

RESOLUTION NO. 26-R-_____**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, APPROVING MODIFICATIONS TO THE MARION OAKS SUBDIVISION, A DEVELOPMENT WITH VESTED RIGHTS PURSUANT TO SECTION §380.06, FLORIDA STATUTES; PROVIDING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Development of Regional Impact (DRI) program was established and implemented through §380.06, Florida Statutes (“F.S.”), to provide for the coordinated planning of large-scale development projects, effective June 3, 1973; and

WHEREAS, on June 5, 1973, the Board of County Commissioners of Marion County, Florida (“Board”) approved the subdivision plat for the Marion Oaks Unit Seven (“MOU7”) as recorded in Marion County Official Records Plat Book O, Pages 140-153; and

WHEREAS, on July 25, 1986, the State Land Planning Agency, then known as the State of Florida Department of Community Affairs, determined and rendered Binding Letter of Interpretation for Vested Rights for a Development of Regional Impact (“BLIVR”) No. 586-041 that MOU7 qualified for vested rights pursuant to §380.06, F.S., thereby acknowledging MOU7 as a Vested Development of Regional Impact (“VDRI”); and

WHEREAS, the State of Florida Division of Land Planning, and its successor agencies the Florida Department of Community Affairs (“DCA”) and Florida Department of Economic Opportunity Division of Community Planning (“DEO”), subsequently determined and rendered a Binding Letter of Interpretation for Modification to a Development of Regional Impact with Vested Rights (“BLIM”) Application No. BLIM-05-2007-017, Final Order No. DCA09-BL-258) for Marion Oaks Unit One, along with a Clearance Letter, File No. CL-0502-015 for Marion Oaks Unit Eight, authorizing and acknowledging various modifications to the Marion Oaks VDRI’s development entitlements and plan; and

WHEREAS, §380.06, F.S. was amended in 2018 to require that local governments, rather than the State Land Planning Agency, review and approve requested modifications to a BLIVR; and

WHEREAS, on February 25, 2026, W. James Gooding, III, Esq., on behalf of the Deltona Corporation (“Deltona”), filed with Marion County Growth Services a letter of application for an additional MOU7 VDRI BLIM, identified as File No. 260508BL, providing for further modifications to the MOU7 VDRI pursuant to the §380.06(06), F.S.; and

WHEREAS, BLIM 260508BL proposes to change the established uses for a portion of the MOU7 VDRI from Greenbelt/Preservation to Commercial to create two additional access points across said Greenbelt/Preservation lands to an existing Commercial use area, wherein that change will be reflected on Marion County’s Comprehensive Plan Future Land Use Map #1 titled Marion

County 2045 Future Land Use Map by concurrent Comprehensive Plan Amendment Application (20)26-S03 (“CPA 2026-S03), with the eastern access point representing ± 0.14 acres of MOU7 Tract “J” and the western access point representing ± 0.15 acres of MOU7 Tract “H” for a total of ± 0.29 acres; and

WHEREAS, the proposed BLIM will enable additional vehicular roadway connections which represent potential operational and capacity impacts that may affect the function of the SW Hwy 484 and Marion Oaks Course roadways and their intersection, along with the function of existing alley routes “in-line” with the BLIM site locations, it is agreed among the parties, that specific efforts to direct and mitigate the potential operational and capacity impacts are necessary to appropriately guide the planning and development of the MOU7 VDRI; and

WHEREAS, the parties agree that BLIM 260508BL does not propose any additional units or non-residential square footage, as the BLIM change will solely be utilized for the establishment of additional vehicular roadway connections; and

WHEREAS, the Marion County Planning and Zoning Commission (“P&Z), the Local Planning Agency, considered the MOU7 VDRI BLIM 260508BL in a public hearing held on May 27, 2026, at 5:30 p.m. and the P&Z recommended the Board approve the requested BLIM subject to affirmative resolution of concerns related to the proposed access points and site/area development, and approval of the concurrent with CPA 2026-S03 and Rezoning No. 20260507ZC Applications, upon which the requested BLIM 260508BL is dependent; and

