

Board of County Commissioners

Split Oak Litigation Update & CFX Condemnation Matter

January 13, 2026



Presentation Outline

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- Charter Litigation
- SR 534 Orange County Interests
- Eminent Domain Process



Charter Litigation

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- **Charter Lawsuit (Osceola County v. Orange County):**
 - Lawsuit concerned the validity of Split Oak charter amendment
 - Orange County won at trial court
 - Osceola County appealed
 - On 11/18/25, appellate court issued an opinion affirming trial court (no written explanation was given)
 - Osceola County now seeks a rehearing and is also asking for a written decision
 - The lawsuit does not address the application made to Florida Communities Trust for approval of a linear facility
 - The lawsuit does not address CFX's ability to exercise condemnation power to take property for the project



SR 534 Orange County Interests

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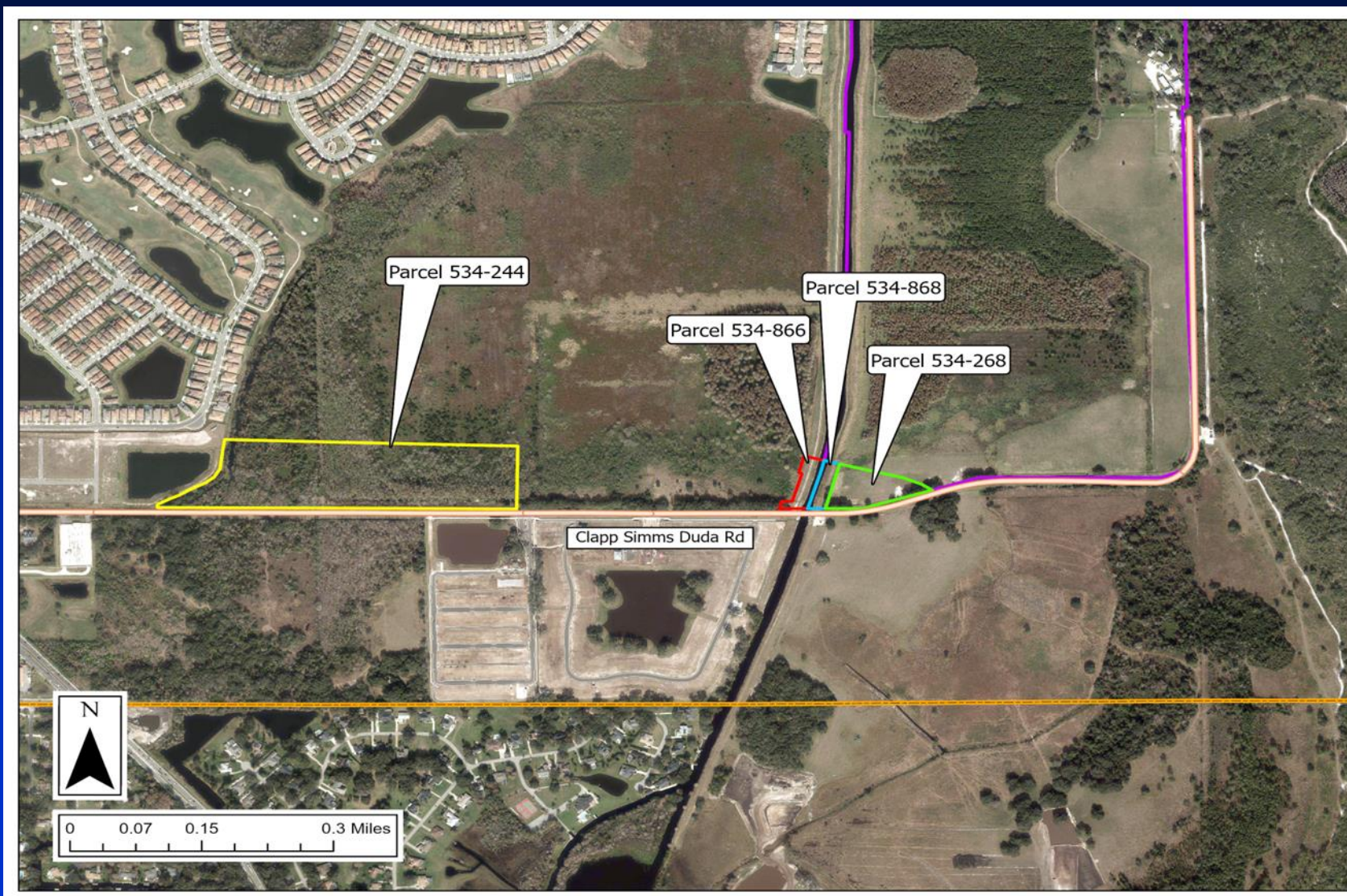
■ CFX Acquisition Update:

- CFX's Resolution of Necessity was approved by their Board on 8/14/25
- Written offers received 1/9/26 for 4 parcels:
 - Parcel # 534-268: 2.833 ac. Fee Simple
 - Parcel # 534-866: 1.012 ac. Perpetual Easement
 - Parcel # 534-868: 0.561 ac. Perpetual Easement
 - Parcel # 534-244: 19.88 ac. Conservation and Access Easement
- These four environmentally sensitive parcels (approx. 24.3 ac) are not within the boundary of Split Oak Forest Mitigation Park
- Other County parcels (approx. 22.4 ac, not environmentally sensitive) are expected to be impacted. No written offer has been received for these.



