

BOARD OF ADJUSTMENT NUMBER 1

AGENDA

July 20, 2021

Regular Meeting

4:00 p.m.

Central Annex Auditorium

22251 Palmer Street

Robertsdale, Alabama

1. Call to Order
2. Roll Call
3. Approval of Previous Meeting Minutes (June 15, 2021)
4. Announcements/Registration to Address the Board of Adjustment
5. Consideration of Applications and Requests

ITEMS:

a.) Case No. V-210022 Wynn Property

Request: Approval of a variance from the wetlands setback requirement to allow for the construction of a single-family dwelling

Location: The subject property is located at 12952 County Road 1 in Planning District 26

Attachments: Within Report

b.) Case No. V-210024 Farmer Property

Request: Approval of a variance from section 2.3.13.3(d) as it pertains to the size of an accessory dwelling

Location: The subject property is located at 18563 County Road 64 in Planning District 12

Attachments: Within Report

c.) Case No. V-210025 Goodwin Property

Request: Approval of a variance from section 13.1.2(a) and (c) as it pertains to the setback of an accessory structure and the percent of rear yard occupied to allow an above ground swimming pool and covered deck to remain as built

Location: The subject property is located at 16607 Walstan Drive in Planning District 12

Attachments: Within Report

d.) Case No. AD-21001, Teacher Retirements System of Alabama Property

Request: appealing the issuance of Land Use Certificate Case No. LU21-000478.

Location: The subject property is located at 17950 Scenic Highway 98 in Planning District 26

Attachments: Within Report and Attached

6. Old Business
7. New Business
8. Adjournment

**Planning and Zoning
Board of Adjustment Number 1
June 15, 2021
Regular Meeting Minutes
Central Annex
Auditorium**

The Board of Adjustment Number 1 met in a regular session on June 15, 2021 at 4:00 p.m., in the Baldwin County Central Annex Auditorium. The meeting was called to order by Vice-Chairman John Cooper. Members present included: Charmein Moser, Mary Hope, Tommy Springer, Jr., and Jamal Allen. Staff member present was Linda Lee, Planner.

Approval of Previous Meeting Minutes

A motion to approve the previous meeting minutes was made by Mr. Springer with a second by Mr. Allen and carried unanimously.

V-210009, Farmer Property

Mrs. Lee presented the applicant's request for a variance from the side and rear yard setback requirements to allow for the construction of an accessory dwelling. Staff recommended denial of the variance request.

Ms. Pam Stein spoke in favor of the variance request and answered questions from Board members.

Following a short discussion, Board Member Tommy Springer, Jr., made a motion to deny the variance request. The motion received a second from Board Member Jamal Allen and carried unanimously.

Adjournment

There being no further business to come before the board the chairman adjourned the meeting at 4:25 p.m.

Respectfully Submitted

Linda Lee, Planner

I hereby certify that the above minutes are true, correct and approved this ____ day of _____ 2021.

John Cooper, Vice-Chairman



Baldwin County Planning & Zoning Department

County Commission District #1

Board of Adjustment Staff Report

Case No. V-210022

Wynn Property

Wetland Setback Requirement Variance

July 20, 2021

Subject Property Information

Planning District: 26
General Location: East side of County Road 1
Physical Address: 12952 County Road 1
PID: 05-56-09-30-0-000-014.001
Zoning: RSF-1, Residential Single-Family District
Acreage: .92 acres
Applicant: James Wynn
12674 Co Rd 1
Fairhope, Al. 36532
Owner: James Wynn
Lead Staff: D.J. Hart, Planning Technician
Attachments: Within Report

	Adjacent Land Use	Adjacent Zoning
North	Vacant Land	RSF-1 Single Family District
South	Vacant Land	RSF-1 Single Family District
East	Vacant Land	RA Rural Agricultural
West	Residential	RSF-2 Single Family District

Summary and Recommendation

The applicant is requesting a variance from the wetland setback requirement to allow a new single-family dwelling to be constructed on the parcel. Staff recommends that the request be **APPROVED**.

Variance Request

The applicant is requesting a variance from section 10.4.4, Wetland Protection Overlay District, of the *Baldwin County Zoning Ordinance* as it pertains to building setbacks to allow construction of a single-family dwelling. Staff feels this is a reasonable request and recommends the variance request be **APPROVED**.

Section 4.2 RSF-1, Single Family District

4.2.1 *Generally.* This zoning district is provided to afford the opportunity for the choice of a low density residential environment consisting of single family homes on large lots.

4.2.2 *Permitted uses.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses shall be permitted:

- (a) The following general industrial uses: extraction or removal of natural resources on or under land.
- (b) The following transportation, communication, and utility uses: water well (public or private).
- (c) The following agricultural uses: Silviculture.
- (d) Single family dwellings including manufactured housing and mobile homes.
- (e) Accessory structures and uses.
- (f) The following institutional use: church or similar religious facility.

4.2.3 *Conditional uses.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed as conditional uses:

- (a) Outdoor recreation uses.
- (b) The following institutional uses: day care home; fire station; school (public or private).
- (c) The following general commercial uses: country club.

4.2.4 *Special exception.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following use and structures designed for such use may be allowed as a special exception:

The following local commercial use: bed and breakfast or tourist home (see *Section 13.10: Bed and Breakfast Establishments*).

4.2.5 *Area and dimensional ordinances.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, *Section 12.4: Height Modifications*, *Section 12.5: Yard Requirements*, *Section 12.6: Coastal Areas*, *Section 12.8: Highway Construction Setbacks*, *Section 18.6 Variances*, and *Article 20: Nonconformities*, the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure in Feet	35-Feet
Maximum Height in Habitable Stories	2 1/2
Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	30,000 Square Feet
Minimum Lot Width at Building Line	100-Feet
Minimum Lot Width at Street Line	50-Feet
Maximum Ground Coverage Ratio	.35

Section 10.4 Wetland Protection Overlay District

10.4.4 *Permit requirements.* A U.S. Army Corps of Engineers wetlands jurisdictional determination if the proposed planned development contains wetlands or if the Zoning Administrator or his/her designee determines potential wetlands from the Generalized Wetland map as defined herein, or through a site visit by County Staff. **The setback for development from a wetland must be a minimum of 30 feet.**

If the area proposed for development is located in or within the wetland protection district boundary, as determined from the Generalized Wetland Map, a U.S. Army Corps of Engineers jurisdictional determination shall be required prior to the issuance of a Land Use Certificate. If the Corps determines that wetlands are present on the proposed development site and that a Section 404 Permit or Letter of Permission is required, a Land Use Certificate will be issued only following issuance of the Section 404 Permit or Letter of Permission. Any application for subdivision approval on property which contains wetlands or if the Zoning Administrator or his/her designee determines potential wetlands from the Generalized Wetland map defined herein through a site visit by County Staff, will have to obtain a U.S. Army Corps of Engineers wetlands jurisdictional determination. If the Corps determines that wetlands are present and that a Section 404 Permit or Letter of Permission is required, development may not proceed until the Section 404 Permit or Letter of Permission is issued.

Natural Resource Planner Comments

1. The previous owners filled the wetlands prior to obtaining a variance and land use certificate.
2. An erosion control plan needs to be implemented to prevent impacts to the remaining wetlands.

Staff Analysis and Findings

The following standards for approval are found in Section 18.6, Variances of the *Baldwin County Zoning Ordinance*. These standards are to be considered when a variance request is being reviewed.

1.) Exceptional narrowness, shallowness or shape of a specific piece of property existing at the time of the enactment of these zoning regulations.

The subject property is currently zoned residential and is vacant. The parcel is 100' wide and approximately 400' deep and appears to be relatively flat. The parcel has a 75-foot Highway Construction Setback for Co Rd 1. The entire parcel is covered in wetlands and an area of the wetlands has been filled. Allowing the home to be built in the filled area will keep down any more intrusion into the wetlands therefore, staff feels this meets the above standard for recommendation of approval.

2.) Exceptional topographic conditions or other extraordinary situations or conditions of a specific piece of property.

Wetlands cover the entire parcel, making it impossible to build 30' from the wetlands. The CORP of engineers permit has been approved allowing a small area of fill on the property. Staff therefore believes the wetland issues meets the standard for approval.

3.) The granting of the application is necessary for the preservation of a property right and not merely to serve as a convenience to the applicant or based solely upon economic loss.

According to the applicant the purpose of this variance is to allow a new home to be built on the property, closer than the required wetland setback allows. A CORP permit has been issued for the allowed fill. Staff therefore believes that granting this variance will preserve the property rights of the owner.

4.) The granting of this application will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of Baldwin County.

The granting of this application should not unduly impact the adjacent property owners. The current use has been established as residential and will remain residential. Therefore, the standard for approval has been met.

5.) Other matters which may be appropriate.

a.) The previous owner requested a land disturbance to remove pine trees in 2019. That application was denied. It is unsure who brought in the fill and pilings that are currently there.

b.) POA Statement

June 14, 2021

Baldwin County Planning and Zoning Dept.
22251 Palmer Street
Robertsdale, AL 36567

RE: 12952 County Road 1 (Variance)

To Whom It May Concern:

This letter is to inform Baldwin County Planning and Zoning Department that I, James Wynn, owner of the parcel located at 12952 County Road 1 near Fairhope, AL, is not aware of any active neighborhood associations, boards or committees that have any review authority over the house I plan to build.

If you have any questions about this statement or any information provided during the variance process for this lot please contact my agents at EcoSolutions, 251-621-5006 or email Lewis@EcoSolutionsinc.net or you can reach me at the number below.

Regards,



James Wynn
Property Owner
205-239-0977

c.)



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
MOBILE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, AL 36628-0001

March 29, 2018

South Alabama Branch
Regulatory Division

SUBJECT: Department of the Army Nationwide Permit, File Number SAM-2017-01146-APS,
Dan Sloan, Baldwin County, Alabama

Mr. Dan Sloan
Post Office Box 523
Point Clear, Alabama 36564-0523

Dear Mr. Sloan:

Reference is made to your request for a Department of the Army (Da) permit to place fill material into waters of the U.S., specifically jurisdictional wetlands of Mobile Bay East, for the construction of a single family residence on Lot 632 of Eastern Shore Parkway Subdivision, No. 1. The project has been assigned file number SAM-2017-01146-APS which should be referred to in all future correspondence with this office concerning this project. The project is located on County Road 1, 0.55 miles south of the intersection with Scenic Highway 98; within Section 30, Township 7 South, Range 2 East; near Latitude 30.413240° North and Longitude 87.906786° West; Point Clear, Baldwin County, Alabama.

Department of the Army (DA) permit authorization is necessary, because your project involves the construction of structures in waters of the United States, specifically forested wetlands, under our regulatory jurisdiction. The project activities include the following:

-- The placement of permanent fill in 3,128 square feet (0.072-acre) of Bottomland Hardwood (BLHW) habitat for the construction of a 50-foot-long by 14-foot-wide driveway (with a 12-foot-wide driving surface) leading to a pile-supported, single-family residence with a parking pad underneath the structure.

Based upon the information and plans you provided, we hereby verify the work described above, which would be performed in accordance with the enclosed drawings, is authorized by **Nationwide Permit (NWP) 18, Minor Discharges**, in accordance with 33 CFR Part 330. This NWP and its associated Regional and General Conditions are available on our website at www.sam.usace.army.mil/Missions/Regulatory/.aspx for your review and compliance, or at your request, a paper copy will be provided to you.



US Army Corps
of Engineers®

**THIS NOTICE OF AUTHORIZATION MUST BE
CONSPICUOUSLY DISPLAYED AT THE SITE OF WORK.**

A permit to perform work authorized by statutes and regulations of the Department of the Army

at MOBILE BAY EAST, POINT CLEAR, BALDWIN COUNTY, ALABAMA

has been issued to MR. DAN SLOAN on MARCH 29, 2018

Address of Permittee POST OFFICE BOX 523, POINT CLEAR, ALABAMA 36564

Permit Number

SAM-2017-01146-APS

for: **District Commander
Amiee P. Smith
Senior Project Manager
South Alabama Branch
Regulatory Division**

ENG FORM 4336, Jul 81 (33 CFR 320-330) EDITION OF JUL 70 MAY BE USED

(Proponent: CECW-0)

This verification is valid until the scheduled expiration date of **March 18, 2022**. However, if you have commenced or are under contract to commence the permitted activity before March 18, 2022, you will have 12 months from that date to complete the activities under the present terms and conditions of the Nationwide Permit.

Your use of the NWP is subject to the following special conditions:

a. The activity shall be conducted in accordance with the enclosed drawings and meet all conditions applicable to the NWP as described in Parts B and C. of the NWP Program and State Regional Conditions.

b. Prior to the discharge of any fill material into jurisdictional wetland habitat, the permittee shall submit to this office of the USACE proof-of-purchase of the appropriate number of wetland mitigation credits from an approved wetland mitigation bank for permanent placement of fill material into 0.072 acre of high quality, bottomland hardwood wetland habitat as compensatory mitigation for permitted impacts.

c. Within 60 days of the completion of the work authorized, the USACE must be notified of the completion of the authorized work. The enclosed Compliance Certification may be used for that purpose.

d. The enclosed yellow Notice of Authorization card must be posted at the site during construction of the permitted activity.

This letter contains an Approved Jurisdictional Determination (JD). If you object to this determination, you may request an administrative appeal under U.S. Army Corps of Engineers (USACE) regulations at 33 CFR Part 331. Enclosed you will find a Notification of Administrative Appeal Options and Process and Request for Appeal (RFA) form. If you request to appeal this determination, you must submit a completed RFA form to the USACE, South Atlantic Division, Attention: Mr. Jason W. Steele, Administrative Appeals Review Officer, 60 Forsyth Street Southwest, Room 10M15, Atlanta, Georgia 30303-8801, (404) 562-5137, Fax (404) 562-5138.

In order for an RFA to be accepted, the USACE must determine it is complete, meets the criteria for appeal under 33 CFR Part 331.5, and has been received by the Division Office by **May 29, 2018**. It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

This Approved JD is based on current policy and regulation and is valid for a period of 5 years from the date of this letter. If after the 5-year period this JD has not been specifically revalidated by USACE, it shall automatically expire. This letter grants no property rights nor shall it be construed as excusing you from compliance with other federal, state, or local statutes, ordinances, or regulations that may affect any proposed work at this site.

Nothing in this letter shall be construed as excusing you from compliance with other federal, state, or local statutes, ordinances, or regulations which may affect this work. Revisions to your proposal may invalidate this authorization. In the event changes to this project are contemplated, it is recommended you coordinate with us prior to proceeding with the work.

A copy of this verification is being sent to your agent, Wetland Resources Environmental Consulting, Attention: Ms. Gena Todia, Post Office Box 2694, Daphne, Alabama 36526 and the Alabama Department of Environmental Management, Coastal Section, Attention: Mr. Scott Brown, 3664 Dauphin Street, Suite B, Mobile, Alabama 36608.

Please contact me at 251-694-3779 or Amiee.P.Smith@usace.army.mil if you have any questions. For additional information about our Regulatory Program, visit our web site at www.sam.usace.army.mil/Missions/Regulatory.aspx. Also, please take a moment to complete our customer satisfaction survey located near the bottom of the webpage. Your responses are appreciated and will allow us to improve our services.

Sincerely,


S. Brad Crosson
for: Amiee P. Smith
Senior Project Manager
South Alabama Branch
Regulatory Division

Enclosures

When the structures or work authorized by this Nationwide Permit (NWP) SAM-2017-01146-APS are still in existence at the time the property is transferred, the terms and conditions of this NWP, including any special conditions, will continue to be binding on the new owner of the property. To validate the transfer of this NWP and the liabilities associated with compliance with the terms and conditions, return this page to the U.S. Army Corps of Engineers, Mobile District office after the transferee signs and dates below.

(TRANSFEREE SIGNATURE)

(DATE)

(TRANSFEREE PRINTED NAME)

3/30/18
3/30/18 SM 74/3779/AM
SBC
B. crosson

File

LEGEND

ASP	ASPHALT	HW	HEADWALL	OLGT	LIGHT	ANCHOR
BLDG	BUILDING	MIN	MINIMUM	COV	COVERED	RADIUS
CALC	CALCULATED	MH	MANHOLE		DECK	RIGHT OF WAY
MEAS	MEASURED	OH	OVERHANG		CONCRETE	SANITARY
CH	CHORD	PVMT	PAVEMENT		WALL	STORM
LNG	LONG CHORD	W/	WITH		FENCE	UTILITY
d	DEFLECTION	TAN	TANGENT		PORCH	ACRES
Δ	DELTA	RES	RESIDENCE			S.F.
ESMT	EASEMENT					€
						CENTERLINE

NOTES:

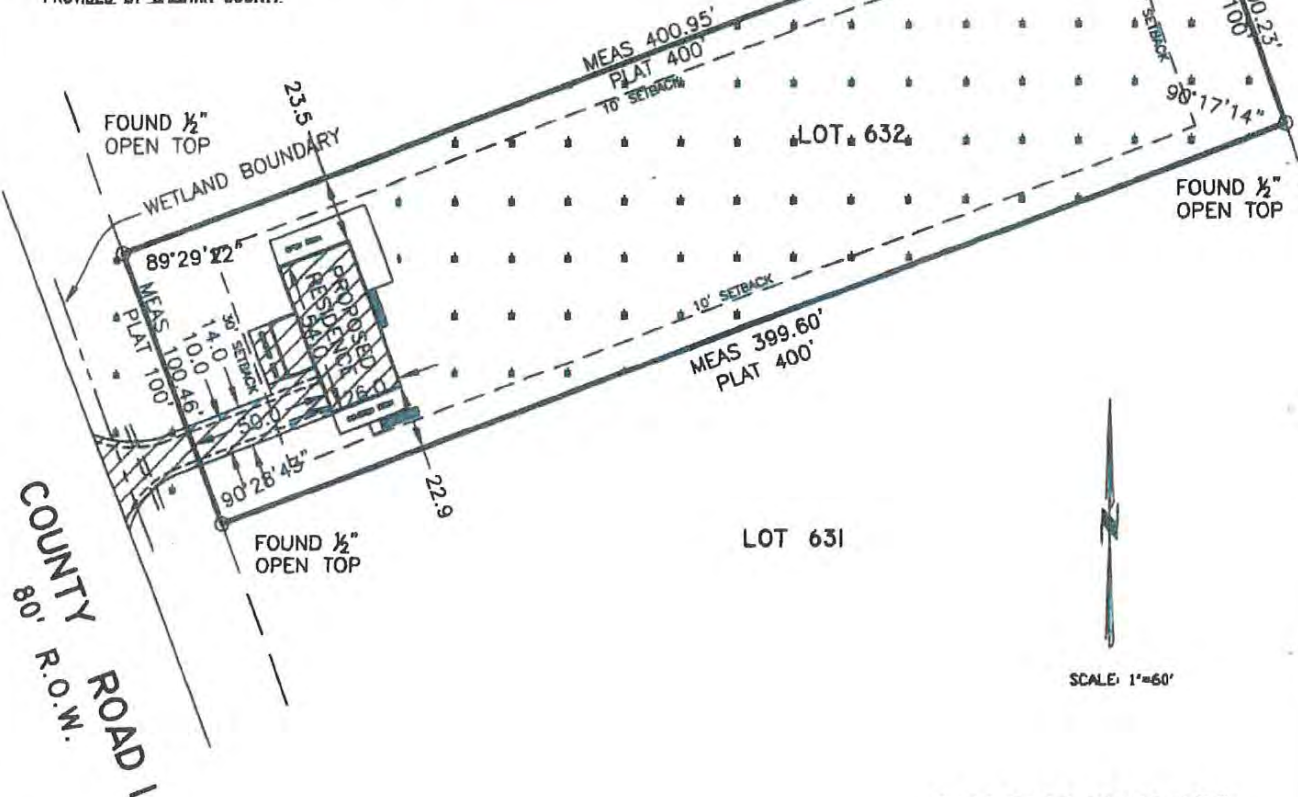
1. ANGLES ARE AS MEASURED.
2. WETLANDS DELINEATED BY OTHERS.
3. ALL PROPOSED DECKS SHOWN ARE PILE SUPPORTED WITH NO FILL UNDER THEM.
4. SETBACKS AS SHOWN PROVIDED BY BALDWIN COUNTY.

PROPOSED
FILL AREA
3,128 SQ FT IN
HATCHED PROPOSED
FILL AREA

LOT 633

FOUND 1/2" CRIMP
MEAS 100.23'
PLAT 100

40' DEDICATED FOR
DRAINAGE AND DITCHING



STATE OF ALABAMA)
BALDWIN COUNTY)

"Property Boundary Survey"

SAM-2017-01146-APS
Dept. of the Army

I, Trent R. Wilson, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed Lot 632, EASTERN PARKWAY NO. 1, as recorded in Slide 100-B, in the Office of the Judge of Probate, Baldwin County, Alabama; and hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief, according to my survey of SEPTEMBER 29, 2017. Survey invalid if not sealed in red.

Order No.: 1484
Owner: SLOAN
Address: 12952 COUNTY ROAD 1

Trent R. Wilson

Trent Willson Reg. L.S. #34764
Weygand Surveyors, Inc.
229 E. 20th Ave., Unit 12
Gulf Shores, AL 36542
Ph - (251)-975-7555
Copyright ©

WEYGAND
SURVEYORS

Note: (a) No title search of the public records has been performed by this firm and land shown hereon was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown hereon is subject to setbacks, easements, zoning, and restrictions that may be found in the public records of said county and/or city. (b) All bearings and/or angles, are deed/record map and actual unless otherwise noted. (c) Underground portions of foundations, footings, and/or other underground structures, utilities, cemeteries or burial sites were not located unless otherwise noted. We do not look for underground sewers or flip manhole covers. (d) The shown north arrow is based on deed/record map. (e) This survey is not transferable and is only good for 5 years and only good to the person/co. that pays for it at time of survey. (f) Easements not shown on record map are not shown above.

Staff Comments and Recommendation

Staff feels this is a reasonable request and recommends that in the Case **V-21022** Wynn Property, be approved to allow a new home to be constructed within the wetland setback requirements.

GENERAL NOTES {By-laws}

Any party aggrieved by a final judgment or decision of the Board may within fifteen (15) days thereafter appeal therefrom to the Circuit Court, but without expense to the Board of Adjustment, appear in person or by attorney in the Circuit Court or any other court, in defense of said order of the Board or in a trial de novo.

Whenever the Board imposes conditions with respect to a project or variance, such conditions must be stated in the Board Order and in the permit(s) issued, pursuant thereto by the Administrative Officer. Such permits shall remain valid only as long as conditions upon which it is granted, and the conditions imposed by the Zoning Ordinance are adhered to.

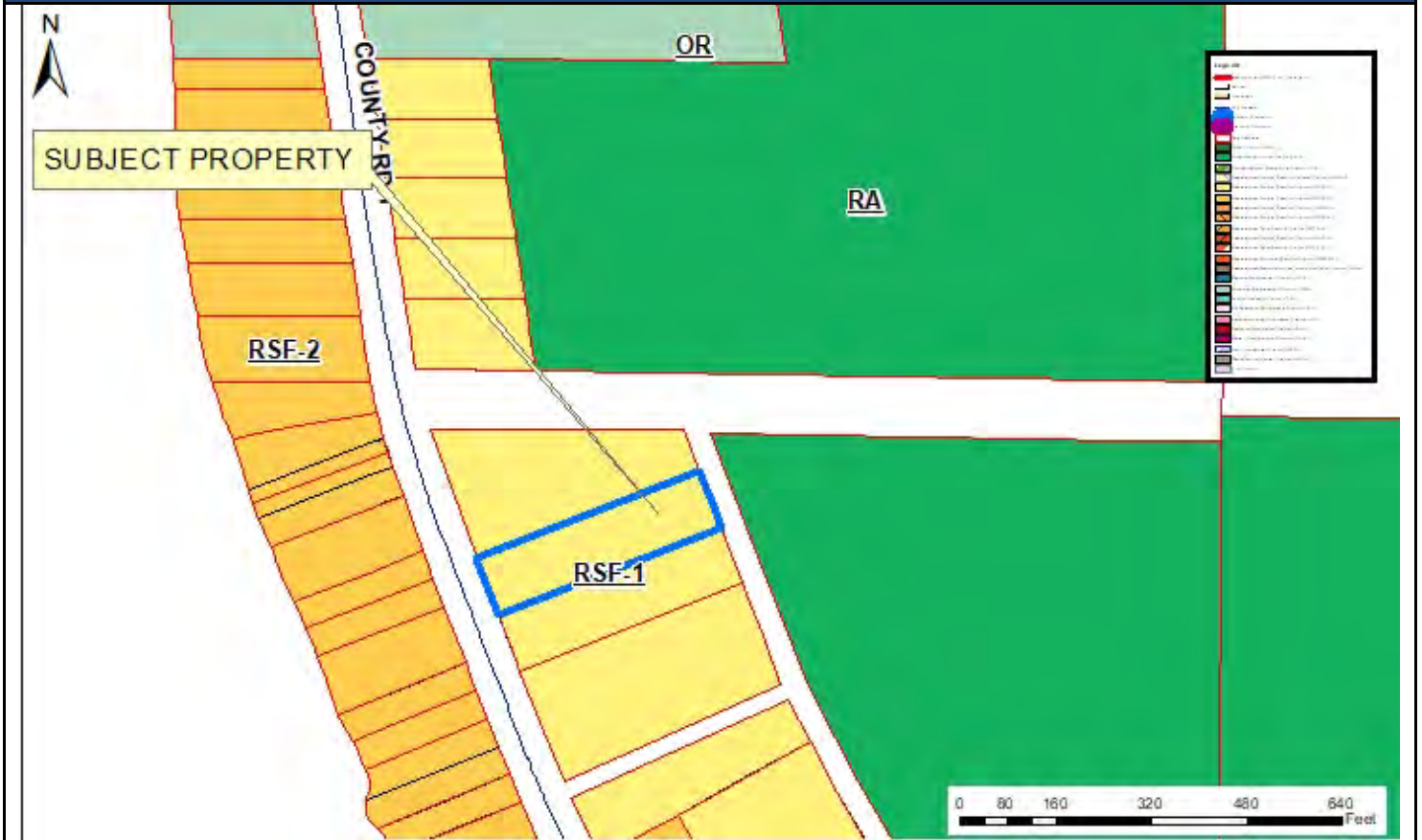
Property Images



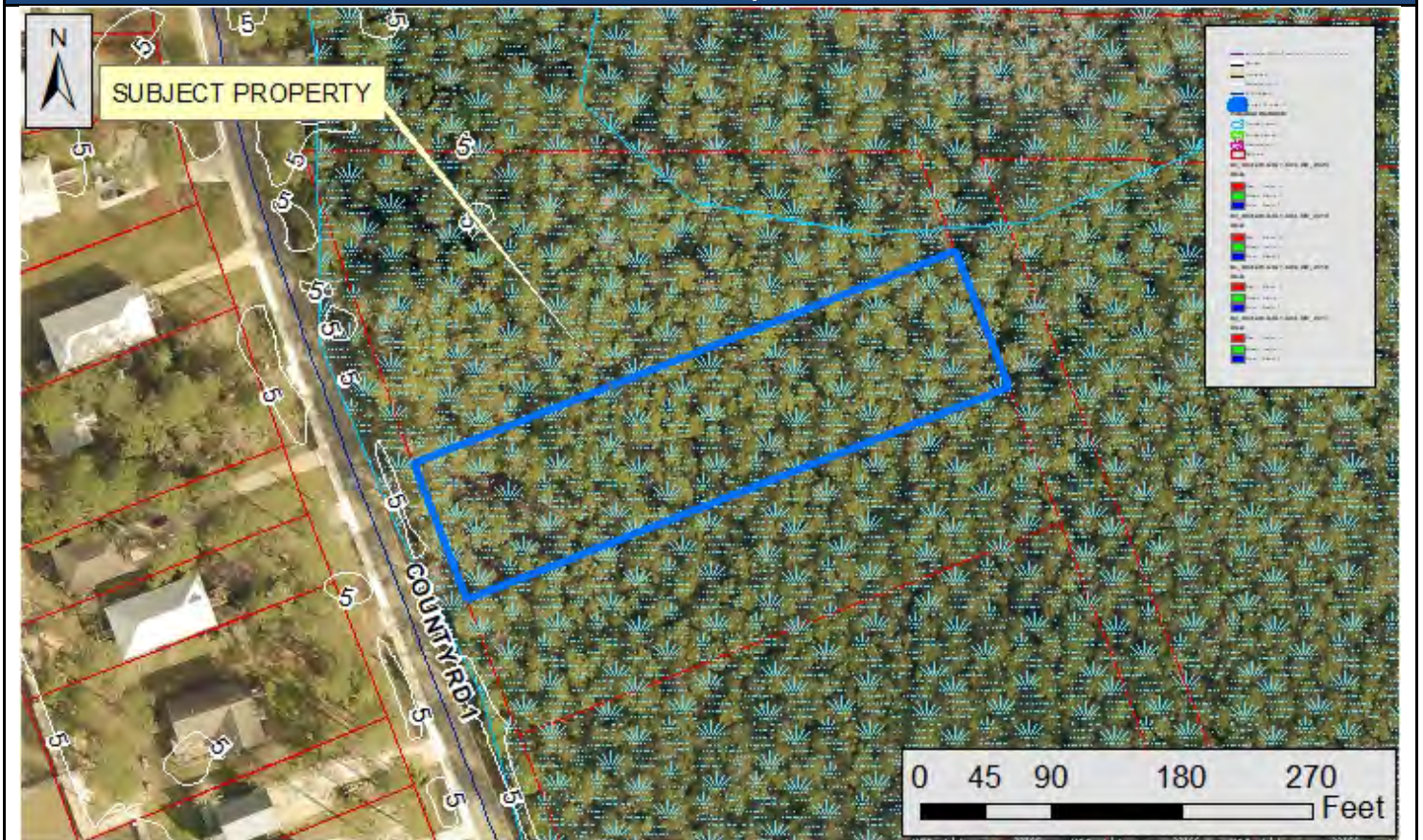




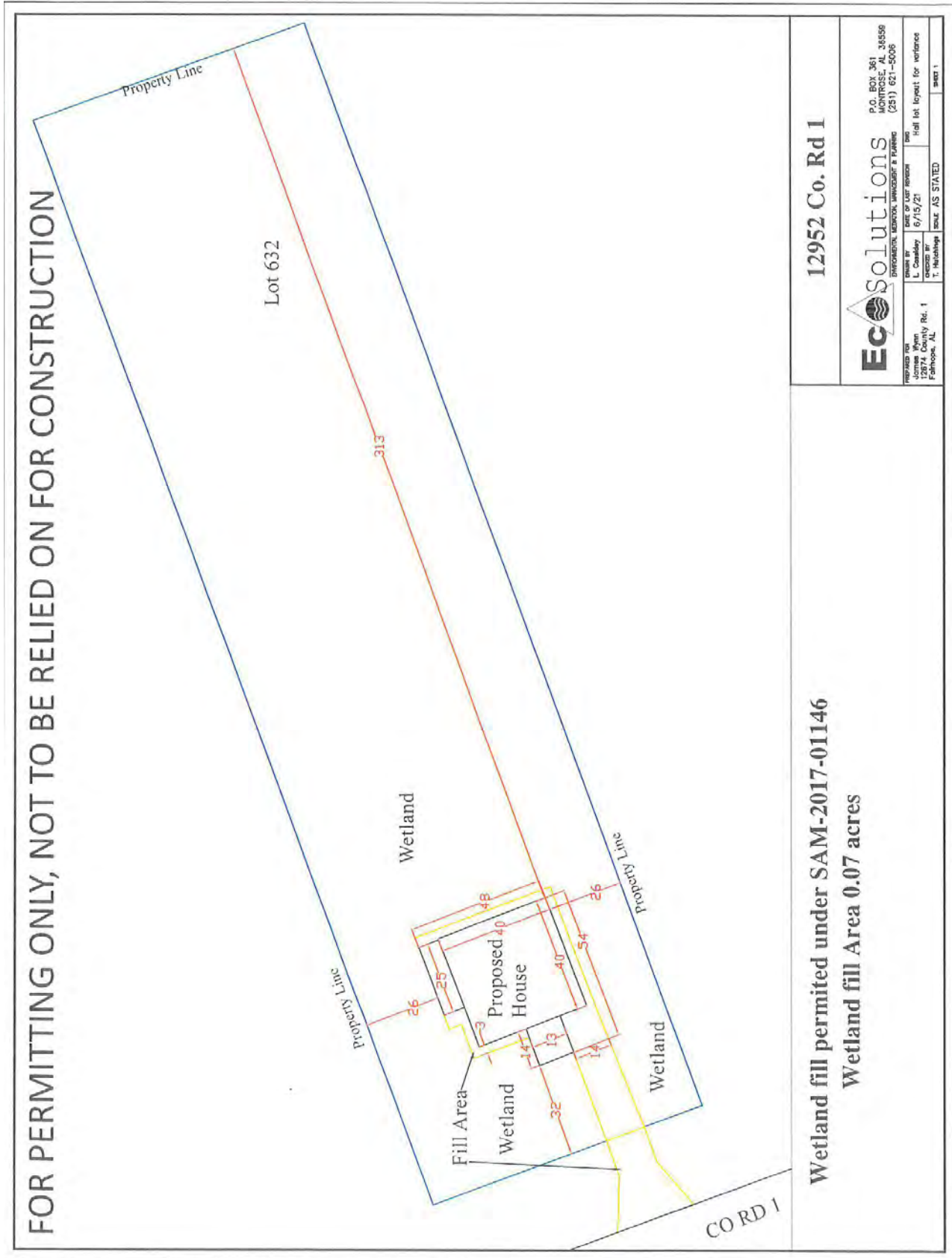
Locator Map



Site Map



Survey and Proposed Site Plan Submitted





Baldwin County Planning & Zoning Department

Board of Adjustment #1

Board of Adjustment Staff Report

Case No. V-210024
Farmer Property
Accessory Dwelling Size Variance
July 20, 2021

Subject Property Information

Planning District: 12
General Location: Loxley
Physical Address: 18559 County Road 64
Parcel Number: 05-41-03-07-0-000-025.001
Zoning: RSF-1, Single Family District
Lot Size: 1.01 +/- Acres
Applicant: Angela Wagner Farmer
P.O. Boxes 435
Loxley, Alabama 36551
Owner: Angela Wagner Farmer
Lead Staff: Paula Bonner, Planning Technician
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Vacant	RA, Rural Agricultural District
South	Residential	RA, Rural Agricultural District
East	Vacant	RA, Rural Agricultural District
West	Residential	RA, Rural Agricultural District

Summary and Recommendation

The applicant is requesting approval of a variance from (2.3.12.3(d)) of the Baldwin County Zoning Ordinance to allow for an accessory dwelling which exceeds 60 percent of the size, in square feet, of the principal dwelling.