WHEREAS, Marion County acquired the western 60.65 feet of MOU7 Tract “A” for use as additional right-of-way for an expansion of SW 49th Avenue; and

WHEREAS, Marion County acquired the western 85 feet of MOU7 Tract “R” for the expansion of a water/drainage retention area; and

WHEREAS, Sumter Electric Cooperative, Inc., acquired MOU7 Tract “G” for use as an electric substation site; and

WHEREAS, TDC Deltona Land, LLC., acquired the northern 300 feet of MOU7 Tract “Z” for inclusion and redevelopment in the Transwestern Planned Unit Development (PUD, Rezoning Case No. 221208ZP); and

WHEREAS, TDC Deltona Land, LLC., acquired MOU7 Tract “AA” for inclusion and redevelopment in the Transwestern Planned Unit Development (PUD, Rezoning Case No. 221208ZP); and

WHEREAS, the Board is the local governing body having jurisdiction over the review of the MOU7 VDRI and applications related to the development’s vested rights pursuant to amended §380.06, F.S.; and

WHEREAS, the Board considered the MOU7 VDRI BLIM 260508BL in a public hearing held on June 17, 2026, at 1:30 p.m.; and

WHEREAS, the Board has reviewed the MOU7 VDRI BLIM 260508BL documents concurrent with CPA 2026-S03 and Rezoning 20260507ZC, as well as all related testimony and evidence submitted by the parties and members of the general public; and

WHEREAS, there was competent substantial evidence presented that the changes set forth in the proposal do not meet or exceed any of the substantial deviation criteria in §380.06(19), F.S.

NOW THEREFORE BE IT RESOLVED BY THE MARION COUNTY BOARD OF COUNTY COMMISSIONERS, MARION COUNTY, FLORIDA:

SECTION 1. VESTED STATUS. The changes proposed by the MOU7 VDRI BLIM 260508BL, filed by the Deltona Corporation, wherein the portions Tract “H” and Tract “J” are intended to be utilized for the establishment of additional vehicular roadway connections, and do not propose any additional units or non-residential square footage, or intend to increase the impacts of the MO VDRI, and the MO VDRI remains vested from §380.06, F.S. and Marion County concurrency requirements. Further, the identified Marion County acquisition of portions of Tracts “A” and “R,” the Sumter Electric Cooperative, Inc., acquisition of Tract “G,” and the TDC Deltona Land, LLC., acquisition of Tract “AA” and portion of Tract “Z,” do not propose any additional use or development of those holdings due their incorporation and/or use for infrastructure that supports the Marion Oaks development.

SECTION 2. APPROVAL. The MOU7 VDRI BLIM 260508BL Application Request, as amended, and attached as Exhibit “A,” is hereby approved and is accompanied by a series of Concept Plan and Specific Site Design Standards initially developed by the Office of the County Engineer and adjusted by the Applicant, attached as Exhibit “B,” serving to establish site design standards intended to address mitigating potential operational and capacity impacts that may affect the function of the SW Hwy 484 and Marion Oaks Course roadways and their intersection, along with the function of existing alley routes “in-line” with the portion of Tract “H” and Tract “J” BLIM site locations.

SECTION 3. BLIMS. Marion County hereby incorporates by reference, as part of the MOU7 VDRI BLIM 260508BL and this approval, the complete series of prior BLIMS as issued by the State Land Planning Agency, under its various titles, as referenced above.

SECTION 3. CERTIFIED COPY. A certified copy of this Resolution shall be furnished by the Marion County Growth Services Department to the Developer and FloridaCommerce within ten (10) working days of its receipt from the Marion County Clerk of Court Commission Records Office.

SECTION 4. This Resolution shall take effect upon the effective date of its adoption.

DULY ADOPTED this 17nd day of June, 2026.

