



December 23, 2025

TO: Mayor Jerry L. Demings  
Commissioner Nicole Wilson, District 1  
Commissioner Christine Moore, District 2  
Commissioner Mayra Uribe, District 3  
Commissioner Maribel Gomez Cordero, District 4  
Commissioner Kelly Martinez Semrad, District 5  
Commissioner Michael "Mike" Scott District 6

FROM: Byron W. Brooks, County Administrator 

SUBJECT: CFX SR 534 (Osceola Parkway Extension) – County Parcel Acquisitions and Eminent Domain Process

**PURPOSE:**

The purpose of this memorandum is to provide the Board of County Commissioners (BCC) with an update on the Central Florida Expressway Authority's (CFX) planned acquisition of Orange County-owned property interests required for the SR 534 (Osceola Parkway Extension) project. This memo, prepared in conjunction with the County Attorney's Office, Real Estate Management, and the Environmental Protection Division, outlines the parcels involved, the statutory eminent domain process, the current status of CFX's acquisition efforts, and the limited but important opportunities for County engagement and negotiation.

The key points at this stage are 1) CFX has started the eminent domain process, however CFX has not yet submitted a written monetary offer to the County for the impacted parcels totaling 46.7 acres, of which approximately 24.3 acres are environmentally sensitive lands; 2) Once the County receives the formal offer we have 30 days to respond before CFX can proceed with filing a lawsuit pursuant to the eminent domain proceedings; 3) in this presuit negotiation process the parties may agree to nonbinding mediation in an effort to settle the matter before a suit is filed; and, 4) if an agreement is not reached, CFX can proceed with filing the lawsuit in Circuit Court.

**BACKGROUND:**

- CFX is advancing the SR 534 (Osceola Parkway Extension) project, which requires the acquisition of multiple Orange County-owned property interests. A portion of these acquisitions involve environmentally sensitive County lands totaling approximately 24.3 acres, specifically within CFX Parcels 534-244, 534-268, 534-866, and 534-868 identified in the attached map.
- The overall acquisitions associated with the project include a combination of conservation easement modifications, permanent easements for bridge infrastructure (including air rights, foundations, and access), and partial fee simple acquisitions (Map Attached), all of which are necessary to support construction and operation of the expressway.
- CFX has statutory authority under Florida law to acquire the required property interests for expressway projects through the use of eminent domain.

**I. COUNTY-OWNED PARCELS AFFECTED:**

The following Orange County parcels are directly impacted by the project, and these parcels include conservation lands, Green PLACE properties, trail corridors, and lands adjacent to wetlands and hydrologic systems.

- CFX Parcel 534-244 – Eagle Creek Conservation Easement (19.88 acres)
- CFX Parcel 534-268 – Eagles Roost Property (2.83 acres)
- CFX Parcel 534-866 – C-29A Canal West Side (1.01 acres)
- CFX Parcel 534-868 – C-29A Canal East Side (0.56 acres)

**II. CURRENT STATUS OF CFX ACQUISITION:**

- CFX has already approved a Resolution of Necessity declaring the subject parcels necessary for public use. The Resolution was first approved by the CFX Right of Way Committee on July 23, 2025, and subsequently adopted by the CFX Governing Board on August 14, 2025, authorizing CFX to proceed with acquisition of the required property interests for the SR 534 project. A copy of the adopted Resolution is attached to this memo.
- CFX is currently reviewing appraisals for the County-owned parcels.
- CFX has indicated that the first written monetary offer is expected by late December or early January.
- As of the date of this memo, the County has not yet received the formal written offer.

### **III. EMINENT DOMAIN PROCESS AND LEGAL CONSIDERATIONS:**

#### **i. Presuit Negotiation Process:**

- The eminent domain process applicable to the SR 534 (Osceola Parkway Extension) acquisitions follows the procedures set forth under Chapter 73, Florida Statutes, and other applicable provisions of Florida law governing the exercise of eminent domain by public entities.
- The process is initiated by the condemning authority's approval of a Resolution of Necessity.
- CFX has already approved the Resolution of Necessity for the SR 534 parcels.
- The condemning authority then provides the property owner with a written monetary offer for the property to be acquired and provides a copy of the appraisal, if requested.
- CFX is currently reviewing the appraisal.
- Once the formal written offer is received by the County, we have 30 days to respond to the offer before CFX can file the lawsuit.
- At any time in the presuit negotiation process, the parties may agree to nonbinding mediation in an effort to settle the matter before suit is filed.

