: The FCT Governing Board considered the request for a linear facilities determination for the proposed extension of the Osceola Parkway that would directly and

indirectly impact 160 acres of the SOFWEA. The entire acreage to be impacted is located in Osceola County. FCT Governing Board unanimously (with one member absent) approved Osceola and Orange County's request and identified items that must be resolved prior to final transfer of any interest in the property. The staff report and analysis provided to the FCT Governing Board for their consideration and approval and a video recording of the meeting is available at the following weblink: <https://floridadep.gov/lands/land-and-recreation-grants/content/florida-communities-trust-governing-board>.

- May 2, 2022: EPD's memo to the Mayor and Commissioners summarizing the FCT Governing Board April 20, 2022 action. The memo is provided as an attachment.
- May 12, 2022: CFX Governing Board passed Resolution #2022-427 regarding Split Oak and Osceola Parkway Extension. The approved Resolution is provided as an attachment.
- June 7, 2022: Following a hearing, the Court issued an Order Denying Osceola's County's Motion to Strike Orange County's affirmative defenses. The case has moved into the discovery phase of litigation.

FCT Approval Considerations:

- Upon approval of the linear facility request, the following were identified as items that should be resolved prior to any formal transfer of interest in land:
 1. Counties need to advise if they will accept title to the proposed 1,550 acres of donated land.
 2. Counties must provide a survey, environmental site assessment, and title work for the additional 1,550 acres.
 3. Counties should describe how the proposed addition of the 1,550 acres to the site will be managed and by whom.
 4. Counties need to provide draft easements for the 60- and 100-acre parcels proposed for impacts.
 5. Osceola County should provide documentation to FCT that it has satisfied its outstanding mortgage.
 6. Counties must obtain release of easements held by Florida Fish and Wildlife Conservation Commission (FWCC) and South Florida Water Management District (SFWMD) that are not consistent with the expansion of OPE.
- Initial steps have been taken by Osceola County to perform a survey and Phase I Environmental Site Assessment of the 1,550 acres.
- A Work Session updating the Board on the OPE project and SOFWEA, and status of these FCT considerations is planned for early 2023.

Possible Future Board Considerations:

- Consideration of a Resolution expressing Orange County's interest in accepting title of +/- 968 acres of proposed donated lands within Orange County.
- Consideration of a Conservation Easement over the proposed +/-968 acre. The Grantee(s) of this Easement has yet to be determined.
- Amending Future Land Use over the proposed +/-968 acres to Preservation.
- Determination of need for restoration, land management and remediation of contaminated areas and associated costs.
- Revision of the FCT Grant Award Agreement.
- Revision of the FWCC Interagency Agreement, and update of the Management Plan.
- Design, construction and permitting of the proposed portion of the OPE that is proposed to impact the Osceola County portion of SOFWEA will be performed by CFX. Orange

County does not have any jurisdictional or regulatory permitting authority over lands in Osceola County and the portion of the OPE project proposed to impact SOFWEA.

At this time there is not a definitive timeframe for when the above listed items may come to the Orange County Board of County Commissioners for formal consideration and consistent with any Charter provision. We will update the Board as we get more information.

Attachments

- C. Byron Brooks, Orange County Administrator
- Chris Testerman, Deputy County Administrator
- Jeff Newton, Orange County Attorney
- Jon Weiss, Director, PEDS
- Liz Johnson, Assistant Manager
- Georgiana Holmes, Attorney IV
- Beth Jackson, Environmental Program Supervisor


BJ/ERJ/GH/



Interoffice Memorandum

May 2, 2022

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

FROM: David D. Jones, P.E., CEP, Manager 
Environmental Protection Division

SUBJECT: Synopsis of Florida Communities Trust April 20, 2022 Board Meeting regarding Orange and Osceola Counties Request for a Linear Facilities Determination for the Osceola Parkway Extension through Split Oak Forest Wildlife and Environmental Area

County Administrator Brooks requested that the Orange County Attorney's Office and the Environmental Protection Division provide the Board with a synopsis of the Florida Communities Trust (FCT) Governing Board meeting that occurred on April 20, 2022.

The FCT Governing Board considered the request for a linear facilities determination for the proposed extension of the Osceola Parkway that would directly and indirectly impact 160 acres of the Split Oak Forest Wildlife and Environmental Area (SOFWEA). The request was submitted to FCT on May 8, 2020. The entire acreage to be impacted is located in Osceola County.

The Florida Department of Environmental Protection (FDEP), along with staff from FDEP's Office of General Counsel presented the request to the FCT Board members, along with a recommendation of items that need to be resolved prior to the formal transfer of any interest in the 160 acres. The staff report and analysis provided to the FCT Governing Board for their consideration and approval and a video recording of the meeting is available at the following weblink: <https://floridadep.gov/lands/land-and-recreation-grants/content/florida-communities-trust-governing-board>.

