

# Tomoka Oaks Times

An Independent Newsletter Focused on Preventing Residential Development of the Tomoka Oaks Golf Course

## Advocating to Save Our Golf Course From Residential Development

Hello Fellow Tomoka Oaks Homeowners,

My name is Carolyn Davis, and I own a home in Tomoka Oaks. I love our neighborhood, and I believe we share a common desire to prevent development of the golf course in to 299 residential homes.



I spent a year researching and writing the history of Tomoka Oaks to see if there was any compelling evidence that could prevent development of a new neighborhood inside our Tomoka Oaks neighborhood. Well, I found quite a bit of information that sheds a questionable light on whether the golf course can or should be developed. I provided my research to the Ormond Beach Planning Board in June 2022. And I sent the letter below which was published in the November 10 issue of the Ormond Beach **Observer**.

I am writing this newsletter to inspire you, my neighbors, not to give in or give up. There are things residents CAN do to inform our City Commissioners that we do not want this development. This newsletter, Tomoka Oaks Times, is my avenue for informing you of actions you can take so our collective voice is heard by our City leadership.

This is the only print issue that will be physically mailed to Tomoka Oaks residents. To receive future issues, submit the [eNewsletter sign up form](#) to get on our email list.

Not giving in or up,

Carolyn Davis | 46 Oakmont Circle | [CarolynDavis3@gmail.com](mailto:CarolynDavis3@gmail.com) | [TomokaOaksHistory.com](http://TomokaOaksHistory.com)

### 11-10-22 Letter to the Editor, Ormond Beach Observer 'Preserve the Green' in Tomoka Oaks submitted by Carolyn Davis

Did you know the original developers of Tomoka Oaks incorporated a clause in the 1963 Golf Course Deed (Book 585 Page 157) that encumbers the golf course to be used perpetually as a golf and country club or related recreational uses?

Were you aware that during 1969-1971, Tomoka Oaks officers questionably and unethically recorded documents with Volusia County which systematically released the 1963 golf course Warranty Deed reverter clause that would have turned the property over to the HOA should the golf course be sold and not used perpetually as a golf course or recreational use? (None of these recorded instruments reversed or modified the encumbered, perpetual use.)

And did you know that Tomoka Oaks golf course has a rich, colorful legacy of unethical "conflicts of interest in cross-ownership" that potentially clouds even the most diligent title search?

Now you know.

A meticulously researched and fully cited report detailing these issues and the original Tomoka Oaks master plan was provided to the Ormond Beach Planning Board in June 2022. All research documents provided can be downloaded at: [TomokaOaksHistory.com](http://TomokaOaksHistory.com)

In a nutshell:

- The golf course and residential estates were designed per a master

plan to co-exist therefore protecting each other's property values.

- The Ormond City Commission signed off on the master plan in the early 1960s.
- Golf Course Warranty Deed clauses were put in place to protect the encumbered, perpetual use of the property as a golf course or related uses.
- Although recordings were filed by stockholders during 1969-1971 that released reverter rights, detailed research fully cites how conflicts of interest in cross-ownership clouds those recordings.

In addition to the original encumbered use of the golf course, other considerations the City should look into regarding the development of almost 300 new homes in the center of Tomoka Oaks include:

- ◆ Increased traffic with just one ingress/egress
- ◆ Resource and infrastructure limitations
- ◆ Emergency access infringements
- ◆ Soil contamination
- ◆ Inconsistencies in Future Land Use Policies
- ◆ Potential financial liability for devaluation of existing 540 homes

While our Tomoka Oaks HOA valiantly champions to secure the best outcome

## Status of Current Development Application

as of Dec 2022

**NOTE:** The name of the Development Application with the City of Ormond Beach is called "**Tomoka Reserve**" and details are maintained at <https://www.ormondbeach.org/1013/Tomoka-Reserve>

Currently, the City's Site Plan Review Committee is waiting for the developers to provide answers to the City's 5/3/22 *Request for Additional Information*. Highlights of what developers still must provide include:

- Drainage Plans
- Traffic Impact and need for traffic light at Nova & Tomoka Oaks Blvd
- Emergency Access locations crossing into Tomoka Oaks properties
- Pedestrian access that crosses onto current private property
- Specifics on landscape buffers between existing homes and new homes, and details on who will be maintaining buffers
- Tree Protection and Tree Removal plans
- A Fence Plan for the new development's homeowners
- Explanation on how proposed lot widths of 30 ft, 32 ft, and 80 ft are compatible with Tomoka Oaks minimum lot width of 100 ft
- Footage for Front and Rear setbacks
- School system capacity
- Groundwater and land contamination report
- Title opinion that there are no private land use restrictions

**The developers have until January 28, 2023 to submit their answers.**

for homeowners if development occurs, a group of concerned Tomoka Oaks homeowners have united to retain the golf course property as it was originally intended, planned, marketed and restricted: as recreational green space.

Contact Carolyn Davis if you would like to join us in our opposition. Also, if you know someone who wants to purchase the course, let us know.

Want to keep getting issues of **Tomoka Oaks Times**? Complete the [eNewsletter sign up form](#) at to get on our email list. Your email will remain private.