Staff perceives there is no hardship on the property, therefore staff recommends that Case V-210024 Farmer Property be **Denied**. The applicant has requested the medical needs of her grandchild be taken into consideration.

**On Variance applications, the Board of Adjustment makes the final decision*

Variance Request

The applicant is requesting a variance from Section (2.3.12.3(d)) of the Baldwin County Zoning Ordinance to allow for an accessory dwelling which exceeds 60 percent of the size, in square feet, of the principal dwelling.

Section 3.2 RA, Rural Agricultural District

3.2.1 *Generally.* This zoning district provides for large, open, unsubdivided land that is vacant or is being used for agricultural, forest or other rural purposes.

3.2.2 *Permitted uses.* Except as provided by Section 2.3: Establishment of Zoning in Planning Districts, the following uses and structures designed for such uses shall be permitted:

- (a) The following general industrial uses: extraction or removal of natural resources on or under land.
- (b) The following transportation, communication, and utility uses: water well (public or private).
- (c) Outdoor recreation uses.
- (d) The following general commercial uses: animal clinic and/or kennel; farm implement sales; farmers market/truck crops; nursery; landscape sales; country club
- (e) The following local commercial uses: fruit and produce store.
- (f) The following institutional uses: church or similar religious facility; school (public or private).
- (g) Agricultural uses.
- (h) Single family dwellings including manufactured housing and mobile homes.
- (i) Accessory structures and uses.

3.2.3 *Special Exceptions.* Except as provided by Section 2.3: Establishment of Zoning in Planning Districts, the following uses and structures designed for such uses may be allowed as special exceptions:

- (a) The following general commercial uses: recreational vehicle park (see Section 13.9: Recreational Vehicle Parks).
- (b) The following local commercial uses: bed and breakfast or tourist home (see Section 13.11: Bed and Breakfast Establishments).

3.2.4 *Conditional uses.* Except as provided by Section 2.3: Establishment of Zoning in Planning Districts, the following use and structures designed for such use may be allowed as a conditional use:

- (a) Transportation, communication, and utility uses not permitted by right.
- (b) Institutional uses not permitted by right.

3.2.5 *Area and dimensional ordinances.* Except as provided by Section 2.3: Establishment of Zoning in Planning Districts, Section 12.4: Height Modifications, Section 12.5: Yard Requirements, Section

12.6: Coastal Areas, Section 12.8: Highway Construction Setbacks, Section 18.6 Variances, and Article 20: Nonconformities, the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure in Feet	35
Minimum Front Yard	40-Feet
Minimum Rear Yard	40-Feet
Minimum Side Yards	15-Feet
Minimum Lot Area	3 Acres
Minimum Lot Width at Building Line	210-Feet
Minimum Lot Width at Street Line	210-Feet

3.2.6 Area and dimensional modifications. Within the RA district, area and dimensional requirements may be reduced, as set forth below, where property is divided among the following legally related family members: spouse, children, siblings, parents, grandparents, grandchildren, or step-related individuals of the same status.

Minimum Front Yard	30-Feet
Minimum Rear Yard	30-Feet
Minimum Side Yards	10-Feet
Minimum Lot Area	40,000 Square Feet
Minimum Lot Width at Building Line	120-Feet
Minimum Lot Width at Street Line	120-Feet

2.3.12 Planning District 12
2.3.12.3 Local Provisions for Planning District 12

(d) Accessory dwellings are permitted by right in residential districts provided they do not exceed sixty (60) percent of the size, in square feet, of the principal residence.

Section 22 Definitions
22.2 Words and Terms Defined

Accessory dwelling. A second dwelling unit that is either contained within the structure of a single family dwelling unit or in a separate accessory structure on the same lot as the principal residential building for use as a complete, independent living facility with provisions within the accessory dwelling for cooking, eating, sanitation, and sleeping. Such a dwelling is an accessory use to the principal residential building and includes accessory apartments, garage apartments and guest houses.

Dwelling, single-family. A detached building designed for and occupied by one family as a home, with toilets and facilities for cooking and sleeping.

Staff Analysis and Findings

The following standards for approval are found in Section 18.6, Variances of the *Baldwin County Zoning Ordinance*. These standards are to be considered when a variance request is being reviewed.

1.) **Exceptional narrowness, shallowness or shape of a specific piece of property existing at the time of the enactment of these zoning regulations.**
The subject property is approximately 210' wide along the southern side, 210' along the eastern side, 210' on western side, and 210' along the northern side. The subject property is approximately 1.01

acres. The current minimum lot size for RA is 3 acres. Staff does not believe the lot is exceptionally narrow, shallow, or otherwise configured to create a hardship on the land that would require a variance.

2.) Exceptional topographic conditions or other extraordinary situations or conditions of a specific piece of property.

Staff perceives no exceptional topographic conditions or other extraordinary situations or conditions which require a variance.

3.) The granting of the application is necessary for the preservation of a property right and not merely to serve as a convenience to the applicant or based solely upon economic loss. The use of the property has already been established with a single-family dwelling estimated to have been built in 1978 per the Revenue Commission. Staff perceives no necessity for preservation of a property right that would require a variance.

4.) The granting of this application will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of Baldwin County.

Staff anticipates no major impacts, therefore staff does not believe the granting of this application will impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of Baldwin County.

5.) Other matters which may be appropriate.

According to Baldwin County Revenue the existing single family dwelling is 1272 square feet. The proposed accessory dwelling is approximately 1310 square feet, which exceeds 60 percent of the size, in square feet, of the principal dwelling. The applicant is requesting a medical needs variance to allow her divorced son and his children to live in the unconforming accessory dwelling in order for her to assist her son in caring for his children, one of which has special needs.

Staff Comments and Recommendation

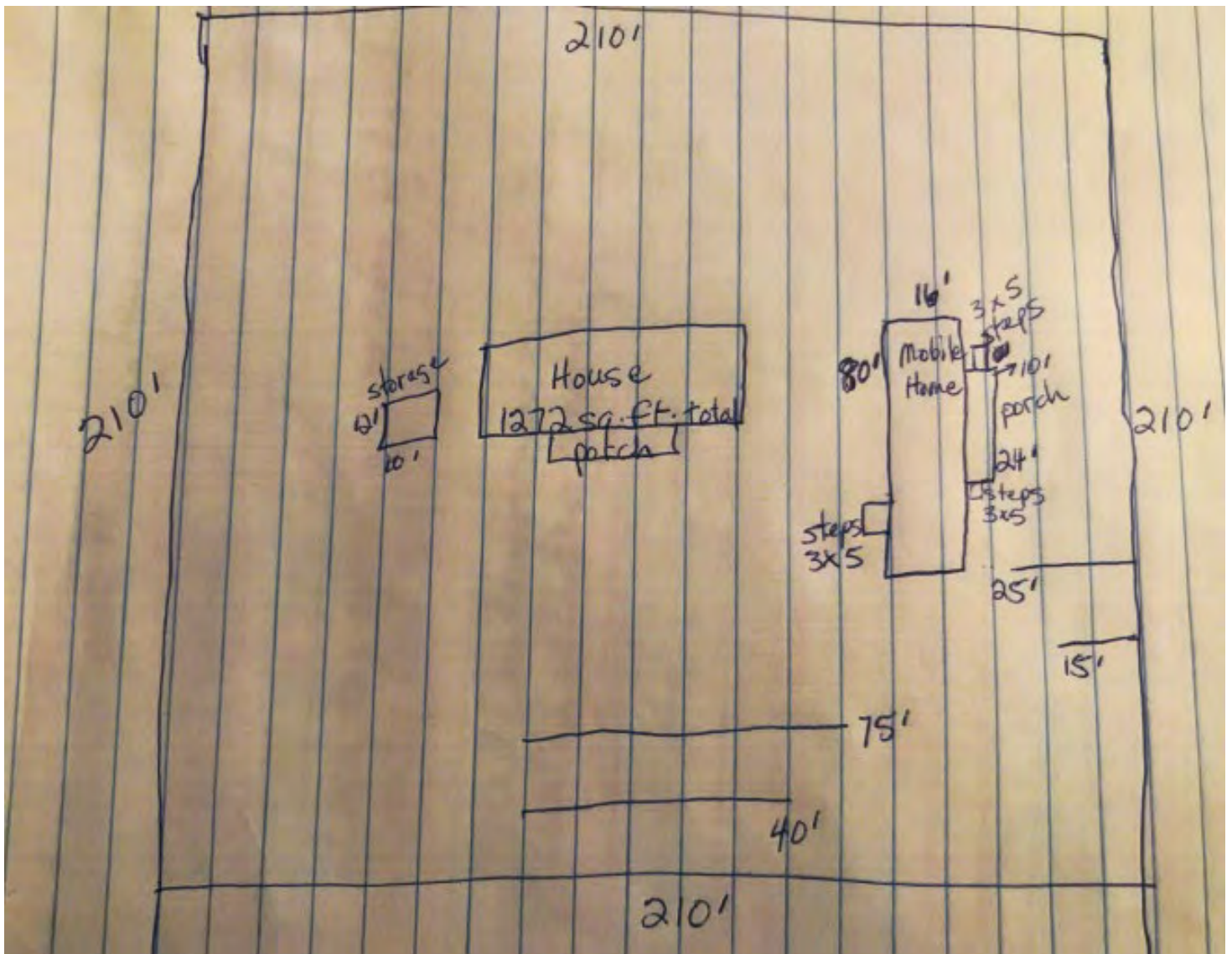
Staff perceives there is no hardship on the property therefore staff recommends Case V-210024 Farmer Property be **Denied**. The applicant has requested the medical needs of her grandchild be taken into consideration.

GENERAL NOTES {By-laws}

Any party aggrieved by a final judgment or decision of the Board may within fifteen (15) days thereafter appeal therefrom to the Circuit Court, but without expense to the Board of Adjustment, appear in person or by attorney in the Circuit Court or any other court, in defense of said order of the Board or in a trial de novo.

Whenever the Board imposes conditions with respect to a project or variance, such conditions must be stated in the Board Order and in the permit(s) issued, pursuant thereto by the Administrative Officer. Such permits shall remain valid only as long as the conditions upon which it is granted, and the conditions imposed by the Zoning Ordinance are adhered to.

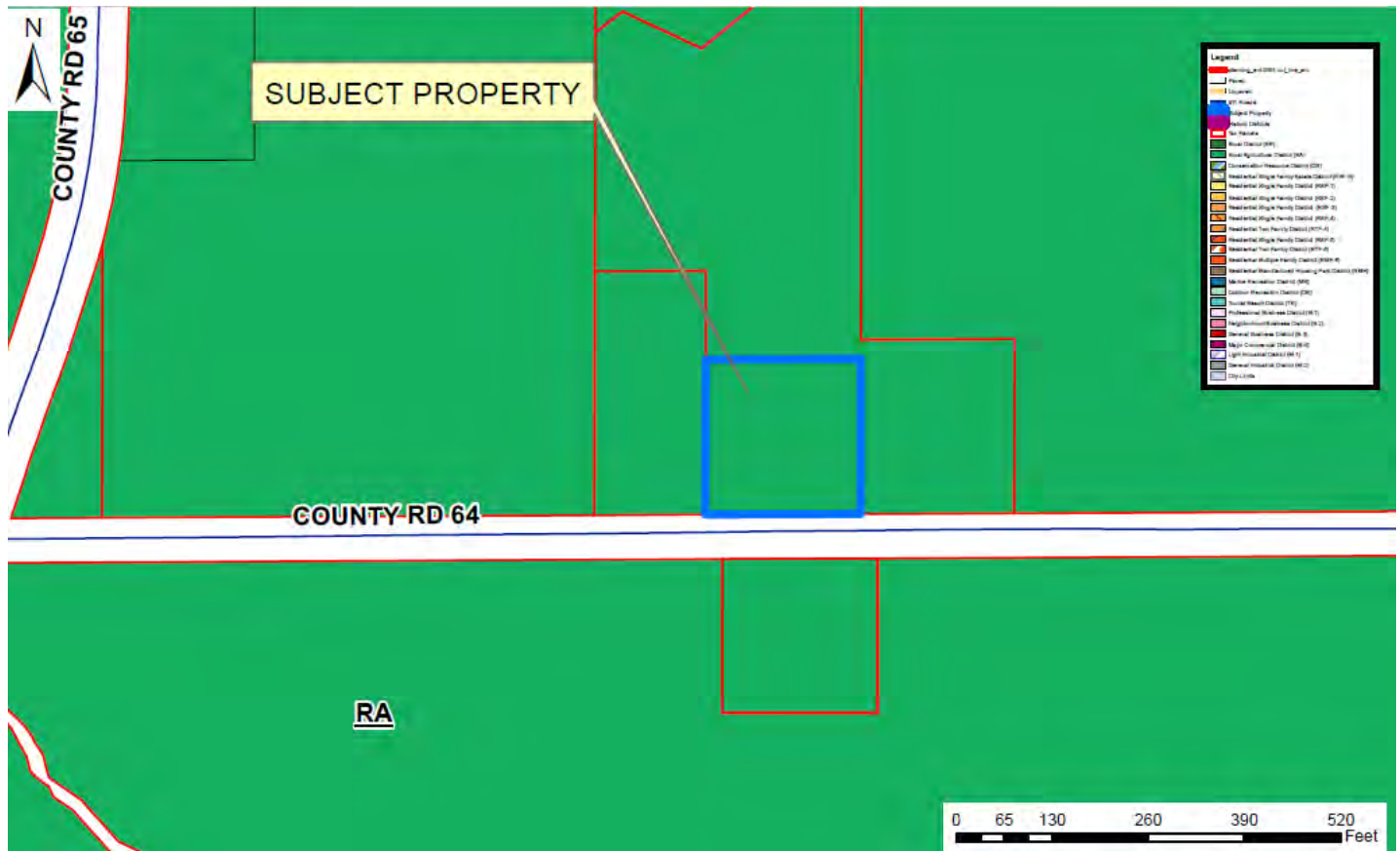
Site Plan







Locator Map



Site Map



6/22/21

To: Baldwin County Planning/Zoning Dept.

From: Angie Farmer

I am the owner of one acre of land on County Road 64.

There is no homeowners association associated with this property.

6/22/21

To Whom It May Concern:

I have a home on County Rd 64. I am requesting approval for a mobile home on my property.

My son, Adam Pardey, will reside there. He is divorced and his two children also spend a lot of time there. His youngest child, Lawson, has special needs and I will be helping to take care of him on weekends and while his father is working.

Sincerely,

Angie Farmer



Baldwin County Planning & Zoning Department

County Commission District #1

Board of Adjustment Staff Report

Case No. V-210025

Goodwin/Smith Property

Rear and Side Yard Setback Variance

July 20, 2021

Subject Property Information

Planning District: 12
General Location: North side of Walston Drive
Physical Address: 16607 Walstan Drive
PID: 05-42-07-26-0-000-015.088
Zoning: RSF-4, Residential Single-Family District
Acreage: .189 acre
Applicant: Benjamin Goodwin and Erin Smith
16607 Walstan Drive
Loxley, AL 36551
Owner: Benjamin Goodwin and Erin Smith
Lead Staff: D.J. Hart, Planning Technician
Attachments: Within Report

	Adjacent Land Use	Adjacent Zoning
North	Residential	RSF-3 Single Family District
South	Residential	RSF-4 Single Family District
East	Residential	RSF-4 Single Family District
West	Residential	RSF-4 Single Family District

Summary and Recommendation

The applicant is requesting a side yard setback variance and a rear yard setback variance to allow the swimming pool and covered deck to remain as built. Staff recommends that the request to have a zero-lot line setback for the pool and deck to be **DENIED**.

Variance Request

The applicant is requesting a variance from section 13.1.2 (a) and (c) of the Baldwin County Zoning Ordinance as it pertains to side and rear yard setback and percent of rear yard occupied. Staff has not been presented with evidence of a hardship on the land, which is a requirement for approval, therefore, staff recommends **DENIAL** of case **V-21025**.

Section 4.5 RSF-4, Single Family District

4.5.1 *Generally*. This zoning designation is provided to afford the opportunity for the choice of a moderate density residential development consisting of single-family homes.

4.5.2 *Permitted uses*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses shall be permitted:

- (a) The following general industrial uses: extraction or removal of natural resources on or under land.
- (b) The following transportation, communication, and utility uses: water well (public or private).
- (c) The following agricultural uses: Silviculture.
- (d) Single family dwellings including manufactured housing and mobile homes.
- (e) Accessory structures and uses.
- (f) The following institutional use: church or similar religious facility.

4.5.3 *Conditional uses*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed as conditional uses:

- (a) Outdoor recreation uses.
- (b) The following institutional uses: day care home; fire station; school (public or private).
- (c) The following general commercial uses: country club.

4.5.4 *Special exception*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following use and structures designed for such use may be allowed as a special exception:

The following local commercial use: bed and breakfast or tourist home (see *Section 13.11: Bed and Breakfast Establishments*).

4.5.5 *Area and dimensional ordinances*. Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, *Section 12.4: Height Modifications*, *Section 12.5: Yard Requirements*, *Section 12.6: Coastal Areas*, *Section 12.8: Highway Construction Setbacks*, *Section 18.6 Variances*, and *Article 20: Nonconformities*, the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure in Feet 35
 Maximum Height in Habitable Stories 2 1/2
 Minimum Front Yard 30-Feet
 Minimum Rear Yard 30-Feet
 Minimum Side Yards 10-Feet
 Minimum Lot Area per Dwelling Unit 7,500 Square Feet
 Minimum Lot Width at Building Line 60-Feet
 Minimum Lot Width at Street Line 30-Feet
 Maximum Ground Coverage Ratio .35

Article 13 Design Standards

Section 13.1 Accessory Uses and Structures

13.1.1 *Generally*. Any use may be established as an accessory use to any permitted principal use in any district provided that such accessory use:

- (a) Is customarily incidental to and is maintained and operated as a part of the principal use.
- (b) Is not hazardous to and does not impair the use or enjoyment of nearby property in greater degree than the principal use with which it is associated.

- (c) Does not create levels of noise, odors, vibration and lighting, or degrees of traffic congestion, dust or pollutants, in a greater amount than customarily created by principal use.
- (d) Is not located in a required yard.

13.1.2 *Residential districts.* In residential districts an accessory use or structure will conform to the following requirements:

- (a) An accessory structure may be located in a rear or side yard but shall not be closer than 5-feet to any side or rear lot line.
- (b) An accessory structure may not be located in the front yard of a lot, except that on waterfront lots accessory structures may be located between the principal building and the waterfront property line but not within the required front yard setback.
- (c) An accessory structure may not exceed the height limit for the district in which it is located and may not occupy more than 30% of the rear yard.
- (d) No accessory structure, other than a pier and boathouse, may be located on a lot by itself.

Staff Analysis and Findings

The following standards for approval are found in Section 18.6, Variances of the *Baldwin County Zoning Ordinance*. These standards are to be considered when a variance request is being reviewed.

1.) Exceptional narrowness, shallowness or shape of a specific piece of property existing at the time of the enactment of these zoning regulations.

The subject property is part of a platted subdivision, Harvest Meadows Phase 3 lot 85. The lot dimensions are 80' x 121.46'. The recorded plat shows a minimum 15' drainage easement along the side and rear lot line of all lots. The lot is small but, there is no exceptional narrowness or shallowness of the property. Staff feels this does not meet the above standard for recommendation of approval.

2.) Exceptional topographic conditions or other extraordinary situations or conditions of a specific piece of property.

There are no topographic conditions or extraordinary situations specific to this parcel. Staff therefore believes this request does not meet the standard for approval.

3.) The granting of the application is necessary for the preservation of a property right and not merely to serve as a convenience to the applicant or based solely upon economic loss.

According to the applicant the purpose of this variance is to allow the structure to remain as built. It was stated that the cost of tearing it down is expensive and there is not enough room for the pool and deck. Staff cannot recommend approving a variance because of monetary or economic reason therefore, this variance does not meet the standard for approval.

4.) The granting of this application will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire, or imperil the public safety, or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals, or general welfare of the inhabitants of Baldwin County.

The granting of this application could unduly impact the adjacent property owners. The neighbor to the north could receive runoff from the roof of the covered deck if allowed to remain in place and therefore, the standard for approval has not been met.

5.) Other matters which may be appropriate.

a.) POA Statement

Dear Ms. Hart:

The property is 80 wide 121.46 long and the backyard from the property line to the end of the house is 35.46 feet. My client wants to keep what they have already built as is and receive a variance for that. If that cannot be accommodated, my clients would propose what is drawn on the attached suggested plot plan for the variance. My client informs me that the HOA for phase 3A has been disbanded. I will check on this and let you know.

Yours very truly,

Benjamin C. Maumenee

Benjamin C. Maumenee, Esq.

Attorney at Law

14895 County Rd. 48

Silverhill, AL 36576

Office: (251) 945-1489

Cell: (251) 605-1092

b.) This variance case is a result of a complaint. All construction was done without a building permit. An above ground pool generally does not require a Land Use Application or Building Permit but, the deck and roof do require a Land Use Application prior to construction.

c.) Harvest Meadows Subdivision has a recorded plat that shows a 15' (total width) drainage easement along all side and rear lot lines. No permanent structures are to be located in a drainage or utility easement.

GENERAL NOTES

- * BUILDING SETBACK REQUIREMENTS ARE 10' - FRONT AND REAR, 10' SIDE, 20' SIDE ABUTTING STREET.
- * CONTOURS BASED UPON U.S. USGS DATUM.
- * THE ENTIRE PHASE AS SHOWN LIES WITHIN FLOOD ZONE(S) "X" (SHADED), ACCORDING TO FEMA PANEL #01003C06 DATED JULY 17, 2007.
- * NO ATTEMPT HAS BEEN MADE BY THIS FIRM TO CONDUCT A TITLE RECORDS SEARCH FOR THIS SITE OR THE ADJOINING PROPERTY.
- * NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN.
- * DRAINAGE EASEMENTS SHALL NOT BE FENCED NOR SHALL ANY STRUCTURES OR DEPOSITS BE PERMITTED IN SAID EASEMENTS THAT WOULD IN ANY WAY IMPEDE THE FLOW OF STORM WATER OR ACCESSIBILITY.
- * THERE IS AN ADDITIONAL 15.0' UTILITY EASEMENT ADJACENT THE ROAD AND ACROSS THE FRONT OF EACH LOT.
- * THERE IS A MINIMUM 15.0' (TOTAL WIDTH) DRAINAGE EASEMENT ALONG ALL SIDE AND REAR LOT LINES.

NORTH ASSUMED - AND BEARINGS AS SHOWN ARE BASED UPON THE RECORD PLAT OF HARVEST MEADOWS, PHASE 1: SLIDE FILE 2087-D



SCALE: 1" = 60'

Staff Comments and Recommendation

Staff feels the applicant has not shown a hardship on the land and for that reason recommends that in Case **V-21025** Goodwin/Smith Property, be **DENIED**. The alternate site plan that was submitted meets the required 5' setback from the side and rear, except for the area shown 3' from the property line, but the size of the entire structure is still over the 30% coverage allowed for an accessory structure.

GENERAL NOTES {By-laws}

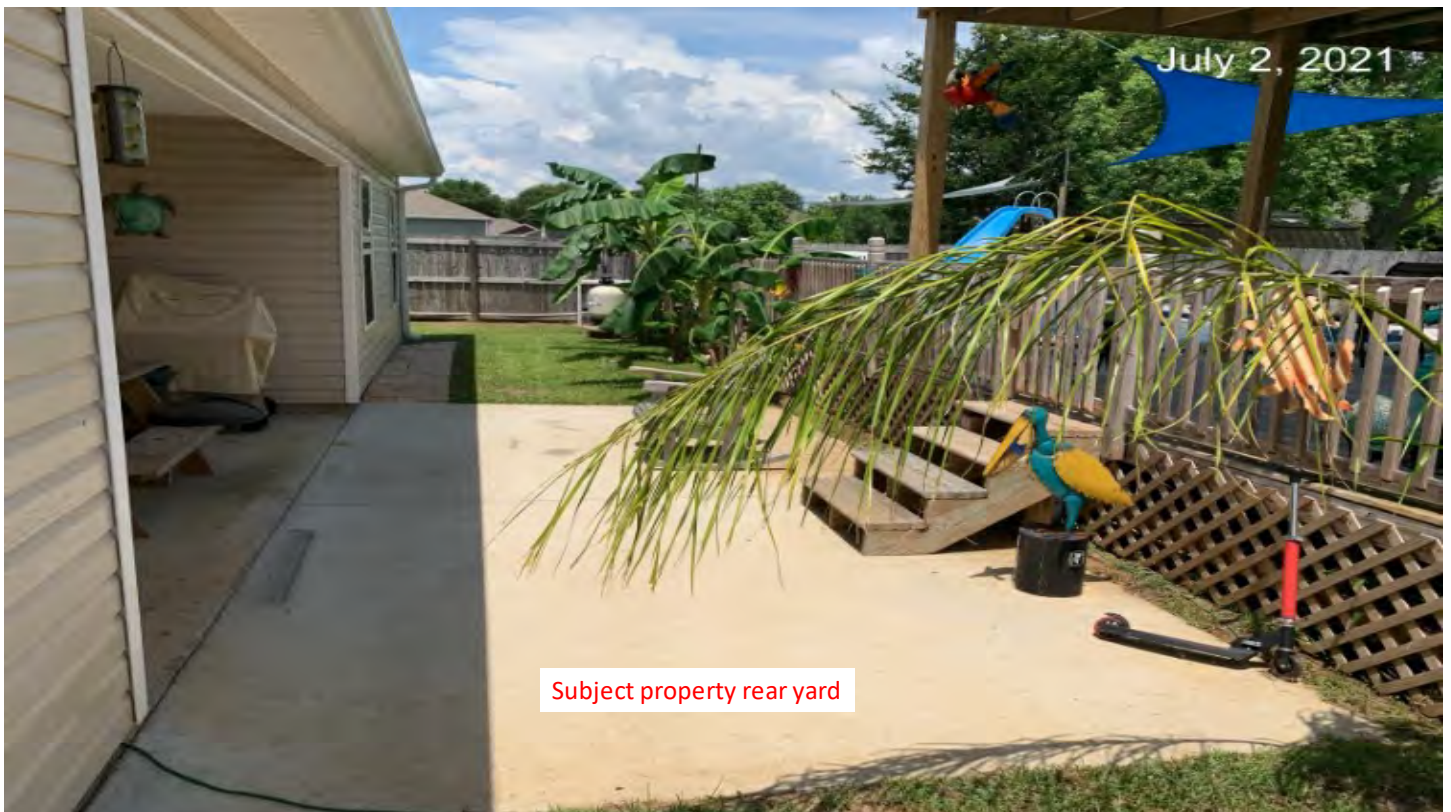
Any party aggrieved by a final judgment or decision of the Board may within fifteen (15) days thereafter appeal therefrom to the Circuit Court, but without expense to the Board of Adjustment, appear in person or by attorney in the Circuit Court or any other court, in defense of said order of the Board or in a trial de novo.

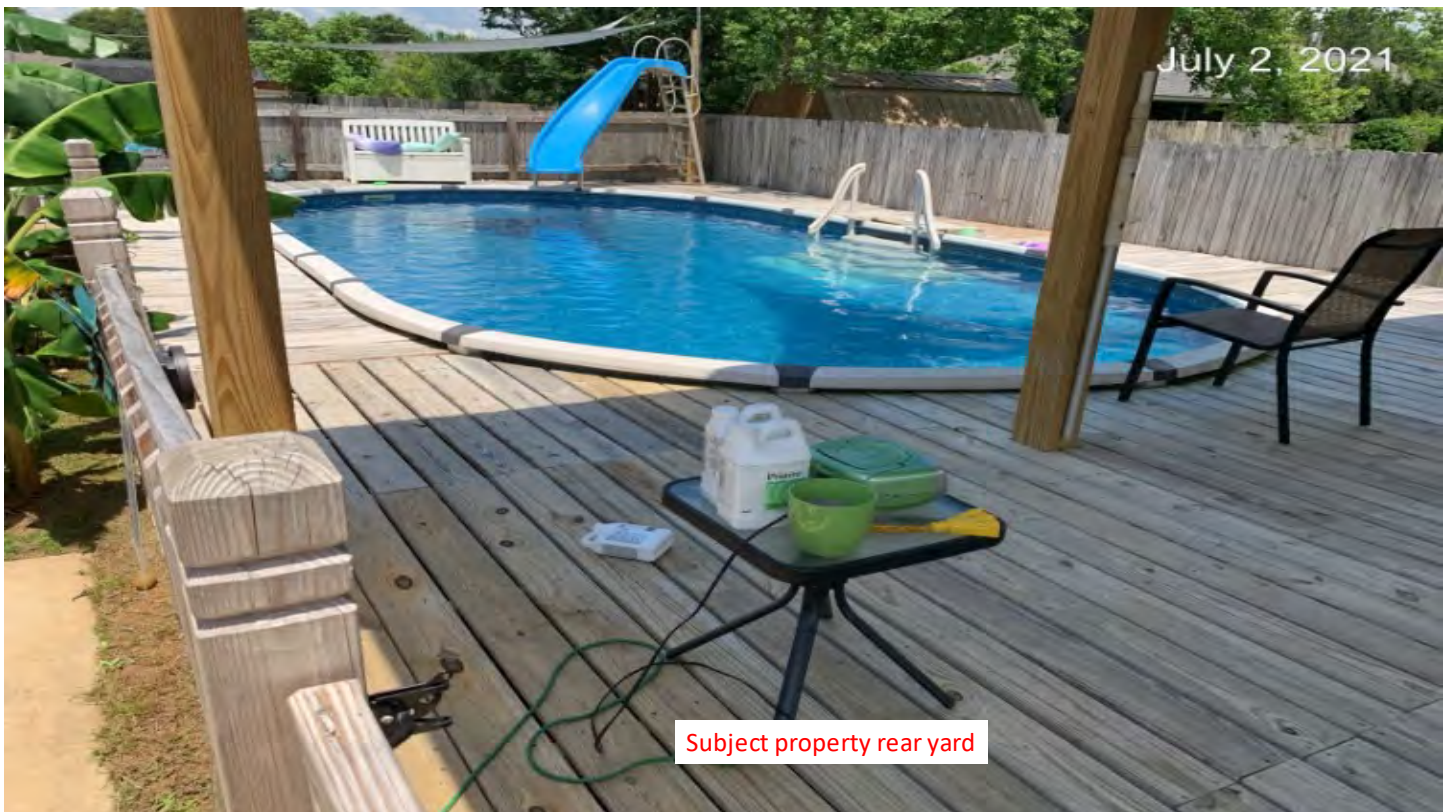
Whenever the Board imposes conditions with respect to a project or variance, such conditions must be stated in the Board Order and in the permit(s) issued, pursuant thereto by the Administrative Officer. Such permits shall remain valid only as long as conditions upon which it is granted, and the conditions imposed by the Zoning Ordinance are adhered to.