BOARD OF COUNTY COMMISSIONERS

MARION COUNTY, FLORIDA

CARL ZALAK, III, CHAIRMAN

ATTEST:

GREGORY C. HARRELL, CLERK OF
COURT AND COMPTROLLER

APPROVED AS TO LEGAL FORM AND SUFFICIENCY

MATTHEW GUY MINTER, COUNTY
ATTORNEY

DRAFT

EXHIBIT "A"

MARION OAKS VDRI

UNIT SEVEN

BLIM

260508BL

APPLICATION REQUEST PACKAGE

DRAFT



1531 SE 36th Avenue, Ocala, Florida 34471 | Main 352.579.1290 | Direct 352.579.6580 | jgooding@lawyersocala.com

February 25, 2026

By Email Only

Ms. Elizabeth Madeloni
Development Review Coordinator
Marion County Growth Services
2710 East Silver Springs Blvd.
Ocala FL 34470

RE: Supplement to Comprehensive Plan Amendment PL Sm Scale -000165-2025 to modify BLIVR

Dear Ms. Madeloni:

I represent John Rudnianyn, the authorized agent for the property owner in connection with the above matter.

The purpose of this letter is to supplement the revised Comprehensive Plan Amendment Application submitted by Mr. Rudnianyn. To confirm my authority to submit this letter on his behalf, Mr. Rudnianyn has executed this letter below my signature line.

This letter supplements the Application so that it also includes a request to modify the Binding Letter of Interpretation for Vested Rights ("BLIVR") for Marion Oaks to permit the subject property to be utilized for access to another parcel.

Specifically:

1. Various documents have already been submitted in connection with this Application including an Application to Amend the Future Land Use of the Subject Parcels from Preserve to Commercial (the "Map Amendment Application").
2. Further, we are submitting the following documents along with this Supplement:
 - 2.1. Letter from the State of Florida Department of Community Affairs to Deltona Corporation, dated July 25, 1986, determining that Marion Oaks Unit 7 (as well as other platted units within Marion Oaks) are vested pursuant to Section 380.06(20), Florida Statutes; this letter is referred to as the "BLIVR."
 - 2.2. Copies of selected pages from the Plat of Marion Oaks Unit 7 as recorded in Plat Book 0, page 140, upon which I have marked the locations of the Tracts that are the subject of the Map Amendment Application (being Tracts H and J).
 - 2.3. *Declaration of Restrictions Green Belt* a recorded in OR Book 569, page 351.

Ms. Elizabeth Madeloni
Development Review Coordinator
Marion County Growth Services
February 25, 2026
Page 2

- 2.4. *Amendment to, and Partial Release of Tracts Subject to, Declaration of Restrictions (Green Belt)* recorded in OR Book 7875, page 213 (the “Deltona/SECO Amendment”) executed by The Deltona Corporation, a Delaware corporation, and Sumter Electric Cooperative, Inc., a Florida not for profit corporation .
- 2.5. *Proposed Marion County’s Joinder In, and Partial Release of Tracts Subject to, Declaration of Restrictions (Green Belt)* (the “Proposed Marion County Joinder”).
3. Pursuant to policy 10.1.2. of the Future Land Use Element of the Marion County Comprehensive Plan, the property that is the subject of this Amendment is vested for “continued development of residential and non-residential densities and intensities of use... consistent with the project’s development plan as acknowledged by the [BLIVR]...” Thus, in order to develop the property in a manner not consistent with the BLIVR’s development plan, an amendment to the Future Land Use Map is required.
4. The problem is that the Marion County Comprehensive Plan has no separate map for this BLIVR nor was a development plan attached to the BLIVR. The BLIVR indicated, however, that the vesting was based upon the previously recorded plats and thus the County has, justifiably I believe, referred to the plats referred to in the BLIVR as constituting the development plan.
5. However, the Unit 7 Plat does not restrict the use of Tracts H and J. Thus, I believe that no amendment to the BLIVR is required.
6. However, Marion County has interpreted the development plans to include the Green Belt Declaration even though it is not referred to in the BLIVR or the Unit 7 Plat, and has refused to process the Map Amendment unless the BLIVR is amended by removing Tracts H and J from the Green Belt Declaration.
7. Under the Green Belt Declaration:
 - 7.1. No residential or commercial use of the Tracts subject to the Green Belt Declaration was permitted (except for certain Tracts which could be used for ingress and egress).
 - 7.2. The permitted uses were limited to recreation and utilities, and no uses were permitted that would “destroy the natural character” of the Tracts.
8. Under Section 7.01 of the Green Belt Declaration, the Green Belt Declaration could be amended by vote of a majority of the owners of the Tracts. Such Section also provided, however, that any revision of the restrictions concerning uses would require the approval of the Marion County Commission.
9. As set forth in the Deltona/SECO Amendment, the owners of eight (8) of the Tracts have consented to amending the Green Belt Declaration to release certain Tracts including Tracts H and J. Marion County owns one of the Tracts (“Tract R”) with Deltona. If Marion County joins in the Amendment as to that Tract, by executing the Proposed County Joinder, the majority of the Tracts will have approved the Amendment, and Marion County will have approved the revision in permitted uses.

