



To: Mayor Jerry Demings
-AND-
County Commissioners

From: Commissioner Emily Bonilla, District 5

Date: Nov 21, 2023

Subject: Commissioner's Report Nov 28 on the Split Oak Forest

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 documents 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 or special agenda item 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:

1

COMMISSIONER EMILY BONILLA, DISTRICT 5
201 South Rosalind Avenue, 5th Floor · Reply To: Post Office Box 1393 · Orlando, Florida 32802
407-836-7304 · Fax 836-5976



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.

Action Requested: Board discussion on Split Oak Forest

Included items in the email with this memo to also be included in the agenda book:

- Image of FWC document
- Split Oak Forest Charter Amendment Document

Links with reference material:

- https://library.municode.com/fl/orange_county/codes/code_of_ordinances?nodeId=PTICH_ARTXPRSP_OAFOMIPA_S1000.01SPOAFOMIPASPOAFO

/s/

Commissioner Emily Bonilla

Cc: Byron W. Brooks, County Administrator
Cheryl Gillespie, Supervisor, Agenda Development
County Attorney's Office

MEMORANDUM



To: Florida Fish and Wildlife Conservation Commissioners
From: Melissa Tucker, Director, Habitat and Species Conservation
Date: December 2023
Subject: Staff Report – Split Oak Forest Wildlife and Environmental Area

Purpose: Provide background information and request direction from the Commission regarding the FWC's response to a roadway project that would impact the Split Oak Forest Wildlife and Environmental Area (WEA).

Why: A portion of the Split Oak Forest WEA would be impacted by a proposed roadway, and FWC staff would no longer be able to manage approximately 160 acres of the WEA.

Top Points:

- 1) Split Oak Forest WEA is 1,689 acres jointly owned by Orange and Osceola counties (the Counties) and managed by the FWC under an agreement with the Counties. It was acquired in part with funds from the discontinued FWC Gopher Tortoise Mitigation Park Program, and the FWC holds perpetual conservation easements over the area.
- 2) The Central Florida Expressway (CFX) Osceola Parkway Extension would impact Split Oak Forest WEA in Osceola County and necessitate releasing portions of the perpetual conservation easements.
- 3) In exchange for release of portions of the conservation easements, the parties are working on a mitigation package that will result in a net positive conservation benefit, including donation of lands adjacent to Split Oak WEA that will be added to the management area.

Interested Parties: Orange County, Osceola County, adjacent landowners and members of the public in the impacted counties, Central Florida Expressway Authority, Florida Communities Trust, Audubon Florida, and Friends of Split Oak Forest.

Summary: Split Oak Forest WEA is 1,689 acres jointly owned by Orange and Osceola counties. The Split Oak Forest WEA was acquired in 1994 with a grant award from the Florida Communities Trust (FCT) and funding from the FWC Gopher Tortoise Mitigation Park Program, to be utilized as a mitigation area to offset impacts to gopher tortoise habitat from development. The FWC holds conservation easements over the area and staff manage Split Oak Forest WEA through an interagency agreement.

The CFX has proposed construction of the Osceola Parkway Extension, part of a regional expressway, which would result in direct and indirect impacts to the southern portion of Split Oak Forest WEA. Staff have been working with CFX and the Counties to identify alternatives that would minimize and mitigate the anticipated impacts and ensure a net positive conservation benefit. Mitigation alternatives include donation of conservation lands and funds for restoration and management in exchange for releasing portions of conservation easements over a section of Split Oak WEA. A new interagency agreement between the Counties and the FWC will be needed for restoration and management of donated lands, and for continued management over the entirety of Split Oak Forest WEA.

Staff Recommendation: Provide direction to staff on further discussions with the Counties; delegate implementation of direction to Executive Director.

Staff Contact and/or Presenter: Melissa Tucker, Director, Habitat and Species Conservation

Affected Rules: None

Sec. 1000.01. - Split Oak Forest Mitigation Park ("Split Oak Forest").

- A. *Description.* Split Oak Forest is a Wildlife and Environmental Area of contiguous conservation land lying within Osceola and Orange County, with approximately 1,049 acres in Orange County and approximately 640 acres in Osceola County, and is more particularly described as:

Orange County Portion of Split Oak Forest

All of the South 1/2 of Section 27, Township 24 South.

Range 31 East, less that portion thereof lying below the Meander line of Lake Hart established by U.S. Government Survey, Orange County, Florida.

All of Section 34, Township 24 South, Range 31 East.

The West 1/2 of the Southwest 1/4 and the Southeast 1/4 of the Southwest 1/4 of Section 35, Township 24 South, Range 31 East.

And also, all property, if any, located in South 1/2 of Section 27, Township 24 South, Range 31 East, lying lakeward of the U.S. Government Survey Meander Line for Lake Hart. Any such property rights shall remain and be appurtenant to the legal title to the real property lying contiguous to such lakeward property.

Osceola County Portion of Split Oak Forest

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, and 64 in Section 3, Township 25 South, Range 31 East according to the NEW AND CORRECTED MAP OF NARCOOSSEE. As filed and recorded in the Office of the Clerk of the Circuit Court of Osceola County, Florida in Plat Book 1, Pages 73 and 74,

Public Records of Osceola County, Florida: Together with all land adjoining the above described lots formerly shown as roads on said NEW AND CORRECTED MAP OF NARCOOSSEE which have heretofore been vacated, abandoned, closed and discontinued as public roads. All in Osceola County, Florida.

- B. *Charter Protection.* On March 29, 1994, Orange County, Osceola County and the Florida Communities Trust entered into a Grant Award Agreement, Contract #94-CT-07-91-1A-J1-009, recorded in Orange County at O.R. Book 4721, Page 2133 and in Osceola County at O.R. Book 1180, Page 0078. The purpose of the Agreement was, in part, to set forth the covenants and restrictions on the use of Split Oak Forest, which were intended to run with the land. On or about July 12, 1994, the Grant Award Agreement was amended to remove portions of the land from the

collection of environmental mitigation fees. The Amendment to Grant Award Agreement and Modification of Interagency Agreement for Split Oak Mitigation Park is recorded in Orange County at O.R. Book 4876, Page 1083 and in Osceola County at O.R. Book 1249, Page 2942. In order to further preserve the conservation, wildlife, vegetation and environmental protection afforded Split Oak Forest under the Interagency Agreement and Grant Award Agreement, it is necessary to restrict the Orange County Board of County Commissioner's ability to amend or revoke those critical provisions of the Grant Award Agreement as amended.

- 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.
- D. *Exception.* The prohibitions set forth in this section shall not apply to any action, negotiation, amendment, modification, agreement, ordinance or resolution entered into or undertaken by the Orange County Board of County Commissioners, which provides greater, additional, and/or more stringent protections for the wildlife, vegetation and environment or the preservation of the use of Split Oak Forest as conservation land.
- E. *Severability and Conflicts.* The rights and violations provided herein should be interpreted, to the greatest extent possible, in harmony with any superior state or federal law governing the same rights and conduct. To the extent any provision of this Section of the Charter impermissibly conflicts with any superior state or federal law governing the same conduct, such provision shall be severable and all other provisions shall remain fully enforceable.
- F. *Effective Date.* This amendment shall become effective upon passage, which is the date certified by the Supervisor of Elections, and shall not require further enabling legislation by the Orange County Board of County Commissioners.

(Adopted November 3, 2020)