Property Images



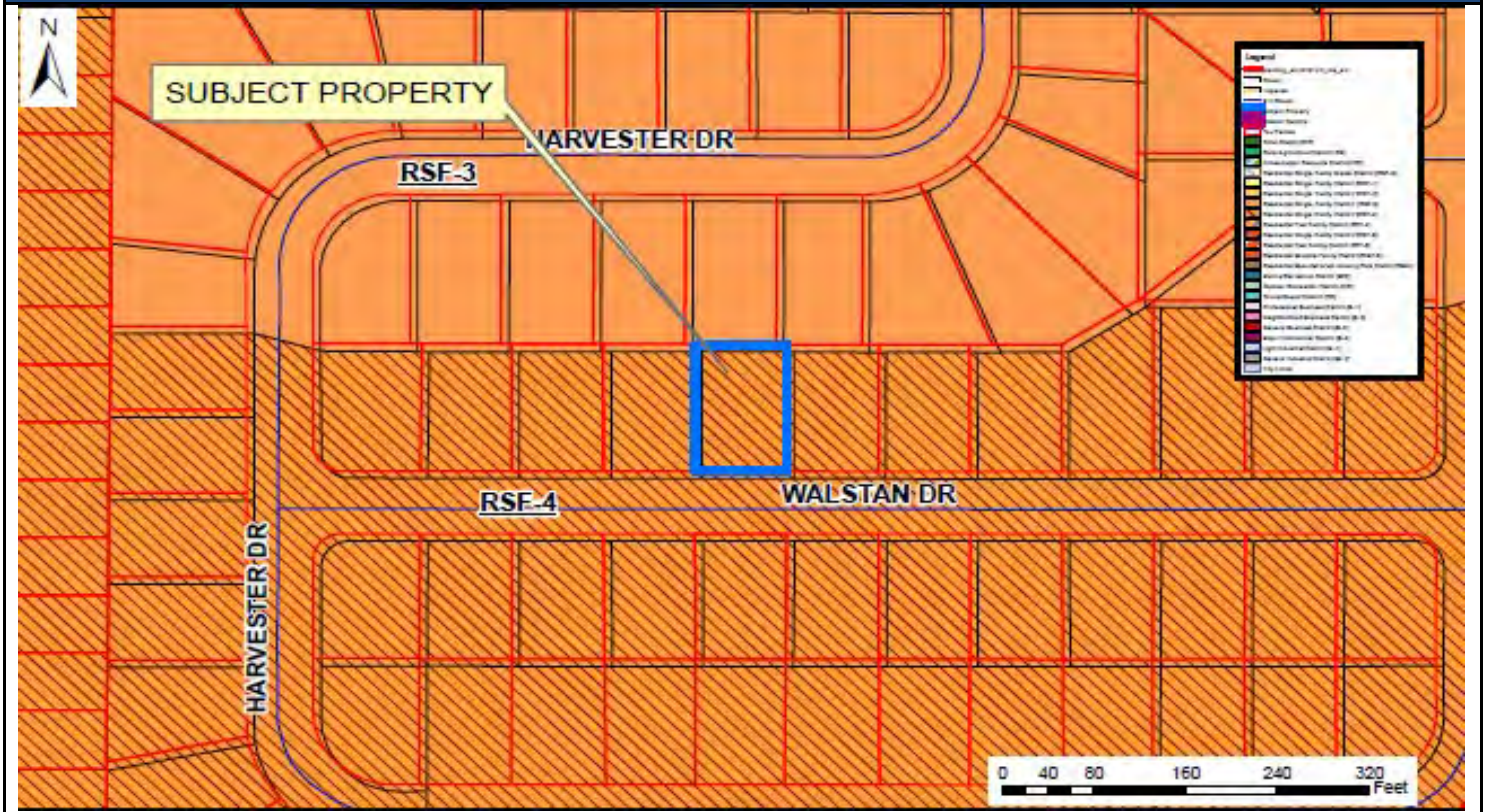








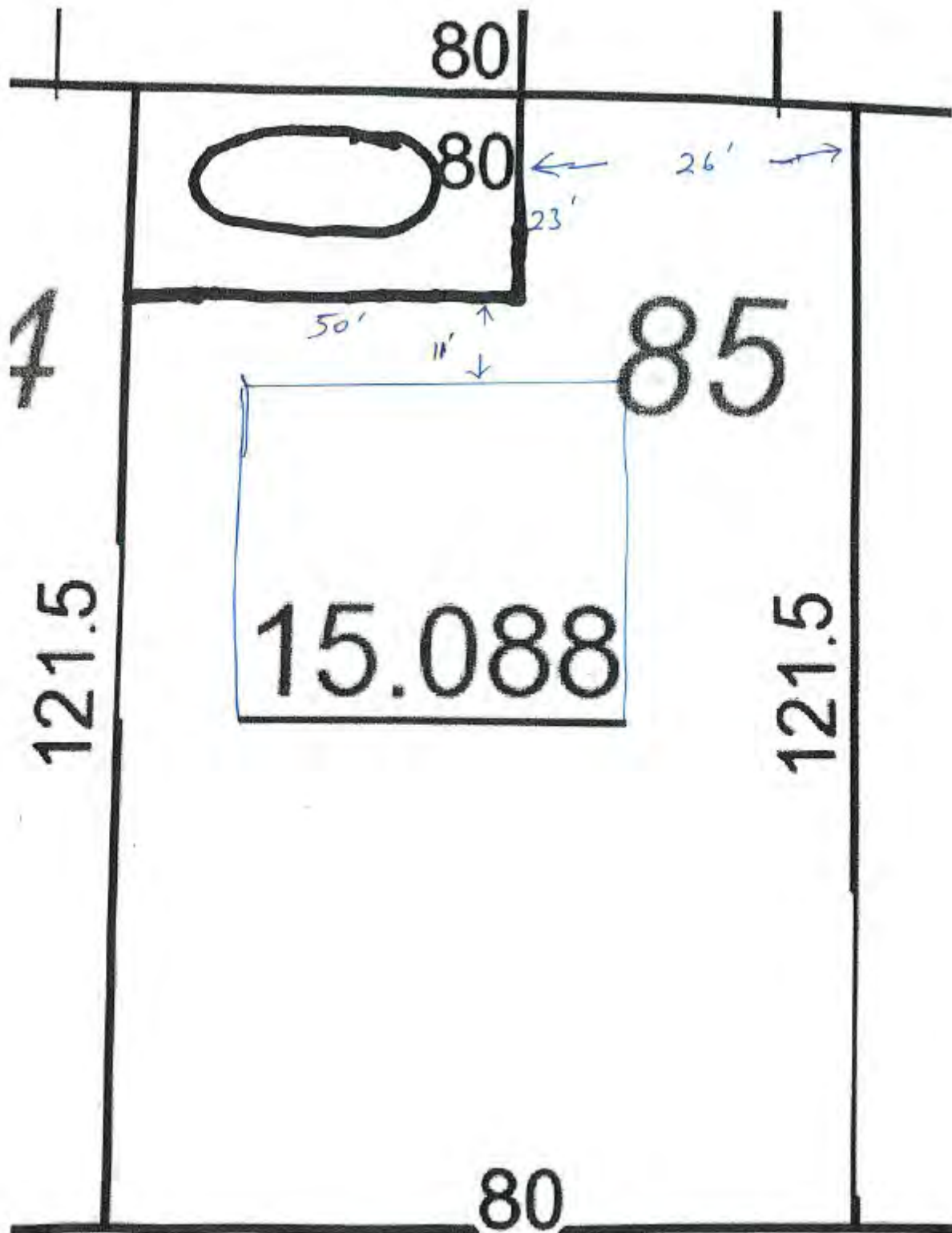
Locator Map



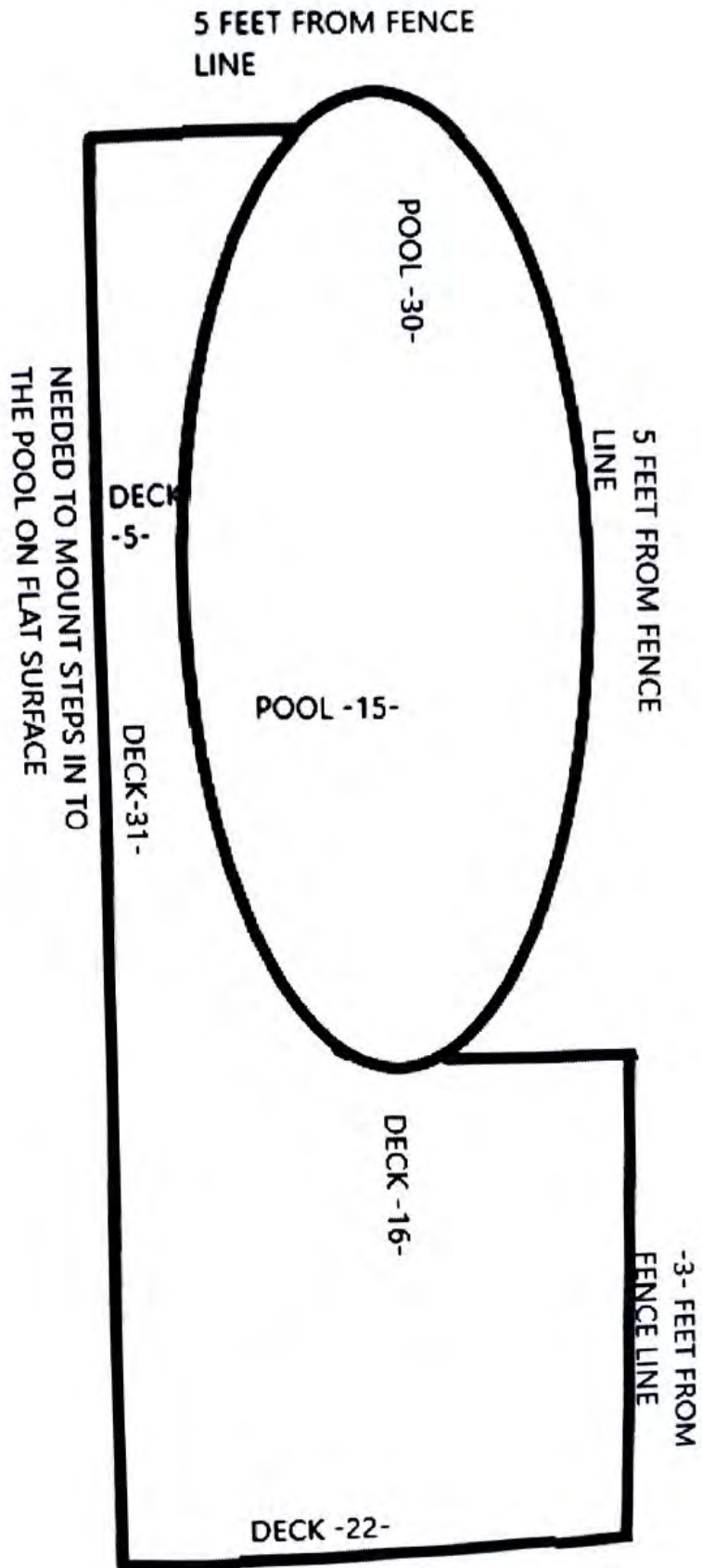
Site Map



Proposed Site Plan Submitted
As currently built on site



Alternate Site Plan Submitted for Consideration





Baldwin County Planning & Zoning Department

Board of Adjustment Staff Report

Case No. AD-21001
Teachers Retirement System of Alabama
Appeal of Administrative Decision (Issuance of Land Use Certificate)
July 20, 2021

Subject Property Information

Planning District: 26
General Location: West Side of Scenic Hwy 98
Physical Address: 17950 Scenic Highway 98
Parcel Number: 05-45-07-36-0-000-002.004
Zoning: TR, Tourist Resort District
Land Use: Grand Hotel Beach Suites
Acreage: 27.00 ± acres
Appellants: Point Clear Property Owners Association, Inc.
P.O. Box 114
Point Clear, AL 36564
Owner: Teachers Retirement System of Alabama
C/O Dr. David Bronner
201 S Union Street
Montgomery, AL 36104
Lead Staff: Matthew Brown, Planning Director
Linda Lee, Planner
Attachments: *Within Report*

	Adjacent Land Use	Adjacent Zoning
North	Residential	RSF-1, Residential Single Family
South	Residential	RSF-1, Residential Single Family
East	Residential & Commercial	RSF-1, Residential Single Family & B-2, Neighborhood Business District
West	Mobile Bay	N/A

Summary and Recommendation

On January 5, 2021, Goodwyn Mills Cawood LLC submitted a Land Use Certificate Application (LU21-000010) for the Grand Hotel Beach Suites. The application was denied on January 29, 2021 (Denial Letter Attached).

On April 23, 2021, Goodwyn Mills Cawood LLC submitted a second Land Use Certificate Application (LU21-000408) for the Grand Hotel Beach Suites. This application was withdrawn by the applicant.

On May 12, 2021, Goodwyn Mills Cawood LLC submitted a third Land Use Certificate Application (LU21-000478) for the Grand Hotel Beach Suites. The Land Use Certificate was issued on May 17, 2021.

On June 4, 2021, The Point Clear Property Owners Association, Inc. submitted an Appeal of Administrative Decision requesting the Land Use Certificate issued on May 17, 2021 in Case No. LU21-000478 be rescinded.

As it relates to Items 1 & 2 raised in the Appeal, absent evidence that the Applicant's survey locating the north boundary line of Point Clear Creek does not conform with the Standards of Practice for Land Use Surveying in the State of Alabama, Staff believes that there was no error in the issuance of the Land Use Certificate and recommends that the issuance of the Land Use Certificate for the Grand Hotel Beach Suites be **UPHELD** and the appeal **DENIED**, based on the comments contained herein

As it relates to Items 3-6 raised in the Appeal, Staff believes that there was no error in the issuance of the Land Use Certificate and recommends that the issuance of the Land Use Certificate for the Grand Hotel Beach Suites be **UPHELD** and the appeal **DENIED**, based on the comments contained herein.

**A majority vote of the members of the Board will be necessary to reverse the administrative decision (issuance of the Land Use Certificate.*

Current Zoning Requirements

Article 7 Tourist District

Section 7.1 TR, Tourist Resort District

7.1.1 *Generally.* This zoning district is intended to provide for tourist lodging facilities and associated resort and recreation activities.

7.1.2 *Permitted uses.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses shall be permitted:

- (a) The following general industrial uses: extraction or removal of natural resources on or under land.
- (b) The following transportation, communication, and utility uses: water well (public or private).
- (c) Outdoor recreation uses.
- (d) The following general commercial uses: country club; hotel or motel.
- (e) The following institutional uses: church or similar religious facility.
- (f) The following agricultural uses: Silviculture.
- (g) The following major commercial uses: automobile storage (parking lot/garage) as an accessory use for a hotel on an abutting/contiguous parcel.
- (h) Accessory structures and accessory uses such as food service, gift or novelty shops, and barber or beauty shops conducted primarily for the convenience of visitors or patrons on the premises and contained within a principal building.

7.1.3 *Special exceptions.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, the following uses and structures designed for such uses may be allowed as special exceptions:

- (a) The following marine recreation uses: marina.
- (b) The following general commercial uses: night club, bar, tavern.
- (c) The following local commercial uses: bed and breakfast or tourist home; cafe; convenience store; delicatessen; gift shop; restaurant.
- (d) The following professional service and office uses: office.

7.1.4 *Area and dimensional ordinances.* Except as provided by *Section 2.3: Establishment of Zoning in Planning Districts*, *Section 12.4: Height Modifications*, *Section 12.5: Yard Requirements*, *Section 12.6: Coastal Areas*, *Section 12.8: Highway Construction Setbacks*, *Section 18.6 Variances*, and *Article XX: Nonconformities*, the area and dimensional ordinances set forth below shall be observed.

Maximum Height of Structure in Feet	45
Maximum Height of Structure in Habitable Stories	4
Minimum Front Yard	40-Feet
Minimum Rear Yard	40-Feet
Minimum Side Yards	20-Feet
Minimum Lot Area	5 Acres
Maximum Impervious Surface Ratio	.80
Minimum Lot Width at Building Line	270-Feet
Minimum Lot Width at Street Line	270-Feet

7.1.5 *Off-street parking requirements.* In determining compliance with the off-street parking requirements of Article 15, off-street parking spaces, located on abutting/contiguous parcels, may be included in the parking calculations for permitted uses and structures. As used in this section, abutting/contiguous parcel shall mean any parcel that is immediately adjacent to, touching, or separated from such a common border by a right-of-way, alley, or easement.

- (a) The abutting/contiguous parcel used for off-street parking shall have the same owner as the parcel which is the location for the permitted, principal use.
- (b) Off-street parking authorized under this Article 7.1.5 shall be an accessory use for the permitted, principal use on the abutting/contiguous parcel only.
- (c) When the abutting/contiguous parcel is not separated from the permitted, principal use by a right-of-way, the off-street parking areas shall be connected to the permitted, principal use by a pedestrian walkway or sidewalk which meets the requirements of the Americans with Disabilities Act (ADA).
- (d) When the abutting/contiguous parcel is separated by a right-of-way, the road or street shall be no wider than two (2) lanes and shall be classified no higher than a Minor Arterial according the Alabama Department of Transportation (ALDOT) Functional Classification System. Safe and convenient crosswalks, subject to ADA requirements shall be provided.
- (e) Off-street parking located on an abutting/contiguous parcel shall not be converted to a different use which would reduce the number of parking spaces below that which would be required for the permitted, principal use on the adjacent parcel.



POINT CLEAR PROPERTY OWNERS ASSOCIATION, INC.

Board of Directors/Officers

Matthew W. Mosteller, M.D., President
H. R. Key, Vice President
James F. Currie, Treasurer

Frank Feagin, Secretary
Allan R. Chason, At Large
Burton Craige, At Large

P. O. Box 114
Point Clear, Alabama 36564
pointclearpropertyownersassoc@gmail.com

June 4, 2021

HAND DELIVERY

Baldwin County Board of Adjustment No. 1
c/o Baldwin County Planning Commission
Robertsdale, Alabama 36567

Attn: Chairwoman Charmein K. Moser

Ladies and Gentlemen:

Re: Land Use Certificate LU 21-0000478
(Retirement Systems of Alabama at
Grand Hotel) NOTICE OF APPEAL

Please accept this as Notice of Appeal to Baldwin County Board of Adjustments No. 1 filed by Point Clear Property Owners Association, Inc. (the "Association"), as an Aggrieved Party adversely affected by the decision of Matthew Brown, Zoning Administrator, to issue the above referenced Land Use Certificate dated May 17, 2021. The purpose of this appeal is to challenge the issuance of the above referenced Land Use Certificate as being improperly issued in violation of the Baldwin County Zoning Ordinance, the multiple grounds of which are more particularly set forth below. This appeal is filed pursuant to Section 18.5 (Appeals to the Board of Adjustment) of the Zoning Ordinance. The Association is an Alabama non-profit corporation organized in 1987, presently consisting of some 400 members who are residents of, or own property in, Battles Wharf and Point Clear, in Baldwin County Planning District 26.

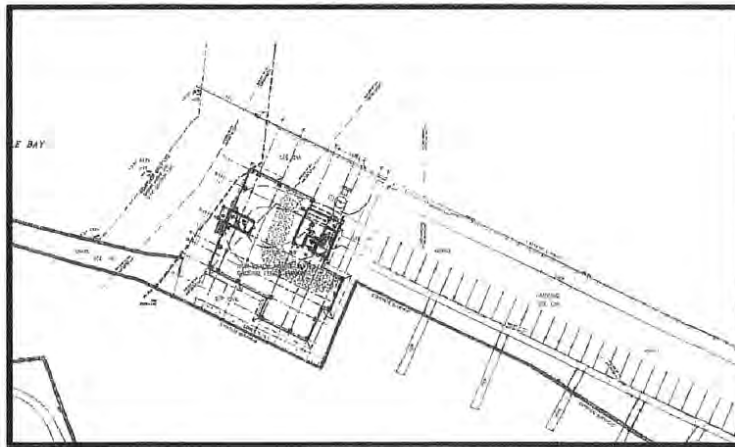
History of this Application. The project which is the subject of the Land Use Certificate at issue in this appeal has been submitted for approval to the Baldwin County Planning Department in multiple applications over the past two years. Prior to the Certificate being issued, each of those prior applications met with the overwhelming opposition of the members of the Association and were denied by the County. The most recent denial of the RSA application was explained in an 11-page letter dated January 29, 2021 from Matthew Brown, citing numerous violations of the Zoning Ordinance. While the project described in the prior applications has changed in minor detail over the past two years, it is substantially the same project which was described in the first application, which sought a change in zoning from TR (Tourist Resort) to HDR (High Density Residential). With the denial of each application, RSA continued an informal discourse with the Zoning Administrator, suggesting and withdrawing various changes to the project. Many of those changes have been in the form of oral "assertions" and "intermediate communications" by RSA to which the Association has not been privy

Page | 1

and has no way to review. That confusing process is described by the Zoning Administrator in a comment on the face of the Land Use Certificate as follows.

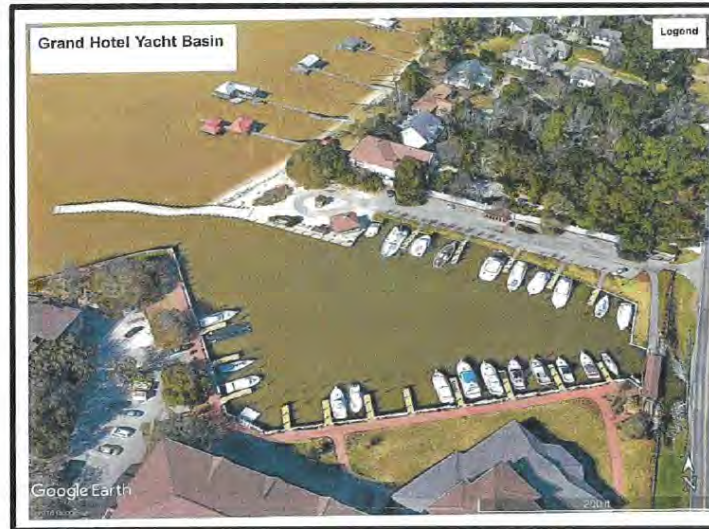
The project has been reviewed by this department through three separate submittals and numerous intermediate communications. In issuing this approval, the department is relying on the applicant's assertions that it has made the changes requested and only the changes requested in the submitted documents and the subsequent revisions.

The Proposed Building. The project is a five story (four of which are "habitable"), 23-bedroom hotel building, with full laundries and kitchens in each unit, totaling 23,000 square feet of floor space. The building was initially described as a condominium, requiring a zoning change. Since the initial application to rezone was denied, the building has evolved from condominium units for sale, to an "Extended Stay Hotel" with rooms for rent, to the present "Beach House Suites." In addition to the proposed building, the 34 existing boat slips available for rent in the Grand Hotel Marina would remain in place. The architectural site plan for the building, which is substantially identical to the initial condominium plan, is reproduced here.



The Site. The parcel on which the project is proposed to be built is a long, narrow spit of land lying north of the Marina, or "yacht basin" of the Grand Hotel. The initial boundary survey of the parcel submitted by RSA calculates the parcel to be 1.27 acres in area, but that area includes a long jetty, or concrete weir wall and pilings, extending into Mobile Bay at the entrance to the Marina, and which lies seaward of the mean high tide line and, thus, is no more a part of the area of the parcel than would be a private pier. The true size of the parcel is probably around one acre. The parcel is some 120 feet wide at its widest point and is marked by a bulkhead along the waters of the Marina at its south boundary. The parcel adjoins a private residence along its north boundary. Much of the parcel lies within a Coastal High Velocity V-Zone, subject to flooding and high hazard wave activity. It is without dispute that the adjoining Marina is subject to the ebb and flow of the tide and is a navigable waterway, open to the public. Point Clear Creek, the headwaters of which lie well to the east of the site and within the boundaries of the Grand Hotel golf courses, flows in a westerly direction into the Marina and ultimately Mobile Bay, passing under a bridge at Scenic 98. That highway and the adjoining Eastern Shore Trail, mark the eastern boundary of the parcel. Scenic 98 and the Trail are currently used extensively for

pedestrians and bicyclers. The site is currently used as parking space for Hotel guests and owners of boats moored in the Marina. Because about one-half of total Hotel parking space is provided east of Scenic 98, there is extensive use of two pedestrian cross-walks across Scenic 98 to the Hotel, creating a dangerous pinch-point at the curve of Scenic 98 for pedestrians and vehicles. An aerial photograph of the area surrounding the site is below.



Grounds for the Appeal. The Land Use Certificate was improperly issued for any one or all of the following reasons:

1. The Proposed Building Violates the Front Yard Setback. Section 7.1.4 of the Ordinance sets the minimum Front and Side Yard setbacks in the TR District at 40 feet and 20 feet respectively. The “Yard” created by that setback must be open to the sky, meaning no part of the building can encroach on the setback. Section 22.2 defines “Lot Line, Front” as being any side of the parcel “abutting the water.” In his January 29 denial of this Project, Matthew Brown stated the following:

The present site abuts a waterway. Historically, the Baldwin County Planning and Zoning Department has interpreted the Ordinance to require properties with multiple sides abutting the water as having multiple waterfronts and apply the front yard setback to each waterfront.

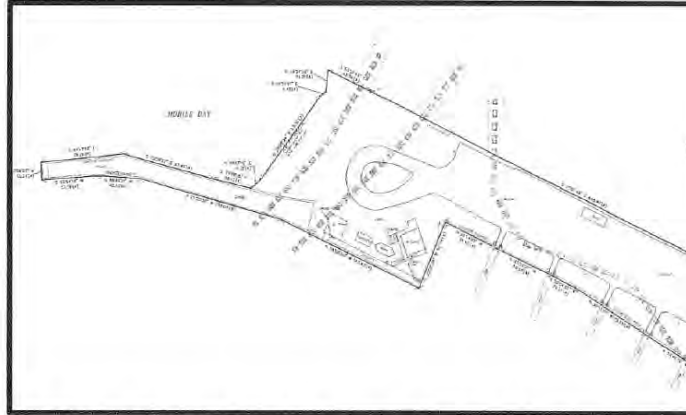
The site abuts the water on three sides: Mobile Bay to the west, and the Marina to the south and for a part of the east boundary of the parcel, where the bulkhead “jogs” to the north. As Matthew Brown explained above, each of those three sides of the parcel are treated as a “Front” Yard. As a result, the building must be set back 40 feet on the west, south and a part of the east property boundary.

The location of the south and part of the east boundary of the Site along the Marina was determined on page 6 of Matthew Brown’s January 29 denial letter, as follows:

Absent definite contrary evidence, the Planning and Zoning Department has historically relied on existing bulkheads/seawalls to determine the boundary line and resulting required setback line.

The above interpretation of the south and part of the east boundary of the Site is consistent with the Boundary Survey submitted by RSA in connection with its earlier re-zoning application. That survey, set out here, shows the south and part of the east boundary of the Site to follow the concrete bulkhead along the margin of the Marina. The dashed lines on this survey locate the flood zone boundaries.

The Architectural Site Plan locates the proposed building within 10.5 feet of the bulkhead to the



south and within 10 feet of the bulkhead to the east, at the point where that bulkhead jogs to the north. Both of those dimensions are in violation of the setback requirements of the Zoning Ordinance.

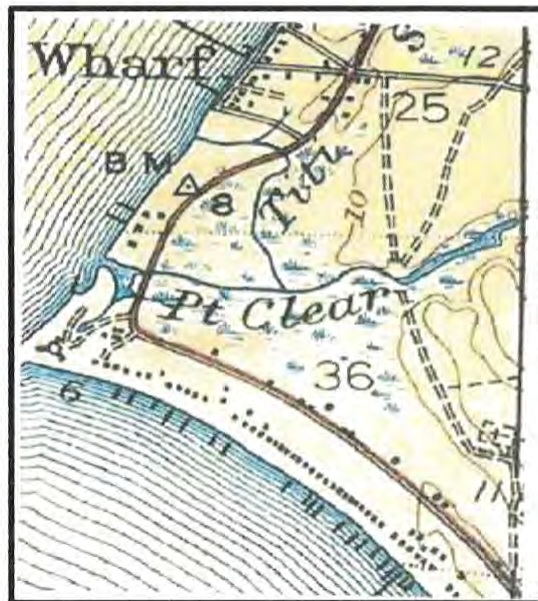
2. RSA has not Submitted "Definite Contrary Evidence" that the South and Part of the East Boundary of the Site is not Located Along the Marina Bulkhead. RSA will contend that contrary evidence has been submitted since Matthew Brown's January 29 determination that the bulkhead marks the property boundary. RSA will claim that evidence to be a recent survey by Stuart Smith. For the reasons set forth below, Smith's survey is not valid and does not constitute "definite contrary evidence" that the bulkhead is the boundary.

First, a Planner's Comment on the face of the Land Use Certificate makes it clear that the sole reason the Certificate was issued was the Smith survey and that Matthew Brown has serious doubts about the validity of that survey. That comment states the following:

P&Z's approval is predicated entirely on surveyor's identification of the north margin of Point Clear Creek as the boundary line of the property for determining the applicable waterfront setback. Without this determination, this land use would have been denied for failing to meet the waterfront setback requirements of the zoning ordinance.

Brown's doubts about the validity of the Smith survey are for good reason, as follows:

- The survey is based on the assumption that the south boundary of the Site lies somewhere in the middle of the Marina because RSA contends that the Marina was formed as the result of the widening of Point Clear Creek at some point in the distant past and the north boundary of Point Clear Creek at that time is the current south boundary of the Site.
- There is no evidence, and certainly not "definite contrary evidence," that Point Clear Creek was widened to form the Marina, or even if it was, which part of the Creek was widened and how much. A 1943 USGS map of the Creek in its natural location is below, which shows a natural widening of the Creek near the Bay.



- According to the history of the Grand Hotel posted on the Hotel website ("A Grand Tradition,") the Grand Hotel Marina was built by prior owner E. A. Roberts after World War II. There is no indication in that history that Point Clear Creek was widened in order to build the Marina.

- The result-oriented Smith survey arbitrarily depicts the Creek as being a uniform 20 feet wide and running in a straight line from the bridge over Scenic 98 to Mobile Bay. There is no legitimate evidence to support that location of Point Clear Creek some 75 years ago.
- Even if Point Clear Creek was widened to form the Marina, legal precedent establishes that where a dredged marina connects to navigable waters, the marina is also navigable and the State of Alabama owns the bottoms of all navigable waters.

3. The Parcel on which the Building is Proposed does not Comply with the Minimum Area Requirements of the Ordinance. Since RSA now contends that the south boundary of the subject parcel lies in the waters of the Marina, along the north bank of the original run of Point Clear Creek, RSA must necessarily admit that the parcel is separate and distinct from the surrounding 27-acre parcel on which the Grand Hotel is situated. That being true, the subject parcel must meet the minimum lot area dimensions set forth in Section 7.1.4 of the Ordinance. That Section requires that parcels in the TR District be at least five acres in size and 270 feet in width, both at the building line and street line. Obviously, the subject parcel does not comply with those dimensions and cannot support development. RSA will contend that the parcel is a "lot of record," described in Section 12.9 and 20.2.7. But those sections of the Ordinance provide that lots of record "may" be used as building sites, implying the exercise of discretion; and that such "non-conforming" lots must comply with "other standards as described in the zoning ordinances." Those standards would not require approval of a five-story hotel on a one-acre site.

4. The Proposed Building Encroaches on the Coastal High Hazard VE-Zone, which Requires a Special Setback of 50 Feet from the Waters of the Marina.

Section 12.5.2 (Yard Requirements), in Subsection (f) of the Zoning Ordinance provides as follows:

All buildings or structures located within coastal high hazard areas (V-zones) shall be located 50-feet landward of the reach of the mean high tide.

According to the Architectural Site Plan initially filed by RSA with its Application, the proposed building is partially located within the coastal high hazard area (V-Zone). It is beyond dispute that Point Clear Creek is subject to the ebb and flow of the tide and that the bulkhead marks mean high tide, regardless of whether it marks the property boundary. In an effort to avoid that requirement, RSA has submitted a new Architectural Site Plan purporting to show that the proposed building does not encroach on the V zone. However, this ambiguous new Site Plan does not explain whether the building was moved from its original location, or, more likely, the line marking the V-Zone was arbitrarily moved away from the building. RSA should be required to explain this change in its Architectural Site Plans.

5. The Site is Subject to Severe Flooding, Creating Life-Safety Issues. Section 15.3.5 of the Ordinance provides for drainage of surface water from the Site as follows:

Off-street parking facilities shall be drained to prevent damage to abutting property and streets and to prevent pollutants from draining onto the adjacent lots. Landscaped areas and perimeter areas shall be so graded as to receive a reasonable portion of the rainfall from the surrounding pavement. Protective curbing around landscaped areas will leave openings for the flow of water onto unpaved areas. No runoff shall be directed to the beaches or to surface waters.

Regular inundation of this Site by flood waters presents critical life-safety issues for any development of the Site, such as the evacuation of guests from the building and access to the Site by fire and rescue personnel. Those issues are demonstrated by the following photographs of not-infrequent flooding conditions at the Site:





The current drainage plan is to discharge flood water onto the landscaping buffer on the north side of the Site, adjacent to a private residence, and into inlets constructed there. In a comment to the Land Use Certificate, Matthew Brown expresses his doubt about the adequacy of this drainage plan in the following language:

During construction, Applicant shall provide sufficient inlet protection for stormwater conveyance and ensure that all disturbed areas are stabilized during construction. Additional erosion control measures may be required if deemed necessary.

6. Parking Space is Inadequate for the Project. Sections 15.2.1 and 15.2.5 of the Ordinance require 1.25 parking spaces for “each guest bedroom” in a hotel and one space for each slip in a marina. Section 15.3.7 also requires Off-Street loading and unloading spaces equal to one space for each 10,000 square feet of floor space in the Project. For this project, including existing boat slips and both existing and proposed hotel rooms, a total of 569 parking spaces are required, plus three loading/unloading spaces. RSA has counted existing and proposed parking spaces as set forth on the following table.

