



LEGAL REQUEST MEMORANDUM (LRM)

From: (Name) Rison Christopher (Dept) Planning - 2730
 Last First
 (Title) Senior Planner (Phone) xt. 2624
 Signature _____ [It's me] Date Monday, June 8, 2026

The Office of the County Attorney is requested to provide legal assistance as detailed in this legal request and supporting documents (attached).

Request for: Draft Document Approve as to Form RESUBMIT LRM No. _____
 Legal Opinion Other

Description of Request

Please review Gooding provided the final revised Joinder for Release of Restrictions for the parts of Tracts H and J based on the Transwestern PUD/TDC Deltona Land, LLC., Joinder for Tracts AA and part of Z (LRM 2026-414). He didn't address the other tracts - "G" held by SECO or the two tract pieces ("A" and "R") now owned by the County for right-of-way and an expanded water/drainage retention area. I'm proposing a revision to it to add the SECO and County tract portions. So I'm seeking your review of both his revised version with my revisions. This will be before the BCC on Wednesday 6/17/2026 for the public hearing on the overall Marion Oaks cases.

For more information or discussion, contact: Same as above
 (Name) _____ (Title) _____ (Phone) _____
 Last First

Agenda Item? Yes No Agenda Date: Wednesday, June 17, 2026
 Agenda Deadline Date for **Legal:** ASAP Agenda Deadline Date for **Admin:** Wednesday, June 10, 2026

Note: Please allow a MINIMUM of 5 working days BEFORE deadlines for LRM to be completed.

DO NOT COMPLETE - Office of the County Attorney use ONLY

LRM No. _____

Assigned to: Matthew Guy Minter, County Attorney Dana E. Olesky, Chief Asst. County Attorney Linda Blackburn, Asst. County Attorney Thomas Schwartz, Asst. County Attorney Valdoston Shealey, Asst. County Attorne

Outcome:

Date Received:

Approved as to form and legal sufficiency
 Approved with revisions: Suggested Completed
 Other: _____

Attorney Signature: _____ Date _____

Staff Signature: _____ Date: _____ Returned: Department Admin _____

Completed

This Instrument Prepared by and Return To:
W. James Gooding III
Gooding, Batsel, Hartley & MacKay
1531 SE 36th Avenue
Ocala, FL 34471

**MARION COUNTY’S JOINDER IN AMENDMENT TO, AND PARTIAL RELEASE OF
TRACTS SUBJECT TO, DECLARATION OF RESTRICTIONS (GREEN BELT),
AS TO PORTION OF TRACT H AND PORTION OF TRACT J**

**THIS MARION COUNTY’S JOINDER IN AMENDMENT TO, AND PARTIAL RELEASE
OF TRACTS SUBJECT TO, DECLARATION OF RESTRICTIONS (GREEN BELT), AS TO
PORTION OF TRACT H AND PORTION OF TRACT J** (the “Amendment”) is effective as of
_____, 2026, (the “Effective Date”), and is executed by Marion County, a
political subdivision of the State of Florida (“Marion County”).

WHEREAS:

- A. On or about June 5, 1973, The Deltona Corporation, a Delaware corporation, caused to be recorded a *Declaration of Restrictions Green Belt* (the “Original Declaration”) in OR Book 569, Page 351¹.
- B. The Original Declaration was thereafter amended by an *Amendment to Declaration of Restrictions* recorded in OR Book 1448, Page 866. (The Original Declaration, as so amended, is hereinafter referred to as the “Current Declaration.”)
- C. The Current Declaration encumbers the following sixteen (16) Tracts (the “Encumbered Tracts”) in Marion Oaks Unit Seven (the “Subdivision”), according to the Plat thereof recorded in Plat Book O, Page 140: Tracts A, C, D, G, H, J, K, M, R, S, V, W, X, Y, Z and “AA”
- D. Pursuant to Section 7.01 of the Original Declaration:
 - 1). The Current Declaration may be amended “by vote of a majority of the then owners of the tracts....”
 - 2). In addition, if the amendment affects the permitted uses under Sections 1.01 and 1.02 of the Current Declaration, the amendment has to be approved by the Marion County Board of County Commissioners.
- E. Pursuant to an *Amendment To, and Partial Release of Tracts Subject To, Declaration of Restrictions “Green Belt”* (the “Deltona/SECO Amendment”) as recorded in OR Book 7875, page 213, Deltona and Sumter Electric Cooperative, Inc., a Florida not for profit corporation (“SECO”) voted to amend the Declaration to delete Tracts G, H, J, R, W, X, Y, Z and “AA” (the “Released Tracts”) from the Current Declaration.
- F. As set forth in the Deltona/SECO Amendment, Deltona and SECO owned the entirety of eight (8) Tracts of the Encumbered Tracts, and Deltona owned part of another Tract (“Tract R”) as discussed in Whereas paragraph G.

