



Commissioner's Report

**Request for a Legal Review to File for an
Injunction and Declaratory Judgement**

&

**Request to Hire External Legal Counsel to
Enforce the Charter Amendment Protecting
Split Oak Forest**

Review of Original 1994 Agreement

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- **Modification of Agreement:** This agreement may be modified to resolve any conflicts or unforeseen circumstances that may arise during the establishment, administration or completion of the project.
- **Modification of this agreement shall require approval by all parties to this agreement and FCT.**



Legal Enforcement of the 1994 Interlocal Agreement

Request for the County Attorney or legal counsel to conduct a comprehensive legal review, determining whether Osceola County's execution of the 2025 agreement absent the consent or participation of Orange County constitutes a breach of the 1994 Interlocal Agreement. This analysis shall include an evaluation of the legal standing of Orange County and the potential ramifications arising from Osceola County's continued reliance on the 2025 agreement to authorize land use modifications within Split Oak Forest and adjacent conservation areas.

The review shall further assess the risk of future unilateral actions by Osceola County that may compromise Orange County's contractual rights or expose the County to environmental, legal, or financial liabilities.



Legal Enforcement of the 1994 Interlocal Agreement

This legal review must be conducted within the next 30 days. In the event that the County Attorney's office is unable to timely complete this review due to existing demands, the board should authorize hiring outside counsel to timely complete the same and prepare a report to the board for legal fees not to exceed \$10,000.



Legal Review of the Florida Communities Trust Requirements

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 should provide a revised management plan** adjusted to account for the linear facility and incorporating the additional property into the Split Oak project to FCT.
5. Counties need to provide draft easements for the 60- and 100-acre parcels proposed for impacts.
6. Osceola County should provide documentation to FCT that it has satisfied its outstanding mortgage.
7. Counties must obtain release of easements held by the Florida Fish and Wildlife Conservation Commission (FWCC) and South Florida Water Management District (SFWMD) that are not consistent with the expansion of OPE.



Other Considerations:

Formalization of County's Rescission and Charter Enforcement

The Board must authorize the drafting and transmission of formal letters to the Florida Communities Trust (FCT) and the Florida Fish and Wildlife Conservation Commission (FWC) withdrawing their application to those agencies and demanding the agencies' written acknowledgement of same. This would constitute a formal withdrawal of their prior support for the Osceola Parkway Extension (OPE) project. This action would align with the 2020 Orange County Charter Amendment and the Board's November 14, 2023 vote to withdraw support. This formal step will help operationalize the will of the electorate and prevent the agencies from moving forward based on previously assumed county endorsement.



Other Considerations:

Financial Liability Assessment of Land Transfer

Staff must be directed to conduct a fiscal analysis of the short- and long-term maintenance costs of the donated lands, buffer areas, and impacted parcels associated with the application + donated lands. This includes identifying whether current and future financial obligations would be imposed on Orange County taxpayers and determining whether projected funding is sufficient to meet management needs. The analysis shall quantify potential exposure to ongoing environmental maintenance and restoration costs that could arise under the revised terms.



Other Considerations:

Expanded Environmental Review and Risk Disclosure

A formal letter must be sent to the FCT requesting an expanded environmental assessment to include both Phase I and Phase II Environmental Site Assessments of all proposed donated and impacted parcels, including the 60-acre impact area and the adjacent 100-acre buffer. This is necessary to identify potential contamination or pollution risk and to ensure compliance with the Endangered Species Act. Orange County must insist on full transparency regarding the ecological, health, and liability impacts of all land transfers, as no comprehensive environmental or risk assessment has been made public to date.



Other Considerations:

Summary of Additional Agreements with CFX and Osceola

The Orange County Attorney's Office and staff shall prepare a legal memorandum identifying and analyzing all available avenues to amend or reinforce the 1994 Interlocal Agreement between Orange County, Osceola County, and the Florida Fish and Wildlife Conservation Commission, specifically to prohibit any future unilateral modifications or land use authorizations by any party that are inconsistent with the agreement's original conservation purpose.

In parallel, County staff shall compile a comprehensive inventory of all active or pending interlocal agreements, infrastructure initiatives, and land use projects involving Osceola County and the Central Florida Expressway Authority. This inventory should include, but not be limited to, any agreements, memoranda of understanding, or development proposals that may have implications for conservation lands, and be presented to the Board in a formal report to evaluate the broader scope of intergovernmental relations and potential cumulative impacts.





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