GRAND HOTEL EXISTING PARKING COUNT

AREA	# Spots
Conference Center/South Bay House/ Main Drive	64
Bell Stand	8
Housekeeping/LP/Valet	57
Spa Building	69
Marina Building	85
North Bay House*	13
Outdoor Pool/Street	36
Beach Suites**	25
Behind Conference Center	20
Overflow Lot (Across Street)***	161
Associate Lot (Across Street)****	237
Subtotal on west side of scenic 98	377
Subtotal on east side of scenic 98	398
Total Existing Parking Spaces	775

*9 golf cart spots also provided (not inc. in count)

**includes parking provided with proposed site plan

***lot used for event/overflow guest/additional valet parking

****lot used for associate/employee/overflow guest parking

GRAND HOTEL REQUIRED PARKING (Including Proposed Beach Suites)

AREA	# Spots
Existing Hotel (405 Bedrooms) X 1.25	506
Proposed Beach Suites (23 Bedrooms) X 1.25	29
Marina Slips (34 Slips) X 1	34
Total Required Parking	569
Total Provided/Proposed (Inc. Beach Suites)	775

When Association surveyors attempted to count the existing spaces for confirmation of the count reported by RSA, the surveyors were ordered off the Grand Hotel premises and were not allowed to check the RSA count. The Association asks that prior to a final decision in this case, its surveyors be allowed onto RSA property to check the RSA count of existing parking spaces.

The proposed parking spaces are not in compliance with the Zoning Ordinance for the following reasons:

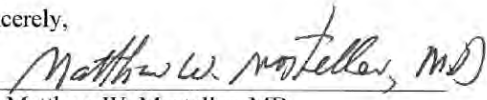
- Even if the RSA count is accurate, any reasonable interpretation of Section 15.2 of the Ordinance is that the required number of spaces be available for hotel guests. However, the RSA table states that 237 spaces are for "Associate Lot (Across the Street)," apparently meaning those spaces are reserved for Hotel employees. Those "Associate" employee spaces are in addition to an unknown number of spaces for "Housekeeping" employees. Using the RSA calculation, at most only 538 spaces will be available for Hotel guests, 31 spaces short of what is required.
- According to the RSA table set out above, 63 spaces are required for the Marina slips and proposed building. However, only 25 spaces are proposed to be built on

the Site, proximate to the Marina and proposed building. All of the additional spaces are proposed to be built on the east side of Scenic 98, several hundred feet across a highway from the Hotel rooms and Marina they are intended to serve.

- All three of the required loading/unloading spaces are proposed to be built on the east side of Scenic 98, at a point totally impractical to serve the purpose for which they are required, which is for loading and unloading freight and supplies to the proposed building.

For any one or more of the foregoing reasons, the Land Use Certificate was issued in violation of the Zoning Ordinance and should be rescinded and the Application denied.

Sincerely,


Dr. Matthew W. Mosteller, MD
President

**HAND DELIVERY
AND ELECTRONIC MAIL**
matthew.brown@baldwincountyal.gov

ELECTRONIC MAIL
cboykin@baldwincountyal.gov

cc: Mr. Matthew Brown
Zoning Administrator

Ms. Celena Boykin
Senior Planner

00034552.DOCXver2

Staff Analysis and Findings

The Baldwin County Zoning Ordinance expressly provides for an appeals process when it is believed that the Zoning Administrator (Planning Director), or other administrative official, has erred in any “order, requirement, decision, or determination”.

Section 18.5 Appeals to the Board of Adjustment

18.5.1 The Board of Adjustment shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Administrator or other administrative official in the enforcement of these zoning ordinances.

18.5.2 Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer or department of Baldwin County affected by any decision of any administrative officer representing the County in an official capacity in the enforcement of these zoning ordinances. Such appeal shall be taken within 30 days of said decision by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall transmit forthwith to the Board of Adjustment all papers constituting the record upon which the action was taken.

18.5.3 An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. Such proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a Court of Record on application and notice to the officer from whom the appeal is taken and on due cause shown.

Staff Comments and Recommendation

As stated previously, On January 5, 2021, Goodwyn Mills Cawood LLC submitted a Land Use Certificate Application (LU21-000010) for the Grand Hotel Beach Suites. The application was denied on January 29, 2021 (Denial Letter Attached).

On April 23, 2021, Goodwyn Mills Cawood LLC submitted a second Land Use Certificate Application (LU21-000408) for the Grand Hotel Beach Suites. This application was withdrawn by the applicant.

On May 12, 2021, Goodwyn Mills Cawood LLC submitted a third Land Use Certificate Application (LU21-000478) for the Grand Hotel Beach Suites. The Land Use Certificate was issued on May 17, 2021.

On June 4, 2021, The Point Clear Property Owners Association, Inc. submitted an Appeal of Administrative Decision requesting the Land Use Certificate issued on May 17, 2021 in Case No. LU21-000478 be rescinded.

In accordance with Section 18.5 of the zoning ordinance, the appellants have appealed the issuance of the Land Use Certificate and are requesting withdrawal of the Land Use Certificate. A copy of the appeal letter dated June 4, 2021, which states the basis for the appeal, is included herein.

In its appeal the Point Clear Property Owner’s Association (POA) makes the following arguments:

Items 1 & 2 – The Proposed Building Violates the Front Yard Setback because the Bulkhead Forms the Boundary Line for the Property

The POA correctly notes that, were the boundary line of the property the bulkhead, the proposed building location would not meet the front yard setback requirements of the zoning ordinance. In fact, the Planning and Zoning Department originally denied the application on this basis stating,

The deed to the subject lot describes the boundary as the “meanderings of the East margin of Mobile Bay.” These meanderings are now defined by a manmade concrete bulkhead as shown on the Applicant’s Existing Conditions and Demolition Plan. If the Applicant believes the boundary to be waterward of the concrete bulkhead, it would be the Applicant’s responsibility to prove this.

...

Absent definite contrary evidence, the Planning and Zoning Department has historically relied on existing bulkheads/seawalls to determine the boundary line and resulting required setback line.

As such, the Applicant has not complied with the 40-foot front yard setback required by the Zoning Ordinance for the portion of the property that abuts the water.

Denial of Land Use Certificate Letter, January 29, 2021.

In later communication the Applicant argued that the manmade headwalls were constructed upland from the historic boundary of the creek which created a water basin that became the private marina. The Applicant argued that lands previously part of the subject lot have been lost through the construction of the marina headwall, but that this loss did not alter title to the lands that are now submerged.

In response, and after consultation with Baldwin County Legal Counsel, the Planning and Zoning Staff communicated that it would accept a signed and sealed survey from the Applicant, completed in accordance with the Standards of Practice for Land Use Surveying in the State of Alabama, depicting the northern margin of Point Clear Creek as the lot line for use in establishing the front yard setback.

It is not within the purview of Planning and Zoning Staff to question the opinions of an Alabama Licensed Professional Land Surveyor who submits a survey that is purported to be prepared in accordance with the Standards of Practice for Land Use Surveying in the State of Alabama. The opinion of Planning and Zoning Staff has not changed in this regard. Absent evidence that the submitted survey locating the north boundary line of Point Clear Creek does not conform with the Standards of Practice for Land Use Surveying in the State of Alabama, Planning and Zoning Staff recommend denial of the appeal as it relates to the POA arguments raised in items 1 & 2.

Item 3 – The Parcel on which the Building is Proposed does not Comply with the Minimum Area Requirements of the Ordinance.

Planning and Zoning Staff have always considered the lot in question to be a lot of record. Section 12.9 of the zoning ordinance addresses “Substandard Lots of Record” and states:

Where a lot of record at the time of the effective date of these zoning ordinances had less area or width than herein required for the zoning district in which it is located, said lot may nonetheless be used as a building site.

Baldwin County Zoning Ordinance, §12.9.

It has been the historic position of the Baldwin County Planning and Zoning Department that “Substandard Lots of Records” may be used for a development or building that is permitted by the underlying zoning so long as the use otherwise conforms to all other requirements of the Ordinance. Planning and Zoning Staff recommend denial of the appeal as it relates to the POA arguments raised in item 3.

Item 4 – The Proposed Building Encroaches on the Coastal High Hazard VE-Zone, which Requires a Special Setback of 50 Feet from the Waters of the Marina.

Section 12.5.2(f) requires special setbacks for coastal areas stating:

All buildings or structures located within coastal high hazard areas (V-zones) shall be located 50-feet landward of the reach of the mean high tide.

V-Zones represent areas subject to the 1-percent-annual-chance flood event “**with the additional hazards due to storm induced velocity wave action.**” See www.fema.gov/glossary/zone-ve-and-v1-30. Due to the emphasis on wave action, and the specific call to the “mean high tide” in the zoning ordinance, Staff has historically not applied the V-Zone setbacks to banks of rivers, creeks, or similar waterways that are generally not subject to storm induced velocity wave action. Planning and Zoning Staff recommend denial of the appeal as it relates to the POA arguments raised in item 4.

Item 5 – The Site is Subject to Severe Flooding, Creating Life-Safety Issues

The safety of the public is very important to the Planning and Zoning Department. The Planning and Zoning Department is one of many agencies with some role in evaluating new developments, including some potential safety concerns. However, the Planning and Zoning Department’s role in evaluating safety concerns is limited to the provisions of the Baldwin County Zoning Ordinance. In the present case, Planning and Zoning Staff have evaluated the proposed site and found it to meet the requirements of the Zoning Ordinance. Concerns raised by the POA under this item are not within the purview of the Planning and Zoning Department and may be more properly addressed by the fire marshal or building official having jurisdiction of the proposed development. Planning and Zoning Staff recommend denial of the appeal as it relates to the POA arguments raised in item 5.

Item 6 – Parking Space is Inadequate for the Project.

Article 15 of the Zoning Ordinance provides parking requirements for commercial developments including hotels and marinas.

In the present case, the Applicant proposed a site that would include a hotel with twenty-three rooms and also retain twelve existing boat slips. According to § 15.2 of the ordinance hotel developments must provide 1.25 parking spaces per bedroom and 1 parking space per marina slip. As a result, the site required 41 (23*1.25 + 12) regular parking spots.

(c) *Marinas.* One space for each slip or berth plus 1 space for each 500 square feet of dry boat storage area.

(c) *Hotels, motels, and tourist homes.* 1.25 spaces for each guest bedroom.

Section 15.3.7 also required the Applicant to provide one larger loading and unloading space per each 10,000 square feet of floor space or fraction thereof. The Applicant reported just over 23,000 square feet as the

enclosed/conditioned floor space. Thus, under the zoning ordinance the Applicant is required to have 3 loading/unloading spaces.

Staff originally denied the land use application because the Applicant indicated it intended to use existing off-site parking for the new hotel, but did not provide adequate information to determine whether sufficient parking existed after evaluating the combined uses of the Grand Hotel Resort site. Planning and Zoning Staff provided the Applicant with the following options.

- OPTION 1: Provide data to staff regarding the uses on the Resort site to determine the cumulative required parking and provide new parking facilities to meet those requirements.
- OPTION 2: Staff recognizes that the parking requirements of the Zoning Ordinance do not contemplate a multi-use site. Applicant may complete a professionally prepared parking study that demonstrates the peak parking requirements of the resort based on the peak demand of the various uses on the site. Applicant may then request a variance from the Board of Adjustments based on the results of the parking study.
- OPTION 3: Choose not to use existing parking and instead provide a new parking facility to accommodate the spaces required by the new hotel use.
- OPTION 4: Reduce the number of new hotel rooms or marina slips to lower the number of required spaces to either completely house parking on the new hotel site, or aid in accomplishing the other options above.

The Applicant elected to use Option 3 and included the construction of a new offsite parking area in its proposal. The Applicant's submitted site plan included fifty-nine parking spaces between the new proposed on-site and off-site parking facilities. The Applicant's submitted site plan included three loading and unloading spaces in the new proposed off-site parking facility. The Applicant's proposal exceeded the parking requirements of the Zoning Ordinance. Planning and Zoning Staff recommend denial of the appeal as it relates to the POA arguments raised in item 6.

It should be noted that Planning and Zoning Staff never completed a review of the parking supplied for the entire Grant Hotel Resort Site. This review was initially triggered when the Applicant expressed an intent to use existing off-site parking for the new hotel. However, the Applicant did not provide sufficient information for Staff to complete this review and instead elected to build all new parking facilities for the new hotel. This removed the need to review the parking for the entire site.

Planning and Zoning Staff will make a presentation on the items above during the scheduled meeting.

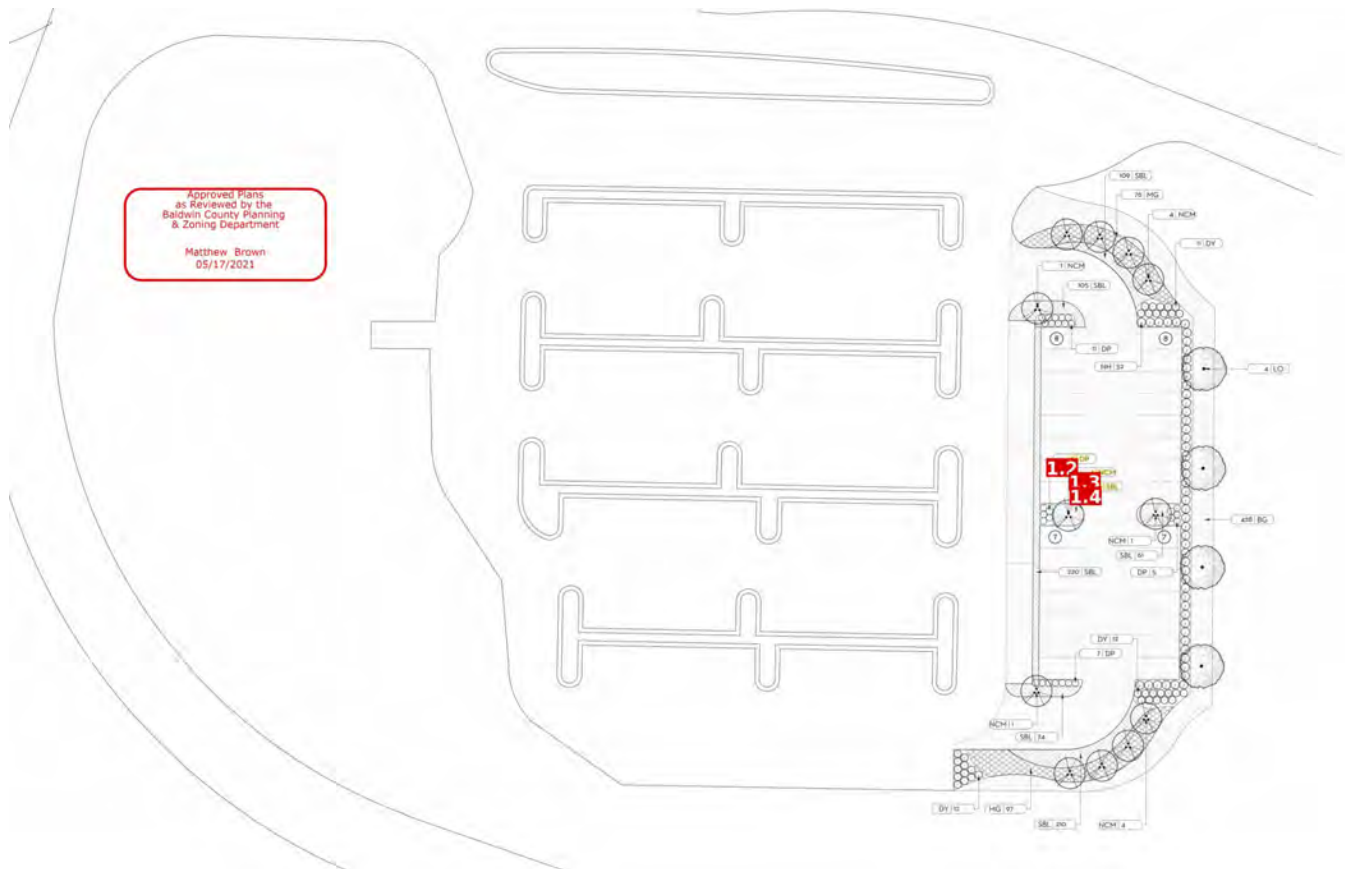
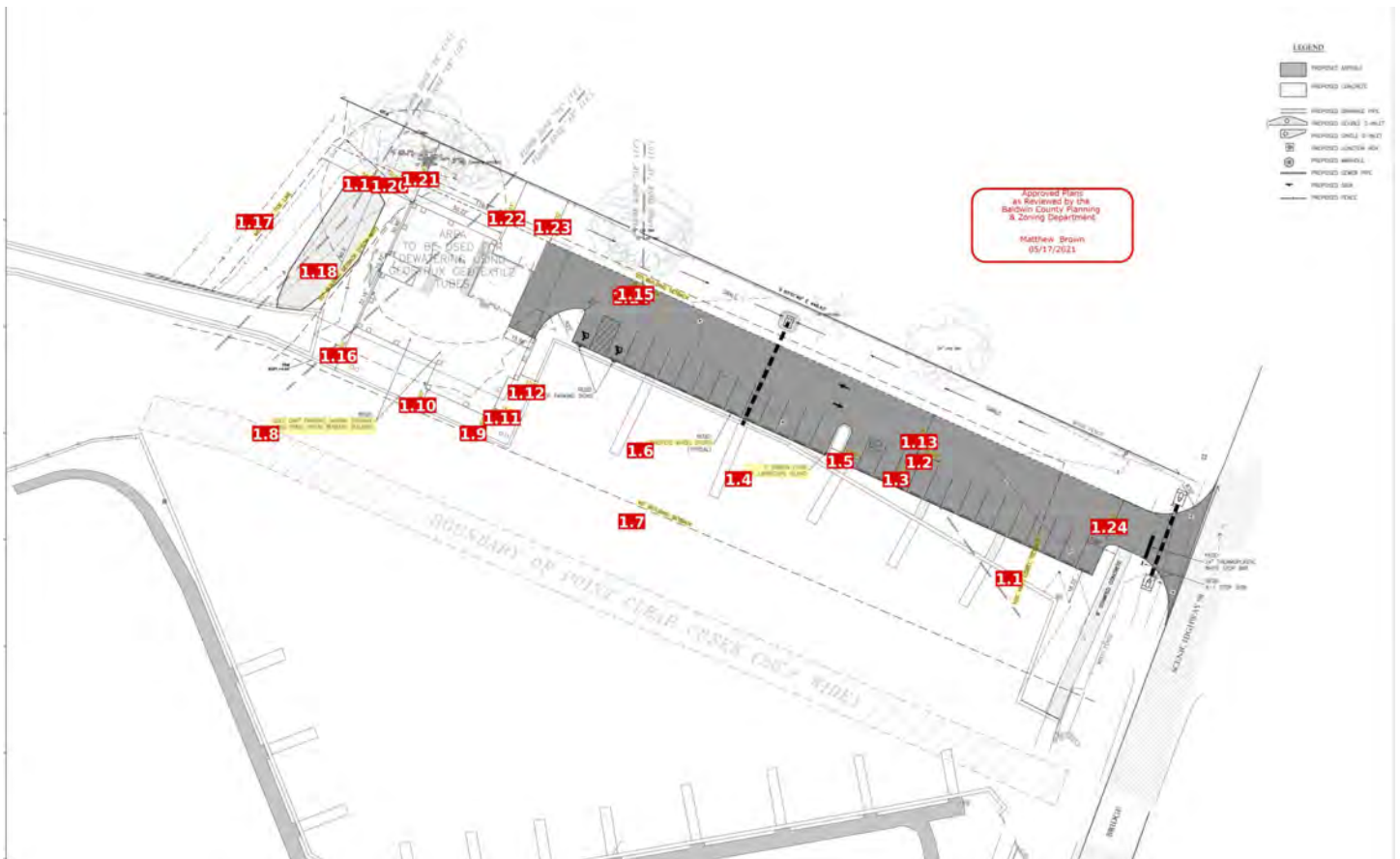
Conclusion:

As it relates to Items 1 & 2 raised in the Appeal, absent evidence that the Applicant's survey locating the north boundary line of Point Clear Creek does not conform with the Standards of Practice for Land Use Surveying in the State of Alabama, Staff believes that there was no error in the issuance of the Land Use Certificate and recommends that the issuance of the Land Use Certificate for the Grand Hotel Beach Suites be **UPHELD** and the appeal **DENIED**, based on the comments contained herein

As it relates to Items 3-6 raised in the Appeal, Staff believes that there was no error in the issuance of the Land Use Certificate and recommends that the issuance of the Land Use Certificate for the Grand Hotel Beach Suites be **UPHELD** and the appeal **DENIED**, based on the comments contained herein.*

**A majority vote of the members of the Board will be necessary to reverse the administrative decision (issuance of the building permit).*

SITE PLANS SUBMITTED WITH LAND USE CERTIFICATE APPLICATION



BOUNDARY SURVEY

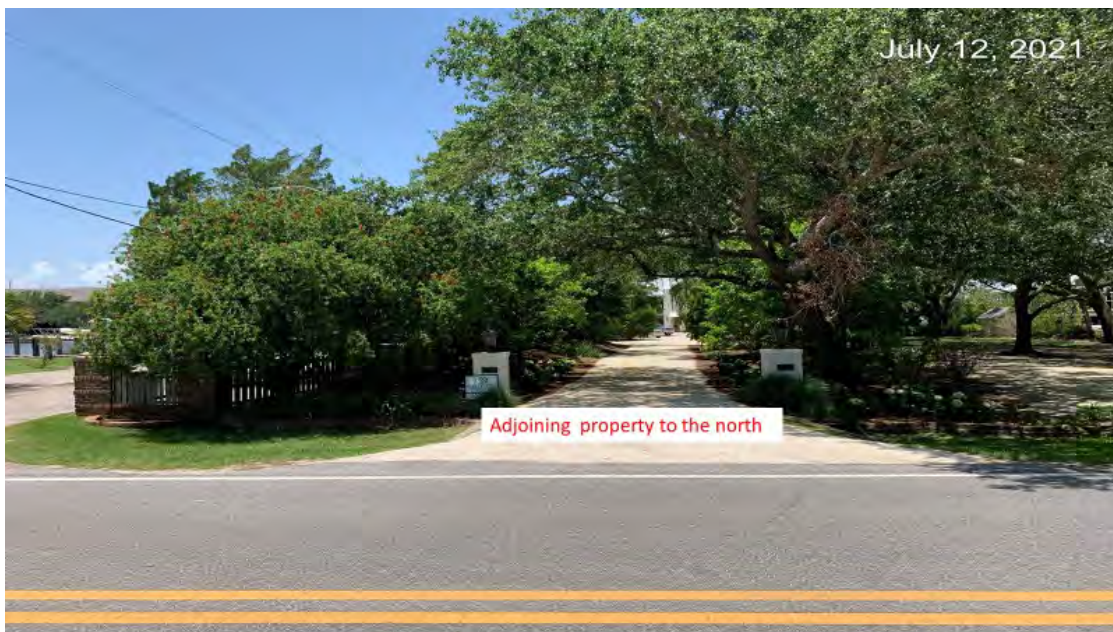
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Property Images









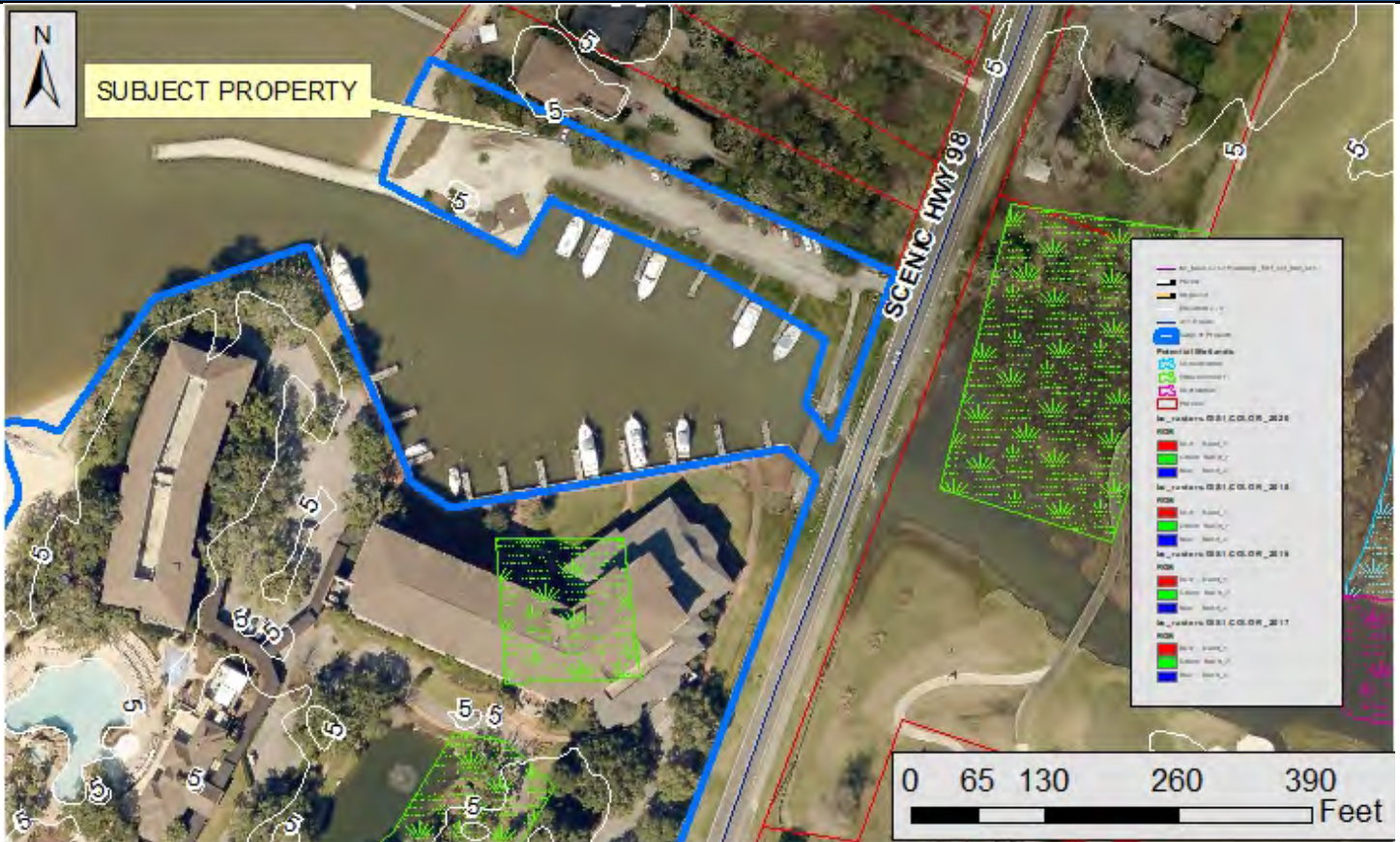
Locator Map



Site Map



Site Map



Letters and Emails in Opposition to Grand Hotel Beach Suites

From: [Matthew Mosteller](#)
To: [Linda Lee](#)
Subject: Opposition to RSA marina project
Date: Monday, July 5, 2021 12:05:53 PM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

I live at 17999 scenic highway 98. I am a registered voter in this county and my home here since 1992 is homesteaded here. I am writing to express my opposition to the proposed RSA marina project. I have followed the previous 3 rejections over the last two years and I disagree with the lone planning commissioner who approved this building. Please look at the parking restrictions, the required set backs from property line and the flood zone restrictions that are established by the zoning laws of our county. Please follow the laws that have been established. The assumptions made by RSA and believed by the planning commissioner are not proven fact but just that- assumptions. I ask that you oppose and deny this project.

Signed,
 Matthew Mosteller, president of the point clear property owners association

From: [Henry Morgan Jr](#)
To: [Linda Lee](#)
Subject: RSA Tower 2.0
Date: Thursday, July 1, 2021 5:47:12 PM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Dear Board,

I am a neighbor to the north of the site and will be directly and negatively affected by the proposed tower. As discussed, argued and decided before, this project will negatively impact the traffic, the neighborhood and more importantly the environment. We have been down this road before and have proven that this project isn't in the best interest of anyone but RSA. I once again am asking if not begging you to see this proposed building is not in character with the neighborhood and is violating many zoning requirements that the rest of us have followed as local, long term, respectful residents.

Thank you for your time and attention.

Henry Morgan

From: [Clif Inge](#)
To: [Linda Lee](#)
Subject: Oppose to the RSA Marina Project
Date: Friday, July 2, 2021 11:27:16 AM

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To whom it may concern.

My name is Clifton Inge Jr. I have been coming to Point Clear for 57 years and currently live at 17697 Scenic Highway 98. I am writing to express my opposition to the RSA building project at the Marina. It has been declined 3 time by the authorities and now been approved. Something seems very fishy. However the purpose of my email is to express my strong opposition to the project. Thank you

From: WILLIAM SEIFERT
To: [Linda Lee](#)
Subject: RSA project
Date: Monday, July 5, 2021 2:06:15 PM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

As a thirty year resident of Point Clear I would like to voice my opposition to the RSA project at the Grand Hotel Basin. This project creates more traffic for an already congested area, it takes away from the ambience of the community and it is too close to private residences.

Margaret Seifert

From: [Ashley Sullivan](#)
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Friday, July 2, 2021 8:28:03 PM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

I'm against this high rise building being built at the Grand Hotel marina for all of the same reasons it has been denied three previous times, not to mention its undesirable presence in our small community.

Ashley Luce Sullivan

From: [hobart key](#)
To: [Linda Lee](#)
Subject: Board of Adjustment #1 July 20 2021
Date: Friday, July 2, 2021 8:31:47 PM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Dear Board of Adjustment,

I would like to make known my opposition to the RSA Proposal regarding the building they have submitted approval for. This has been a very long and contentious battle that would never have even made it into your lap had it not been for the clout and political connections of the submitting party, RSA. Through our history of defending our zoning regulations in this community we have always made every effort to be objective and impartial regardless of who the property owners are. There are many reasons that I'm certain you'll discover and discuss for the denial of this application and I hope that the strong arming tactics that RSA has employed to get this far will prove inadequate in the lap of local, non-politically motivated persons. It is also my hope that the mechanisms and checks/balances put in place through your board will prevail. It is important now more than ever that we consistently show that we care more for the protection of our community through the adherence to our local zoning provisions than the deviation from the same for reasons of purely monetary gain or political gamesmanship. Please consider this matter carefully as the implications for granting approval are far reaching and destructive beyond this particular project.

Best,
Reid Key
16088 Scenic Hwy 98

From: [Cathy Mosteller](#)
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Friday, July 2, 2021 8:53:04 PM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

As a resident of Point Clear I want to state that I am OPPOSED to the RSA project- it is truly an insult to residents like myself and my family that our community would even be subject to the irresponsible building of such a project on the small piece of land that is used by all Baldwin county residents to park their cars, and take a walk on the scenic shore of the Bay. PLEASE be aware this project has been denied 3 times for good reasons and vote this project down to keep Scenic 98 Scenic for our residents.
Cathy Mosteller

From: [John Spottswood](#)
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Friday, July 2, 2021 9:04:38 PM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

My name is John Spottswood and I own SPOTTSWOOD STUDIOS located on Scenic 98, one mile South of The Grand Hotel. I have been there for over 35 years. I am also a resident of Point Clear residing at 14157 Scenic Highway 98, Point Clear, AL. I have lived there for 51 years so I am not a "new comer". I am TOTALLY against RSA being allowed to build "Extended Stay" Suites on Point Clear Creek! They DO NOT OWN THAT CREEK! It flows to many places and anyone with the Corps of Engineers will tell you that! I join the residents of Point Clear in protecting our beautiful area, and don't want it to be spoiled!

I hope you will do what is right...and VOTE AGAINST THIS !

**Thank you,
JOHN S. SPOTTSWOOD
251 928-7301**

From: [Thomas Gaskin](#)
To: [Linda Lee](#)
Subject: RSA proposal
Date: Friday, July 2, 2021 9:35:26 PM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

How could a proposal that has been rejected repeatedly be repackaged and gain new life. Before Winston Groom died he bemoaned that the irresponsible avarice and bullying would destroy our community. It was not hyperbole. Please do not succumb to misguided economic pressure and political maneuvers . Please follow the law and . I hope your heart and sense of integrity.
Thomas Gaskin MD

From: [Rickey Major](#)
To: [Linda Lee](#)
Subject: RSA Marina project.
Date: Saturday, July 3, 2021 5:26:20 AM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

I am a-posed to the project....please vote no on any waivers to our laws for this project and ultimately deny approval

Rickey Major
14583 Scenic 98
Pt Cler,Al

From: whh333@bellsouth.net
To: [Linda Lee](#)
Subject: RSA Marina Project Objection
Date: Saturday, July 3, 2021 6:15:09 AM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Dear Baldwin County Board of Adjustment,

As a resident of Point Clear, I am adamantly opposed to the RSA Marina Project. It clearly violates many ordinances in ways I would not be able to do on my property, and it would therefore be unfair and highly partial towards the interests of RSA and against the interests of my community. Parking regulations, set back rules and flood zone infractions are all being trampled on with this project, among other infractions as well.

For the sake of the Point Clear community, please enforce our zoning restrictions and do not allow this project to pass.

Thank you for your consideration of these matters.

William H. Harrison, III
P.O. Box 932
Point Clear, AL 36564
251-232-3810

From: [William T. Youngblood](#)
To: [Linda Lee](#)
Subject: High rise building proposal at Grand hotel
Date: Saturday, July 3, 2021 7:28:10 AM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

I own a house on Mobile bay south of the hotel. The purpose of zoning restrictions is to insure compatibility of uses of properties in proximity to one another. The latest argument by the RSA in favor of this proposal ignores the real intent of the regulations which is to prevent one property use from negatively impacting nearby property. Ignoring set backs and accepting the bizarre interpretation that the water line is not a boundary line simply justifies violating the basic goal of the requirements.

From: [John Lewis](#)
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Saturday, July 3, 2021 7:40:50 AM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

As scenic 98 property owners, we are writing you to express our firm opposition to the RSA Marina Project. RSA and their lawyers have certainly bent the regulations. Please reverse this decision. Thank you.