¹ All recording references refer to the Public Records of Marion County, Florida.

- G. Marion County and Deltona own different parts of Tract R, Marion County under Tax Parcel ID Numbers 8007-1108+01 and Deltona under Tax Parcel ID Number 8007-0000-18.
- H. Marion County and Ferren Marr, Esmine Marr and Ewart Marr (the "Marrs") own different parts of Tract A, the Marrs under Tax Parcel ID Number 8007-0000-01 and Marion County under a Deed from the Marrs recorded in OR Book 7449, Page 1205.
- I. Paragraph 5.4 of the Deltona/SECO Amendment expressly provides that County may join in the Deltona/SECO Amendment "consenting to the release of all or less than all of the Released Tracts."
- J. County desires to execute this instrument to evidence its agreement to amend the Current Declaration to release a portion of the Released Tracts – set forth in paragraph 1 below – from the Current Declaration and to consent to the revision or alteration of the permitted uses within such Released Tracts pursuant hereto.

NOW, THEREFORE, the Current Declaration is hereafter amended as follows:

1. **Release of Tracts.**

- 1.1. County approves the amendment of the Current Declaration pursuant to the Deltona/SECO Amendment, to release the following Encumbered Tracts (the "Partial H-J Released Tracts") from the Current Declaration: **See attached Exhibit A.**
- 1.2. Therefore: (a) the Partial H-J Released Tracts are no longer encumbered by the Current Declaration or included within the Encumbered Tracts; and (b) the Current Declaration will have no force or effect over the Partial H-J Released Tracts.
- 1.3. Further, County approves the release of specific tracts or portions of tracts from the Current Declaration as listed below:
 - 1.3.1. Tract G, as acquired by Sumter Electric Cooperative, Inc., wherein that tract is in use for an electric substation complex.
 - 1.3.2. The western 60.65 feet of Tract A for use as additional right-of-way for an expansion of SW 49th Avenue and the western 85 feet of Tract "R" for the expansion of a water/drainage retention area, as acquired by Marion County
- 1.4. Pursuant to this paragraph 1, County releases only the portion of the Released Tracts referred to as the Partial H-J Released Tracts, Tract G, and the portions of Tracts A and Tract R as listed in sub-sections 1.3.1 and 1.3.2, and not any other Released Tracts or portions of Released Tracts.

2. **Vote By Execution.** By executing this instrument, Marion County:

- 2.1. Votes in favor of the Deltona/SECO Amendment set forth herein insofar as it concerns the Partial H-J Released Tracts.
- 2.2. Approves the revision or alteration of the restrictions in Sections 1.01 and 1.02 of the Original Declaration pertaining to permitted uses of the Partial H-J Released Tracts, subject to paragraph 4.

3. **Effective Dates.**

3.1. Released Tracts.

- 3.1.1. As set forth in the Deltona/SECO Amendment, Deltona and SECO owned the entirety of eight (8) of the sixteen (16) Encumbered Tracts, and Deltona owned part of another (Tract R, the remainder of which is owned by County).
- 3.1.2. By virtue of Marion County's vote in favor of the Amendment, owners who own the entirety of nine (9) of the Encumbered Tracts have voted in favor of the Amendment. That constitutes a majority of the Encumbered Tracts. Further, by virtue of this Amendment, Marion County has consented to the revision or alteration of the restrictions as to the Partial H-J Released Tracts in Sections 1.01 and 1.02 of the Original Declaration.
- 3.1.3. Therefore, the Amendment is effective as to the Partial H-J Released Tracts as of the Effective Date of this Joinder.