SR 534 Orange County Interests

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SR 534 Orange County Interests

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Eagles Roost

■ Acquisition Details

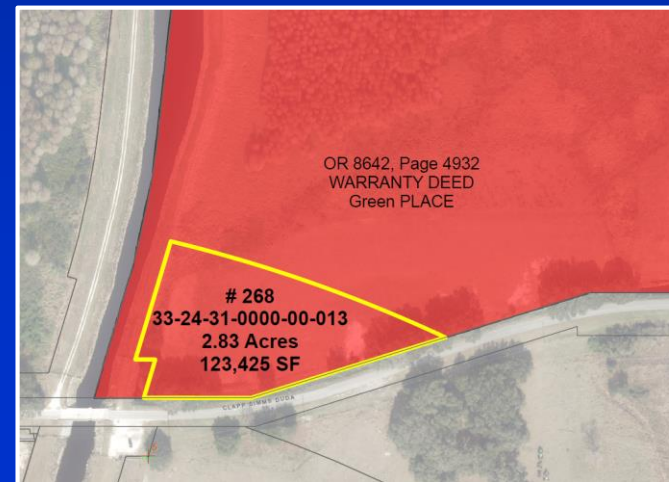
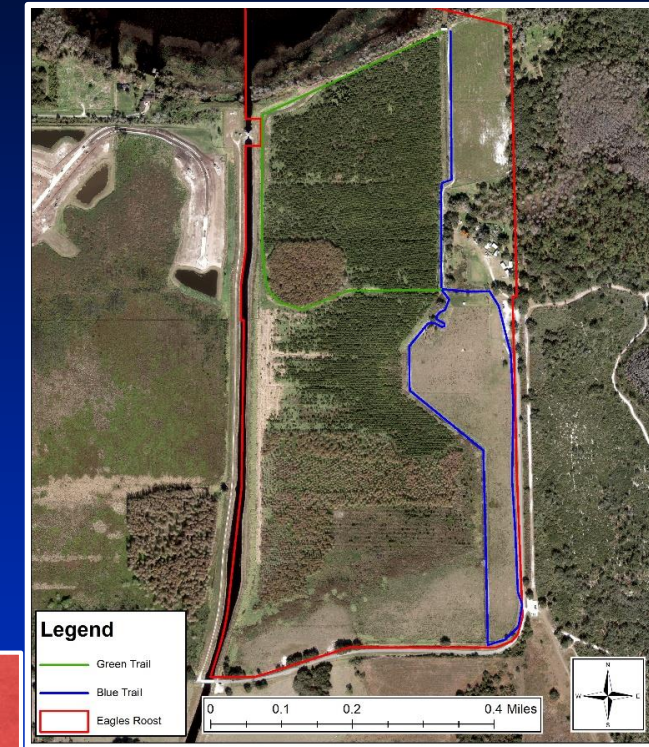
- Acquired 5/11/2006 for Green PLACE
- Purchase Price: \$8,500,000

■ Property Details

- Total Acreage: 232.01 ac
- Habitats: Basin marsh, flatwoods lake, improved pasture

