

Update from City Attorney

I touched base with City Attorney Randy Hayes on Tuesday, October 22, 2024, to see if the developer had finalized a Special Magistrate hearing date before the developer's *Request for Relief* under [Statute 70.51](#) expired. The statute provided 165 days for the developer and the city to agree on a Special Magistrate and on a hearing date, and that timeframe expired on approximately 10/7/24 without any agreement or extension being reached.

To refresh your memory on some key Tomoka Oaks development application timeframes:

- 11/22/23: Developer withdrew their initial Planned Residential Development for 272 homes on the Tomoka Oaks golf course property after the City Commission voted to remand the application back to the Planning Board.
- 12/18/23: Developer proceeds with their application to rezone the golf course property to R-2 to allow 300+ homes.
- 4/16/24: City Commission denied the R-2 rezoning application.
- 4/25/24: Developer filed a *Request For Relief* which initiated the Special Magistrate mediation process.
- 10/7/24: Per conditions of [Statue 70.51](#), the *Request for Relief* expired.

I asked City Attorney Hayes what residents can expect at this point. He indicated the ball is in the developer's court. So for any of us to guess what the developers might do would be conjecture. Time will tell.

Misner Bridge Safety Concerns

Many of us found ourselves blocked from using the Misner Bridge for several days due to Hurricane Milton damage. The bridge has now reopened, but what exactly is going on with this vital access through The Trails?

Coincidentally, retired Trails resident Erik Emsing (former Exec.VP, Int'l Infrastructure Projects for 20+ years) has been communicating with the City of Ormond Beach since at least January 2024 to address his concerns regarding Trails infrastructure and specifically Misner Bridge. Hurricane Milton brought his concerns to the forefront, and he emailed another letter to city leadership on 10/24/24. Highlights of his letters include these professional insights regarding structural concerns with Misner Bridge:

- The 45-year-old Misner Bridge is a traffic lifeline for The Trails, Tomoka Oaks, EMS, commercial vehicles, and for disaster evacuations.
- Every two years, the Florida Department of Transportation (FDOT) requires **only visual inspections** of Misner Bridge.
- The [2022 National Bridge Inventory \(NBI\) report](#) maintained by the Federal Highway Administration states Misner Bridge is only in "fair condition" and NOT meeting a number of acceptable standards. ([View here](#))
- The bridge's elevation is lower than Main Trail road making the bridge susceptible to flooding. And stress fractures on the bridge's asphalt surface will eventually cause water penetration to damage the underlying wood surface.

- During the last several years, repairs to Main Trail road a few feet west of the bridge were not sufficient, and a hole continued to enlarge. Hurricane Milton further compromised the hole causing the closure of the bridge for several days while the asphalt was once again repaired. (see images below)
- Misner Bridge in its current condition is not structurally safe and would be further compromised by traffic from any development of the Tomoka Oaks golf course property.

I continue to be thankful for the activism of Tomoka Oaks and Trails residents who contribute their time, money and professional expertise to enlighten city leadership regarding so many negative consequences of developing the golf course property. Misner Bridge is just one more example of how our area's infrastructure is not adequate to safely assimilate additional homes on the golf course. Our Zone 3 representative, Commissioner Susan Persis, acknowledged receipt of Erik's letter and will be discussing Misner Bridge with City Manager Joyce Shanahan.



July 2019 Google Maps



Oct. 10-11, 2024 "the Hole"

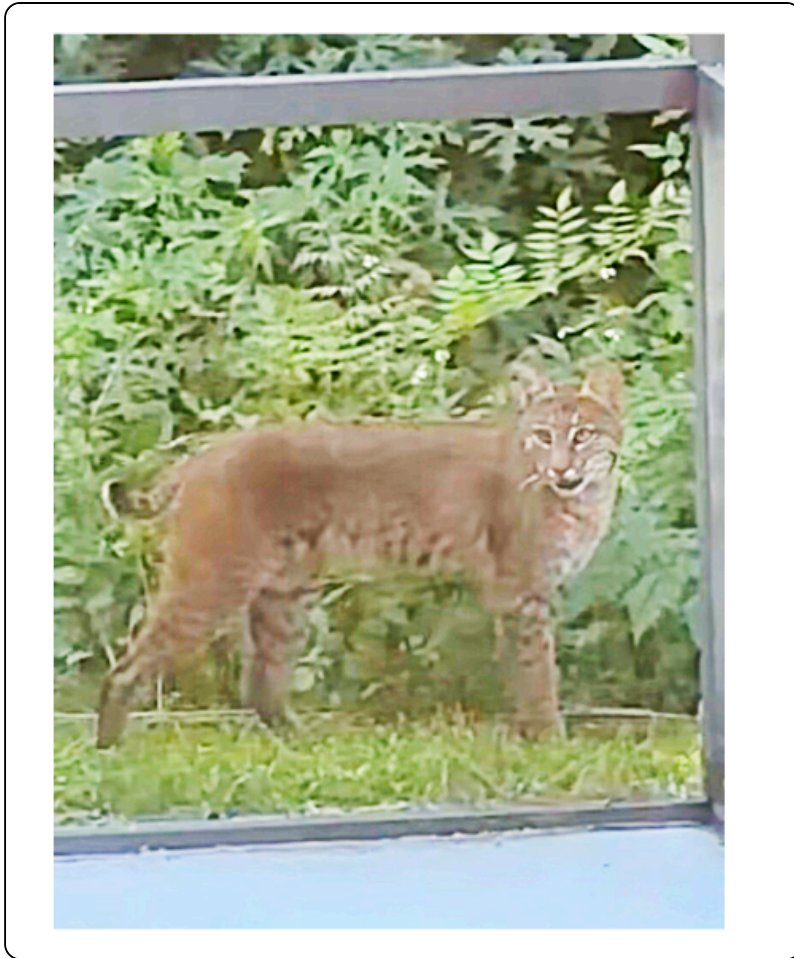


1. Google Earth image from 2019 showing prior repairs to Main Trail road.
2. Hurricane Milton 2024 showing same area of Main Trail road where prior repair has caved in.

Wildlife sightings in Tomoka Oaks

Several times over the past year, my husband and I have seen a coyote on the golf course property behind our Oakmont Circle home. Turns out we are not the only residents seeing coyotes. Other residents have reported sighting bobcats (picture below) and a panther in Tomoka Oaks. And a bear (picture below) was spotted behind a Riverbluff home on their marshland boardwalk.

If you see any wildlife (i.e., coyotes, bobcats, gopher tortoises, bears, panthers, protected birds, etc.) and can email me a picture, please do and I will add it to my library of *current* wildlife photos: CarolynDavis3@gmail.com. Please tell me when and where you saw the animal. If there truly is a panther in our neighborhood or on the golf course, this is important to know as they are obviously dangerous but also protected by the Federal Endangered Species Act and would require the developer to relocate them if sighted on the golf course property. *Bottom line: keep yourself, your children, and your pets safe.*



Bobcat sighting behind Tomoka Oaks pool home on Riverbluff
Photo provided by Tomoka Oaks resident Paul Hughes



Bear spotted behind Riverbluff home along owner's boardwalk
Photo provided by Tomoka Oaks resident Jane Eddy

TRIVIA NOTE: I am so glad many of you enjoyed the trivia I shared in the [September 2024](#) email blast. I will do more trivia questions if my next update is short!



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