3.2. Future Consent to Release of Released Tracts.

- 3.2.1. Pursuant to this Joinder, County has consented to the release of only a portion of the Released Tracts under the Deltona/SECO Amendment, and therefore the remainder of such Released Tracts remain subject to the Current Declaration.
- 3.2.2. Nothing set forth in this Joinder shall preclude County from, in the future, and in its sole discretion, joining in the Deltona/SECO Amendment as to all or portions of the Released Tracts not included in the Partial H-J Released Tracts, or any other Encumbered Tracts that do not presently constitute the Released Tracts but may be added thereto pursuant to paragraph 5.5 of the Deltona/SECO Amendment. Until County does so, however, such other Released Tracts remain subject to the Current Declaration.

4. **Subject to Applicable Laws and Regulations.** Notwithstanding the amendment of the Current Declaration made hereby :

- 4.1. The Partial H-J Released Tracts shall remain subject to and may be developed only as permitted pursuant to applicable laws and regulations of Marion County and the state of Florida (including the Marion County Comprehensive Plan, Marion County Land Development Code, or any other provision of law affecting the development of the Partial H-J Released Tracts). Execution of this Joinder does not constitute an agreement by County to change any such laws or regulations.
- 4.2. Therefore, and without limitation, if the Partial H-J Released Tracts had a Preservation (PR) land use under the Marion County Comprehensive Plan Future Land Use Element, the Partial H-J Released Tracts would remain subject to the provisions of the Comprehensive Plan concerning such land use, until such land use is amended pursuant to an amendment to the Comprehensive Plan.²

² Pursuant to an ordinance adopted simultaneously herewith, the Comprehensive Plan was amended to change the land use on the Partial H-J Released Tracts from Preservation to Commercial. Thus, the Partial H-J Released Tracts do not have a Preservation land use, but the language of paragraph 4.2 is included in this Joinder as a precautionary measure in the event that County hereafter consents to the release of additional Encumbered Tracts.

5. **Effect on Current Declaration.** Except as expressly set forth herein, the Current Declaration is not amended or modified. Without limiting the foregoing, all Encumbered Tracts, except for the Partial H-J Released Tracts, will remain subject to the Current Declaration unless they are hereafter released pursuant to paragraph 3.2. All references herein or in the Current Declaration to “this Declaration,” “the Declaration,” or similar terms shall be deemed to refer to the Current Declaration as amended hereby.

THEREFORE, Marion County agrees to amend the Current Declaration as set forth above.

COUNTY

MARION COUNTY, FLORIDA, a political
subdivision of the State of Florida, by its Board of
County Commissioners

By: _____
Carl Zalak, III as Chairman

ATTEST:

Gregory C. Harrell, Clerk of Court and
Comptroller

For use and reliance of Marion County only,
approved as to form and legal sufficiency:

Matthew Guy Minter, County Attorney

EXHIBIT A
PARTIAL H-J RELEASED TRACTS

See attached.

ATTACHMENT A - 26-S03 - Application

A-3

**SKETCH OF DESCRIPTION FOR:
 THE DELTONA CORPORATION**

DESCRIPTION:

A PORTION OF TRACT H AS SHOWN ON THE PLAT OF MARION OAKS UNIT 7 AS RECORDED IN PLAT BOOK 0, PAGE 140 OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE N.W. CORNER OF LOT 8, BLOCK 1034 OF SAID PLAT; THENCE ALONG THE WEST BOUNDARY OF SAID LOT 8, S.01°08'23"W., A DISTANCE OF 290.00 FEET TO A POINT ON THE NORTH BOUNDARY OF SAID TRACT H, SAID POINT ALSO BEING THE POINT OF BEGINNING. THENCE DEPARTING THE NORTH BOUNDARY OF SAID TRACT H, S.43°51'37"E., A DISTANCE OF 56.57 FEET; THENCE S.88°51'37"E., A DISTANCE OF 215.43 FEET; THENCE S.01°08'23"W., A DISTANCE OF 10.0 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF S.W. HIGHWAY NO. 484, BEING A 100 FOOT RIGHT OF WAY; THENCE ALONG SAID NORTH RIGHT OF WAY LINE, N.88°51'37"W., A DISTANCE OF 345.43 FEET; THENCE DEPARTING SAID NORTH RIGHT OF WAY LINE, N.46°08'23"E., A DISTANCE OF 70.71 FEET TO A POINT ON THE NORTH BOUNDARY OF THE AFOREMENTIONED TRACT H; THENCE ALONG SAID NORTH BOUNDARY, S.88°51'37"E., A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING. SAID LANDS CONTAINING 0.15 ACRES MORE OR LESS.

***NOTE* ~ THIS IS NOT A SURVEY!**

**SHEET 1 OF 2
 ONE IS NOT COMPLETE WITHOUT THE OTHER**

**SEE SHEET 1 OF 2
 FOR DESCRIPTION, NOTES & SURVEYOR'S CERTIFICATION**

NOTES:

1. DATE OF SKETCH: DECEMBER 8, 2025
2. SUBJECT TO RIGHTS OF WAY, RESTRICTIONS, EASEMENTS AND RESERVATIONS OF RECORD.
3. PUBLIC RECORDS NOT SEARCHED BY R.M. BARRINEAU & ASSOCIATES, INC.
4. BEARINGS ARE ASSUMED BASED ON THE NORTH RIGHT OF WAY LINE OF S.W. HIGHWAY NO. 484, AS BEING N.88°51'37"W.
5. ADDITIONS OR DELETIONS TO SURVEY MAPS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
6. THIS SKETCH HAS BEEN PREPARED FOR THE EXCLUSIVE BENEFIT OF THE PARTY(IES) NAMED HEREON, AND SHALL NOT BE DUPLICATED OR RELIED UPON BY ANY OTHER INDIVIDUAL OR ENTITY WITHOUT AUTHORIZATION FROM R.M. BARRINEAU & ASSOCIATES, INC.

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY THAT THE SKETCH REPRESENTED HEREON MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 53-17.050-052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

LEGEND UNLESS OTHERWISE NOTED

- ☐ = CENTERLINE OF RIGHT OF WAY
- O.R. = OFFICIAL RECORDS OF MARION COUNTY
- C.B. = CHORD BEARING
- /- = BROKEN LINE; NOT DRAWN TO SCALE

12/8/2025

SIGNATURE DATE



TRAVIS P. BARRINEAU, P.S.M. - LS 6897
 OF R.M. BARRINEAU & ASSOCIATES, INC.

