

# City to buy Constitution Green Park, preserve massive live oak

(George Skene, Orlando Sentinel)



A massive live oak on Summerlin Avenue in downtown Orlando could become the focal point of a development battle after plans surfaced to build homes and offices on the spot.

Private owners' plan to develop Orlando park averted, city to buy land for \$5.85 million

One of Orlando's oldest trees will be saved.

Months after plans surfaced for a new apartment building that imperiled Constitution Green Park, the city now plans to buy the land — and preserve the massive oak.

On Thursday, Mayor Buddy Dyer signed a letter of intent to acquire the privately owned, one-block park along Summerlin Avenue near the heart of downtown, at a price of about \$5.85 million in property and cash.

"I don't get many of these days, but this one rocks... I'm just delighted," said Commissioner Patty Sheehan, who drew attention to the park's uncertain future after she was approached by a developer in March.

The news mobilized residents, and an online petition calling for the park to be saved drew thousands of signatures.

The furor centered on the park's iconic tree, a live oak estimated to be between 125 and 175 years old, with recumbent branches so long they touch the ground. It is featured on the city's "Significant Trees" map.



Take a flight through the 175-year-old live oak tree that is the centerpiece of Constitution Green, the one-block park in downtown Orlando. Last month, a developer approached City Commissioner Patty Sheehan about developing the parcel. (This video was first published in April 2015.)

The park land is owned by the Carusos, a major citrus-growing family dating back to the 1920s that later branched out into real estate. Since 1987, the city has been leasing the park for \$1 per year.

"The city is very grateful that they have let us use it as a public space for as long as they have," said Kyle Shephard, an assistant city attorney.

Shephard said the city "has sought to acquire Constitution Green some time... [but] we've never been able to resolve on a purchase price that the property owner and the city could both agree to."

After the Carusos' development plans surfaced this spring, negotiations resumed, but the sides still couldn't agree, Shephard said: The landowners wanted about \$7.5 million, while the city offered less than \$6 million.

The situation could have devolved into a legal battle: According to the letter of intent, the city was willing to exercise eminent domain in order to confiscate the park property for public use "if necessary."

But ultimately, the Carusos agreed to sell at the lower figure and treat the difference between their appraisal value and the sale price as a charitable gift to the city.

"I think most residents of the city believe that it's [already] a city-owned park," said Dyer, adding: "We've always felt strongly about maintaining this... It's a unique, irreplaceable place that people feel very passionate about."

James P. Caruso, president of the holding company that owns the park, could not be reached Thursday.

The park will remain a green space under the city's ownership, Dyer said.

The deal calls for the city to pay about \$3.34 million in cash from its Community Redevelopment Agency budget, and also to hand over a roughly half-acre city-owned parcel at 129 East Gore Street valued at \$2.5 million.

A two-story, 5,400-plus-square-foot office building sits on that property, which currently houses a BMO Harris Bank branch. The bank's lease would be signed over to the Carusos as part of the sale, city officials said.

"The great thing is that we were able to make that land purchase of the bank back when the real estate market was bad," said Sheehan, calling the deal a unique opportunity to save "a very special area."

The agreement, set to close on or before Jan. 31, will still face several hurdles.

Both the sale of the Gore Street property and the purchase of the park land will have to be approved by the City Council, and the board of Orlando's CRA would also have to approve the \$3.34-million cash price tag.

But with a deal in place, for now at least, the arboreal centenarian is safe.

"This is the kind of stuff that makes communities, these connections," Sheehan said. "This is part of the sense of place that we're trying to create here."