Sincerely,
John and Phyllis

From: [JoAnn Yates](#)
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Saturday, July 3, 2021 7:41:19 AM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Dear County Commission,

I'm a homeowner in Point Clear and oppose the RSA Marina Project. Please deny the building of the high rise next to the marina. There are several issues with the plan, including not adhering to the required set backs from property lines and not meeting the set backs required due to the flood zone.

Thanks for your attention and help in this matter.

Sincerely,
JoAnn Cleverdon Yates

From: [DOUGLAS KEARLEY](#)
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Saturday, July 3, 2021 7:59:51 AM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

I am opposed to this project as is my entire neighborhood. It is too big. Too tall. It will cause drainage problems. It is in a flood zone. It will ruin Point Clear. The project is driven by greed.

Douglas Kearley
5666 Buerger Ln.
Battles Wharf

From: [Ben Fulmer](#)
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Saturday, July 3, 2021 8:07:58 AM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

To whom it may concern:

I have a vacation home 1.5 miles south of the hotel. I am a Lakewood member.
I am opposed to building the condominiums at the marina.
Please consider that not all development is desirable.
Sincerely,
Ben Fulmer

From: [Julie McClelland](#)
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Saturday, July 3, 2021 8:20:38 AM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Dear Commissioner,

Please acknowledge that we are **STRONGLY OPPOSED TO THE RSA MARINA PROJECT**. This project will be a detriment to our community in numerous ways. I ask you to please reconsider this project and the long term effects on the environment and surrounding property owners. There is nothing positive about this project except padding the pockets of RSA.

Please take into your consideration the surrounding property owners who have invested a great deal of money in their property and do not want a high rise and the incumbent negative aspects of it.

Thank you for your consideration,

Julia M. McClelland
14549 Scenic Highway 98
Pt. Clear, AL

From: [Anne Frost](#)
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Saturday, July 3, 2021 8:49:35 AM
Attachments: [IMG_0651.PNG](#)
[ATT00001.txt](#)

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The attached photo was taken at the Grand Hotel yacht basin as the tide was rising due to a very minor tropical storm this June. As an owner of property at 17997 Scenic 98 (four houses north of this marina), I am writing to express my opposition to the proposed RSA Marina Project on this wetlands site !
Please deny the RSA's petition once again !
Thank you,
Anne Hollinger Frost



From: [Susan McGowin](#)
To: [Linda Lee](#)
Subject: RSA MARINA PROJECT
Date: Saturday, July 3, 2021 11:01:48 AM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

I whole heartedly object to this project! You are ruining our beautiful area for the sake of the almighty dollar! Enough!!

From: [leslie sullins](#)
To: [Linda Lee](#)
Subject: RSA proposed High Rise Near the Grand Hotel
Date: Saturday, July 3, 2021 11:50:28 AM

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As a property owner having two properties in the immediate area,
 I strongly oppose this project. Not only will it overwhelm the site it will produce much detrimental traffic.
 Please don't let this happen!
 David and Leslie Draper

From: [Jan Macpherson](#)
To: [Linda Lee](#)
Subject: RSA MARINA PROJECT
Date: Saturday, July 3, 2021 12:04:58 PM

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My recollection is that this project has been denied approval by your group over the past several years for very valid reasons and nothing has happened to change the reasons for prior denied approval. It is my strongest request that this project be denied again and that your group discontinues to listen to this group of applicants (RSA) who do not live here and have no concern for the health or well being of our local tax paying residents.

The lovely Eastern Shore of Mobile Bay is being inundated by growth and we believe it is the responsibility of your group to oversee these projects in a responsible way and you can do a great service to our residents by voting down this ridiculous proposal for the last time.

Please DENY THIS APPLICATION!!!

Ella M. Macpherson - 18445 Scenic Highway 98 -
 Fairhope, Al

From: [Ian Macpherson](#)
To: [Linda Lee](#)
Subject: RSA MARINA PROJECT
Date: Saturday, July 3, 2021 12:18:32 PM

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Gentlemen;

It is our understanding that at 1600 Hours July 20, 2021 there will once again be a meeting at the Robertsedale office of Our County Court House extension, to hear another request by RSA to request permission to build a facility on the Marina property at the Grand Hotel. I thought this project had been denied on earlier occasions, and, we have not changed our stance that this is not a good use or in keeping with the high standards that make the Point Clear area the lovely and attractive spot that it is.

We respectfully request that you deny this application which is opposed by ALL voters living in proximity to the Fairhope/Point Clear area.

We will come to the meeting and again voice our DISAPPROVAL of any notion that RSA thinks they may be able to offer to move forward with this onerous project.

Please help us put this senseless project to rest for once and for all!!!

John R. Macpherson - P.O. Box 455 - Point Clear, Al

From: [Emilee Lyons](#)
To: [Linda Lee](#)
Cc: [Pt.Clear Prop.Owners Assoc.](#)
Subject: Grand Hotel
Date: Saturday, July 3, 2021 12:58:00 PM

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Dear Ms. Lee,

As I understand it the Hotel says that since they own subsurface land they chose to flood the setback requirements that were applicable to the property before it flooded remain in place. As I am sure you know the purpose of setback requirements is to provide a spacing distance between different land uses. When a landowner changes the character of the property so as to make the earlier use impossible and the restrictions become obsolete he should be estopped from relying on the no longer relevant requirements. There is an ancient equitable maxim, "Thou shalt not have it both ways." I recommend that the Hotel be advised to check back with you after they have filled in the marina.

Respectfully,

Emilee and Champ Lyons, Jr.

From: [Wendy Soles](#)
To: [Linda Lee](#)
Subject: "RSA Marina Project".
Date: Saturday, July 3, 2021 1:28:16 PM

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We opposed to the RSA Marina Project.

Wendy Soles

From: [Laura Clark](#)
To: [Linda Lee](#)
Subject: Grand Hotel Marina
Date: Saturday, July 3, 2021 1:49:16 PM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

I am opposed to the planned development at the marina at the Grand Hotel.

thank you for considering the neighbors on this issue!

Laura M. Clark, CTA

From: [Cheryl Kiefer](#)
To: [Linda Lee](#)
Subject: RSA MARINA PROJECT
Date: Saturday, July 3, 2021 2:55:34 PM

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We strongly disagree with this project. It should never happen. It is totally unacceptable and unnecessary. When is it ever going to be enough for the RSA...they are determined to destroy the uniqueness of the Grand Hotel and this area.

Chuck and Cheryl Kiefer
The Colony

From: [Mike Dudley](#)
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Saturday, July 3, 2021 3:11:19 PM

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Board Members,

I strongly object to the approval of the RSA Project at the Grand Hotel Yacht Basin. As a resident of the area I am a strong supporter of single family homes with limited commercial services. We do not need or want any more high density living facilities regardless of what legal title is used to describe them. This next time please Vote NO!

Mike Dudley
19309 Scenic Hwy 98
Fairhope, AL

From: [Elias Chalhuh](#)
To: [Linda Lee](#)
Subject: RSA marina project
Date: Sunday, July 4, 2021 7:05:51 AM

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I want to express my adamant opposition to the construction of the facility in the yacht basin next to the Grand Hotel. Rules are made for everyone including the teachers retirement fund. This project has been denied because it is against the rules. Approving it sets a precedent which we do not need in Baldwin County. Please do the right thing and deny the project.

From: [ROBERT A MOORE JR](#)
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Sunday, July 4, 2021 7:56:20 AM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

I am a property owner in Point Clear and strongly oppose the RSA proposed marina highrise project.

Robert A Moore Jr

From: [Marilyn Williams](#)
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Sunday, July 4, 2021 9:17:53 AM

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I am horrified that this monstrosity was approved. Those of us who live nearby are appalled by this decision. Your subjugation to RDA is disgraceful.

From: [Frank C. Feagin](#)
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Sunday, July 4, 2021 4:34:01 PM

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Dear Members of the Board of Adjustment it is unconscionable that you would approve RSA's request for construction of Extended Stay Suites. This was denied three times and the essential issues remain unchanged. How was the newly appointed zoning administrator, Matthew Brown, able to reverse the ruling? I do hope you will studiously consider all the negative repercussions that could result from approval of this request. Thank you for your attention to this perplexing matter.

Jane Feagin
Point Clear resident

From: [G c Oswald Jr](#)
To: [Linda Lee](#)
Subject: Grand Hotel Marina project
Date: Sunday, July 4, 2021 6:44:39 PM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Ms Lee, As a point clear resident I strongly oppose the marina project. Their efforts to develop this narrow piece of land is an affront to our intelligence. Please do not let this big corporation run roughshod over laws. coleman Oswald

From: [Paul Pacey II](#)
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Sunday, July 4, 2021 7:58:24 PM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

It has come to our attention that the RSA high rise at the Grand Hotel yacht basin has been approved by the new County Planning Commissioner. This project has been denied three(3) times in the past several years. What is going on? I have spoken to a number of people in our area and not one favors this project. Where are the zoning regulations and why are they not being adhered to?

With the influx of people in our area, it is vital to us that we maintain our quality of life in Point Clear, keeping Scenic 98 Scenic. Thank you for your attention to this matter.

Sincerely,
Paul and Susan Pacey
15705 Scenic Hwy 98

From: [Zeb Hargett](#)
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Monday, July 5, 2021 8:08:21 AM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

I am writing in opposition of the rezoning of the property adjacent to the Grand Hotel marina. This proposed rezoning project has been denied three times because of issues related to the land that sits in a flood zone. Just last week it was flooded by a normal high tide. I have seen it flood all my life. In addition, the proposed project does not meet set back requirements. There is no reason to ignore these obvious issues yet it keeps coming up because of pressure from RSA to abuse their political power. I plan to be in attendance of the rezoning meeting on July 20 to express my opposition in per person.

Thank you for your consideration of my opposition.

Zeb Hargett

From: [melanie moore](#)
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Monday, July 5, 2021 11:44:57 AM

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To all concerned,
I own a home at Pt Clear and am writing in protest of the Grand Hotel's marina project.

RSA has been denied 3 times on this project because of not meeting various building codes. These issues have not been resolved.

My family and I are very much opposed to this project.

Melanie Moore
17211 Scenic Hwy 98

From: [Diana Parker](#)
To: [Linda Lee](#)
Subject: RSA Marina project
Date: Monday, July 5, 2021 12:17:43 PM

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I am very opposed to the building of an extended stay facility on the Marina property. It would violate codes, and would be an eyesore as well as create many problems on the bay.
We need to keep the beauty of our area and protect our bay.

Diana Parker

From: david@bagwellesq.com
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Monday, July 5, 2021 3:01:17 PM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

My wife and I live in Point Clear full time and have for more than three decades. I am a past president of the Point Clear Property Owners Association and of the Baldwin County Bar Association. I write to oppose the Marina apartment project by RSA or Point Clear Holdings or whatever the relevant entity is, for the reasons stated or to be stated by the Point Clear Property Owners' Association.

Furthermore, it is my understanding that RSA claims that for purposes of measuring the setback lines, it is entitled to claim that it owns the land in the bottom of the Marina.

As a matter of law that cannot be so for two reasons, which I know because I am a retired maritime lawyer:

(1) The Alabama Supreme Court held in 2003 that "It has long been settled that the State of Alabama has title to the submerged lands in navigable waters. . . ." *Reid v State*, 373 So. 2d 1071, 1074 (Ala. 1979)(citing cases going back to 1840". *Bruner v Geneva County Forestry Dep't*, 865 So. 2d 1167, 1174-75 (Ala. 2003).

(2) When a private party digs out a marina or canal connected to a navigable waterway such as Mobile Bay, sufficient for boat traffic as is clearly the case here, as a matter of federal law the canal or marina becomes a navigable waterway of the United States. *Kaiser Aetna v United States*, 444 U.S. 164, 172 (1979)(marina); *United States v LaMastus and Assoc.*, 785 F.d 1349 (5th Cir. 1986); *United States v DeFelice*, 641 F.2d 1169 (5th Cir.), cert. denied, 954 U.S. 940 (1981)(this is different, note, as those cases do, from whether the United States has a navigation servitude on it).

(3) therefore, since the land under the marina waters underlies the navigable waters of the United States, that land belongs to the State of Alabama and not RSA or Point Clear Holdings or any related entity.

(4) therefore, since it does not own those lands, RSA or Point Clear Holdings cannot rely upon that underwater land for purposes of measuring setback lines.

David A. Bagwell

From: [GREER RADCLIFF](#)
To: [Linda Lee](#)
Cc: [Matthew Mosteller](#)
Subject: RSA marina project
Date: Monday, July 5, 2021 3:59:32 PM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

To whom it may concern,

I have been a resident of Point Clear my entire life.I have witnessed the many changes that have taken place over the years.It is time to save our community from RSA turning it into another Gulf Shores. They, as we'll as everyone else,should obide by the laws that effect zoning.RSA is clearly violating the zoning rules of development and should be held accountable by denying their latest demand as to their proposed condo development at the Yacht Basin.They currently pay no property taxes as the rest of the residents .They should at least be held to the same requirements on this zoning issue as the rest of us.

Thanks

B Greer Radcliff
251-510-8338

From: [Cooper, David-Sr.](#)
To: [Linda Lee](#)
Cc: [chmoss75@aol.com](#); [drmattm@gmail.com](#)
Subject: RSA request to build "Extended Stay Building".
Date: Monday, July 5, 2021 4:05:48 PM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Dear Baldwin County Board of Adjustments : Our names are David + Joanne Cooper and we live at 17533 Scenic Highway 98 in Point Clear, Alabama (one half mile south of the Grand Hotel). We have been at this address since June of 1979. The Point Clear family community is one that Baldwin County can be proud of with residents maintaining their properties in an appropriate manner complimenting the area and Baldwin County. The Retirement System of Alabama has expanded it's hotel footprint in about every area imaginable and they have also built on just about every inch of property they control in the entire area. RSA has already been denied building a high-rise "Extended Stay Building" in the north parking lot of the Point Clear Creek "Boat Basin" and now they are even claiming to own Point Clear Creek and the creek-bed at the bottom of that flow-thru public waterway. We have all been good neighbors to RSA and cooperated with them in so many ways, but there never seems to be an end to their sprawl. We join the other members of the Point Clear Property Owners Association in respectfully opposing their request to you for permission to build another building on this narrow strip of property. Thank You for your kind consideration, David +Joanne Cooper Sr.

From: [JB Horst](#)
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Monday, July 5, 2021 4:33:10 PM

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My name is J. B. Horst. My wife, Diane, and I live at 18170 Scenic 98, U-19. The purpose of this letter is to express our objection to the Proposed "RSA Marina Project".

There are three bases for our objection: The project does NOT abide by the parking regulations, does Not adhere to the required set backs from property lines, and does NOT adhere to the Flood Zone required set-backs.

Land-based setbacks are determined by designated flood zones.

Further, their attorney and engineer are ASSUMING since they own the Marina bottom, setbacks are not applicable. Rising flood waters have absolutely nothing to do with who owns the Marina bottom.

The proposed project does not accommodate the above-mentioned restrictions.

Thank you for your consideration.

Sincerely,

J. B. Horst

From: [Craig Key](#)
To: [Linda Lee](#)
Subject: RSA MARINA PROJECT
Date: Monday, July 5, 2021 5:09:20 PM

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I am a long time resident of Point Clear and STRONGLY oppose the RSA Marina Project as it does not meet all that is required to proceed.

From: [Charlie Bailey](#)
To: [Linda Lee](#)
Subject: RSA marina project
Date: Tuesday, July 6, 2021 7:35:10 AM

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Hello,
I am a resident of Point Clear and would like express my deep opposition to the RSA marina project.
Thank you
Charlie Bailey

From: [Edward Rotenberg](#)
To: [Linda Lee](#)
Cc: [Ashly Fontenot](#)
Subject: RSA Marina Project
Date: Tuesday, July 6, 2021 8:32:14 AM

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RE: OPPOSED to the RSA Marina Project

To the Baldwin County Board of Adjustment:

As a member of the PCPOA, please be aware, I am firmly opposed to the recent approval of the RSA high rise project at the Grand Hotel yacht basin. The new County Planning Commissioner has just recently approved this particular project **despite it being denied three times in the last two years due to the following issues which remain unchanged:**

- Not abiding by the parking regulations
- Not adhering to the required set backs from property lines
- Not abiding to the flood zone required set backs

RSA claims through their attorney and engineer that *they own the bottom of the marina and thus set backs are not required, regardless of whether they are building in the highest flood zone category. I am not in agreement with this assumption and believe it to be incorrect.*

Sincerely,

Edward L. Rotenberg
Member, PCPOA
Edward@sr-cr.com
(Ph) 225.907.6165

From: [George Oswalt](#)
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Tuesday, July 6, 2021 8:49:40 AM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

I am opposed to the Marina Project because they are trying to bend the rules or they think they are above the rules. Point Clear and Battles Wharf are scenic, quiet communities because they are low density. RSA is constantly trying to ruin the area for a profit. Please do not let them get away with this. Oppose their Marina Project and keep Scenic 98 scenic.
Thank you,

--
George Oswalt
(251) 377-6446
ggoswalt@gmail.com

From: [Bill Goodloe](#)
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Tuesday, July 6, 2021 9:46:04 AM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Dear Baldwin County Board of Adjustment,

I am writing to state my strong feeling of opposition towards the proposed project by the RSA located at the Grand Hotel Marina.
Please do not allow this project to move forward.

Thank you.

Bill Goodloe

17261 Scenic Highway 98
Fairhope, AL 36532

From: [IKE SCOTT](#)
To: [Linda Lee](#)
Subject: Opposed to GH Marina High-rise Condo
Date: Tuesday, July 6, 2021 10:37:54 AM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Dear Baldwin County Officials,

My Wife and I reside at 14801 Scenic Hwy 98 and we also own the adjoining property at 14783 and 10 acres across the Hwy. We are members of the Lakewood Club and I have often used and kept my boat in the Grand Hotel Marina.

We are strongly OPPOSED to this very unpopular development and plead for you to deny it a permit for construction. The issuing of a Variance where no harm is done to a neighbor is understandable within limits. However, allowing multiple Variances for one project that offends so many neighbors and Baldwin Co. property owners is wrong and borders on abuse of power. Please deny this project. Thank you!

Respectfully submitted,

Ike and Rhonda Scott

From: [Peter Gaillard](#)
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Tuesday, July 6, 2021 10:38:33 AM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Dear all on Baldwin County Board of Adjustment,

I am writing to express total opposition of the recent approval of RSA's high rise project at the Grand Hotel Marina. Obviously the Point Clear area residents do not want this nor is this a good fit for the area. This has been denied several times so please do not allow this to happen

Thank you

Peter P. Gaillard, Jr
17643 Scenic 98
Point Clear, AL 36532

From: [Ginna Inge](#)
To: [Linda Lee](#)
Cc: [Clif Inge](#)
Subject: Re: Oppose to the RSA Marina Project
Date: Tuesday, July 6, 2021 11:43:22 AM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Dear Sir:

I am a resident at 17697 Scenic Highway 98 and I am writing to you to express my fervent opposition to the RSA building project at the Grand Hotel Marina. As you and I are well aware, the over- population of the areas surrounding Mobile Bay have done an incredible amount of damage to our waterways and our beautiful bay. I cannot understand why anyone would approve a building project in this small area given the amount of damage we have already seen in this community. Please protect our bay. It is one of the last precious places on this earth and over-populating it with this building project would be a tragedy, not to mention that the design is hideous!

Please do not allow this building project to be approved.

Best regards,
Ginna Inge

From: [Bart Briggs @ Safety Plus Inc](#)
To: [Linda Lee](#)
Cc: [gbriggs@att.net](#); [Matthew Mosteller](#); [Chris Brewer \(csbrewer@bellsouth.net\)](#); [David Dye](#)
Subject: RSA Marina Project objection
Date: Tuesday, July 6, 2021 12:31:23 PM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

My wife and I are full time residents of the Point Clear community and want to voice our strong objection to the RSA marina project as currently planned. While we respect RSA's desire and ability to build on the parcel, they should be required to follow the same requirements as the rest of the landowners. It is outrageous that this project was tentatively approved without public comment or a vote by the commission. Anyone can see that without violating both state and federal requirements, the planned structure cannot be placed on the parcel in its current dimensions. While the granting of waivers is certainly within the right of the planning commission, it is unacceptable for them to do so when it violates state and federal law, or when the entire community is opposed. The granting of waivers should be based on good common sense, and the good of the entire community, not nonsense such as RSA's alleged ownership of the basin seafloor. The defects in RSA's plan are many and substantial, and we pray that Baldwin county will at some point at least attempt to execute their duties ethically by enforcing the rules that are in place for the rest of us.

July 6, 2021
17309 Scenic Highway 98
Point Clear, AL 36564

Baldwin County Board of Adjustment

Subject: RSA Marina Project

Ladies and Gentlemen:

I am a long-time resident at 17309 Scenic Highway 98 in Point Clear. The purpose of my letter is to voice my opposition to this project which was recently approved by the County Planning Commission. This project was denied three times in the last two years and the reasons for the denials have not changed.

The reasons for my opposition to this project are mainly the following:

- does not abide by the parking regulations
- does not adhere to the required set-backs from property lines
- does not abide to the flood zone required set-backs

I respectfully submit my opposition to this project.

Sincerely,

H. W. Thurber III

July 6, 2021
17309 Scenic Highway 98
Point Clear, AL 36564

Baldwin County Board of Adjustment

Subject: RSA Marina Project

Ladies and Gentlemen:

I am a long-time resident at 17309 Scenic Highway 98 in Point Clear. The purpose of my letter is to voice my opposition to this project which was recently approved by the County Planning Commission. This project was denied three times in the last two years and the reasons for the denials have not changed.

The reasons for my opposition to this project are mainly the following:

- does not abide by the parking regulations
- does not adhere to the required set-backs from property lines
- does not abide to the flood zone required set-backs

I respectfully submit my opposition to this project.

Sincerely,

Amy Burt

From: [Christopher Chambers](#)
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Tuesday, July 6, 2021 2:24:10 PM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

My wife, Tonya Chambers, and I strongly oppose the RSA Marina Project going forward. It will not fit at all in the community and has rightly been denied multiple times in the past. None of the reasons for the past denials has changed. It does make one wonder what DID change, doesn't it?

Put Chris Chambers and Tonya Chambers down for a "No" vote for this project proceeding.

Thank you.

Chris and Tonya Chambers
16604 Scenic Highway 98
Point Clear, AL

From: [augustine meaher](#)
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Tuesday, July 6, 2021 3:45:34 PM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Dear Sir,

I wish to express my strong objection to the decision to allow RSA high rise project at the Grand Hotel Yacht Basin.

This project does not comply with:

1. the parking regulations, 2. The required setbacks from property lines, 3. the flood zone required set backs.

This decision must be reversed at once. It is a gross violation of various laws and regulations. That such a project has already been repeatedly approved and is now approved indicates only the corruption of Baldwin County officials.

Sincerely Yours,
Augustine Meaher

From: [gina briggs](#)
To: [Linda Lee](#)
Cc: [J Ice Dad](#); [Matthew Mosteller](#)
Subject: RSA Marina Project
Date: Tuesday, July 6, 2021 3:54:54 PM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

My husband and I are full time residents of the Point Clear community and would like to express our concerns with the recent approval of the RSA high rise project at the Grand Hotel yacht basin. As I recall, the project plans have been denied multiple times in the past due to problems with setbacks and parking. The property in question, namely the yacht basin parking, is an extremely narrow strip of land which abuts a single family unit. The proposed development cannot possibly be built with the setbacks which are in place. Since these setbacks are required by both local as well as federal mandates, it would seem unlikely there would be any way to approve this plan.

My further concerns include drainage issues on a strip of land that is frequently under water during extreme high tides and/or rainfall. It would seem that construction of a high rise project would only exacerbate the problem and create future problems for the existing residential properties.

I ask that you carefully consider these issues and reject this ill planned project.
Thank you,
Gina Briggs

From: [Russell Ladd III](#)
To: [Linda Lee](#)
Subject: RSA/Marina Project
Date: Tuesday, July 6, 2021 3:47:46 PM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Having been a part-time resident of 17629 Scenic Hwy 98 for all of my life, I am opposed to the RSA Marina Project. I believe it is misconceived for them to think that they can claim the riparian rights of PT Clear Creek. In past years the management of the Hotel has been somewhat friendly and hospitable to the local residents; unfortunately, this relationship no longer exists.

For these and many other reasons, I and my family of 15 oppose the project. Russell Ladd III

From: [peter herndon](#)
To: [Linda Lee](#)
Subject: RSA
Date: Tuesday, July 6, 2021 4:40:33 PM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

I have been developing projects in Baldwin County for 40 years.
I have always been held to the allowed restrictions and regulations placed on the property by the Baldwin County zoning department or the city zoning regulations.
It makes no sense to allow this project and shove it down the throats of the Point Clear Community
Please do not allow this proposed project to proceed.
Peter Herndon

July 6, 2021

17309 Scenic Highway 98
Point Clear, AL 36564

Baldwin County Board of Adjustment

Subject: RSA Marina Project

Ladies and Gentlemen:

I am a long-time resident at 17309 Scenic Highway 98 in Point Clear. The purpose of my letter is to voice my opposition to this project which was recently approved by the County Planning Commission. This project was denied three times in the last two years and the reasons for the denials have not changed.

The reasons for my opposition to this project are mainly the following:

- does not abide by the parking regulations
- does not adhere to the required set-backs from property lines
- does not abide to the flood zone required set-backs

I respectfully submit my opposition to this project.

Sincerely,

Mary Esther Elliott

July 6, 2021

17309 Scenic Highway 98
Point Clear, AL 36564

Baldwin County Board of Adjustment

Subject: RSA Marina Project

Ladies and Gentlemen:

I am a long-time resident at 17309 Scenic Highway 98 in Point Clear. The purpose of my letter is to voice my opposition to this project which was recently approved by the County Planning Commission. This project was denied three times in the last two years and the reasons for the denials have not changed.

The reasons for my opposition to this project are mainly the following:

- does not abide by the parking regulations
- does not adhere to the required set-backs from property lines
- does not abide to the flood zone required set-backs

I respectfully submit my opposition to this project.

Sincerely,

Dale Barton Elliott

July 6, 2021

17309 Scenic Highway 98
Point Clear, AL 36564

Baldwin County Board of Adjustment

Subject: RSA Marina Project

Ladies and Gentlemen:

I am a long-time resident at 17309 Scenic Highway 98 in Point Clear. The purpose of my letter is to voice my opposition to this project which was recently approved by the County Planning Commission. This project was denied three times in the last two years and the reasons for the denials have not changed.

The reasons for my opposition to this project are mainly the following:

- does not abide by the parking regulations
- does not adhere to the required set-backs from property lines
- does not abide to the flood zone required set-backs

I respectfully submit my opposition to this project.

Sincerely,

H. Winchester Thurber IV

July 6, 2021

17309 Scenic Highway 98
Point Clear, AL 36564

Baldwin County Board of Adjustment

Subject: RSA Marina Project

Ladies and Gentlemen:

I am a long-time resident at 17309 Scenic Highway 98 in Point Clear. The purpose of my letter is to voice my opposition to this project which was recently approved by the County Planning Commission. This project was denied three times in the last two years and the reasons for the denials have not changed.

The reasons for my opposition to this project are mainly the following:

- does not abide by the parking regulations
- does not adhere to the required set-backs from property lines
- does not abide to the flood zone required set-backs

I respectfully submit my opposition to this project.

Sincerely,

Johnathan Wade Thurber

July 6, 2021

17309 Scenic Highway 98
Point Clear, AL 36564

Baldwin County Board of Adjustment

Subject: RSA Marina Project

Ladies and Gentlemen:

I am a long-time resident at 17309 Scenic Highway 98 in Point Clear. The purpose of my letter is to voice my opposition to this project which was recently approved by the County Planning Commission. This project was denied three times in the last two years and the reasons for the denials have not changed.

The reasons for my opposition to this project are mainly the following:

- does not abide by the parking regulations
- does not adhere to the required set-backs from property lines
- does not abide to the flood zone required set-backs

I respectfully submit my opposition to this project.

Sincerely,

Fran Thurber

From: ccmosteller@gmail.com
To: [Linda Lee](#)
Subject: RSA Grand Hotel Marina encroachment
Date: Tuesday, July 6, 2021 6:07:51 PM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

I am writing to express my opposition to the proposed RSA Grand Hotel Marina rental condominium development which the RSA has re-branded as an "extended stay" hotel project.

By way of background, I am a full time resident of Fairhope and the property two doors North of the proposed project site has been in my family since 1991. I have also been a social member of the Lakewood Club with access to the Grand Hotel grounds since the late 1980's. Given that I have walked the 100 foot distance between my family's property to the Hotel Marina hundreds of times over the last 30 years there is a good chance that I know the Marina property better than the RSA does. For instance, I know that every time it rains more than a couple of inches the entire Marina property floods. I also know that the when there is an above average rain (or heaven forbid a tropical storm or hurricane), the Marina not only floods but the water level exceeds the current Marina bulkheads and completely submerges the limited parking lot. In other words, there are legitimate health and safety concerns given the inability of an ambulance or firetruck to access the proposed tower after a storm.

I also know that this project has twice been denied for traffic and other health, safety, and legal concerns that the 400+ members of the Point Clear Owners Association have voiced. However, I'm told that the current iteration of the proposed project now states that the RSA is not subject to longstanding setback regulations because the RSA owns the submerged land at the bottom of the Marina. I understand that the Board is not a court of law, but the Marina has long been a navigable waterway thereby squarely the property of the State of Alabama and RSA should not be allowed to circumvent setback and variance regulations for bogus reasons. Otherwise, to allow this project to move forward utilizing the "underwater property line" approach would establish a precedent whereby future property owners could potentially disregard setback lines merely by dredging a navigable waterway into their property.

All to say, I ask that you fully analyze the RSA's third attempt to develop the Marina property and I trust that you will add this email to the tally of those in opposition to the proposed development.

-Clifton Mosteller

From: [Albert Key](#)
To: [Linda Lee](#)
Cc: [Frank C. Feagin](#); dmmattm@gmail.com; [Reid](#)
Subject: Re: RSA Marina Project
Date: Tuesday, July 6, 2021 6:12:12 PM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Gentlemen,

The community has been opposing this project for the last two (2) years and it has been turned down three (3) times. The recent approval is in spite of the fact that the project is immediately adjacent to waters subject to hurricane conditions and is in violation of the setbacks required in the circumstances. I remain opposed to this violation of our zoning restrictions, which do not permit the use of the property for purposes of building a condominium or other multi-family structure for sale.

Very truly yours,
Albert W.

Key

From: m.currie@mchsi.com
To: [Linda Lee](#)
Subject: Extended Stay Project Grand Hotel
Date: Tuesday, July 6, 2021 7:27:20 PM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

I am opposed to the development of the extended stay hotel building at the Grand Hotel Marina sight. The question is one of compliance with existing zoning regulations not the sponsor. Zoning regulations are meant to control development of "anything anywhere" which appears to be what we have here.

From: [Eleanore Allison](#)
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Wednesday, July 7, 2021 10:18:57 AM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

I live at 17145 Scenic Hwy 98, Point Clear. As a year round resident for the past 34 years i have watched the gradual commercialization of the area. There will be nothing left if the trend continues. Please protect this beautiful area.

From: [allie mcleod](#)
To: [Linda Lee](#)
Subject: RSA marina project
Date: Wednesday, July 7, 2021 5:42:01 PM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

We are totally against the new building planned by rsa - this has been turned down before and is not right !!!

From: [Nancy Chason](#)
To: [Linda Lee](#)
Subject: RSA project at Grand Hotel Yacht Basin
Date: Wednesday, July 7, 2021 9:22:22 AM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Nancy Chason
nplaying@aol.com

Dear Ms. Lee,

I have lived at Point Clear for the past 20 years and love the community as it is. Please express my intense opposition to the above project to the Board of Adjustments.

Point Clear is overwhelmingly a single family residential community and should stay that way. The four story building RSA has applied to build is out of character with the community and will result in increased traffic on Scenic Highway 98. This project was started about two years ago when RSA described the building as a condominium, which required a zoning change. More than 100 residents of Point Clear expressed their opposition to the zoning change, and the application was denied. RSA refused to accept the verdict of the community and applied again. That second application was also denied. Now they are applying a third time, although on its face not a rezoning change. However, even though the present application is for site plan approval only, the substance of the project has not changed from the condominium which was rejected two years ago. Each of the 14 units still will contain a full kitchen and laundry, unlike a hotel room. The building plan submitted now is almost identical to that proposed when it was described as a condominium. And the project continues to be in violation of the Zoning Ordinance for many reasons. The most obvious reason is that this four story, 14 unit building cannot be made to fit on the small piece of land north of the Marina and violates the 40 foot side setbacks which are required to prevent large buildings from being built on small pieces of land. It is disingenuous of RSA to try to avoid the setback requirement by claiming that they own the bottom of the Marina and that their property boundary is in the middle of the water of the Marina. Anyone living on the water knows that the bottoms of navigable water is owned by the State of Alabama and waters that connect to Mobile Bay is also navigable water.

Please encourage the Board to DENY the RSA application. Thank you. Nancy Chason

From: [Meme Brewer](#)
To: [Linda Lee](#)
Subject: RSA project
Date: Wednesday, July 7, 2021 9:20:49 PM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

I am completely and totally opposed to the RSA building a structure on the Marina grounds. There is no possible way that can comply with the current set back/flood zone restrictions.

