

**MARION COUNTY  
STAFF VESTING COMMITTEE  
VESTING ORDER NO. 95-2**

In Re: Marion Oaks, Units 11 and 12  
David M. Harden  
Senior Vice President  
The Deltona Corporation  
3250 S.W. Third Avenue  
Miami, Florida 33129

**ORDER APPROVING VESTED RIGHTS**

*On January 11, 1995, Marion County Staff Vesting Committee met to consider the application for vesting determination submitted by the above-referenced applicant for a residential development consisting of 3,159 lots on 1,337.08 acres.*

*The Committee hereby adopts the following findings of fact:*

**1. PROJECT DESCRIPTION:**

*This request for a Vesting Determination is for the last two (2) phases of Marion Oaks, a master planned development, Units 11 and 12. These units are located on the south and west sides of CR 484, approximately six (6) miles west of the intersection of I-75 and CR 484. Unit 11 consists of 1351 total lots and Unit 12 consists of 1808 total lots. Eighteen (18) lots are zoned B-2, Community Business, and the balance are zoned R-1, Single Family Dwelling. The minimum R-1 lot size is 10,000 square feet. Three hundred and twenty (320) lots have been sold in these phases. The project is not located in the Environmentally Sensitive Overlay Zone nor in the 100 year flood plain. Marion Oaks is shown on the Future Land Use Map as a Development of Regional Impact.*

*On July 25, 1986, the State Department of Community Affairs issued a Binding Letter of Interpretation of Vested Rights, No. 586-041 (attached). The following statements are made in the letter. "The data you provided indicate that Units One through Ten were platted after August 1, 1967, and prior to July 1, 1973, and this portion of the Marion Oaks subdivision is therefore vested pursuant to*

*Subsection 380.06(20), F.S., and local subdivision plat law." "Units Eleven and Twelve were platted after July 1, 1973, ... The Department finds that Units Eleven and Twelve do not possess vested rights pursuant to Paragraph 380.06(20)(a), F.S."*

*On June 30, 1986, Marion County Commission Chairman, Steve H. Gilman, wrote to the Florida Department of Community Affairs to advise of plats recorded for Unit 11 on August 28, 1973 and Unit 12 on March 20, 1974. He also advised DCA of a master plan for sanitary sewer disposal for Marion Oaks Unit 1-12 recorded May 17, 1973.*

*In Unit Eleven, roads and drainage retention areas are constructed in SEC 12, TWP 17S, RGE 20E; SEC 7, TWP 17S, RGE 21E and in the Northwest quarter of the Northwest quarter of SEC 18, TWP 17S, RGE 21E. Water, sewage, electrical, telephone and cable utilities have not been installed in these areas. Eighteen lots are zoned commercial; 303 residential lots and 7 tracts have access to paved roads in the developed area.*

*In Unit Twelve, roads and drainage retention areas are constructed in the east 1/2 of SEC 1 and 12, TWP 17S, RGE 20E. Water, sewage, electrical, telephone and cable utilities have not been installed in these areas. Four hundred and twenty-six residential lots and two tracts have access to paved roads in the developed area.*

## 2. **CHRONOLOGY:**

*The land on which Units Eleven and Twelve are located was purchased in July, 1972. The platting process for these units began immediately thereafter. However, delays in the closing of the purchase delayed the preparation and recording of the final plats.*

*On May 23, 1972, the master plan for the entire project of 14,644 acres was presented to the Board of County Commissioners. A Master Central Water and Sewage System Development Plan was submitted in compliance with Marion County Ordinance 73-1 as part of the final plat submittal package. The Board of County Commissioners accepted and approved the plan. Water and Sewer Trust Agreements, and Subdivision Improvement Bonds for each unit of development have been submitted with each plat.*

*The Board of County Commissioners adopted county-wide zoning classifications on June 12, 1973. These classifications included the previously recognized Marion Oaks land uses provided on a "generalized zoning plan" prepared by Deltona Corporation for Marion Oaks, Units One through Twelve.*

*The final plat for Unit Eleven was recorded on August 28, 1973, in Plat Book "O", Pages 214 through 224. The final plat for Unit Twelve was recorded on March 20, 1974 in Plat Book "O", Pages 225 through 236.*

*The current road, drainage and associated land development currently underway in Units 11 and 12 are in accordance with county issued development orders and construction permits that are in good standing and are valid as of this date.*