This presuit period represents the most flexible stage of the process and allows for discussion of both monetary and non-monetary considerations.

- If an agreement is not reached, suit is filed in Circuit Court, and a Petition is served on the property owner.

#### **ii. Order of Taking Process:**

- An Order of Taking hearing is generally scheduled within approximately three months after suit is filed. The parties may stipulate to the Order of Taking ("OT"). In some cases, the parties may agree on the total compensation to be paid for the property before the OT and enter into a Stipulated Order of Taking and Stipulated Final Judgment, which would fully resolve all compensation issues.
- At the Order of Taking hearing, the condemning authority must prove a public purpose and reasonable necessity for the taking, as well as a good-faith estimate of value of the property based on a valid appraisal. Once the condemning authority establishes reasonable necessity and public purpose, to prevent the judge from entering the Order of Taking, the property owner must prove bad faith or gross abuse of discretion, which is very difficult to prove.

- If the judge grants the Order of Taking, the condemning authority must deposit the good-faith estimate of value into the court registry within 20 days. The property owner may withdraw the funds from the registry at any time.
- **Once the condemning authority deposits the funds, it becomes the lawful owner of the property, and the authority to take the property is no longer an issue. CFX can proceed with the project and the subsequent legal actions cannot change their ownership.**

**iii. Post Order of Taking Process:**

- After entry of the Order of Taking, the case proceeds to settlement discussions or to a jury trial, where the only issue is the total amount of compensation owed for the taking of the property.
- The court will order the parties to attend mediation; however, the parties may enter informal settlement discussions at any time. Settlement may include monetary and non-monetary options.
- If settlement cannot be achieved, the case proceeds to a trial before a 12-person jury, which determines the amount of compensation owed.

**iv. Implications for Orange County:**

While Orange County does not have sufficient legal grounds to prevent the acquisition once statutory requirements are met, the County's opportunity to negotiate outcomes beyond purely monetary compensation exists prior to trial, particularly before or in connection with the Order of Taking. Once the matter proceeds to a jury trial, the County's role is limited strictly to valuation.

**IV. REAL ESTATE AND COUNTY CONSIDERATIONS:**

While arguably the County cannot stop the project or alter CFX's approved design, the County does retain an important role prior to trial. Specifically:

- Prior to litigation or prior to entry of an Order of Taking, the County may negotiate more than just monetary compensation.
- Negotiations may include land exchanges, alternative conveyance structures, access accommodations, mitigation measures, or other non-monetary considerations, subject to legal and operational feasibility.
- Once the matter proceeds to trial, the only issue before the court is monetary compensation, determined by a 12-person jury. Non-monetary solutions are no longer available at that stage.

**V. KEY CONSIDERATIONS FOR THE BCC:**

- The SR 534 project and associated acquisitions will proceed under CFX's eminent domain authority.
- The County's ability to influence outcomes is time-limited and occurs primarily before litigation or prior to the Order of Taking.
- Early, strategic negotiation provides the only opportunity to pursue alternatives beyond cash compensation. For example, the County could consider seeking other lands CFX owns or controls that have significant environmental value that greatly exceed in acreage the 24.3 acres of environmentally sensitive lands involved in this taking.
- EPD has identified potential environmentally sensitive lands in the same basin as well as in other areas that CFX owns or controls that might be of significant interest to the County and we are prepared to pursue with CFX if the BCC is supportive of us engaging in active negotiations.
- Staff will notify the BCC once the formal offer from CFX is received and provide you the details of the offer

This item is tentatively scheduled for a BCC Commissioner's Report on the January 13, 2026 agenda per the request submitted by Commissioner Wilson. Staff will be prepared to answer your questions on the status of this process, if you have any after reading this memorandum, and cover any new information or written offer if received from CFX prior to the BCC meeting.

Primarily, though, the only possible direction by the BCC at this time is whether you support us entering into negotiations with CFX once the formal written offer is received in which we would discuss possible monetary and/or land swaps proposals, and we would come back to the BCC for approval or denial of any negotiated terms; or, you want us to stand pat have no discussions with CFX and let the process run its legal course as described above.

BWB/cr

Attachments:

1. CFX Resolution
2. Central Florida Expressway Authority Project - overall Parcel Map Orange
3. CFX Parcel 244 with County Interests
4. CFX Parcel 268 with County Interests
5. CFX Parcel 866 with County Interests
6. CFX Parcel 868 with County Interests

c: Jeffrey Newton, Orange County Attorney  
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