Ms. Elizabeth Madeloni
Development Review Coordinator
Marion County Growth Services
February 25, 2026
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10. Because of the voting requirement under the Greenbelt Declaration, it is necessary to release Tracts in addition to those that are the subject of the Map Amendment. Since the County takes the position that the Greenbelt Declaration is what has to be changed, this is the only way to accomplish this. The Proposed County Joinder makes it clear, however, that the Future Land Map PR designation remains as to any Tracts other than the portions of Tracts J and H that are the subject of the Map Amendment.
11. The proposed Map Amendment, together with the related rezoning application (PL ZoneChg-000166-2025) desire to utilize portions of Tracts H and J for access to Tax Parcel 8007-1035-08 (which already has a Commercial land use and B-2 zoning designation) (the "Main Site"). The advantages of the changes include improving access to the Main Site and properties to the north of it by permitting proper utilization of the platted Alley Road to the east of the Main Site and avoiding the use of the platted Alley Road to the south of the Main Site to access Marion Oaks Course to the west of the Main Site.
12. Thus, the same reasons that justify the Map Amendment also justify amending the BLIVR as requested in this letter.
13. Therefore, the Applicant requests that Marion County execute the Marion County Joinder and, in connection with the approval of the Map Amendment, indicate that the development Plan for Tracts H and J do not restrict the use of such Tracts in any manner other than pursuant to applicable laws and regulations including the County's Comprehensive Plan and Land Development Code.

I believe the foregoing action will satisfy the requirements of Rule 10.1.2. and permit the Map Amendment to proceed.

Sincerely,

/s/ Jimmy Gooding /s/


W. James Gooding III

DocuSign Envelope ID: 9B48207D-FEBC-4C45-890B-DEADFE4DFE87

Ms. Elizabeth Madeloni
Development Review Coordinator
Marion County Growth Services
February 25, 2026
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JOINDER BY AGENT

I, John S. Rudnianyn, as agent for the property owner, The Deltona Corporation, hereby authorizes the foregoing letter supplementing the Comprehensive Plan Amendment Application previously submitted in this matter.

DocuSigned by:

33C905607F9343D

John S. Rudnianyn
2/25/2026 | 6:16 AM PST

WJG/ksh
Attachments

cc: Mr. John Rudnianyn
Ms. Rachel Perez
Mr. Kenneth Weyrauch
Mr. Kenneth Odom
Mr. Chris Rison
Ms. Elizabeth Cotos

(All by Email Only w/attachments)

P:\JG\Rudnianyn John\Marion Oaks Greenbelt\Apps\Comp Plan\Supplement to Comp Plan Application re Greenbelt.docx

From: [Jimmy Gooding](#)
To: [Rison, Christopher](#)
Cc: [Cohoon, Steven](#); "[John S. Rudnianyn](#)"
Subject: RE: Rudnianyn - Marion Oaks - Greenbelt - Solution
Date: Sunday, May 17, 2026 4:16:22 PM
Attachments: [image001.png](#)
[County's Joinder in Partial Release vs County's Joinder in Partial Release TW.pdf](#)
[County's Joinder in Partial Release TW.docx](#)
Importance: High

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Chris,

Here is the Joinder the Transwestern Tracts, and a redline comparing it to my original Joinder.