*To date, Marion County has accepted for county maintenance, 1.2 miles of constructed road rights of way in Unit 11.*

*Road crossings to accommodate the extension of underground central water line extensions have been completed.*

*Deltona has agreed to be a participating taxpayer for enhanced governmental services created under the county's adoption of two (2) Municipal Services Taxing Units (MSTU) for Marion Oaks, which taxing units include all of Units 11 and 12. Furthermore, as part of the creation of the taxing unit, at the request of the Board of County Commissioners, Deltona made a substantial land donation to Marion County for the construction of the Marion Oaks Community Center built from revenue derived from the MSTU.*

3. **EXPENDITURES:** *The applicant has presented some evidence of expenditures, including development expenditures.*

<i>Design, Engineering &amp; Construction of Improvements</i>	<i>Unit 11</i>	<i>\$824,394.00</i>
	<i>Unit 12</i>	<i><u>\$679,439.00</u></i>
<b>TOTAL EXPENDITURES</b>		<b>\$1,503,833.00</b>

4. **FINAL LOCAL DEVELOPMENT ORDER.** *Unit 11 was issued a final local development order in 1973 and Unit 12 was issued a final local development order in 1974.*

5. **COMPREHENSIVE PLAN.** *This project was permitted by the Comprehensive Plan and Land Development Regulations in effect prior to February 12, 1992.*


*This project was presumptively vested under the Comprehensive Plan as adopted on January 29, 1992, and by the Land Development Code as adopted on June 11, 1992. The Remedial Amendment to the Marion County Comprehensive Plan, adopted August 11, 1993, and the Remedial Amendment adopted April 7, 1994, removed the presumptive vesting as a platted and recorded subdivision in accordance with Policy 1.15 as amended.*

***Based on the findings of facts above, the Staff Vesting Committee hereby finds and determines:***

1. *The Marion County Land Development Code provides the Staff Committee shall provide the applicant with written notification of the determination of vested status including findings of fact supporting such determination.*
2. *The applicant has submitted sufficient information to support that it has made a substantial change in position or has incurred extensive obligations or expenses and it would be inequitable, unjust or fundamentally unfair to deny the development rights acquired by the applicant.*
3. *Nothing in this order shall vest the applicant from the applicable requirements of Chapter 380, Florida Statutes, if any.*
4. *On January 11, 1994, the Vesting Committee voted unanimously to approve the vested rights of the applicant.*
5. *The applicant was charged an application fee of \$400, and the total time required to render this vesting determination involved a total cost of \$497.13. The applicant is not entitled to a refund of the application fee.*

*Accordingly, the Marion County Staff Vesting Committee has determined the applicant has vested rights to complete the development, providing the applicant continues development activity in good faith.*

***DONE and ORDERED*** this 25 day of January, 1995.

  
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*Michael May, Chairman*  
*Staff Vesting Committee*

*Copies Furnished To:*

*Judy Johnson, Chairman*  
*Thomas D. MacNamara, Assistant County Attorney*  
*Tom Klinker, Finance Director*  
*Charlene Williams, Secretary*  
*William J. Peebles, Esquire*

BLIVR 586-041

STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS

2571 EXECUTIVE CENTER CIRCLE, EAST • TALLAHASSEE, FLORIDA 32301

BOB GRAHAM  
Governor

July 25, 1986

TOM LEWIS, JR.  
Secretary

Mr. William I. Livingston  
The Deltona Corporation  
Department of Legal Affairs  
Post Office Box 369  
Miami, Florida 33145

Dear Mr. Livingston:

Marion Oaks; VRS-586-041

We have received your additional information regarding the vested status of the Marion Oaks development and have completed our review to determine whether you possess vested rights for that development pursuant to local subdivision plat law and Subsection 380.06(20), Florida Statutes (F.S.). The data you provided indicate that Units One through Ten were platted after August 1, 1967, and prior to July 1, 1973, and this portion of the Marion Oaks subdivision is therefore vested pursuant to Subsection 380.06(20), F.S., and local subdivision plat law.

Units Eleven and Twelve were platted after July 1, 1973. In their letter of June 30, 1986, the Marion County Commission indicated that the Board of County Commissioners of Marion County never determined the vested status of Units Eleven and Twelve. They did indicate that they had a set of drawings, received May 17, 1973, delineating a master plan for sanitary sewage disposal for the entire subdivision, Units One through Twelve. The Department finds that Units Eleven and Twelve do not possess vested rights pursuant to Paragraph 380.06(20)(a), F.S.

