

FOR IMMEDIATE RELEASE

Lawsuit Challenges Osceola's Support of Road Through Split Oak Forest

Lawsuit claims that the decision was made in violation of Florida's Sunshine Law

KISSIMMEE- The first hearing for this lawsuit is scheduled for January 2, 2019, 2:00 pm in the Ninth Judicial Circuit Court, Osceola County Courthouse, Room 6A in Kissimmee, Florida.

In their most recent filings with the court, Friends of Split Oak Forest, Speak Up Wekiva and Valerie Anderson (Plaintiffs) allege that the Osceola County Board of County Commissioners (Defendant) violated "Florida's Sunshine Law" when they issued official support for a major expressway route through Split Oak Forest at the request of Tavistock Development Company last April.

Plaintiffs contend that Osceola County officials took action on a proposition before the Board without allowing the public a fair opportunity to participate in the decision-making process, in violation of Florida Statutes Chapter 286.0114(2). Plaintiffs assert that the Board Chairman, Fred Hawkins, Jr., intentionally took steps to prevent the public from knowing that the proposition would be considered for approval at the April 16 meeting.



Gopher tortoise, a threatened species. Gopher tortoises were relocated to Split Oak from development sites. Photo: Robert Sena / Split Oak Forest.

The Government-in-the-Sunshine Law was enacted in 1967 and is designed to protect the public's ability to access governmental meetings and be heard before decisions are made by elected officials. "It is important that local governments follow the law so that citizens can effectively engage with their government," said Valerie Anderson, President of Friends of Split Oak Forest and one of the plaintiffs. The Friends of Split Oak Forest and Speak Up Wekiva have come forward to fight for the public's right to be heard.

Background: Osceola County partnered with Orange County to purchase Split Oak Forest Wildlife and Environmental Area in 1994 using public funding. Use of this type of funding required that the Counties agree to protect the lands forever ("in perpetuity") for mitigation and conservation. The Deed Restrictions pursuant to the

Grant Award Agreement, recorded in April of 1994, state:

"The Project Site shall be managed only for the conservation, protection and enhancement of natural and historical resources and for passive, natural resource-based public outdoor recreation which is compatible with the conservation, protection and enhancement of the Project Site."

The original Deed Restrictions over this property are still in full force and effect. This property is also protected by various Conservation Easements which have their own set of legal conditions and limitations according to Florida Statutes.

During the past ten years, Osceola County, through the Osceola County Expressway Authority, has consistently favored and approved proposed Osceola Parkway Extension routes that would slash through Split Oak Forest in violation of the explicit Deed Restrictions, the clear intent of the original agreements and the public trust.

On April 16, 2018, the Osceola County Board of County Commissioners voiced their support of an alignment of the Osceola Parkway Extension through Split Oak Forest. The roadway project is currently in the process of a Project Development & Engineering Study by the Central Florida Expressway Authority.

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