

Ballot Title, Summary and Proposed Amendment – Split Oak Forest

A. Introduction.

This Charter amendment would provide additional protections for the wildlife, vegetation, and environment of Split Oak Forest by restricting the Board of County Commissioners' ability to amend, modify or revoke the current restrictions and covenants limiting the use of Split Oak Forest to conservation use as set forth in the Interagency Agreement, Grant Award Agreement, and any other recorded restrictive covenants running with the land.

B. Ballot Proposal: The ballot title and question for Question #__ are as follows:

PROTECTING SPLIT OAK FOREST BY
RESTRICTING BOARD OF COUNTY
COMMISSIONERS' AMENDMENT OF
RESTRICTIONS AND COVENANTS

Amending the charter by providing charter protections for Split Oak Forest by restricting the Board of County Commissioners' ability to amend, modify, or revoke the current restrictions and covenants running with the land, which limit the use of Split Oak Forest, in whole or in part, to conservation and the protection of its wildlife, vegetation, and environment as set forth in current agreements and restrictive covenants; and providing exceptions to strengthen those restrictions.

Comptroller estimated financial impact: _____.

_____ Yes

_____ No

C. Text Revisions: Article X of the Orange County Charter is created and Section 1000.01 is added. (Underline text is added to the charter).

ARTICLE X – PROTECTION OF THE SPLIT OAK FOREST MITIGATION PARK

Section 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 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 through 64 in Section J, 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, Page 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 heretofor 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. 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 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 or of the United States and its agencies to the contrary, authority of the State of Florida to unilaterally take by eminent domain, develop or construct public or private facilities on any portion of Split Oak Forest, the 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 recorded-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 recorded-restrictive covenant running with the land.

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 Board of County Commissioners, which:

1. Provides ~~will provide~~ greater, ~~or~~ additional, and/or more stringent protections for the wildlife, vegetation and environment or the preservation of the use of Split Oak Forest as ~~strictly~~ conservation land; or
2. Is made in connection with or relates to the settlement of any condemnation action brought by the State of Florida and its agencies or the United States and its agencies, for the public purposes and uses provided in FLA. STAT. 704.06(11)-

Effective Date. This amendment shall become effective upon passage and shall not require further enabling legislation by Orange County.

D. Financial Analysis and Impact:

Based on information provided by the Comptroller’s Office, the cost of the proposed amendment is approximately _____, which represents _____.

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