Please be advised that those portions of Marion Oaks not automatically vested by proper plat approval pursuant to Paragraph 380.06(20)(a), F.S., may be vested based on other provisions for vested rights according to Subsection 380.06(20), F.S. Such vested rights may be determined by submitting an application for a binding letter of interpretation for vested rights to the Department (application enclosed).

Mr. William I. Livingston  
July 25, 1986  
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Please be advised that development of those portions of Marion Oaks that were platted after August 1, 1967, and prior to July 1, 1973, and are vested pursuant to Paragraph 380.06(20)(a), F.S., must commence actual development by June 30, 1990, or such vested rights shall expire. Any development not in accordance with the vested plan may divest your rights to complete the vested development plan without being subject to the impact review requirements of Section 380.06, F.S. A determination of whether changes to vested plans are sufficiently significant to require divestiture may be obtained by submitting an application for a binding letter of interpretation for modification to a development of regional impact with vested rights (BLIM) (application form enclosed).

Any additions to a vested development may constitute a development of regional impact (DRI). A determination of the DRI status of the addition to a vested development may be obtained by submitting an application for a binding letter of interpretation of DRI status (BLID) (application form enclosed).

If you have any questions concerning this matter, please call me or Jim Farr in the Division of Resource Planning and Management, Bureau of Resource Management at (904) 488-4925.

Sincerely,

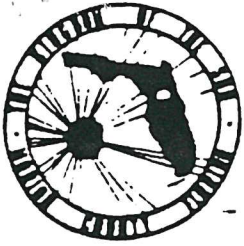


Diana Sawaya-Crane  
Chief, Bureau of Resource  
Management

DSC/jfb

Enclosures

cc: Mr. Mark Sinclair  
Mr. Ron Miller



# Marion County Commission

111 S.E. 25TH AVENUE • OCALA, FLORIDA 32671

## COMMISSIONERS

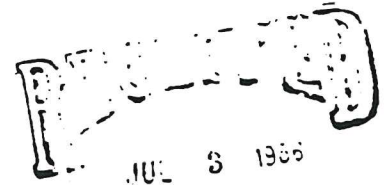
GAL CROSBY	DIS 1
MURRAY RUGATE	DIS 2
ROY ABSHEE	DIS 3
T. W. "TOMMY" NEEDHAM	DIS 4
STEVE GILMAN	DIS 5

AREA CODE 904 822-0300

June 30, 1986

Mr. J. Thomas Beck  
 Program Administrator  
 Development of Regional Impact Section  
 Florida Department of Community Affairs  
 2571 Executive Center Circle, East  
 Tallahassee, Florida 32301

Re: Marion Oak Unit 1 through 12, Marion  
 Oaks Subdivision located in Marion  
 County, Florida



Dear Mr. Beck:

BUREAU OF RESOURCE  
 MANAGEMENT  
 DRI SECTION

We have been advised by the Deltona Corporation that they notified you by letter dated December 26, 1985 that Marion Oaks Units 1 through 12, inclusive, are vested under Chapter 380, Florida Statutes. In their letter they informed you that the plats of Units 1 through 10 were approved by Marion County and recorded between January 16, 1973 and June 29, 1973, prior to the effective date of Chapter 380. In addition, they informed you that Marion County recorded the plats of Units 11 and 12 on August 28, 1973 and March 20, 1974, respectively.

At the request of the Deltona Corporation, the letter serves as confirmation of the recording of the plats of Units 1 through 12 of Marion Oaks in the official public records of Marion County, Florida.

The minutes of the Board of County Commissioners do not indicate that the Board of County Commissioners determined the vested status of Units 11 and 12. However, Marion County has in its records, a set of drawings entitled "Master Plan for Sanitary Sewerage Disposal - Marion Oaks" dated received on May 17, 1973. These plans delineate units 1 through 12.

Based on the fact that Marion County accepted the plats of Units 11 and 12 of Marion Oaks for recording and by virtue of the above mentioned sewerage disposal plan which indicated Deltona's future intention to plat these areas, it appears that the Board of County Commissioners of Marion County, Florida determined the vested status of Units 11 and 12 of Marion Oaks.

Yours very truly,

*Steve H. Gilman, MD*

Steve H. Gilman  
 Chairman

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