TRAVIS@RMBARRINEAU.COM

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

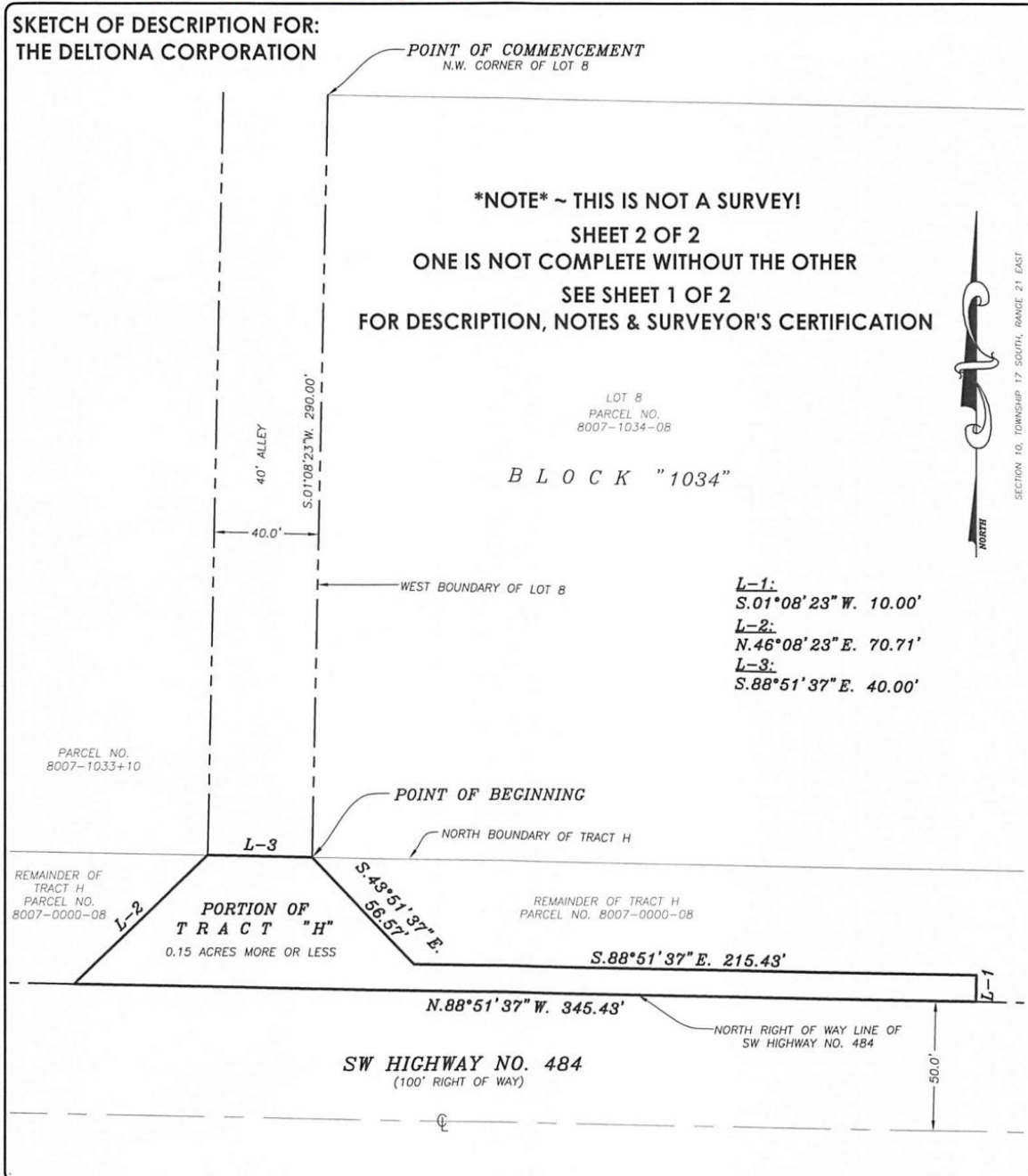


R.M. BARRINEAU
AND ASSOCIATES
 PROFESSIONAL SURVEYORS & MAPPERS
 Oakhurst Professional Park • 1309 S.E. 25th Loop+Suite 103+Ocala, FLORIDA 34477
 PHONE (352) 622-3133 + FAX (352) 369-3771 + www.rmBarrineau.com
 REGINALD M. BARRINEAU, P.S.M. - FOUNDER + CERTIFICATE OF AUTHORIZATION NO. LB 5091
 TRAVIS P. BARRINEAU, P.S.M. - LS 6897

DRAWN:	T.P.B.	J.O.# 02627
REVISED:		DWG.# 02627 SK REZONE
CHECKED:	T.P.B.	SHEET 1 OF 2
APPROVED:	T.P.B.	TRACT H
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ATTACHMENT A - 26-S03 - Application

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**R.M. BARRINEAU
AND ASSOCIATES**
EST. 1968

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ATTACHMENT A - 26-S03 - Application

A-5

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 ONE IS NOT COMPLETE WITHOUT THE OTHER**

**SEE SHEET 1 OF 2
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12/8/2025
 SIGNATURE DATE
 TRAVIS@RMBARRINEAU.COM

Travis P. Barrineau
 TRAVIS P. BARRINEAU, P.S.M. - LS 6897
 OF R.M. BARRINEAU & ASSOCIATES, INC.