■ SR 534 – Parcel 268 Impacts

- 2.833 acres





SR 534 Orange County Interests

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C 29A Canal Parcels

■ Acquisition Details

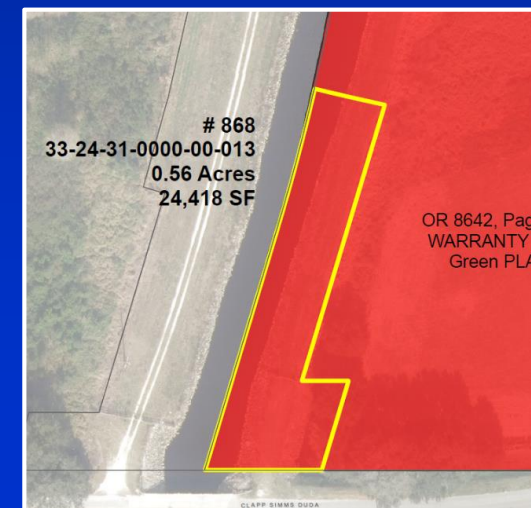
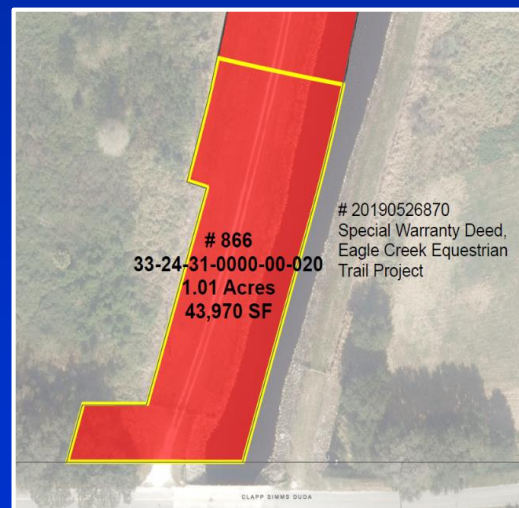
- East C 29 A Canal Bank purchased on 5/11/2006 as part of Eagles Roost
- West C 29A Canal Bank donated on 7/16/2019

■ Property Details:

- Total Acreage: 12.07 ac
- Improved canal

■ SR 534 Impacts

- 534-868 (eastside): 0.568 acres
- 534-866(westside): 1.012 acres





SR 534 Orange County Interests

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Eagles Creek Conservation Easement

■ Acquisition Details

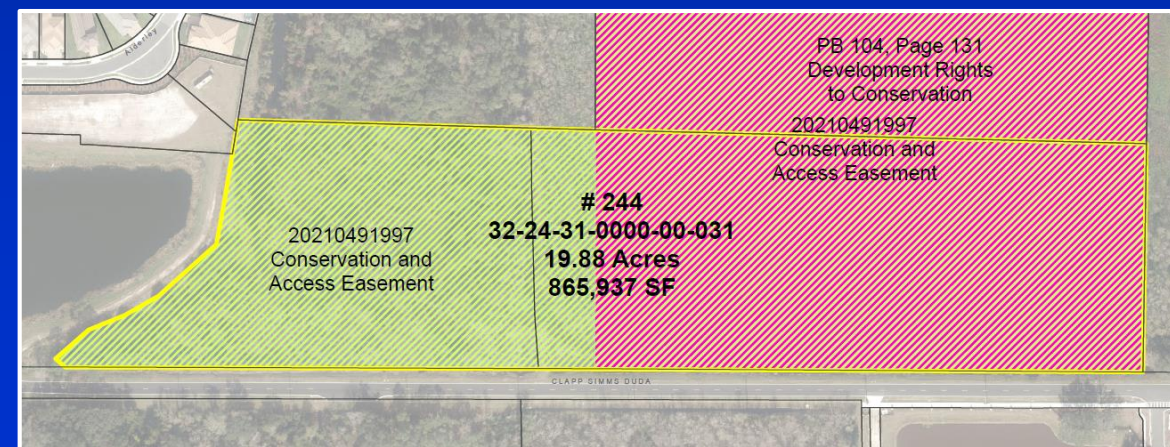
- Conservation Easement granted to Orange County on 7/27/21 related to CAI-14-06-022
- SFWMD also has a conservation easement on the property
- CFX purchased underlying property on 10/3/2023

■ Property Details:

- Total Acreage: 45.66 ac
- Habitat – Mixed forested wetlands

■ SR 534 Parcel 244 Impacts

- 19.880 ac





Eminent Domain Process

■ Pre-suit Process:

- Resolution of Public Necessity
- Negotiate in good faith before filing suit
- Provide written monetary offer
- The County may request the appraisals, right of way maps, construction plans
- 30 days to respond to the offers before suit may be filed
- May agree to pre-suit mediation; Charter may apply
- If no agreement, CFX may file suit in circuit court



Eminent Domain Process

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▪ Order of Taking Process:

- Hearing generally scheduled 3-4 months later
- CFX 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
- CFX must show it considered: 1) the availability of an alternate route; 2) costs; 3) environmental factors; 4) long-range area planning; and, 5) safety considerations
- Bad faith or gross abuse of discretion very difficult to prove



Eminent Domain Process

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- **Order of Taking Process:**

- If judge grants the Order of Taking, CFX must deposit the funds in court registry. At that point, CFX becomes legal owner of the property, and the authority to take the property is no longer an issue.

- **Post Order of Taking Process:**

- After Order of Taking, the case proceeds to settlement or to a jury trial, where the only issue is the total amount of compensation owed for the taking of the property.
- Court-ordered mediation. Any settlement will be brought to the Board for approval. Charter does not apply.
- If no settlement, jury trial on compensation owed.



Eminent Domain Process

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■ Immediate Next Steps:

- Request appraisals, maps, plans
- Evaluate offers
- Decide whether to respond to offers, request presuit mediation, or force CFX to file suit and prove necessity and public purpose at the OT hearing.