Upon conclusion of the FDEP staff overview of the item, the FCT Governing Board made a motion to approve the request and opened the item up for public comment.

There were approximately 60 individuals who commented in-person or virtually on the item and the overwhelming majority of the comments were in opposition to the request. Upon the completion of the public comment period, the FCT Governing Board members unanimously approved the request by a 4-0 vote, with one member absent.

Future actions to be considered by the Board of County Commissioners regarding this matter may include the acceptance of +/- 934 acres of proposed donated lands, conveyance of a Conservation Easement over the proposed +/-934 acres, revision of the FCT Grant Award Agreement, Florida Wildlife and Conservation Commission Management Agreement, and update of the Management Plan. At this time, there is not a definitive timeframe for when these items may come to the Orange County Board of County Commissioners. We will update the Board as we get more information.

C. Byron Brooks, Orange County Administrator
Chris Testerman, Deputy County Administrator
Jeff Newton, Orange County Attorney
Jon Weiss, Director, PEDS
Liz Johnson, Assistant Manager
Georgiana Holmes, Attorney IV
Beth Jackson, Environmental Program Supervisor

BJ/ERJ/GH/dj

**CENTRAL FLORIDA EXPRESSWAY AUTHORITY
RESOLUTION OF SUPPORT**

The Central Florida Expressway Authority (“CFX”), an agency of the State of Florida, created by Part III of Chapter 348, Florida Statutes, hereby adopts this Resolution of Support on May 12, 2022 to increase the protection of conservation lands within the Central Florida region.

WHEREAS, the 1,689 acre area known as the Split Oak Forest Wildlife and Environmental Area (“Split Oak”) was created via a Grant Award Agreement dated March 29, 1994 among Osceola County, Orange County, and the Florida Communities Trust (“FCT”); and

WHEREAS, the Grant Award Agreement provides that Split Oak is managed for “the conservation, protection and enhancement of natural and historical resources and passive, natural resource-based public outdoor recreation which is compatible with the conservation, protection and enhancement of Split Oak”; and

WHEREAS, the Florida Fish and Wildlife management plan for Split Oak includes goals of maintaining, designing, and developing miles of designated trails and undesignated trails within Split Oak and linking such trails with adjacent public areas, including trails for the Florida National Scenic Trail; and

WHEREAS, after careful and extensive consideration of routes for CFX’s Osceola Parkway Extension (“Expressway”), the Split Oak Minimization Alternative was chosen as the preferred route, which includes 1.3 miles of the proposed Expressway crossing through Osceola County’s southern corner of Split Oak; and

WHEREAS, the overall plan for the Expressway easement includes a donation of approximately 968 additional acres of conservation land in Orange County and 582 additional acres of conservation land in Osceola County, totaling approximately 1,550 acres of additional conservation land generally to the east of Split Oak; and

WHEREAS, this additional 1,550 acres of donated land provides more connectivity to existing preservation lands and helps provide a buffer for Split Oak and other contiguous conservation land; and

WHEREAS, on April 20, 2022, the FCT approved Orange and Osceola Counties request to modify the Split Oak Management Plan for a linear facility to allow for CFX’s proposed Expressway; and

WHEREAS, CFX agrees to set up and fund an escrow account to finance the restoration and 30 years of maintenance for the 1,550 acres of donated land to help ensure the success of the restoration of the donated land; and

Resolution #2022-427
Resolution of Support

WHEREAS, CFX supports granting a conservation and preservation easement across Split Oak and the 1,550 acres of donated land; and

WHEREAS, CFX supports granting an easement to the Florida National Scenic Trail within Split Oak and the 1,550 acres of donated land to support the mission of developing, maintaining, protecting, and promoting a network of hiking trails throughout the state; and

WHEREAS, CFX supports restricting the ability to widen the easement for the Expressway after the initial construction of the Expressway; and

WHEREAS, CFX supports the creation of wildlife crossings and is committed to working with Florida Wildlife Corridors to provide for large wildlife crossings under the Expressway in Split Oak; and

WHEREAS, CFX recognizes the importance for the periodic prescribed burns for conservation and preservation and supports alerting the traveling public of such activities.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE CENTRAL FLORIDA EXPRESSWAY AUTHORITY AS FOLLOWS:

- CFX will not request a widening of the easement after the initial construction of the Expressway.
- CFX supports granting a conservation and preservation easement across Split Oak and the 1,550 acres of donated land to a qualified land conservancy organization.
- CFX agrees to fund restoration to meet the criteria identified in an independent management plan and will fund the maintenance for a 30-year period for the 1,550 acres of donated land. Restoration and maintenance costs is estimated to be approximately +/- \$13 million net present value.
- CFX supports the efforts of Florida Fish and Wildlife and other land management agencies to assure that gopher tortoise mitigation easement areas within the 160 acres impacted by the Osceola Expressway Extension project are replaced with areas suitable for gopher tortoise habitat contiguous to and linked in a corridor to Split Oak.
- CFX supports the grant of an easement to the Florida Trail Association to promote, develop and maintain a network of hiking trails through Split Oak and the 1,550 acres of donated land with some allowances for dog friendly trails.
- CFX agrees to provide substantial bridged wildlife crossings along the 1.3 mile Expressway through Split Oak in Osceola County; using the Wekiva Parkway wildlife crossings as a model for this project.