Please:

1. Review it and let me know if it is satisfactory to you. If so, I will use it as the basis for the current Deltona/Rudnianyn Tracts.
2. If it's OK, please have it reviewed by Legal and then placed on the BoCC. You may want to let me know when you send it to Legal so I can update them on the background.

Thanks.

W. James Gooding III
Gooding, Batsel, Hartley and MacKay, PLLC
1531 SE 36 Ave.
Ocala, FL. 34471
Direct: 352-579-6580
Main Line: 352-579-1290
Cell: 352-812-6221
Fax: 352-579-1289
jgooding@lawyersocala.com

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PR: E

From: Jimmy Gooding
Sent: Friday, May 15, 2026 10:18 AM
To: Christopher D. Rison (Christopher.Rison@marionfl.org) <Christopher.Rison@marionfl.org>
Cc: Steven Cohoon (Steven.Cohoon@marionfl.org) <Steven.Cohoon@marionfl.org>; 'John S. Rudnianyn' <John@ipsocala.com>
Subject: Rudnianyn - Marion Oaks - Greenbelt - Solution
Importance: High

"God has a special providence for fools, drunkards, and the United States of America," widely attributed to German Chancellor Otto von Bismarck but may be apocryphal. "The Lord protects the simple." Psalms 116:6.

I've been agonizing over a way out of this and kicking myself for not thinking it could come up. Imagine my joy then, when I looked back at the Amendment Deltona and SECO signed (another copy attached), and saw this.

- 5.4. Marion County or any other Additional Tract Owner may join in this Amendment consenting to the release of all **or less than all of the Released Tracts**. Unless the joinder indicates it refers to less than all of the Released Tracts, it shall be deemed to refer to all of the Released Tracts. Any joinder as to less than all of the Released Tracts shall be effective only as to such Released Tracts.

So I was wise enough to foresee it but too forgetful to remember it.

Thus, despite what I told you yesterday, the County CAN do these on a case by case basis.

I'm therefore revising the County Joinder as follows:

1. Doing one joinder for the Transwestern Tracts. That can be approved now.
2. Doing another joinder for Tracts (or portions) subject to John's amendment.

Sound like a plan?

W. James Gooding III
Gooding, Batsel, Hartley and MacKay, PLLC
1531 SE 36 Ave.
Ocala, FL. 34471
Direct: 352-579-6580
Main Line: 352-579-1290
Cell: 352-812-6221
Fax: 352-579-1289
jgooding@lawyersocala.com

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From: [Paolo Mastroserio](#)
To: [Cahoon, Steven](#); [Rison, Christopher](#)
Cc: [Jimmy Gooding](#); [Rison, Christopher](#)
Subject: Marion Oaks Plan Amendment
Date: Tuesday, May 26, 2026 6:18:03 PM
Attachments: [CURRENT SCENARIO OPTION "B".pdf](#),
[COUNTY APPROVED FUTURE SCENARIO.pdf](#),
[CURRENT SCENARIO OPTION "A".pdf](#)

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Steven & Chris

Jimmy, John, and I met today to discuss the application that is to be heard at P&Z tomorrow.

I am attaching 3 scenarios for you to review or comment prior to the P&Z meeting tomorrow.

Please let us know if these are in-line with our discussions.

I know that we have a short window before tomorrow's meeting, but it would be great to have some feedback or discussion prior to the meeting