Meredith Brewer
18129 Scenic Hwy 98

From: [carter snead](#)
To: [Linda Lee](#)
Subject: Objection to RSA high rise project
Date: Wednesday, July 7, 2021 2:49:09 PM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

To whom it may concern,

I am a property owner in Point Clear and wish to register my strong objections and complete opposition to the RSA high rise project proposed for the Grand Hotel yacht basin.

As you well know, in spite of the fact that this project has been justifiably denied multiple times in the last two years because of failure to abide by parking regulations, failure to adhere to setbacks for property lines in our neighborhood, and failure to follow the rules re flood zone setbacks, it was inexplicably approved recently by the Baldwin County Planning Commissioner.

One is at a loss to understand why this project which has violated so many rules and been turned down so many times now is being foisted upon our community.

Sincerely,

Carter Snead, M.D.
P.O. Box 1268
Point Clear, AL 36564

From: [Joseph Rhodes](#)
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Thursday, July 8, 2021 6:43:16 AM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Please deny this development. If approved, it would be detrimental to the Point Clear area and our quality of life.

Thanks,
Joseph Rhodes
14151 Scenic Hwy 98.

From: [Mary Finger](#)
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Thursday, July 8, 2021 7:16:35 AM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Sirs, I am writing to inform you that my husband and I are totally and unequivocally opposed to the RSA marina project. I am of the opinion that RSA has no concerns about the quality of our area....RSA is totally investing in our area for their financial bottom line...this type of investing is destroying our area...Please do not allow this project anymore traction.

With kindest regards,
Mary Finger

From: [Julia Driver](#)
To: [Linda Lee](#); [Pt Clear Prop Owners Assoc.](#)
Subject: RSA Marina project
Date: Thursday, July 8, 2021 7:27:18 AM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Please be advised that both my husband and myself are VERY much opposed to this Marina Project going forward. We have been residents of Point Clear for over 20 years now and I can honestly say that this area has been changing from the quiet suburban area it once was . It seems that RSA is only interested in putting up as many structures as it possibly can without regard to how it affects the quality of life here in Point Clear. There has been so much growth in the Fairhope area that it seems the City of Fairhope has struggled to keep the infrastructure up to date to accommodate all the new subdivisions. I particularly do not want to see the Marina area covered up with a multiple storied building that will most certainly affect the view of Mobile Bay from Scenic 98. Please let's keep this area free from more congestion and more traffic.

Julia and Byron Drive
16433 Scenic Hwy 98

From: [James Harrison](#)
To: [Linda Lee](#)
Subject: RSA Marine Project
Date: Thursday, July 8, 2021 7:30:22 AM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

I have been a home owner in Pt Clear, AL. for 30 + years. It has been such a wonderful environment to live here. I highly OPPOSE the recent approval of the RSA high rise project at the Grand Hotel yacht basin after three denials. These issues include:
Not abiding by the parking regulations; Not adhering to required set backs from property line; Not abiding to the flood zone required set backs. Please vote No to this latest approval.
Sincerely,
Jim Harrison 15955 Scenic hwy 98

From: [Bill Turk](#)
To: [Linda Lee](#)
Subject: RSA marina project
Date: Thursday, July 8, 2021 7:54:17 AM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

To the Board...

As a resident of the Point Clear area, we are strongly oppose to the RSA project. Please consider current codes and the wishes of those living near by.

Respectfully,
Bill Turk

From: [Susan Warren](#)
To: [Linda Lee](#)
Subject: RSA MARINA PROJECT
Date: Thursday, July 8, 2021 8:08:22 AM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

I oppose the recent approval of the RSA high rise project at the Grand Hotel yacht basin. The flooding issues; set back issues; and single dwelling residential location are being ignored. Please reconsider.
Susan Warren

From: [Patrick McTaggart](#)
To: [Linda Lee](#)
Cc: pointclearpropertyownersassoc@gmail.com
Subject: RSA Marina Project
Date: Thursday, July 8, 2021 8:22:09 AM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Good morning,

I am writing to voice my opposition to recent approval of the RSA project. I am certainly for allowing property owners to have liberties with what they own as long as it fulfills the requirements that have been established. Set back requirements are put in place for safety and environmental reasons. I do not believe the latest interpretation of the set back regulation is being met and is enough reason for disapproval. If the setback requirements are being enforced for individual property owners, they should be enforced for larger projects as this one. The property owners in this area would like to keep it a low density community and adding these units is going against the main reasons why we purchased our homes here. We continue to support keeping Scenic 98....scenic.

Thank you for taking the time to consider my input as well as the many others who oppose this project.

Patrick McTaggart

From: [Joe Thames](#)
To: [Linda Lee](#)
Subject: PROPOSED RSA PROJECT AT EXISTING YATCH BASIN
Date: Thursday, July 8, 2021 8:25:06 AM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

I'm a property owner at Point Clear and very familiar with the history, the topography, and the traffic patterns that impact the site. I've witnessed severe flooding during normal tide schedules (not to mention storm surges); and traffic backups and hazardous conditions created by the flooding, and caused as well by the steadily increasing pedestrian, bicycle and vehicular traffic. In my opinion, more development at this site will increase flooding, and significantly increase the hazardous conditions that already exist so close to the entrance of the Grand Hotel.

Please vote to deny the approval of this development.

Sincerely

—
Joseph M. Thames
1506 University Blvd.
Tuscaloosa, AL 35401
205-242-9761

From: [Kathy Rowan](#)
To: [Linda Lee](#)
Subject: RSA MARINA PROJECT
Date: Thursday, July 8, 2021 8:56:59 AM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Dear Commissioner Lee,

I reside at 14221 Scenic Highway 98 in Point Clear of Baldwin County, Alabama. I am writing to voice my opposition to the recent approval of the RSA high rise project at the Grand Hotel yacht basin.

As you already know, this particular project has been denied three times in the last two years but was just recently approved by our new County Planning Commissioner. This was done in spite of the fact that the issues that resulted in the previous denials are essentially unchanged from their earlier proposals. These issues include:

- Not abiding by the parking regulations
- Not adhering to the required set backs from property lines
- Not abiding to the flood zone required set backs.

RSA claims through their attorney and engineer that they own the bottom of the marina and thus set backs are not required, if that is the case every resident should then be allowed to make up there own rules and violate zoning and required set back rules and regulations. Why are we allowing this to turn into a repeat of our National election where the results were able to be sold to the highest payor.

What we will have is just another Destin Florida which has turned into a nightmare to drive 1 mile, overcrowded and miserable.

We live in a zoning district of mostly single family dwellings with strict zoning laws recommended by the public and passed and policed by the County. We just want the County to abide by these standards and regulations to preserve our district and ensure we "Keep Scenic 98 Scenic".

Sincerely,
Kathryn Rowan

14221 Scenic Highway 98
Fairhope, AL 36532

From: [Pris Milling](#)
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Thursday, July 8, 2021 8:59:17 AM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

It is with utmost concern that I ask you to reject the proposed building on the Grand Hotel Marina site. Pt. Clear, once a low key eclectic community on Mobile Bay is bursting at the seams, and then some, which is not only compromising our way of life but the health of our bay. RSA has been squeezing every piece of ground to add to our density and their pocketbook. Please keep this project from occurring and further affecting Pt. Clear's well-being.

Thank you for your service.

Sincerely,

Pris P. Milling

From: [Sugene Lawler](#)
To: [Linda Lee](#)
Subject: Proposed RSA Marina Project
Date: Thursday, July 8, 2021 9:14:48 AM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

My husband and I are owners of property on Scenic highway 98. We are opposed to the RSA Marina Project. We feel there are environmental, traffic and quality of life issues at stake with this project. Please register our disapproval with the proper authorities.
Sugene and John L. Lawler

From: [Jim Atchison](#)
To: [Linda Lee](#)
Cc: [Karen Atchison](#)
Subject: RSA Marina Project
Date: Thursday, July 8, 2021 9:22:15 AM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

I am opposed to the recent approval of the RSA high rise at the Grand Hotel yacht basin! The issues that resulted in three prior denials of this project has not changed! RSA obviously believes it can ultimately succeed by wearing everybody down to just give up! It's still due to be denied because it's wrong again for the fourth time!!

From: [Ritchie Prince](#)
To: [Linda Lee](#)
Cc: [Bart Briggs](#); [Matt Mosteller](#); henry@boyle.com; [Boyd Douglas](#); [Chris Brewer](#)
Subject: RSA Marina Project
Date: Thursday, July 8, 2021 9:14:49 AM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

To Whom It May concern:

Having lived here all of my life I have seen the changes made to our area. None are as dramatic as the ones we are experiencing now. I live on Moogs Lane. Directly to the East of me is unprecedented construction which has produced unprecedented runoff. There seems to be no end to RSA's greed. With their resources there are many other areas in Baldwin county where they can develop other properties to feed their insatiable appetite for revenue. I and my neighbors have recently had to turn to the Baldwin County Commission to ask that the County take over the maintenance of Moogs Lane. For as long as anyone can remember Moogs lane has been privately maintained for public access. There are sinkholes that have undoubtedly been created by the increased construction and attenuating runoff that is a natural consequence of UNCHECKED growth. We have submitted our AFM to the County and hope that the County can help us. There is a 30 foot easement to the public that the County has left to the residents to maintain. Well, the City of Fairhope and the County has now allowed for a condition to develop that the private landowners have been left to deal with. I have two children in college and cannot dedicate money to fixing sinkholes in the road so Tom, Dick and Harry can drive to the end of Moogs to look at the sunset or chase a jubilee. Not to mention that my yard now floods due to the sinkhole that is preventing the rainwater from getting to the Bay. STOP – please. I beg the County to help. Stopping RSA from jamming more houses or a HUGE condominium building into our area and creating more runoff is just part of the problem.

Let's don't fail to recognize that there are people who have saved for their entire lives and have recently purchased property in the area, and specifically those who have recently bought and or built right near the Grand Hotel Marina. It is patently unfair to them to allow any monstrosity to be constructed in the marina or on the grounds contiguous to the marina. Their views to the south that are compromised and the shade being thrown on their properties creates an issue that cannot be remedied. If any of you reading this would think it was acceptable for some unruly behemoth of a corporation to throw up a 3 story building next to your home or a few doors down from where you are building then you and I simply have different ideas about what is right and what is wrong.

Someone at the County level needs to stand up to RSA, regardless of the tax dollars or promises made to appease the County, and stop this senseless and largely unstoppable force from totally destroying what we know, what we have and what we have grown to expect in the Battles Wharf and Point Clear areas.

Cordially,
Ritchie

J. R. M. Prince, Esq.
Prince, McKean, McKenna & Broughton LLC
25369 U. S. Highway 98
Suite B
Daphne, Alabama 36526

From: [John Lewis](#)
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Thursday, July 8, 2021 9:59:06 AM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

My family and I are very much opposed to the
Approval of this project.
Please vote it down.
Thanks,

John Lewis

From: [Carlos Lewis](#)
To: [Linda Lee](#)
Subject: REA MARINA PROJECT
Date: Thursday, July 8, 2021 9:48:00 AM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

I am a retired Army officer and a senior citizen living in Lakewood golf estate across the street of the proposed RSA Project. I am apposed to the project. How dare you approve such a project that violates so many laws and destroys the beauty of our community.

Sincerely,

Mr. C Lewis

From: smclendon7@gmail.com
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Thursday, July 8, 2021 9:56:04 AM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Dear County Commission,

Please know that I strongly oppose the new RSA Marina proposal. Destroying the charm of our community seems to have no bearing on RSA at all. Building in that area with so much flooding is a total enigma. Please halt the project and listen to your neighbors.

Sincerely,
Sarah J McLendon

July 8, 2021

Via e-mail: llee@baldwincountyal.gov
Baldwin County Board of Adjustment
22251 Palmer Street
Robertsdale, AL 36567

RE: RSA Marina Project


Dear Board Members:

I am writing you as a homeowner at 5470 Battles Road in opposition to the RSA high rise project at the Grand Hotel yacht basin. Though the project has been denied multiple times over the last several years, the applicant is again trying to circumvent the requirements for approval. The previous denials were premised on parking regulations, set back requirements and flood zone requirements. None of these underlying factors have changed.

While the legal backdrop is clear, it is also clear that the project, as a public policy matter, would represent a dangerous precedent. It would suggest the regulations are not equally applied. But it would also potentially open the door to a wholesale change in the character of Point Clear and Battles Wharf.

I am hopeful the Board will consider this matter carefully, both from a legal standpoint and a policy standpoint.

Sincerely,



Palmer C. Hamilton

From: [Allen Ladd](#)
To: [Linda Lee](#)
Subject: RSA Marina Project - opposition
Date: Thursday, July 8, 2021 10:38:38 AM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Please know that as a Point Clear homeowner I am significantly opposed to this project for the numerous reasons as outlined by the Point Clear Property Owners Association.

Thank you,
Allen H. Ladd
17629 Scenic Hwy 98
Fairhope, AL 36532

From: [melie2033](#)
To: [Linda Lee](#)
Subject: RSA MARINA PROJECT
Date: Thursday, July 8, 2021 10:34:13 AM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Thank you for considering my strong objection to the RSA Marina Project currently under review. I would simply like to ask the Commission: WHAT does this project contribute to the greater good and benefit of the Point Clear area?

It TAKES the wildlife, the sea grasses ,the sunsets, the quiet. It ADDS to growing congestion , danger to walkers and bikers along the trail from added traffic and certainly general public frustration over unconstrained growth.

Very truly yours,

Melanie Moore
Point Clear Property Owner

From: [Eric Zubler](#)
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Thursday, July 8, 2021 10:34:40 AM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Dear Sir or Madame,

I am writing in extreme opposition to RSA's plan to redevelop the marina property at the Grand Hotel in Point Clear.

The project will overwhelm infrastructure, obliterate a wonderful natural viewing/beach site, and cause extreme traffic to clog our roads and bridges in this sensitive ecosystem.

Please deny RSA's proposal. Their only goal is to make more money as fast as possible at the expense of changing our neighborhood's unique character for a Destin, FL congested character.

I plead with you to stop this heinous development in the earliest possible timeframe!

Sincerely,
The Rev. Eric J. Zubler
18247 Woodland Drive
Point Clear

From: [Ralph Reynolds](#)
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Thursday, July 8, 2021 11:26:22 AM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

I am writing in opposition to the proposed RSA Marina Project. The site is inappropriate for a large structure given its proximity to single family homes and given the narrow size of the lot. The proposed site regularly floods in any sizable rain storm and adding to the hardscape will just increase the flooding in the area. Add our regular hurricanes to the mix and the flooding risk for the proposed structure and for the surrounding area becomes incalculable. RSA is proposing the WRONG PROJECT, on the WRONG SITE, in the WRONG COMMUNITY.

Ralph Reynolds
17747 Scenic 98
Point Clear

From: [Tommy Ziemann](#)
To: [Linda Lee](#)
Cc: [Tommy Ziemann](#)
Subject: RSA Marina Project
Date: Thursday, July 8, 2021 11:54:09 AM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Dear Baldwin County Board of Adjustment,

I am writing in opposition to the Marina Project of the Retirement Systems of Alabama.

The RSA was drawn to Point Clear and the surrounding area because of its scenic charm and quality of life, but seem to overlook a need to preserve those very qualities.

The residents of Point Clear, and the Baldwin County authorities are well aware that the preservation of the uniqueness of the community requires both community support and the enforcement of reasonable regulations, such as the enforcement of the parking regulations, the setback requirements and the flood zone limits. The unreasonable positions of RSA attempt to push aside the wisdom of well-established and responsible regulations.

We are the long-established and grateful residents of Point Clear who enjoy and cherish the benefits of Scenic 98, and ask your support in defeating the overreaching plans of the RSA administration. The proposed land use is inconsistent with the preservation of the natural beauty of the surroundings and is inconsistent with a reasonable interpretation of the mission of the Hotel.

Sincerely,

Tommy Ziemann
17283 Scenic Highway 98
Point Clear, AL 36564

From: bladd@robertsbrotherscpm.com
To: [Linda Lee](#)
Subject: Opposition to RSA Marina Project
Date: Thursday, July 8, 2021 12:37:20 PM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Please know that as a Point Clear homeowner I am significantly opposed to this project for the numerous reasons as outlined by the Point Clear Property Owners Association.

Thank you,

E. Bradford Ladd Jr
17629 Scenic Hwy 98
Fairhope, AL 36532

From: [Merril Miller](#)
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Thursday, July 8, 2021 1:36:43 PM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

To Whom it may concern:

I am so disappointed this project continues to be brought up when it is so obvious the construction stipulations are not being abided by RSA's professionals. Why would they want to continue with this project when 100's and 100's are against it also.

Sincerely,

Merril Miller

From: [Karen Atchison](#)
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Thursday, July 8, 2021 2:51:37 PM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

As a Point Clear property owner I am in opposition to approving this proposal. There no circumstances that have arisen that would change the reasoning for the prior 3 denials of this proposal. This building will be detrimental to the surrounding properties and is simply a "cash grab" by Point Clear Holdings to get every dime of value from the original Grand Hotel property. Please do not reward their perseverance.

Karen Atchison

From: [Boyd Douglas](#)
To: [Linda Lee](#)
Cc: [Matthew Mosteller](#); [Largay Douglas](#)
Subject: RSA Marina Project
Date: Thursday, July 8, 2021 3:19:47 PM
Attachments: [NEW.2020.CPST.SigLine.320x80_fa5ecd67-6cb2-4fe5-a74b-eb673b218189.png](#)

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

My wife, Largay, and I are full time residents of the Point Clear community and want you to know that we strongly object to the RSA high rise project at the Grand Hotel yacht basin. While we respect RSA's desire and ability to build on the parcel, they should be required to follow the same requirements that we all do in the Point Clear community. It is outrageous that this project was tentatively approved without public comment or a vote by the commission. It should be obvious to all that the planned structure will be in violation of currently established zoning and use regulations in the Point Clear community in the current proposal. While the granting of waivers is certainly within the right of the planning commission, it is unacceptable for the commission to do so when it violates state and federal law, or when the entire community is opposed. The granting of waivers should be based on good common sense, and the good of the entire community, not nonsense such as RSA's alleged ownership of the basin seafloor. This is a ludicrous decision and the Commissioner should be ashamed for making this absurd decision. The defects in RSA's plan are many and substantial, and we pray that Baldwin county will at some point at least attempt to execute their duties ethically by enforcing the rules that are in place for the rest of us.

Please note that we are **STRONGLY OPPOSED** to this RSA development and we are extremely disappointed in the actions of the new County Planning Commissioner!!

Sincerely,
Largay and Boyd Douglas

From: [Ray Herndon](#)
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Thursday, July 8, 2021 3:12:23 PM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

I am in opposition to the granting of the high rise project at The Grand Hotel. Building regulations are in place to prevent projects such as this from being approved. The RSA should not get exempted from following the Building rules on the books in Baldwin County.

From: [kelly.sadler](#)
To: [Linda Lee](#)
Subject: RSA Marina
Date: Friday, July 9, 2021 7:29:15 AM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

My family and I oppose the RSA Marina Project.

Thanks for all you do.

Kelly W. Sadler

From: [WILLIAM MCLEOD JR](#)
To: [Linda Lee](#)
Subject: RSA marina project
Date: Thursday, July 8, 2021 8:37:09 PM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

After 3 ruling against this project it's hard to turned the former rulings upside down!! What do you know that we don't!

William mcleod
15797 sc hwy 98
Point clear

From: [Celie O'Meara](#)
To: [Linda Lee](#)
Subject: RSA MARINE PROJECT
Date: Friday, July 9, 2021 9:05:30 AM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

As a Point Clear property owner, I oppose the recent approval of the RSA high rise project at the Grand Hotel yacht basin.

I don't understand after 3 denials -- and no changes -- that this can possibly be approved and abide by the standing regulations and requirements for our area.

We want to KEEP Scenic 98 SCENIC -- PLEASE!

Sincerely,
-Celie O'Meara

O'Meara
16807 Calloway Dr.
Point Clear, AL 36564

From: [Bo O'Meara](#)
To: [Linda Lee](#)
Subject: RSA MARINE PROJECT
Date: Friday, July 9, 2021 9:26:02 AM
Attachments: [image001.png](#)

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

As a Point Clear property owner, I oppose the recent approval of the RSA high rise project at the Grand Hotel yacht basin.

I don't understand after 3 denials -- and no changes -- that this can possibly be approved and abide by the standing regulations and requirements for our area.

We want to KEEP Scenic 98 SCENIC -- PLEASE!
Sincerely,
-William Thomas O'Meara III

O'Meara
16807 Calloway Dr.
Point Clear, AL 36564

From: [harris.oswalt](#)
To: [Linda Lee](#)
Subject: RSA project in Grand Hotel Marina
Date: Friday, July 9, 2021 9:27:38 AM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Please add my voice in opposition to the planned RSA housing at the Grand Hotel marina. This project is clearly not in character with the surrounding community and will detract from the whole Point Clear image of primarily single family housing. The project would violate setbacks and I do not believe anyone can claim ownership of the marina in its entirety to avoid building codes. Please oppose any development plan that so callously ignores standards that the current property owners want.

Harris Oswalt
251 272-6140

From: [Bellsouth 2](#)
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Friday, July 9, 2021 11:37:17 AM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

My family has been property owners on Scenic 98 since 1948 and have watched this pristine area become more and more congested as building explodes in the entire country. I am definitely against the recently approved high rise project at the Grand Hotel basin. This project has been denied 3 times and now a new commissioner approves it. This is wrong and hope you will side with the property owners and denies this proposal.
Sincerely,
Stephen Zieman
14403 scenic 98

From: [BARKLEY SHREVE](#)
To: [Linda Lee](#)
Cc: [Lewis shreve](#)
Subject: RSA Marina Project
Date: Friday, July 9, 2021 3:39:12 PM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Please note our **opposition** to the RSA Marina project. This development is not in agreement with the existing residential nature of the area.

Best regards,
Barkley and Lewis Shreve
12025 County Road 1
Fairhope, AL 36532

From: [Darren Rowan](#)
To: [Linda Lee](#)
Subject: RSA Marina project
Date: Sunday, July 11, 2021 7:07:37 PM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

I would like to take this time to express my vehement opposition to the recent approval of the RSA high rise project at the Grand Hotel yacht basin. How is it that this same proposal was denied three times in the last two years but has now been approved?? Could it be that there was a change in RSA's plan? NO. Could it be there was a change in the law or restrictions ?? NO. Could it be that there has been a change in public opinion?? NO. I have spent my whole adult life in service awaiting the golden years of retirement. Thus my wife and I researched many areas on the gulf coast to spend the rest of our lives together. There are many reasons we chose the Point Clear area of Fairhope. Your recent decision goes straight against many of them. Your recent decision also goes against most of the residents wishes who are affected the greatest. Our children and grandchildren will bear the burden of your mistake. I fear that if approved than there will set forth a cascade of events/decisions that will lead to the destruction of all the things that make the Point Clear area of Fairhope so charming. I urge all of you to reconsider and reject the proposal.

Sincerely,
Darren M Rowan
14221 Scenic Highway 98
Fairhope, AL 36532
drowanmd@gmail.com

From: [Louise Smith](#)
To: [Linda Lee](#)
Subject: RSA Marina project
Date: Sunday, July 11, 2021 1:48:05 PM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

As a resident of Point Clear I am very much against this project. Living close to the marina i have seen storms(not hurricanes) flood this strip of land waist high. We have way too much building here, and don't need another large building ruining the beauty of this historic area. Traffic is already a problem we are dealing with.
Louise Smith

From: [Bill Seifert](#)
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Sunday, July 11, 2021 12:25:37 PM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

I am writing the to express my opposition to the proposed construction of the RSA Marina condo project at Point Clear. I am a thirty-five year full time resident at 15895 Scenic Highway 98 on the bay. I am very concerned about the increased traffic that this development would create causing congestion and accidents. The Point Clear community is a special place and I feel this project would lessen the appeal to visitors as well as residents. Plus, the infrastructure does not support more development.

William R. Seifert
P.O. Box 283
Point Clear 36564
928-3024

From: [KELLY DURDEN](#)
To: [Linda Lee](#)
Subject: RSA MARINA PROJECT
Date: Saturday, July 10, 2021 5:12:58 PM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

I am writing to voice my **STRONG OPPOSITION** and concern to considering the approval of RSA building any kind of extended stay/multiple dwelling facility.

My husband and I left Montgomery 8 years ago and chose Point Clear as our new home because of it's charm, inviting people and low density atmosphere. We even chose to renovate an existing home to reduce environmental impact on this area. It now seems that all we do is battle constant threats to this environment from RSA, who I feel should be working with this community, instead of alienating them.

PLEASE do not allow them to come into our community and go against the residents that love this area and want to keep Scenic 98 SCENIC.

With Kindest Regards,

Kelly Walker Durden

TO: llee@baldwincountyal.gov
RE: RSA MARINA PROJECT **OPPOSITION**
FROM: Howard M. Schramm, Jr., Beth Schramm
17249 Scenic 98, Point Clear, AL

We live 1 mile south of the Grand Hotel and as long-time residents of Point Clear we are writing once again to express opposition to the RSA project planned at the Grand Hotel Marina. In addition to the parking, increased traffic congestion on Highway 98, and flooding issues that accompany this plan, the proposed building is inappropriate adjacent to single family residences. These are the very reasons why zoning was established years ago for the historic Point Clear area.

The frequent rainstorms in our area regularly result in flooding around the Hotel grounds alongside Highway 98. The proposed construction on the small spit of land at the marina site will increase flooding around not only the Hotel, but around the neighboring homes.

Four generations of my family have enjoyed the beauty and tranquility of Scenic Point Clear for over 70 years. My wife and I hope to retain the continuity of this idyllic and historic place for future generations.

We ask that approval of this construction project BE DENIED once again.

From: [Teresa Smith](#)
To: [Linda Lee](#)
Subject: marina project
Date: Saturday, July 10, 2021 10:22:23 AM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Dear Baldwin County Government ,
We are writing to you in opposition to The RSA Marina Project which causes total disrespect to the real estate and privacy of the Point Clear neighbors ,overcrowding of the parking lot area and above all the loss of ambiance to Marriott's Grand Hotel . We hope RSA will discontinue the plan for the hotel suites for the common decency of the neighborhood and The Lakewood members
Thank you
Teresa and Gus Smith

From: [Murray Robinson](#)
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Monday, July 12, 2021 8:43:37 AM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Sir:

I'm writing in opposition to the RSA's proposed project at the Marina near Point Clear.

I and my 7 siblings own property just down the beach from the Grand Hotel and we believe that this RSA project would open the door to similar type commercial residences, which in turn would negatively affect the Point Clear community. The negative consequences would include but not be limited to increased density and traffic in an area renowned for its quiet neighborhood type feel.

With kind regards, I am sincerely,

Murray Robinson
17401 Scenic 98
Point Clear, Alabama 36564

From: [Clifton Inge](#)
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Friday, July 9, 2021 7:08:33 PM
Importance: High

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

I, along with many other family members, have owned property and lived in the Point Clear community for over 50 years. The area is filled with history and surrounded by natural beauty that is loved by both the residents and visitors to the area. Visitors come here to relax and enjoy the tranquility and peaceful lifestyle offered at what is revered as a highly regarded luxury vacation spot and escape the traffic and congested wall to wall concrete structures so many waterfront areas are inundated with.

For these reasons, I STRONGLY oppose the proposed marina project. Additional construction and digging out of the waterways will further damage an already delicate environment and severely disrupt the marine life and quality of the waters. Furthermore, the State of Alabama owns the lands under the marina waters and therefore the RSA Marina Project has no rights to the lands beneath the water's surface from which to measure setback lines.

Sincerely,

Clifton C. Inge, Sr.
clifton@ipc-capital.com
P. O. Box 396
Point Clear, AL 36564

From: [Doug Johnson](#)
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Monday, July 12, 2021 12:20:25 PM
Attachments: [2973_001.pdf](#)

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Attn: Baldwin County Board of Adjustments

Please find attached my letter of opposition to the RSA marina project. I can be reached at (504) 452-4048 if you have any questions.

Thank you,

E. Douglas Johnson, Jr.

From: [susanhelmsing](#)
To: [Linda Lee](#)
Subject: RSA Marina Operation
Date: Monday, July 12, 2021 2:13:14 PM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

I would like to express my opposition to the plans for the RSA Marina plan. As a long time resident of the Point Clear area I would like to ask that you enforce the regulations that are in effect and that would prohibit this type of development. I believe that these regulations are appropriate for maintaining the quality of life here as well as addressing environmental concerns and overloading the infrastructure. Please consider this issue carefully and protect our priceless surroundings.

Thank you.

Susan Groom
Mrs. Winston Groom
Sent from my iPhone

From: [Plumer Tonsmeire](#)
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Monday, July 12, 2021 3:08:02 PM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

To whom it may concern,

This email is to let you know my opposition to the recent approval of the RSA high rise project at the Grand Hotel yacht basin. It is very troubling that this project has been denied several times but now has suddenly been approved.

Thank you,
Marie Tonsmeire

From: [wbings](#)
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Monday, July 12, 2021 4:53:08 PM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Good afternoon Ms. Lee,

As you are aware the growth in the Battles Wharf- Point Clear area is unprecedented. We are certainly reaching a point of diminishing returns by threatening the way of life that initially attracted people to our area. Infrastructure has not kept pace with the present growth and has manifested itself in flooding during hard rains and brought a negative affect on water quality of Mobile Bay. We respect RSA's desire and ability to build on the parcel but if it is done in accordance with the present requirements. The RSA Marina Project was tentatively approved with out public comment or a vote by the commission. The planned structure will be in violation of current established zoning and use regulations and will violate state and federal law. This is a turning point for our community and we hope that the commission will revisit the decision concerning this waiver.

Sincerely yours,
W.B. Inge Family
Battles Wharf, Alabama



AN ALABAMA CORPORATION

James R. Delaney
Telephone: 251.460.0910 x223
FAX: 251.344.6077
Email: Jimmyd@delaneyinc.net

July 12, 2021

VIA ELECTRONIC MAIL
TO llee@baldwincountyal.gov

Baldwin County Board of Adjustment
22251 Palmer Street
Robertsdale, AL 36567

RE: RSA Marina Project

Dear Sir or Madam:

My wife and I have lived and owned property in Fairhope for more than twenty years. I am writing this letter to you to express my opposition to RSA's recent approval of the high rise project at the Grand Hotel yacht basin.

It is my opinion that should the Commission allow RSA to move forward with this project, that Fairhope as we know it, would no longer exist. The citizens of Fairhope would lose their quality of life in the community; the character and charm of the area, not to mention the detrimental effect it would have on the environment and wildlife.

This is not the first time this project has been addressed. It was voted down three times previously and nothing has changed. The well being and safety of the citizens of Fairhope should be the Board's primary concern.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Delaney', with a long horizontal stroke extending to the right.

JAMES R. DELANEY

From: [Edward K. Aldag, Jr.](#)
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Monday, July 12, 2021 5:32:48 PM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

I am writing to voice my opposition to the RSA Marina Project at the Grand Hotel. It does not fit into the already in place restrictions on this historic neighborhood.

Edward K. Aldag, Jr. | Chairman, President & CEO
Medical Properties Trust, Inc.

WILLIAM R. DELANEY

ATTORNEY AT LAW
225 Springhill Memorial Place
Mobile, Alabama 36608
(251) 460-0910

Mailing Address:
P. O. Box 16126
Mobile, Alabama 36616

July 12, 2021

VIA ELECTRONIC MAIL
TO ilee@baldwincountyal.gov

Baldwin County Board of Adjustment
22251 Palmer Street
Robertsdale, AL 36587

RE: RSA Marina Project

Dear Sir or Madam:

I have lived and owned property in Fairhope for more than twenty years, and I am a member of The Lakewood Club. I am writing this letter to you to express my opposition to RSA's recent approval of the high rise project at the Grand Hotel yacht basin.

It is my opinion that should the Commission allow RSA to move forward with this project, that Fairhope as we know it, would no longer exist. The citizens of Fairhope would lose their quality of life in the community; the character and charm of the area, not to mention the detrimental effect it would have on the environment and wildlife.

This is not the first time this project has been addressed. It was voted down three times previously and nothing has changed. The well being and safety of the citizens of Fairhope should be the Board's primary concern.

Sincerely,



WILLIAM R. DELANEY

From: [Mickie Russell](#)
To: [Linda Lee](#)
Cc: [Nancy Mann](#); "buddy.russell@rthb.com"; dmattm@gmail.com
Subject: RSA Marina Project
Date: Monday, July 12, 2021 7:40:13 PM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

I oppose the RSA Marina Project. I live at 15007 Scenic Highway 98, Point Clear, 3 miles south of the Grand Hotel Marina.

Mickie Russell

From: [Frances Sadler](#)
To: [Linda Lee](#)
Subject: RSA Marina project
Date: Monday, July 12, 2021 7:45:34 PM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Please consider OPPOSING the high rise project at the Grand Hotel marina. I have grown up at the home on 17999 scenic highway 98 and the area is very special to my family. We would love for it to get to the next generation as is-keeping the north side of the hotel as a quiet residential sanctuary with bay houses of local families.

Thank you,
Frances Sadler

From: [LUCY LADD](#)
To: [Linda Lee](#)
Subject: Opposition to construction in the yacht basin of grand hotel
Date: Monday, July 12, 2021 8:31:07 PM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Fellow members of the board of adjustment s:

My name is Neno Ladd and I have lived at 17631 Scenic 98 for the last 30 years and have witnessed the grand hotels many expansion s. We do not need or want anymore!They have butchered the property to where it is almost all dwelling s now.They have removed countless old oak trees to make room for more and more guests who constantly invade our private property! Whether it be the guests enjoying my wharf and beach or cutting through my yard to get to the back road(with my liability at risk).