Resolution # 2022-427
Resolution of Support

- CFX will advocate for the expansion of wildlife corridors to provide more wildlife connectivity to other preservation lands in the area based on the 2021 Florida Ecological Greenways Network.
- CFX will erect appropriate signage and warning signals along the expressway for the periodic prescribed burns necessary for the conservation and preservation of Split Oak and will coordinate with the appropriate agencies to alert the traveling public of prescribed burns in the area when necessary.

This Resolution was approved and adopted by the Central Florida Expressway Authority on May 12, 2022.

**CENTRAL FLORIDA
EXPRESSWAY AUTHORITY**

By: 
Sean Parks, Chairman

ATTEST:
By: 
Mimi Lamaute
Board Services Coordinator

Approved as to form and legality by legal counsel to the Central Florida Expressway Authority on this 12th day of May 2022 for its exclusive use and reliance.

By: 
Diego "Woody" Rodriguez
General Counsel

Flores Carrera, Veronica C

From: Bonilla, Emily (Commissioner)
Sent: Tuesday, November 28, 2023 9:13 AM
To: Calderon-Walker, Alycia; Albino, Alexis N; Flores Carrera, Veronica C
Subject: Fwd: Commissioner's Report for Nov 28th BCC meeting regarding Split Oak Forest
Attachments: 2022-07-20 EPD Memo to BCC.pdf

Please print email below and the memo

Sent from my Verizon, Samsung Galaxy smartphone
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From: Brooks, Byron W <Byron.Brooks@ocfl.net>
Sent: Tuesday, November 21, 2023 4:59:50 PM
To: Bonilla, Emily (Commissioner) <Emily.Bonilla@ocfl.net>
Cc: Albino, Alexis N <Alexis.Albino@ocfl.net>; Calderon-Walker, Alycia <Alycia.Calderon-Walker@ocfl.net>; Flores Carrera, Veronica C <Veronica.Flores@ocfl.net>; Wilson, Nicole H (Commissioner) <Nicole.Wilson@ocfl.net>; Moore, Christine M (Commissioner) <Christine.Moore@ocfl.net>; Uribe, Mayra M (Commissioner) <Mayra.Uribe@ocfl.net>; Gomez Cordero, Maribel (Commissioner) <Maribel.GomezCordero@ocfl.net>; Scott, Michael (Commissioner) <Michael.Scott@ocfl.net>; Mayor <Mayor@ocfl.net>; Gillespie, Cheryl <Cheryl.Gillespie@ocfl.net>; Newton, Jeffrey <Jeffrey.Newton@ocfl.net>; Demings, Jerry L (Mayor) <JDemings@ocfl.net>; Weiss, Jon <Jon.Weiss@ocfl.net>; Salcedo, Andres <Andres.Salcedo@ocfl.net>; Parker, Renee <Renee.Parker@ocfl.net>; Johnson, Liz <Liz.Johnson@ocfl.net>; Jackson, Beth - EPD <Beth.Jackson@ocfl.net>; Holmes, Georgiana <Georgiana.Holmes@ocfl.net>; Williamson, Jeff <Jeff.Williamson@ocfl.net>; Watrel, Jane C <Jane.Watrel@ocfl.net>
Subject: RE: Commissioner's Report for Nov 28th BCC meeting regarding Split Oak Forest

Commissioner Bonilla,

I am acknowledging receipt of your email and memo noting your desire to schedule a Commissioner's Report on a BCC agenda. A quick point of clarification, the Rules of Procedure regarding scheduling of a Commissioner's Report does not state the item must be placed on the next scheduled BCC meeting date; rather, it says as soon as possible. That language infers consideration of what's already scheduled on a BCC meeting agenda and time availability. Currently, the scheduled discussion items are OnePulse and the Disparity Study. I will get back with you on the requested date of November 28th once I speak with Mayor Demings.