# Tomoka Oaks - The Early Days

First in an ongoing series of articles regarding the history of Tomoka Oaks, information that might prevent today's development, and suggestions on how current residents can unite to voice our opposition and protect our property values.

**Imagine it is a beautiful Sunday afternoon in the spring of 1964.** You and your family are touring the new master planned community in Ormond Beach: **Tomoka Oaks**

You have with you the **Public Invitation** you cut out of the February 23, 1963 issue of the *Daytona Beach Morning-Journal*. It's signed by the President of Tomoka Oaks, Inc., William McElroy,

and it promises protective covenants are provided in the deed for the protection and benefit of all property owners. That promise makes you feel secure about investing in home ownership in Tomoka Oaks.

Your hope is to buy one of the lots that border the golf course and build your dream home! These lots are priced much higher than the non-golf course

You do your homework before making an offer and are reassured to see that the Tomoka Oaks Golf Course Deed dated 12/12/1963 (Book 585 / Page 157) contains a "Subject To" clause" stating: **The Sam Snead Golf and Country Club property shall be used perpetually for purposes of a golf and country club, golf course, and related uses.** That clinches it; you make an offer and purchase a lot bordering the golf course.

Life is good. Or so you thought. Little did you know Tomoka Oaks Inc's next President, Ralph R. Frederick, was behind the scenes unethically releasing the very protections home owners relied on.

*Our next newsletter will provide details on Ralph's conflicts of interest in cross-ownership which potentially "cloud the title" and could keep our golf course protected green space. It will also show the proposed site plan and how it affects your property.*

I'm so excited to see the homes in Tomoka Oaks. Do you think they will always surround a golf course?

Of course they will, Honey. Why, just last year, William McElroy promised in the *Daytona Beach News Journal* that it will always be a golf course or recreational area! He's the President of Tomoka Oaks, Inc. so he ought to know!



property values! So this is a great investment in your future.

# Tomoka Oaks - A Look Into the Future if Developed

The following are only possible scenarios should the Ormond City Commission approve the development. **NOTE: The Commission has not yet voted.** There are several steps that must occur before the development is put to a vote.

**Imagine it is a beautiful Sunday afternoon in the spring of 2024.** You planned a BBQ in your back yard, but you are thinking of canceling because of all the dust blowing off the stripped golf course property.

**Construction** Per City ordinance, outdoor construction is allowed Monday thru Saturday, 7 am - 7pm. And construction noise, dirt, truck traffic, muddy streets, etc., could be going on for SEVERAL YEARS.

**Traffic.** Traffic has greatly increased at the Nova/Tomoka Oaks Blvd intersection since all 299 new homes have just one entrance into their neighbor. You suppose you could drive through the Trails to avoid waiting for the new traffic light at Tomoka Oaks Blvd, but even that's not so convenient since so many other drivers are now cutting through the Trails.

**Devaluation of your home's worth.** You were counting on selling your home this Spring and using the profit to move into a retirement center, but your real estate agent advises you to hold off for another year or two since bulldozers behind

your home are clearly viewable now that so many of the trees are gone. No one wants to move into a home or neighborhood with all this going on. You would have to lower your asking price.

**Water concerns.** There are now 299 more homes competing for the ground water in the aquifer. You notice a significant drop in water available to water your lawn. You also know this new development sits higher than your home and wonder if all their new streets will cause runoff flooding your street during heavy storms. Are old golf course chemical soil contaminants now draining onto your property?

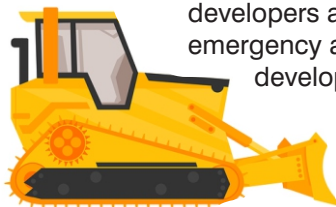
**Emergency Access** You know the developers are required to allocate emergency access roads into the new development and somehow they acquired the property bordering your home. Will this access always be limited to emergencies or will it be open to construction crews and later on, public access traffic?

**Loss of Quiet Enjoyment.** Gone is the peace and quiet of the green, golf space property. It's been replaced by

the sounds of trucks and hammers and construction crews and traffic. Yes, you understand the developers have been given the right by the City Commission to build on the vacant land, but what about *your* property rights? You paid property taxes to the city for *decades*. Somehow the rights of a single developer are given a higher priority by the city and its system, over your existing rights to quiet enjoyment of a long-established landmark green space.

*As stated above, these are potential outcomes if the city approves residential development of the golf course property. If you're against this development, [subscribe to receive future eNewsletters](#) via email.*

*Our newsletter is not intended to replace communications from our HOA or our HOA's Golf Course Committee at [www.tohaweb.com](http://www.tohaweb.com). Our HOA's goal is to secure the best outcome for residents should development occur. The goal of the **Tomoka Oaks Times** is to prevent development and retain green space. Subsequent issues will provide concrete suggestions for opposing development.*



# What You Can Do Now to Protect Your Property Value

1. [Sign up](#) to receive future issues of the **Tomoka Oaks Times** eNewsletter.
2. Be added to the growing list of Ormond Beach residents who are

opposed to developing the golf course.

- a) Complete the [Tomoka Oaks Times Development Opposition form](#). All submissions will be provided to the

Ormond City Commission before they vote on the development application.

- b) Sign an independent **petition** started by 3 local groups at [Change.org](#)