Now they want to build more! In the already flood prone parking lot for the yacht basin. All of us that live in this area, have enough problems with flooding currently without adding to this issue. We would like our neighborhood to stay as is, with no more high rises. Please do not approve RSA s request to build in that flooded parking lot. Let's leave things as they are and not add to our problems.I beg of you not to allow further building. Best regards.
Neno Ladd

From: [Haden Simon](#)
To: [Linda Lee](#)
Subject: RSA High Rise OPPOSITION
Date: Monday, July 12, 2021 8:48:12 PM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Hello,

I have been very fortunate enough to enjoy Baldwin County's beauty and peace all my life, especially in Pt. Clear. Please do NOT approve the RSA high rise building being built in Pt. Clear. This will be a catastrophic detriment to the community and character of this beautiful place. This in no way will benefit the community there and the long-time residents in the surrounding area. I OPPOSE this proposition in its entirety. Please do the right thing for the people already living in this area and DO NOT approve the RSA high rise development.

Thank you,
Haden Oswald Simon

From: [David Dye](#)
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Tuesday, July 13, 2021 6:07:34 AM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

I am writing yet again to vehemently oppose the latest attempt by RSA to utilize their seemingly endless legal resources to find and/or create a regulatory loophole or variance to build "extended stay suites" on the north end of the Grand Hotel Marina.

My family resides eight lots north of the Marina, and while I find it unnecessary here to restate the myriad of objections that I, my neighbors, and countless residents of the Eastern Shore have detailed ad nauseam in letters and emails and in person meetings over the last two plus years, please know that my family and I continue to strongly object to the construction of a multi story building on a waterfront spit of land bordered by homes and an already overused two lane "scenic" highway on a dangerous curve populated constantly by cars, bicycles and pedestrians.

The concept of this project simply defies common sense and decency, not to mention regulations and required approvals that are in place to protect the public and have been referenced no less than three times to deny this project (or something similar) previously.

Thank you for your service and your consideration of this matter.

David Dye
18039 Scenic Hwy 98
Point Clear, AL 36564

From: [Nelson, Barbara](#) on behalf of [Cooper, Angus](#)
To: [Linda Lee](#)
Subject: Opposition to RSA marina project
Date: Tuesday, July 13, 2021 10:02:01 AM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Gentlemen:

I live at 17475 Scenic Highway 98 in Point Clear and I am a registered voter in this county.

I am writing to express my opposition to the proposed RSA marina project. I think it would be against the beautification of Point Clear to have this high rise in the Yacht basin. I disagree with the planning commissioner who approved this building. The assumptions made by RSA and believed by the planning commissioner are not proven fact but assumptions. I ask you oppose and deny this project.

Sincerely,

Angus R. Cooper II
17475 Scenic Highway 98
Point Clear, AL 36564

From: [Jimbo Meador](#)
To: [Linda Lee](#)
Subject: Attention Board of Adjustments
Date: Tuesday, July 13, 2021 10:27:41 AM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Attention Board of Adjustments:

I am writing to oppose the recent approval of the RSA Marina Project at the Grand Hotel Yacht Basin. This project has been denied three times in the last two years, but it is my understanding that it has recently been approved in spite of the fact that the issues of the past denials have not been addressed or changed.

I have been living here on Mobile Bay for 80 years. My wife and I both were born members of the Grand Hotel because our parents were members. Having lived in this community for all of these years, we have had a first-row seat for both the positive changes as well as the negative ones. I feel it is important to stand against change that will bring harm to our community and to our environment-and all that makes it special and unique. Many other residents and community members have voiced their concerns and opposition.

We have non-residents who want to exploit and destroy our beautiful coast for their monetary greed. They want to squeeze everything they can out of every square foot of ground possible and leave the resident tax payers in their wake so they can move on to take advantage of another community somewhere else. I was blessed to have been born when I was born. It is depressing to think about all that our community has lost. Today I am writing to oppose the RSA Marina Project and by doing so hope to have saved something special for future generations.

Keep Scenic 98 Scenic

Jimbo Meador

From: sshooks43@yahoo.com
To: [Linda Lee](#)
Subject: RSA Plan
Date: Tuesday, July 13, 2021 11:24:44 AM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

My name is Slade Hooks. I have owned a home at 12645 County Road 1 since 1993, and have enjoyed the peace of living on Mobile Bay since that time. I would like to request that the RSA high rise project at the Grand Hotel be DENIED. This project has been denied 3 times in the past and I do not understand how it could have been approved at this time.

Please change this approval, as nothing has changed since the first 3 denials, except the wording of the request. My opposition to this project has definitely not changed and I will be at the meeting on July 20th.

Sincerely,
Slade Hooks

From: [SLADE HOOKS](#)
To: [Linda Lee](#)
Subject: RSA High Rise project at Grand Hotel Marina
Date: Tuesday, July 13, 2021 11:34:24 AM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

To whom it may concern :

My name is Patricia Hooks. My husband & I own a home at 12645 County Road 1. I am opposed to the RSA being allowed to build an Extended Stay Suites on the site of the Grand Hotel Marina. The request by RSA has been denied 3 times in the past. Nothing has changed and I do not understand how it could have been approved this time.

PLEASE DENY THIS REQUEST!

Thank You,
Patricia Hooks

From: [Largay Douglas](#)
To: [Linda Lee](#)
Date: Tuesday, July 13, 2021 12:02:02 PM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

My husband, Boyd, myself, and our children are full time residents of the Point Clear community and want you to know that we strongly object to the RSA high rise project at the Grand Hotel yacht basin. While we respect RSA's desire and ability to build on the parcel, they should be required to follow the same requirements that we all do in the Point Clear community. It is outrageous that this project was tentatively approved without public comment or a vote by the commission. It should be obvious to all that the planned structure will be in violation of currently established zoning and use regulations in the Point Clear community in the current proposal. While the granting of waivers is certainly within the right of the planning commission, it is unacceptable for the commission to do so when it violates state and federal law, or when the entire community is opposed. The granting of waivers should be based on good common sense, and the good of the entire community, not nonsense such as RSA's alleged ownership of the basin seafloor. This is a ludicrous decision and the Commissioner should be ashamed for making this absurd decision. The defects in RSA's plan are many and substantial, and we pray that Baldwin county will at some point at least attempt to execute their duties ethically by enforcing the rules that are in place for the rest of us.

Please note that we are **STRONGLY OPPOSED** to this RSA development and we are extremely disappointed in the actions of the new County Planning Commissioner!!

Sincerely,
The Douglas family
18575 Scenic 98

From: [john.mcclelland](#)
To: [Linda Lee](#)
Cc: [pointclearpropertyownersassoc@gmail.com](#)
Subject: RSA Marina Project
Date: Tuesday, July 13, 2021 12:25:52 PM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Dear Commissioner,

Please accept this letter voicing the strongest possible opposition to the proposed RSA Marina Project. I expect you have received many, many passionate letters detailing the numerous negative effects this proposed project will have on the surrounding community. I also expect the only support you see is from those with a financial relationship with RSA.

I won't bother you by repeating the many reasons to deny this Project but I urge you to do so for the preservation and betterment of our entire community.

Thank you for your consideration,

John McClelland
14549 Scenic Highway 98
Point Clear, Alabama

From: [Mikell Leland](#)
To: [Linda Lee](#)
Cc: [chmoss75@aol.com](#); [dlmattm@gmail.com](#)
Subject: RSA request to build "Extended Stay Building".
Date: Tuesday, July 13, 2021 12:49:29 PM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Dear Baldwin County Board of Adjustments :

Our names are Mikell and Ashleigh Leland and we live at 16621 Scenic Highway 98 in Point Clear, Alabama (1/2 mile south of the Grand Hotel before Bailey Creek). The Point Clear family community is one that Baldwin County can be proud of with residents maintaining their properties in an appropriate manner complimenting the area and Baldwin County. The Retirement System of Alabama has expanded it's hotel footprint in about every area imaginable and they have also built on just about every inch of property they control in the entire area. RSA has already been denied building a high-rise "Extended Stay Building" in the north parking lot of the Point Clear Creek "Boat Basin" and now they are even claiming to own Point Clear Creek and the creek-bed at the bottom of that flow-thru public waterway. We have all been good neighbors to RSA and cooperated with them in so many ways, but there never seems to be an end to their sprawl. We join the other members of the Point Clear Property Owners Association in respectfully opposing their request to you for permission to build another building on this narrow strip of property. **Please stop this endless nightmare of expansion attempts!**

As proud owners, we appreciate your kind consideration.

Best,
Mikell and Ashleigh Leland

From: [Julia Smith](#)
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Tuesday, July 13, 2021 1:16:46 PM

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Please let it be know that I stand opposed to the RSA Marina Project
As a 5th generation property owner at Battles Wharf (18541 Scenic 98) I have watched the explosion of growth in our area and I wonder how much consideration is going to what truly makes this place special... The Bay. It saddens me to think of the water waste that drains unchecked into our bay. The more houses and "High Rise" structures only weaken our fragile ecosystem, not enhance it.
Please consider a no vote to help our beautiful bay and shoreline.

Thank you,
Julia Touart Smith

From: [Sugar Immel](#)
To: [Linda Lee](#)
Subject: RSA Marina project
Date: Tuesday, July 13, 2021 1:30:44 PM

This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

I live at 18575-A Scenic Hwy 98 and I oppose the RSA Marina project. . I have recently become a permanent resident But I've spent every summer of my life on Mobile bay and it has always flooded right there by the marina. We anxiously await the sewage reports each week to see if we can swim in the bay at Battles Wharf or not. We certainly don't need any more to add to this ongoing problem.
Thank you,
Sugar Immel
18575-A scenic Hwy 98
Fairhope AL 36532

From: [Frank Touart](#)
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Tuesday, July 13, 2021 1:46:45 PM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Sir,

Please let it be know that I stand opposed to the RSA Marina Project
As a 5th generation property owner at Battles Wharf (18541A Scenic 98) I have watched the explosion of growth in our area and I wonder how much consideration is going to what truly makes this place special... The Bay. It saddens me to think of the water waste that drains unchecked into our bay. The more houses and "High Rise" structures only weaken our fragile ecosystem, not enhance it.
Please consider a no vote to help our beautiful bay and shoreline.

Thank you,

Frank Touart

From: [Sally Goodloe](#)
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Tuesday, July 13, 2021 2:07:32 PM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Hello,

My parents live at 18575-A Scenic Hwy 98 and I oppose the RSA Marina project.

Growing up spending every summer on Mobile Bay, I have many fond memories of swimming off the wharf with family every weekend. The marina frequently floods into the Bay very close to where we live. With so many new developments in the area, we anxiously await the sewage reports each week to see if we can swim in the Bay at Battles Wharf or not. We certainly don't need any more to add to this ongoing problem.

I hope my children and many generations to come will have the same memories of swimming in Mobile Bay, in safe water, for many years.

I oppose the RSA Marina Project to prevent overcrowding and unsafe water on Mobile Bay.

Thank you,

Sally Goodloe
18575-A scenic Hwy 98
Fairhope AL 36532

From: [Christopher Immel](#)
To: [Linda Lee](#)
Subject: RSA marina project
Date: Tuesday, July 13, 2021 1:39:34 PM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

I live at 18575-A Scenic Hwy 98 and I oppose the RSA Marina project. I have recently become a permanent resident. But I've spent every summer of my life on Mobile bay and it has always flooded right there by the marina. We anxiously await the sewage reports each week to see if we can swim in the bay at Battles Wharf or not. We certainly don't need any more to add to this ongoing problem.

Thank you,
Sugar Immel
18575-A scenic Hwy 98
Fairhope AL 36532

From: [Patrick Immel](#)
To: [Linda Lee](#)
Subject: RSA Marina Project
Date: Tuesday, July 13, 2021 3:06:11 PM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Good afternoon, I am writing to voice my extreme opposition to the RSA Marina Project. As a full time resident at 18575-A Scenic Hwy 98, I know first hand how negatively impactful such an initiative would be to our community. Additional flooding, sewage issues, and more traffic congestion are all very real outcomes that would result from the projects approval. It will have lasting and permanent impact on our ecosystem and our culture. I ask the county to carefully consider the Point Clear Property Owners position on this project and support the case for denial.

Sincerely,

Patrick Immel
251-753-4397
18575-A Scenic Hwy 98
Fairhope, AL 36532

From: gsmith@peridottrucking.com
To: [Linda Lee](#)
Subject: RSA Marina Project - 7/13/21
Date: Tuesday, July 13, 2021 3:42:43 PM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Please let it be known that I stand opposed to the RSA Marina Project
As a 5th generation property owner at Battles Wharf (18541 Scenic 98) I have watched the explosion of growth in our area and I wonder how much consideration is going to what truly makes this place special...The Bay.
It saddens me to think of the water waste that drains unchecked into our bay. The more houses and "High Rise" structures only weaken our fragile ecosystem, not enhance it.
Please consider a no vote to help our beautiful bay and shoreline.

Gary Smith

July 9, 2021

Baldwin County Board of Adjustment No. 1
c/o Baldwin County Planning Commission
Robertsdale, Alabama 36567

Attn: Chairwoman Charmein K. Moser

Ladies and Gentlemen:

Re: Land Use Certificate LU 21-0000478
(Retirement Systems of Alabama at
Grand Hotel) NOTICE OF APPEAL

This letter is written in support of the Notice of Appeal by Dr. Matthew W. Mosteller to the referenced Land Use Certificate.

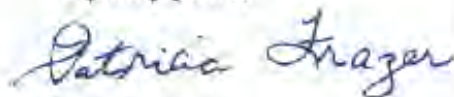
Not only was the certificate issued improperly, as described by Dr. Mosteller, but the proposed land use is a blatant attempt to degrade our neighborhood for commercial gain. I own the residence at 18055 Scenic 98, about one-quarter of a mile north of the hotel. With the exception of the hotel proper, this has always been a private residential neighborhood and it should remain that way.

The attempt of RSA to expand its hotel operations by building on the sliver of land north of the yacht basin is unfortunate and detrimental to the neighborhood including the already overcrowded roadway. RSA's transparent attempt to enlarge the property in question by including the jetty in its planning documents, and claiming ownership of public lands, is disappointing and revealing.

The Land Use Certificate should be rescinded and the RSA Application denied.

Thank you for your consideration.

Very truly yours,



Patricia Frazer

July 11, 2021

State of Alabama
County of Baldwin
Planning & Zoning Commission
Board of Adjustment

RE: RSA Marina Project

Please let this memo serve as documentation of my opposition to the recent approval of the RSA high rise project at the Grand Hotel yacht basin. This project has been denied three times in the last two years but was just recently approved although the issues that resulted in the previous denials are essentially unchanged from RSA's earlier proposals.


These issues include:

- Not abiding by the parking regulations
- Not adhering to the required setbacks from property lines
- Not abiding to the flood zone required setbacks

It appears that RSA claims through their attorney and engineer that they own the bottom of the marina and thus setbacks are not required, regardless of whether they are building in the highest flood zone category. I feel this interpretation based on "an assumption" is incorrect.

I appreciate your attention and support in helping us "*Keep Scenic 98 Scenic*" by denying this project.

Sincerely,



Teresa Chase
POB 1516
Point Clear, AL 36564

Street address: 15841 Scenic Hwy 98, Fairhope, AL 36532

From: [Ritchie Prince](#)
To: [Linda Lee](#)
Subject: RSA MARINA PROJECT
Date: Wednesday, July 14, 2021 10:37:29 AM

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

This is a second email from me. The first one from me was an emotional plea. This email is on behalf of me and my parents. We would like to reiterate my emotional plea and would like to add that,

[T]his particular project has been denied three times in the last two years but was just recently approved by the new County Planning Commissioner. This was done in spite of the fact that the issues that resulted in the previous denials are essentially unchanged from their earlier proposals. These issues include:

- Not abiding by the parking regulations
- Not adhering to the required set backs from property lines
- Not abiding to the flood zone required set backs

Don't get steamrolled by these carpet-bagging opportunists! Stand up for US, the citizens and taxpayers of Baldwin County. Many of us are neighbors of the Grand Hotel. Many of us have been DUES PAYING MEMBERS of Lakewood and have played a large part in keeping the Grand Hotel open after hurricanes and throughout renovation projects. Stop this unchecked growth. If you believe it is "controlled" growth, who is in control and what are their limits? Notice that our address is "scenic Highway 98," but we don't see it as being "scenic" anymore. Billboards and construction up and down our road and the roads feeding into our road (see The Colony and the rampant construction there). RSA has demonstrated that it has an insatiable appetite for building which unfortunately goes hand in hand with an insatiable appetite to destroy greenspace. RSA is a monster that eats tranquility and craps out chaos. STOP feeding the monster. The Pt. Clear/battles Wharf area is already crowded enough. Do not buy into RSA's ploy to claim ownership of the underwater space in the marina on which they plan to build and thus are not violating any setback rules. You are going to create additional flooding issues that are already BAD down there. At what point is the Commission going to protect the landowners in our area? What precedent is being set?

Ritchie Prince on behalf of:

Sydney R. Prince, III
Anne Prince
18417 Scenic Highway 98
Fairhope, Alabama 36532

RSA APPEAL RESPONSE



C. Randall Minor
DIRECT 205.254.1867
EMAIL Rminor@maynardcooper.com

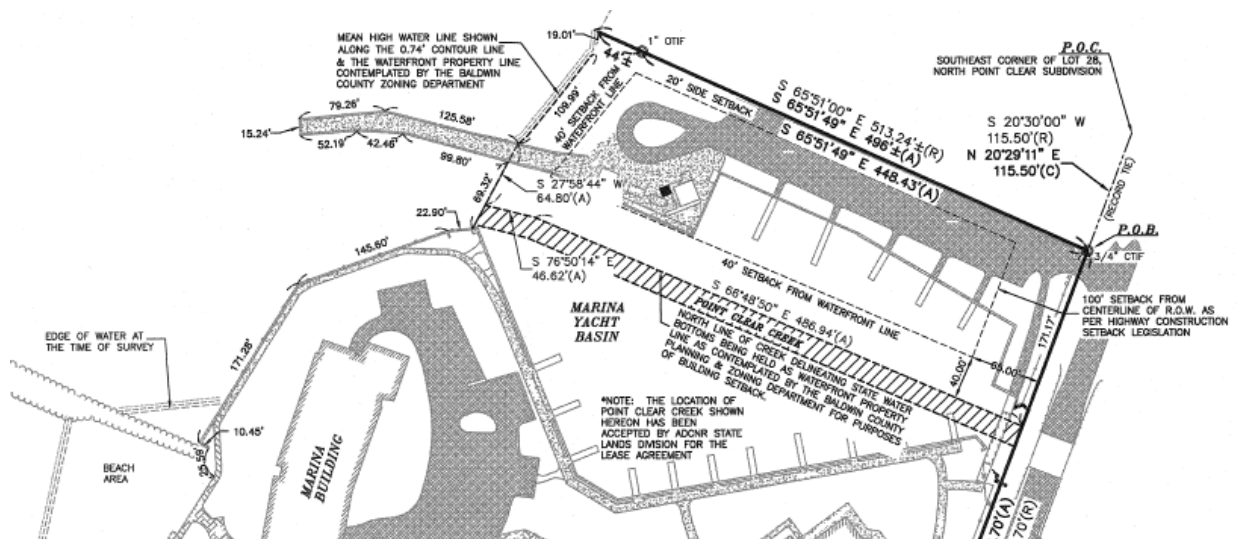
July 13, 2021

Baldwin County Board of Adjustment No. 1
c/o Linda Lee, Planner
lee@baldwincountyal.gov

**Re: Land Use Certificate; Case # LU21-000478
The Teachers Retirement System of Alabama and The Grand Hotel**

Dear Members of the Board of Adjustment:

On May 17, 2021, Matthew Brown, the duly authorized Zoning Administrator of the Baldwin County Planning and Zoning Department, granted a Land Use Certificate (the "Certificate") in Case # LU21-000478 to The Teachers Retirement System of Alabama ("RSA") in connection with RSA's plan to increase the level of amenity and number of suites at The Grand Hotel through the construction of a proposed new hotel building to be known as the "Beach Suites". As proposed, the Beach Suites will be comprised of fifteen (15) hotel suites in a single, approximately 25,000 square foot building (the "New Building") to be located along the northern boundary of The Grand Hotel campus bordering the marina yacht basin to the south:



In total, The Grand Hotel campus consists of approximately 27 acres and is currently improved with separate buildings for hotel suites, the marina, the spa and dining (as more particularly described herein, the "Property"), all comprising a singular guest experience that is The Grand Hotel. The Property is located within Baldwin County Planning and Zoning District 26 and is

zoned as a Tourist Resort District (hereinafter referred to as a “TR District” or “TR Districts”), in which tourist lodging and associated resort and recreational activities are permitted on an as-of-right basis. As shown in the graphic above, the portion of the Property on which the New Building will be constructed (the “Building Site”) is bordered by Point Clear Creek and the marina yacht basin to the south, Mobile Bay to the west, and Scenic 98 to the east.

Two of the New Building’s guest rooms will replace The Grand Hotel’s Presidential and Governor Suites, currently located elsewhere on campus. The remainder of the rooms will be additional suites to complement the existing inventory of that room type. Consistent with other existing suites on the campus of The Grand Hotel, the guest rooms in the New Building will have one or two bedrooms, as well as a small food preparation and serving area to support in-room dining. The serving and preparation area in these rooms may include a small refrigerator, small stove top and oven, microwave, and coffee maker. Some guest rooms will also include their own laundry station and other rooms will have access to a common laundry, as already provided in other existing buildings. The new guest rooms will be added to the existing room count and are presently expected to be managed in the same way as any other room in The Grand Hotel.

Consistent with the permitted uses of a TR District, the New Building’s guest rooms are not planned as residential apartments or condos; rather, they are planned to be part of the Marriott franchise and, like other guest rooms within the Grand Hotel, reserved through the Marriott reservation system. The New Building will not only provide additional rooms for visiting families, business travelers and conference attendees but will also enable The Grand Hotel to be more competitive in attracting conferences with the provision of new, larger Presidential and Governor’s Suites, and 13 additional suites.

On June 4, 2021, Point Clear Property Owners Association, Inc. (the “PCPOA”) filed an appeal with the Board of Adjustment, arguing that the issuance of the Certificate was improper for several reasons, each of which is addressed in this letter. For the reasons set forth below, RSA respectfully requests that the Board of Adjustment uphold the Zoning Administrator’s grant of the Certificate.

1. The PCPOA’s Appeal is Premature. The PCPOA’s appeal should be rejected out of hand because the Baldwin County Zoning Ordinance (the “Ordinance”) does not afford the PCPOA a right to appeal the Zoning Administrator’s action on an application for a land use certificate. Article 18.2 of the Baldwin County Zoning Ordinance governs land use certificates. Article 18.2.6 affords a right of appeal only to the applicant of a land use certificate, and only when an application for a land use certificate has been denied:

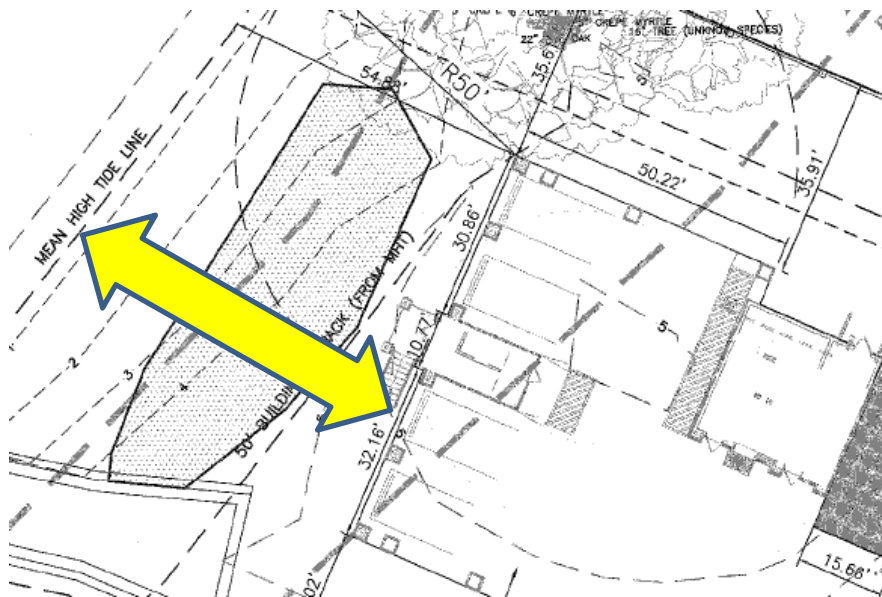
The applicant may appeal the ***denial*** of the land use certificate to the Board of Adjustments in writing within twenty (20) calendar days after the ***rejection*** of the application.

(emphasis added). Neither Article 18.2.6 nor any other provision within Article 18.2 gives any party other than the applicant, including the PCPOA here, a right to appeal. And Article 18.2.6 certainly does not give such other party a right to appeal the *grant* of a land use certificate.

2. The Zoning Administrator Correctly Found That the New Building Does Not Violate the Front or Side Yard Setback. The PCPOA argues that the New Building violates Section 7.1.4 of the Ordinance, which requires a minimum Front yard setback of 40 feet. The PCPOA specifically contends that the property is bordered by water on three sides and each of those sides should be treated as a “Front Yard” for purposes of Section 7.1.4’s setback requirement. But there is nothing in the Ordinance which supports that position.

For a waterfront lot, which both the parties agree that the Property is, Section 22.2 of the Ordinance states that “**the front yard** shall be considered from **the** front line of the principal building to **the** waterfront property line.” Similarly, for a waterfront lot, Section 22.2 defines “Lot line, front” as “**the** lot line abutting the water.” (emphasis added). That is to say, there can only be *one* front yard and *one* front yard line and, here, the front yard of RSA’s waterfront lot is that abutting Mobile Bay along the Property’s western border.¹

The PCPOA points to the Zoning Administrator’s comment in his January 29, 2021 denial that “[h]istorically, the Baldwin County Planning and Zoning Department has interpreted the Ordinance to require properties with multiple sides abutting the water as having multiple waterfronts and apply the front yard setback to each waterfront.” However, the Zoning Administrator, who, pursuant to Section 18.1 of the Ordinance, is vested with the authority to administer and enforce the Ordinance, chose not to apply that interpretation here and, as set forth above, there is **nothing** in the Ordinance which requires him or the Board of Adjustment to do so. A proper interpretation of Section 22.2 is instead that there can be only one front yard for a waterfront lot and RSA’s May 2021 site plan, a copy of which is enclosed as Exhibit A, shows the New Building well outside the 40-foot front yard setback running from the mean high tide line of Mobile Bay:



¹ The PCPOA’s appeal document states that Section 22.2 defines “Lot line, front” as “being **any** side of the parcel ... abutting the water.” That is not what the Ordinance says.

Section 22.2 defines “Lot line, rear” as “[t]he lot line opposite and most distance from the front lot line.” Section 22.2 therefore establishes there can be only one rear lot line and reiterates that there can be only one front lot line. The lot line opposite and most distant from the Property’s front yard along its western border with Mobile Bay is its eastern boundary bordering Scenic 98. RSA’s May 2021 site plan shows the New Building well outside the 40-foot rear yard setback.

Section 7.1.4 requires a 20-foot minimum side yard setback. Section 22.2 defines “Side yard” as the space between the side line of a building and “the adjacent *side line of the lot* ...” Section 22.2 defines “Lot line” as “[t]he *boundary line* of a lot.” (emphasis added). Therefore, in this case, the side yard runs from the sides of the New Building to the northern and southern border of the Property and must be set back 20 feet from each border. The PCPOA does not dispute that RSA’s May 2021 site plan plainly shows the New Building well outside the 20-foot side yard setback along its northern border with the North Point Clear Subdivision.

The PCPOA does, however, argue that the applicable setback to the south of the New Building should run from the marina bulkheads. The PCPOA’s argument is wrong because it is based on the incorrect assumption that the bulkheads form the legal boundary of the Property. RSA acquired title to what is now the 27-acre campus of The Grand Hotel on December 31, 2006 from Point Clear Holdings, Inc. The metes and bounds description of Parcel 1 in the Deed in Lieu of Foreclosure executed as part of that transaction establishes the Property’s only waterfront boundary as being Mobile Bay. A copy of the Deed is enclosed as Exhibit B. Stated differently, according to the Deed, the Property has no “boundary line” along the contours of The Grand Hotel marina yacht basin or Point Clear Creek. The New Building’s side yard to the south therefore runs from the extreme southern end of the 27-acre Grand Hotel campus – far more than 20 feet from the location of the New Building.

The New Building complies with Section 7.1.4 even if Point Clear Creek, which was dredged to form the marina decades ago, were to be considered a boundary line of the Property. Avulsion is the process by which a stream, which forms the boundary of a property, suddenly abandons its old streambed and seeks a new bed.² The end result of avulsion is often that formerly dry land becomes submerged and/or formerly submerged land becomes dry. The process of dredging a creek to widen its streambed is an event of avulsion because it imparts a sudden, rather than gradual, change to the stream’s footprint.³ Importantly, an event of avulsion “has no effect on boundary” of the property.⁴ Therefore, to the extent that Point Clear Creek can

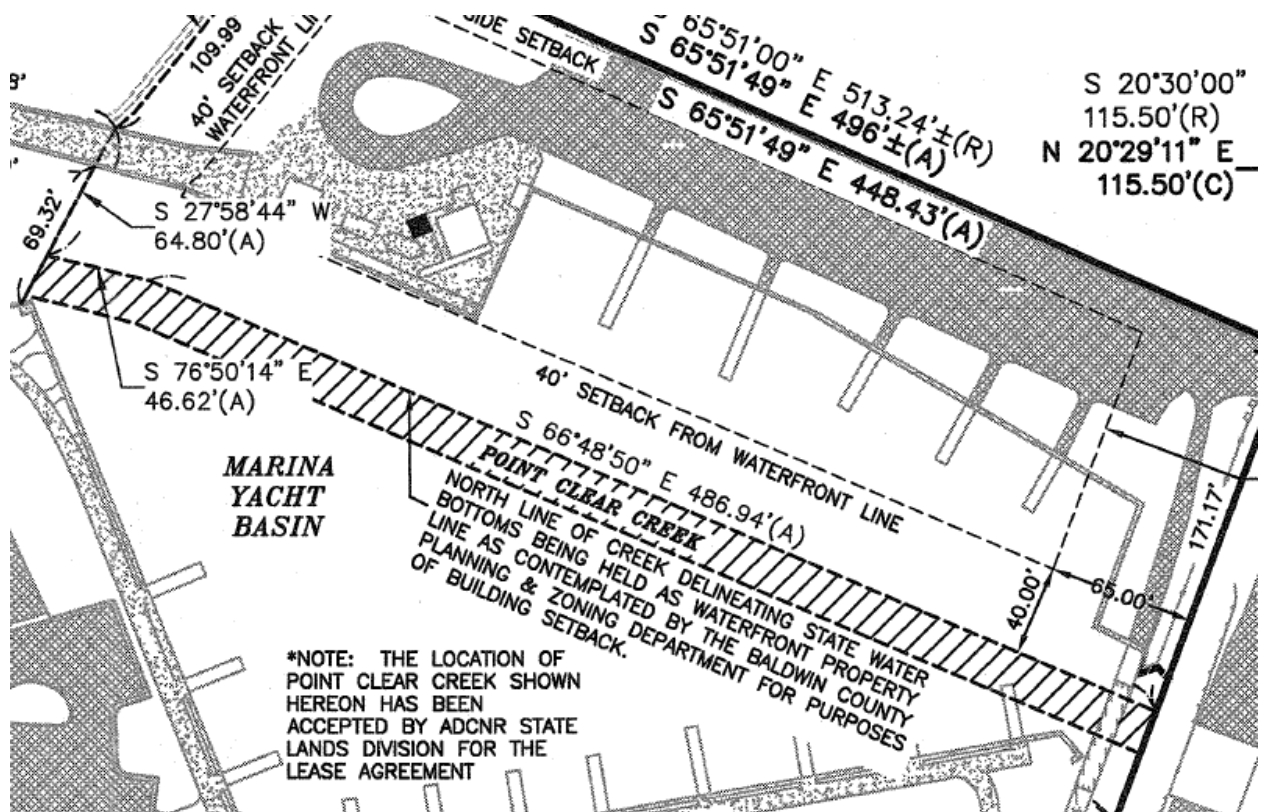
² See *Nebraska v. Iowa*, 143 U.S. 359, 361, 12 S. Ct. 396, 397, 36 L. Ed. 186 (1892); Law of Water Rights and Resources § 3:42 (“Avulsion occurs when ‘a stream suddenly and perceptibly abandons its old channel.’”) (citation omitted); Black’s Law Dictionary (11th ed. 2019) (defining “avulsion” as a sudden removal of land caused by change in a river’s course or by flood. ... Land removed by avulsion remains the property of the original owner.”)

³ See *Georgia v. South Carolina*, 497 U.S. 376, 404, 110 S. Ct. 2903, 2920, 111 L. Ed. 2d 309 (1990) (dredging of the Savannah River was primarily avulsive in nature).