Staff only became aware of the FWC agenda item late last week. We were attempting to get details of what might be presented, with intent to then provide that information to the BCC. We now know the FWC Commission meeting will entail the following: 1) FWC staff updating the FWC Commission regarding discussions with CFX, Orange County and Osceola County staff; 2) outline stakeholder concerns; and, 3) seek direction from the FWC Commission on the release of the Osceola County Conservation Easement over 160 acres of SOFWEA and acceptance of the land management responsibility for the proposed 1,550 acres of donated land. However, county staff has not been advised of FWC staff recommendations, if any, on the above, and we don't know what direction the FWC Commissioner may give. Staff will be attending the December 5 meeting to closely monitor. And, the discussions Orange County staff have participated in since last year have been consistent with what was conveyed in the memos, i.e., certain information requested of the counties, seeking clarification on various matters when needed, expression of concerns, etc., but all related to the only formal action the Orange County BCC has taken.

With respect to the urgency or timing of this matter coming to the BCC, arguably there is not yet any new information requiring action by the BCC. The two attached memos sent to the BCC in 2022 detailed what the future possible BCC

considerations may be. Once the FWC makes a decision, which may or may not happen at their December 5, 2023 meeting, then Orange County will know what, if any, decisions will be necessary. This process has moved at a pace much slower than we projected in 2022, thus there has not been any meaningful update or action to bring to the BCC. As you recall, and will see in the attached memo, a decision by the FWC is the trigger.

Regards,

Byron



Byron W. Brooks, AICP
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From: Bonilla, Emily (Commissioner) <Emily.Bonilla@ocfl.net>
Sent: Tuesday, November 21, 2023 11:24 AM
To: Brooks, Byron W <Byron.Brooks@ocfl.net>
Cc: Albino, Alexis N <Alexis.Albino@ocfl.net>; Calderon-Walker, Alycia <Alycia.Calderon-Walker@ocfl.net>; Flores Carrera, Veronica C <Veronica.Flores@ocfl.net>; Wilson, Nicole H (Commissioner) <Nicole.Wilson@ocfl.net>; Moore, Christine M (Commissioner) <Christine.Moore@ocfl.net>; Uribe, Mayra M (Commissioner) <Mayra.Uribe@ocfl.net>; Gomez Cordero, Maribel (Commissioner) <Maribel.GomezCordero@ocfl.net>; Scott, Michael (Commissioner) <Michael.Scott@ocfl.net>; Mayor <Mayor@ocfl.net>; Gillespie, Cheryl <Cheryl.Gillespie@ocfl.net>; Newton, Jeffrey <Jeffrey.Newton@ocfl.net>
Subject: Commissioner's Report for Nov 28th BCC meeting regarding Split Oak Forest

Hello Byron,

The board has been expecting a discussion on Split Oak forest and we were told we would have one before anything else is moved forward. Well, I received the attached document that the FWC is moving forward on a discussion on Dec 5th, and their document states that the counties have been in discussions with them on how to move forward. These staff discussions according to this document has happened regardless of our request for a board discussion on how to move forward after the voters had voted for us not to move forward with the road through the property and this has been added to our charter by the voters.

If this is not on our agenda for our next meeting on Nov 28th, consider this my official request to add a Commissioner's report on the Nov 28th agenda since the FWC will be discussing on Dec 5th and we don't have any other BCC meetings before this. I am also including the other commissioners and Mayor in this email.

Here is the Board Rules of Procedure for your reference:

2. Any Board member with an item to be placed on an agenda shall provide the item in writing, together with any backup information, to the Office of the County Mayor, with a copy to the County Administrator, no later than 12:00 Noon on the fourth business day preceding the Board meeting. Such items shall be placed on the agenda as soon as possible, unless, on further consultation, the Board member agrees to a postponement or to withdraw the item. Items to be placed on supplemental agendas shall be urgent in nature and shall be delivered in writing, with backup, no later than 9:00 A.M. on the business day preceding the Board meeting.

For reference, here is a section of the charter amendment on Split Oak Forest:

C. Restrictions. Notwithstanding any general or special law of the State of Florida and its agencies to the contrary, the Orange County Board of County Commissioners is prohibited from:

1. Entering into any agreement by vote, consent or otherwise, or passing any ordinance or resolution which has the effect of amending, modifying or revoking the restrictions and covenants strictly limiting the use of Split Oak Forest, in whole or in part, for conservation and the protection of its wildlife, vegetation, and environment as set forth in the Interagency Agreement, Grant Award Agreement as amended, and any other restrictive covenants running with the land described in subsection A as of the effective date of this charter amendment; and
2. Entering into any new contract or agreement with any other public or private party, which would supersede the restrictions on the use of Split Oak Forest contained in the Interagency Agreement, Grant Award Agreement as amended or any other restrictive covenant running with the land.

3 documents are attached:

- Image of FWC agenda item
- Split Oak Forest Charter Amendment
- Memo for Commissioner's report

- Commissioner Emily Bonilla

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