Thanks

Paolo

Paolo Mastroserio, PE



170 SE 32ND PLACE

OCALA, FL 34471

PH: (352) 433-2185

CELL: (352) 572-3051

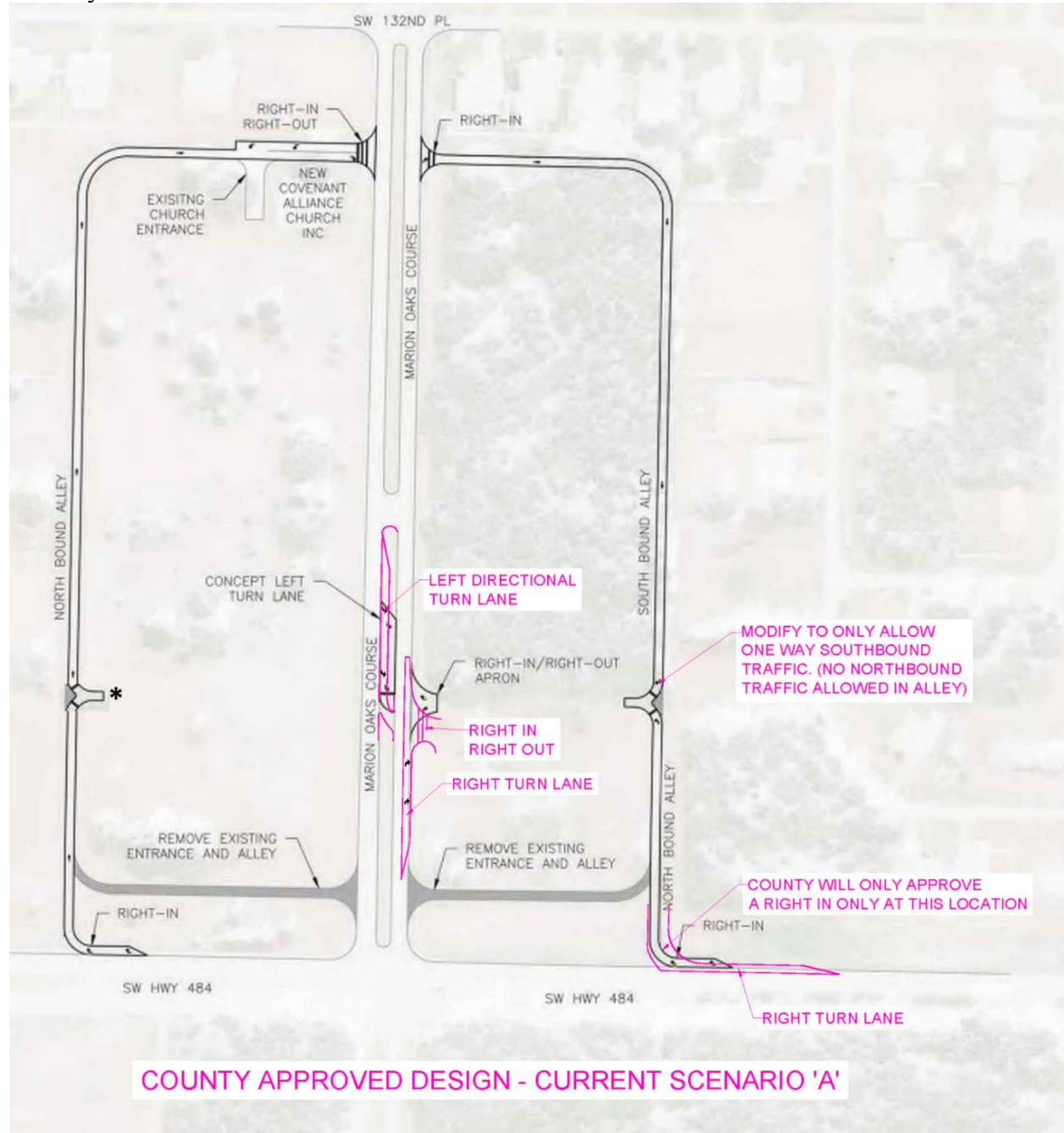
paolo@mastroserioeng.com

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EXHIBIT "B"
MARION OAKS VDRI
UNIT SEVEN
BLIM
260508BL
CONCEPTUAL PLAN
AND
SPECIFIC SITE DESIGN STANDARDS

