

MEMORANDUM

TO: Governing Board Members

FROM: Sheryl G. Wood, General Counsel

DATE: February 16 2006

SUBJECT: Authority to file suit regarding the Osceola Trace Parcel 9 Development Project, Osceola Trace World Expo Park Parcel 9 Development Project, London Creek Ranch Offsite Mitigation Project, Osceola County Convention Center and Hotel Project, and the Osceola Parkway Phase 6 Basin-A Drainage Modification Project in Osceola and Polk Counties, Florida.

Background

Environmental Resource (Conceptual Approval and New Construction/Operation) Permits were issued in 1998 and 1999 to Osceola Development Project, LP, for the Osceola Trace Parcel 9 Development Project and World Expo Park Project in Osceola County. ERP Permits were subsequently issued in 2003 for the London Creek Offsite Mitigation Project, the Osceola County Convention Center and Hotel, and the Osceola Parkway Phase 6 Basin-A Drainage Modification Project. Osceola Development Project, LP, has violated the terms of its original permits issued in 1998 and 1999. Specifically, while it has impacted over 60 acres of wetlands, it has not recorded a large conservation easement on-site, or transferred an approximate 802 acre site to the District, which were requirements of its permits. Further, the applicant has failed to meet deadlines for restoration under its 2003 permit, even though credits have already been transferred to the applicant. Staff will pursue settlement, and in the event that settlement cannot be reached, staff requests authorization to take other appropriate enforcement action, including filing a lawsuit against Osceola Development Project, LP, for the permit violations.

How this helps meet the District's 10-year Strategic Plan

This Authorization to Sue enables the Orlando Service Center to seamlessly progress to the next step in enforcement action against Osceola Development Project, LP, in the event that a settlement cannot be reached.

Funding Source

Staff time in negotiating settlement or pursuing litigation will be funded from ad valorem sources.

This Board item impacts what areas of the District, both resource areas and geography

This item impacts the Environmental Resource Regulation Department and it affects activities in Osceola and Polk Counties.

What concerns could this Board item raise?

In order to take all appropriate action, including the authority to settle this matter and to enforce the terms of the Osceola Development Project, LP, Permits, additional staff time may be required.

Why should the Governing Board approve this item?

The Governing Board should approve this item because the District has the knowledge and expertise to enforce the terms of environmental resource permits for Osceola Development Project, LP, and the District has sufficient grounds to pursue this enforcement action today.

If you have any questions, please do not hesitate to contact me at x6976.

SW/pc