



## MEMORANDUM

TO: Byron Brooks, County Administrator

CC: Jerry Demings, Mayor, Commissioners: Nicole Wilson, District 1, Christine Moore, District 2, Mayra Uribe, District 3, Maribel Gomez Cordero, District 4, Mike Scott, District 6

FROM: Dr. Kelly Martinez Semrad, Commissioner District 5

DATE: January 23, 2026

**SUBJECT: Immediate Agenda Item Request – Retaining Outside Counsel to Defend Against CFX Condemnation**

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### Purpose:

I am requesting that the Board place an urgent agenda item on the February 10, 2026, meeting to discuss and authorize the immediate retention of outside legal counsel to represent the County's interest and defend the County against the imminent eminent domain action by the Central Florida Expressway Authority (CFX) concerning four County-owned conservation properties tied to the SR 534 East project.

### Background:

On January 9, 2026, CFX submitted written offers totaling \$2,393,500 for four County-owned parcels. The County Attorney's Office advised the Board, at the January 13<sup>th</sup> Board of County Commission meeting, that pre-suit negotiations offered the County the strongest chance to protect its interests. However, the Board disagreed and voted 4-3 to reject negotiations and defend the County's conservation lands in a court challenge.

Critically, the County Attorney's Office has engaged publicly in a debate over potential legal strategies, effectively broadcasting the County's vulnerabilities and explicitly stating that given the difficulty of successfully challenging an Order of Taking in court, it would be more strategically advantageous for the County to engage in pre-suit negotiations; all of which compromises the County's legal position. In CFX's January 15, 2026, memorandum, they acknowledge this fact. They have also notified the County that eminent domain filings are planned as soon as February 9, 2026, and that construction of SR 534 will proceed regardless of the County's intended challenge. Without immediate action, Orange County residents risk:

- Being forced into a court process with a state agency with a County Attorney's office that has already publicly conceded the roadway serves a public benefit
- Entrusting the County's defense to counsel whose prior public statements indicate limited confidence in the County's likelihood of success



- Relying on a County Attorney's Office that has been publicly advocating for a negotiated settlement rather than pursuing a court challenge to defend the County's property interests
- Undermining the County's ability to mount a fully objective and vigorous legal defense of Eagle's Roost, while diminishing public trust in the protection of taxpayer and conservation interests

**Rationale for Agenda Item:**

The County's current strategy is legally and strategically deficient. Florida law makes it extremely difficult to defeat an Order of Taking, particularly against a state agency executing a road project. The public missteps of the County Attorney's Office have already put the County at a disadvantage. Retaining specialized outside counsel is no longer optional; it is urgent and essential to protect the County's legal rights, defend public property interests and preserve any remaining leverage in compensation negotiations. Per Florida law, legal representation should come at no cost to the County. It is my understanding that any legal fees, costs for environmental evaluations, and costs of expert witnesses are covered by the condemnor.

**Requested Action:**

- Direct immediate discussion on the retention of outside counsel with expertise in eminent domain defense
- Authorize the County Administrator to engage qualified outside counsel capable of providing aggressive and independent legal representation
- Direct staff to determine if any necessary budget adjustments are required to retain such counsel without delay

**Conclusion:**

The County is currently exposed to significant legal and financial risk due to both the statutory authority of CFX and missteps by the County Attorney's Office. Immediate engagement of outside specialized legal counsel is critical to prevent further erosion of the County's position and to defend public assets effectively. This agenda item must be placed on the February 10th meeting to ensure decisive action because CFX is indicating they intend to proceed with eminent domain filings on February 9, 2026.

Respectfully Submitted,

/s/  
Dr. Kelly Martinez Semrad  
Commissioner District 5