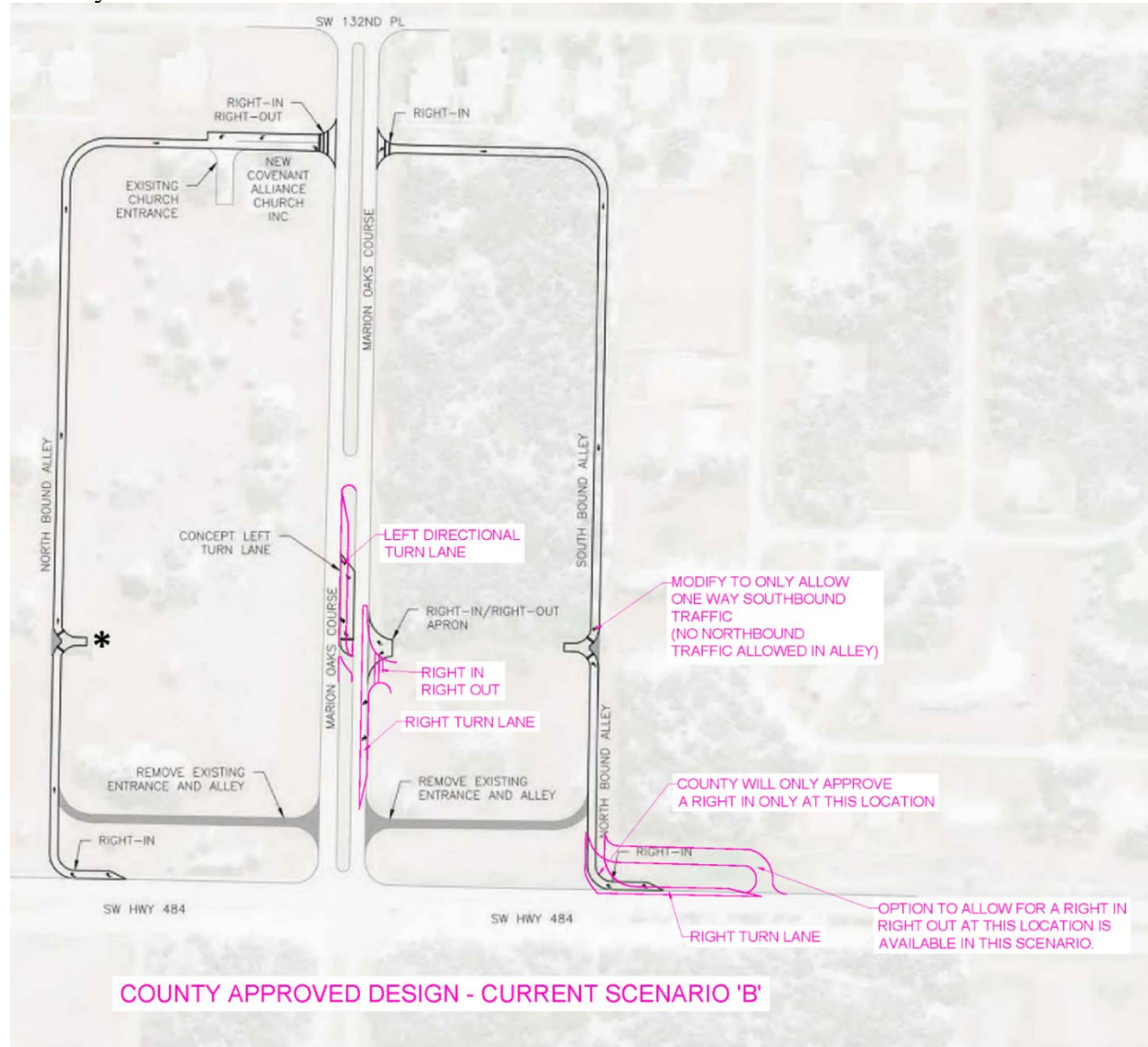
DRAFT

Approved County/Applicant Access Concept – Short Term Scenario “A”
Marion Oaks Unit Seven BLIM – Part of Green Belt Tracts “H” and “J”
W. Hwy 484 and Marion Oaks Course – North Commercial Area



* Potential traffic calming measure; final requirement and/or design to be determined by County Engineer based on development proposals for the lot series along west side of Marion Oaks Course.

Approved County/Applicant Access Concept – Short Term Scenario “B”
Marion Oaks Unit Seven BLIM – Part of Green Belt Tracts “H” and “J”
W. Hwy 484 and Marion Oaks Course – North Commercial Area



* Potential traffic calming measure; final requirement and/or design to be determined by County Engineer based on development proposals for the lot series along west side of Marion Oaks Course.