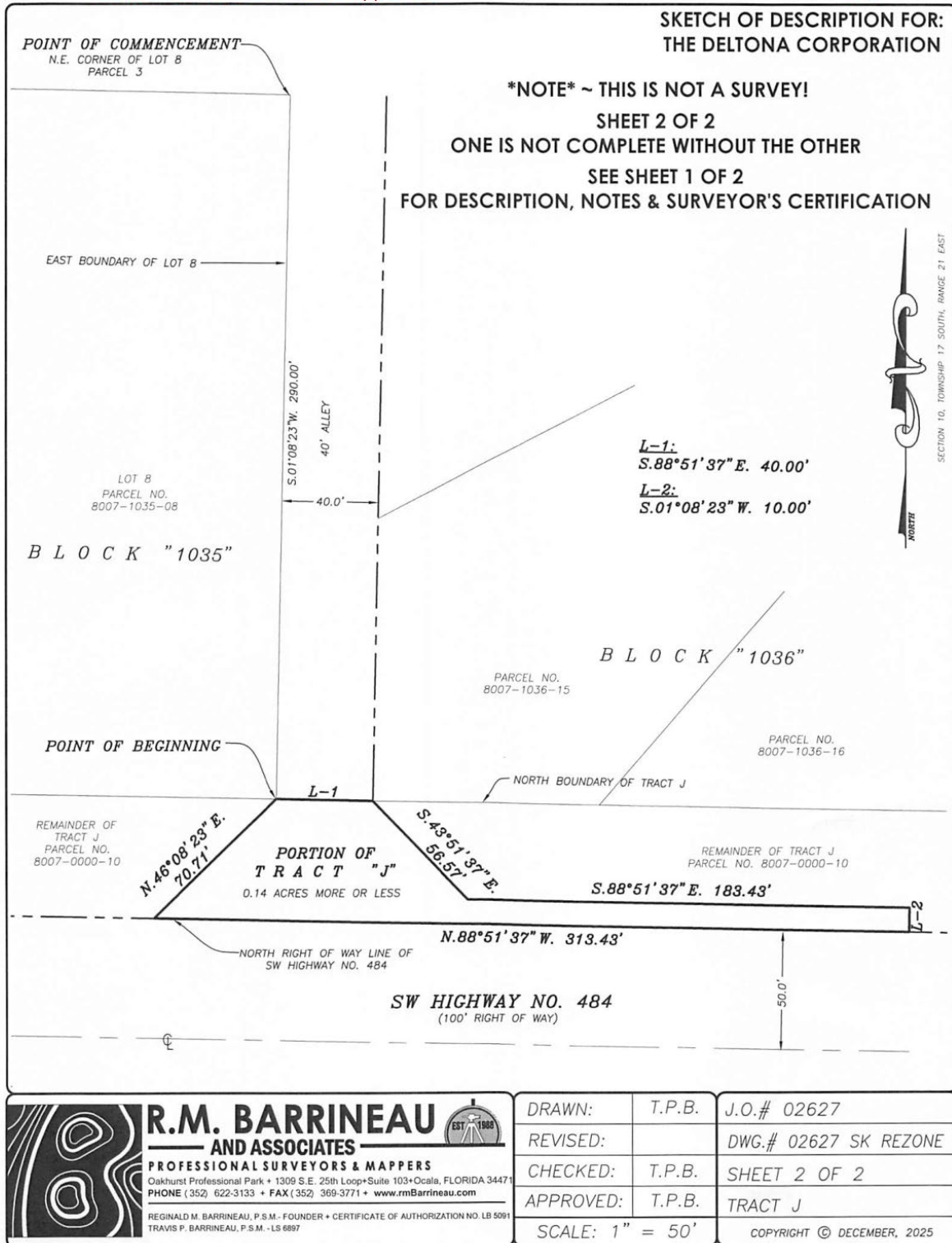
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ATTACHMENT A - 26-S03 - Application

A-6



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