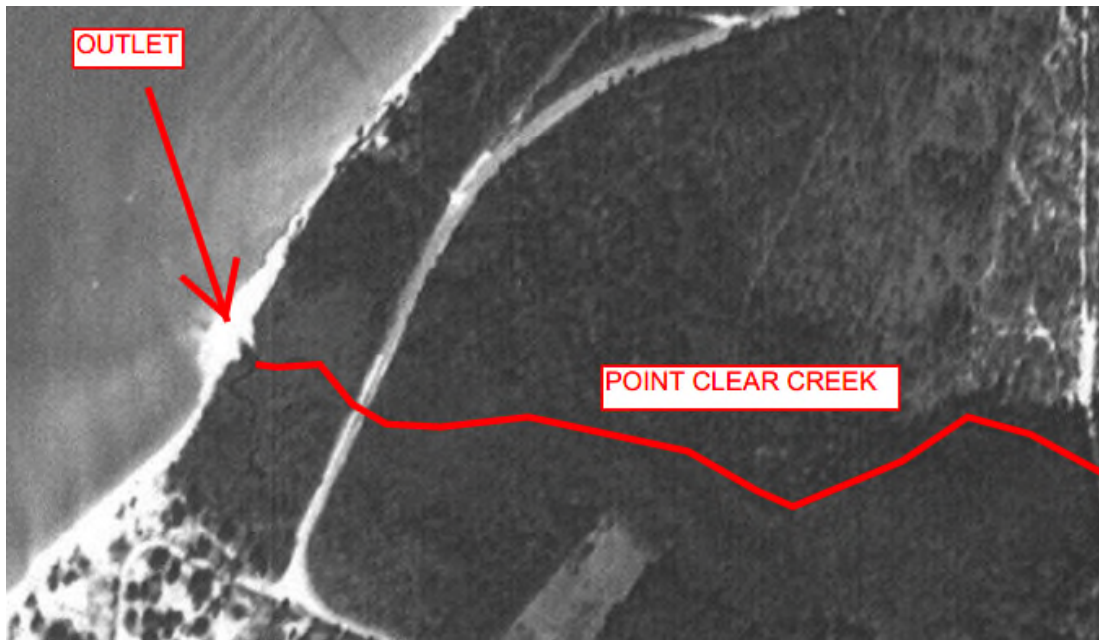
⁴ See *Nebraska v. Iowa*, 143 U.S. 359, 361, 12 S. Ct. 396, 397, 36 L. Ed. 186 (1892); see also *Greenfield v. Powell*, 220 Ala. 690, 692, 127 So. 171, 172 (1930) (“It is stated to be true that if the channel ‘suddenly abandons its old and seeks a new bed, such change of channel works no change of boundary.’”) (citation omitted).

be considered a boundary line of the property, that boundary line must be based on the original, pre-dredged location of Point Clear Creek as it crosses the Property and runs into Mobile Bay.

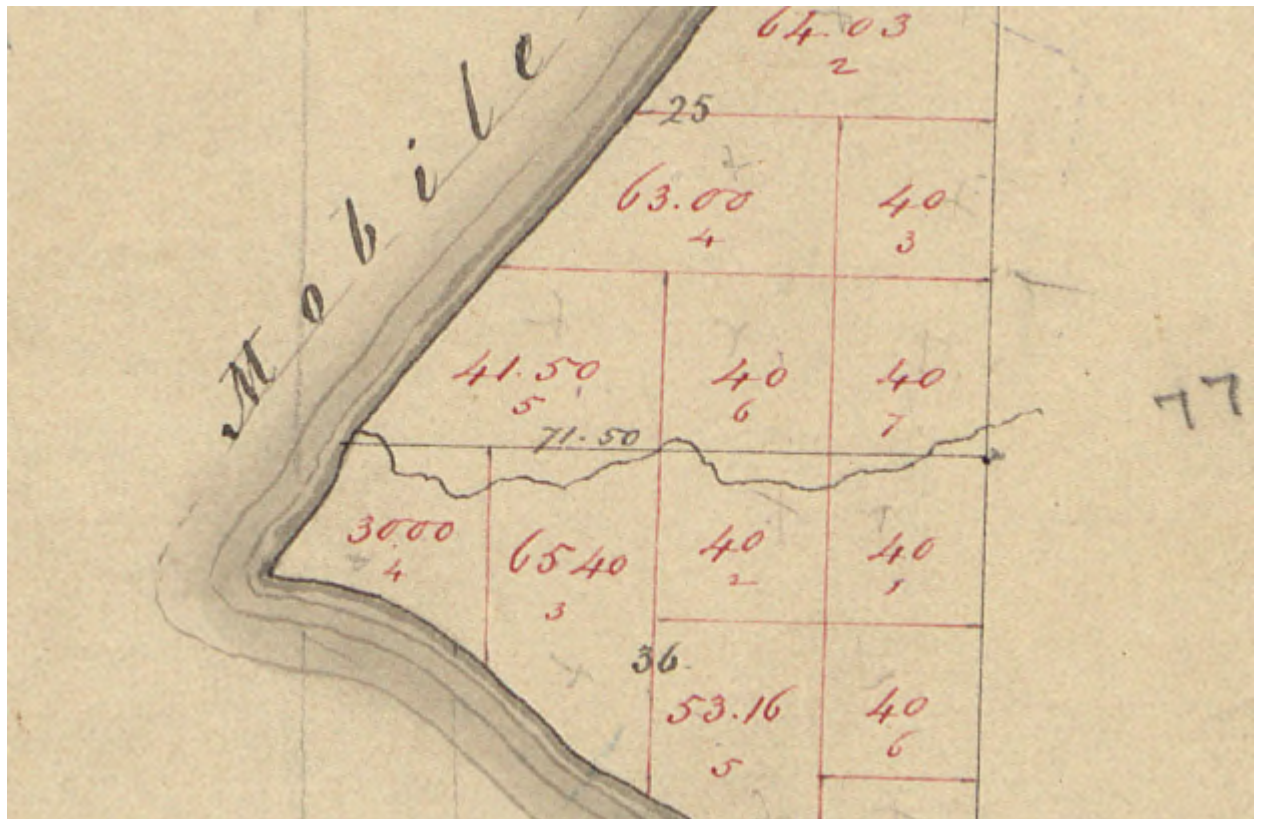
The April 22, 2021 Boundary Survey by surveyor Stuart Smith, enclosed here as Exhibit C, shows the original path of Point Clear Creek was a narrow one as it ran from Scenic 98 to Mobile Bay.



A 1938 aerial photograph, a full copy of which is enclosed as Exhibit D, supports Stuart Smith's assessment that Point Clear Creek was originally a very narrow waterway as it entered Mobile Bay:



Additionally, an 1845 United States General Land Office (GLO) plat of the Point Clear area also shows Point Clear Creek as a small waterway depicted as being no wider than the pen that drew it:



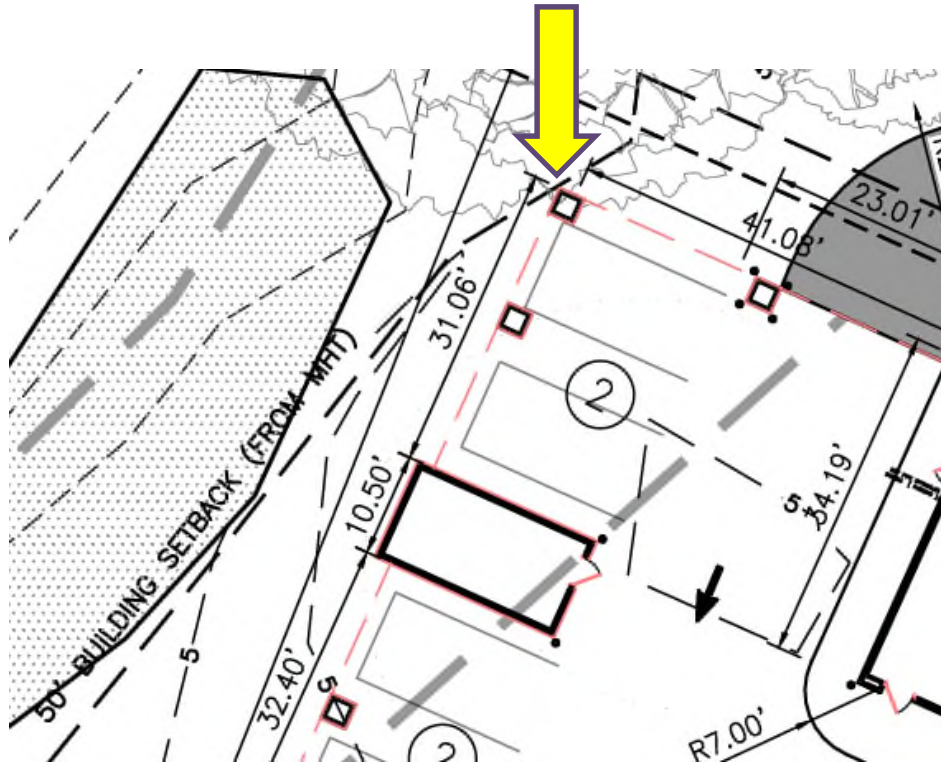
A copy of the 1845 GLO plat is enclosed as Exhibit E.

To be conservative, Mr. Smith's survey shows a *40-foot* setback from Point Clear Creek's original northern bank. Even that setback line lies within the waters of the marina yacht basin, thus imposing no restrictions on the location of the New Building as it relates to the south side of the Building Site. Therefore, no matter whether the south side of the Building Site is treated as a front yard or side yard, the proposed location of the New Building complies with Section 7.1.4.

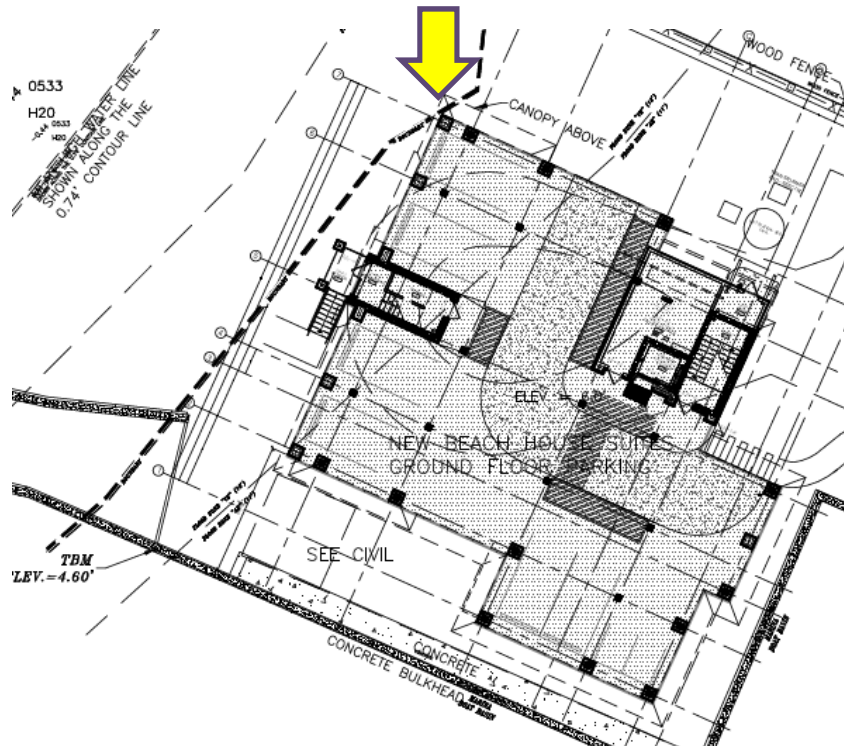
3. The Zoning Administrator Correctly Found that the Property Complies with the Minimum Area Requirements of the Ordinance. For properties in TR Districts, Section 7.1.4 of the Ordinance requires a minimum lot area of five (5) acres and a width of 270 feet. The PCPOA argues that the Building Site is a separate "Parcel" from the remaining portions of The Grand Hotel campus and is therefore less than five acres and 270 feet in width. However, as explained above, the Property is not legally separate from the remainder of The Grand Hotel campus, which totals 27 acres. The tax assessor treats the 27-acres as one parcel, the Deed conveying The Grand Hotel Property shows the 27 acres as one parcel, and RSA has never sought to subdivide the Property. This is consistent with the Zoning Administrator's finding in the Certificate that the "lot size" is "27 acres". The Property therefore complies with Section 7.1.4.⁵

4. The Zoning Administrator Correctly Found that the New Building Does Not Encroach on the 50-foot Setback of the Coastal High Hazard VE-Zone. Section 12.5.2(f) of the Ordinance requires all buildings within coastal high hazard areas (V-zones) to be located 50 feet landward of the mean high tide. In an earlier application submitted by RSA in January 2021, a few inches (at most) of the New Building encroached on the 50-foot setback:

⁵ Even if the Building Site were to be treated as separate from the remainder of The Grand Hotel campus, it would still satisfy Section 7.1.4's area and width requirements as being a "lot of record." Section 12.9 states that "[w]here **a lot of record** at the time of the effective date of these zoning ordinances had less area or width than herein required for the zoning district in which it is located, **said lot may nonetheless be used as a building site.**" (emphasis added).



Matthew Brown correctly found that RSA later submitted an Architectural Site Plan in May 2021 moving the location of the New Building eastward outside the 50-foot setback such that its new location complies with Section 12.5.2. The below excerpt from RSA's May 2021 Site Plan depicts the New Building landward of the 50-foot V-Zone setback line represented by the heavily-bolded checkered line to the west of the New Building:



Importantly, the FEMA Flood Map does not show the V-Zone line running into Point Clear Creek or The Grand Hotel marina yacht basin. Therefore, contrary to the PCPOA's argument, there is no required V-Zone setback from the concrete bulkheads running along the Property's southern border with the marina.

5. The Zoning Administrator Correctly Found that the Proposed Development Does Not Create Life-Safety Issues. The PCPOA argues that the Property is subject to floods that present life-safety issues. The PCPOA provides photographs of the area – including portions of Point Clear Subdivision – under water, likely during Hurricanes Katrina or Sally. To accommodate these extraordinary weather events, the New Building will be constructed with over 10 feet of clearance from the ground, which will place it several feet above the FEMA flood line. Many of the homes constructed, or being constructed, by PCPOA members are also elevated several feet off the ground.

The PCPOA also notes Matthew Brown's comment in the Certificate instructing RSA during construction to provide sufficient inlet protection and to ensure all disturbed areas are stabilized during construction. RSA will fully comply with Mr. Brown's instructions.

6. The Zoning Administrator Correctly Found that Parking Space is Adequate for the Project. Section 15.2.1 of the Ordinance requires that there be 1.25 parking spaces available for every hotel guest bedroom. And Section 15.2.5 requires one parking space for each marina slip. The existing campus of The Grand Hotel, at 405 bedrooms, thus requires a total of 506 parking spaces. The 23-bedroom New Building will, when constructed, require an additional 29 parking spaces. The Grand Hotel marina, with 34 slips, requires 34 parking spaces. Therefore, with the proposed New Building, the total required parking spaces per the Ordinance will be 569 spaces. As set forth in the table below, the existing parking spaces, along with the 25 proposed spaces to be constructed with the New Building, totals **775** – that is, over a hundred spaces more than is required.

GRAND HOTEL EXISTING PARKING COUNT	
AREA	# Spots
Conference Center/South Bay House/ Main Drive	64
Bell Stand	8
Housekeeping/LP/Valet	57
Spa Building	69
Marina Building	85
North Bay House*	13
Outdoor Pool/Street	36
Beach Suites**	25
Behind Conference Center	20
Overflow Lot (Across Street)***	161
Associate Lot (Across Street)****	237
Subtotal on west side of scenic 98	377
Subtotal on east side of scenic 98	398
Total Existing Parking Spaces	775
*9 golf cart spots also provided (not inc. in count)	
**includes parking provided with proposed site plan	
***lot used for event/overflow guest/additional valet parking	
****lot used for associate/employee/overflow guest parking	
GRAND HOTEL REQUIRED PARKING (Including Proposed Beach Suites)	
AREA	# Spots
Existing Hotel (405 Bedrooms) X 1.25	506
Proposed Beach Suites (23 Bedrooms) X 1.25	29
Marina Slips (34 Slips) X 1	34
Total Required Parking	569
Total Provided/Proposed (Inc. Beach Suites)	775

The PCPOA argues, however, that Section 15.2 should be interpreted as setting forth the required number of spaces for hotel *guests*, rather than for both guests and employees of the hotel. But that is not what the Ordinance says. Section 15.2 instead sets the minimum space requirement for the entire complex – including guests, employees and other invitees – using a reasonable standard based on the number of *guest bedrooms* in the facility. If separate spaces were required for guests and employees, the Ordinance would have said as much.

The PCPOA also argues that it is “impractical” for RSA to construct some of the additional required parking on the east side of Scenic 98 because it will not be convenient to hotel guests – likely none of whom are members of the PCPOA. The PCPOA does not, however, point to any part of the Ordinance or any other authority imposing restrictions on the locations where RSA can construct the additional spaces, and RSA has found none.

July 13, 2021

Page 11

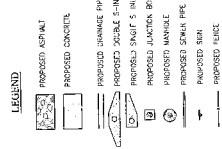
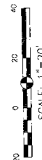
For all of the foregoing reasons, the Zoning Administrator was correct to grant RSA the Certificate. RSA respectfully requests that the Board of Adjustment uphold the Zoning Administrator's decision.

Best regards,

By: /s/ C. Randall Minor

Cc: Matthew Brown

Matthew.brown@baldwincountyal.gov

[illegible]

This Instrument Was Prepared By:
Robert R. Sexton
Maynard, Cooper, & Gale, P.C.
1901 Sixth Avenue North
2400 AmSouth/Harbert Plaza
Birmingham, Alabama 35203
(205) 254 1000

Send Tax Notice To:
Dr. David G. Bronner
Chief Executive Officer
Retirement Systems of Alabama
135 South Union Street
Montgomery, Alabama 36104

DEED IN LIEU OF FORECLOSURE
(Grand Hotel Marriott Resort, Golf Club and Spa)

State of Alabama, Baldwin County
I certify this instrument was filed
and taxes collected on:

2007 January - 9 11:52AM
Instrument Number 1024402 Pages 29
Recording 87.00 Mortgage
Deed Min Tax
Index DP 5.00
Archive 5.00 Other 1.00
Adrian T. Johns, Judge of Probate

THE STATE OF ALABAMA)
COUNTY OF BALDWIN) KNOW ALL MEN BY THESE PRESENTS:

THAT **Point Clear Holdings, Inc.**, a Delaware corporation (hereinafter referred to as "Grantor"), in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS and other good and valuable consideration to Grantor, by Grantee (herein below named), the receipt and sufficiency of which are hereby acknowledged and confessed, has GRANTED, BARGAINED, SOLD AND CONVEYED, and by these presents does hereby GRANT, BARGAIN, SELL and CONVEY (i) as to an undivided 67% in the Property (as hereinafter defined), unto **The Teachers' Retirement System of Alabama**, an instrumentality of the State of Alabama established as a public corporation ("TRS") and (ii) as to an undivided 33% in the Property, **The Employees' Retirement System of Alabama**, an instrumentality of the State of Alabama established as a public corporation ("ERS"), (hereinafter TRS and ERS collectively referred to as "Grantee"), whose address for the purpose of this Deed is 135 South Union Street, Montgomery, Alabama 36104, all of Grantor's right, title and interest in and to the following, to wit:

(i) the real estate, easements (including, but not limited to, the rights and privileges pursuant to the Riparian Easement of State-Owned Submerged Lands, dated July 10, 2001, referenced in the First Amendment, as hereinafter defined) servitudes and rights described on **Exhibit A**, attached hereto and by this reference incorporated herein and made a part hereof, together with (a) all rights, privileges, tenements, hereditaments, rights-of-way, easements, rights (including mineral and mining rights, oil and gas rights and water rights), privileges, royalties, appendages and appurtenances belonging or in anywise appertaining thereto, or which hereafter shall in any way belong, relate or be appurtenant thereto; and (b) any streets, ways, alleys, strips or gores of land adjoining said real estate or any part thereof or in and to the air space over said real estate or any part thereof (collectively, the "Land");

1024402

(ii) any and all buildings, structures, improvements, additions, alterations and appurtenances at any time hereafter constructed, erected or placed on the Land or any part thereof (collectively, the "Improvements"), and

(iii) all fixtures now or hereafter located upon or within the Land and Improvements or now or hereafter attached to, or installed in, or used in connection with any of the Land, including any and all partitions, dynamos, screens, awnings, motors, engines, boilers, furnaces, pipes, plumbing, elevators, cleaning, call and sprinkler systems, fire extinguishing apparatus and equipment, water tanks, heating, ventilating, air-conditioning and air-cooling equipment (including all furnaces, heaters, boilers, plants, units, systems, condensers, compressors, motors, ducts, and apparatus), built-in refrigerated rooms, gas and electric machinery, appurtenances and equipment; and all products and proceeds of all of the foregoing items component parts and the fixtures (collectively, the "Fixtures"; the Land, the Improvements, component parts and the Fixtures, collectively, the "Property"; subject to, however, those exceptions and encumbrances set forth in Schedule B of the title insurance policy (as endorsed) insuring the Mortgage (the "Permitted Exceptions").

TO HAVE AND TO HOLD the Property, together with all and singular any other rights and appurtenances thereto in anywise belonging unto Grantee (in their stated percentages), their successors and assigns FOREVER; and Grantor does hereby bind itself and its successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property, subject to the Permitted Exceptions as aforesaid, unto Grantee, their successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

BUT IT IS HEREBY EXPRESSLY ACKNOWLEDGED AND AGREED that:

A. This is a deed in lieu of foreclosure. It is the intention of the Grantor and Grantee that this Deed and the effect of the conveyance evidenced hereby shall be governed by, and interpreted according to, the provisions of Code of Alabama 1975 §§ 35-10-50 and 51 (as amended). Without limiting the generality of the foregoing sentence, the Grantor and Grantee agree that this Deed shall have the effect of transferring absolute title to the Property to the Grantee free of all rights of redemption possessed by the Grantor or anyone claiming by or through the Grantor. It is the further intention of the Grantor and the Grantee that the lien created by the Mortgage and Security Agreement (the "Original Mortgage") dated as of September 16, 1999, from Grantor to Grantee, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama (the "Probate Office") as Instrument Number 512161, pages 1 through 55, as amended by that certain First Amendment to Mortgage and Security Agreement (the "First Amendment") dated as of March 29, 2002 and recorded in the Probate Office as Instrument Number 654012, pages 1 through 6, (the Original Mortgage, as amended by the First Amendment, collectively the "Mortgage"), will not merge into the title acquired by the Grantee pursuant to this Deed. No such merger shall occur until such time as the Grantee executes a written instrument specifically effecting such merger or releasing the

Mortgage and duly records the same. This instrument does not effect a foreclosure of the Mortgage. The lien and title of the Mortgage and the Grantee's rights thereunder and under the notes and other evidence of indebtedness secured thereby shall remain in full force and effect as against all rights and interests of any persons and entities other than the Grantor in the Property, including without limitation any junior lienholders, mortgagees and judgment creditors; and if for any reason (i) this conveyance shall be held to be ineffective in any particular or shall be set aside in whole or in part in any judicial proceedings, including without limitation any proceedings under the Federal Bankruptcy Code, or (ii) any rights or interests in the Property shall be asserted by any person or entity referred to above, or (iii) the Grantee shall deem it necessary to proceed with foreclosure of the Mortgage for any other reason in its sole discretion, the Grantee shall be considered to have retained all of its lien, title and rights under the Mortgage and the notes secured thereby, and the Grantee shall have the right to proceed with the foreclosure of the Mortgage in all respects as if this instrument had not been executed.

B. There shall not in any event be a merger of any of the liens with the title or other interest of Grantee by virtue of this conveyance and the parties expressly provide that each such interest in the lien on one hand and title on the other shall be, and remain at all times SEPARATE and DISTINCT.

C. The priority of the Mortgage is intended to be and shall remain in full force and effect and nothing herein or in any instruments executed in connection herewith shall be construed to subordinate the priority of the Mortgage to any other liens or encumbrances whatsoever.

D. As additional security for the Loan, Grantor executed and delivered to Grantee an Assignment of Rents and Leases dated September 16, 1999 and recorded in the Probate Office as Instrument Number 512162, pages 1 through 34 (the "Assignment of Leases"), pursuant to which the Grantor assigned to Grantee all rents, profits and leases (the "Rents and Leases") from the Property, subject to a revocable license in favor of the Grantor to collect such rents and profits in the absence of default. The Grantor further acknowledges and agrees that the license granted to the Grantor under the Assignment of Leases is hereby terminated as to the Rents and Leases related to the Property, and that the Grantor shall have no further rights to such Rents and Leases.

E. Grantor declares that this conveyance is freely and fairly made.

[signature page to follow]

IN WITNESS WHEREOF, the undersigned has caused this Deed in Lieu of Foreclosure to be executed by its duly authorized officer on the date of the acknowledgment of Grantor's signature below, to be effective as of December 31, 2006.

GRANTOR:

POINT CLEAR HOLDINGS, INC.

By James E. Buckalew
James Buckalew
Its President

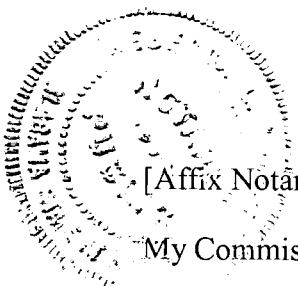
STATE OF ALABAMA)

COUNTY OF Montgomery)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that James Buckalew, whose name as President of Point Clear Holdings, Inc., a Delaware corporation, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand this 27th day of December, 2006.

Rebecca A. Murphy
Notary Public



[Affix Notarial Seal]

My Commission expires: _____

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: July 13, 2010
BONDED THRU NOTARY PUBLIC UNDERWRITERS

EXHIBIT A

TO DEED IN LIEU OF FORECLOSURE

Property Description

01419606.2

EXHIBIT "A"

PARCEL "1"

Commence at the Southeast corner of Lot 28 of the North Point Clear Subdivision, according to the plat recorded in Map Book 1, Page 149 of the Probate Court Records, Baldwin County, Alabama; said point being on the West right of way line of U.S. Highway No. 98 (Mobile Road); thence along said West right of way line of U.S. Highway No. 98 (Mobile Road) run South 20 degrees 30 minutes West 115.5 feet to the POINT OF BEGINNING of the property herein described; thence continuing South 20 degrees 30 minutes West along said West right of way line of U.S. Highway No. 98 (Mobile Road) run 632.70 feet to the P.C. of a irregular curve to the left; thence continuing along said West right of way line of U.S. Highway No. 98 (Mobile Road), parallel with and 35 feet West of the centerline run Southwardly along the arc of said curve 311 feet, more or less, to a point which bears South 03 degrees 07 minutes 15 seconds East 302.24 feet from the last described point; said point being the Northwest corner of the property formerly of Mrs. Jessie E. Cole, property now of the Estate of S.B. Quigley; thence along the West boundary of said Quigley property run South 36 degrees 01 minutes 45 seconds West 368.48 feet to a point; thence continuing along said West boundary of Quigley property run South 22 degrees 50 minutes West 330.10 feet, more or less, to a point on the East margin of Mobile Bay; thence along the meanderings of said East margin of Mobile Bay run Northwestwardly 1036 feet, more or less, to a point; thence continuing along said meanderings of the East margin of Mobile Bay run Northeastwardly 1852 feet, more or less, to the Southwest corner of the property now or formerly of Thomas J. Taylor and Jeanne Taylor; thence along the South boundary of said Taylor property run South 65 degrees 51 minutes East 513.24 feet, more or less, to the POINT OF BEGINNING.

PARCEL "2"

Beginning at the intersection of the East right of way line of U.S. Highway No. 98 with the North right of way of Lakewood Drive, Baldwin County, Alabama; thence along said East right of way line of U.S. Highway No. 98 run N 20E 30' E 707.70 feet to the Southwest corner of Magnolia Trace Condominiums, as recorded in Real Property Book 147, Page 1792 of the Probate Court Records, Baldwin County, Alabama; thence along the South and East boundaries of said Magnolia Trace Condominiums, run as follows: S 69E 30' E 170.0 feet, N 25E 30' 57" E 241.70 feet, N 30E 41' E 186.0 feet, N 36E 07' E 184.69 feet, N 44E 41' 41" E 184.98 feet, N 53E 07' 47" E 185.19 feet, N 61E 54' 15" E 184.98 feet, N 66E 04' 36" E 199.80 feet, N 64E 20' 57" E 206.81 feet, N 57E 49' E 214.73 feet, N 50E 39' 43" E 203.28 feet, N 43E 35' 51" E 218.39 feet, N 39E 23' 22" E 292.80 feet

to a point; thence run S 84E 34' 55" E 101.97 feet to a point; thence run N 22E 39' 06" E 220.5 feet to the Southwest corner of Lakewood Club Estates, Unit Five, as recorded in Map Book 11, Page 147 of the Probate Court Records, Baldwin County, Alabama; thence along the South boundary of Lakewood Club Estates, Unit Five, run as follows: N 79E 40' E 212.30 feet, N 57E 54' 08" E 218.16 feet, S 85E 32' E 320.0 feet to a point on the West right of way line of Woodland Drive; thence continuing along said South boundary of Lakewood Club Estates, Unit Five and along said West right of way line of Woodland Drive, run as follows: S 04E 28' W 60 feet, S 85E 34' 41" E 327.61 feet to a point on the West boundary of Lakewood Club Estates, Unit One, as recorded in Map Book 5, Page 81 of the Probate Court Records, Baldwin County, Alabama; thence along the West boundary of Lakewood Club Estates, Unit One, run as follows: S 00E 03' W 421.18 feet, S 40E 07' 22" W 283.4 feet to the Northeast corner of Lot 24, Rearrangement and Alteration of Lots 6-A, 7, 24, 25, 26, 27, 28, 29, Lakewood Club Estates, Unit One, as recorded in Misc. Book 17, Page 179 of the Probate Court Records, Baldwin County, Alabama; thence along the Northwest boundary of said Rearrangement and Alteration of Lots 6-A, 7, 24, 25, 26, 27, 28, 29, Lakewood Club Estates, Unit One, run as follows: S 53E 45' 39" W 445.0 feet, S 52E 21' 11" W 199.70 feet to a point on the Northeast right of way line of Oak Avenue; thence along said Northeast right of way line of Oak Avenue run N 43E 52' W 201.5 feet to the Southwest corner of Lot 1, Lakewood Club Estates, Unit Four, as recorded in Map Book 9, Page 9 of the Probate Court Records, Baldwin County, Alabama; thence along the Southeast, Northeast, Northwest and Southwest boundaries of said Lakewood Club Estates, Unit Four, run as follows: N 44E 08' 22" E 428.85 feet, N 49E 30' 22" E 250.35 feet, N 38E 49' 38" W 116.15 feet, N 25E 05' 38" W 96.8 feet, S 86E 54' 22" W 130.0 feet, S 78E 57' 22" W 177.4 feet, S 56E 59' 22" W 281.9 feet, S 42E 03' 22" W 207.2 feet, S 48E 03' 38" E 153.11 feet, S 43E 52' E 46.26 feet to a point on the Northwest right of way line of Quail Run; thence run S 45E 44' 55" W along said Northwest right of way line of Quail Run, a distance of 60 feet to a point on the Northeast boundary of Grand Manor Condominiums; thence along said Northeast boundary of Grand Manor Condominiums run N 43E 52' W 36.18 feet to the P.C. of a curve to the left having a radius of 988.34 feet; thence continuing along said Northeast boundary of Grand Manor Condominiums run Northwestwardly along the arc of said curve 106.03 feet to a point; thence along the Northwest and Southwest boundaries of said Grand Manor Condominiums, run as follows: S 45E 41' 22" W 196.13 feet, S 47E 26' 10" W 185.65 feet, S 49E 55' 40" W 199.72 feet, S 63E 20' 40" W 230.61 feet, S 42E 52' 20" E 133.33 feet to a point on the arc of a 50 foot radius curve concave Northeastwardly; thence continuing along said Southwest boundary of Grand Manor Condominiums run Southwardly and Eastwardly along said arc of curve 149.23 feet to a point; thence continuing along said Southwest boundary of Grand Manor Condominiums and along the Southeast boundary of said Grand Manor Condominiums, run as follows: S 33E 52' 20" E 129.79 feet, S 61E 43' 40" W 37.04 feet, S 18E 24' E 41.25 feet, S 72E

41' 45" W 48.0 feet, S 05E 54' 50" E 200 feet, N 80E 38' 10" E 145.0 feet, N 15E 54' 50" W 218.61 feet, S 61E 43' 40" W 12.0 feet, N 33E 52' 20" W 50.21 feet, N 61E 43' 40" E 231.95 feet, N 49E 24' 40" E 222.04 feet, N 48E 19' 04" E 197.40 feet, N 40E 18' 02" E 111.25 feet, N 59E 15' 41" E 90.67 feet to the Southwest right of way line of the aforementioned Oak Avenue; thence along said Southwest right of way line of Oak Avenue run S 43E 52' E 196.69 feet to a point on the aforementioned Northwest boundary of Rearrangement and Alteration of Lots 6-A, 7, 24, 25, 26, 27, 28, 29, Lakewood Club Estates, Unit One; thence along said Northwest boundary of Rearrangement and Alteration of Lots 6-A, 7, 24, 25, 26, 27, 28, 29, Lakewood Club Estates, Unit One, run as follows: S 52E 21' 11" W 194.20 feet, S 35E 47' 19" W 209.9 feet, S 25E 51' 27" W 200.0 feet to a point; thence run S 14E 37' 20" W 170.53 feet to a point; thence run S 60E 42' 38" E 240.14 feet to a point on the West right of way line of Woodland Drive; thence along said West right of way line of Woodland Drive run S 04E 37' W 16.0 feet to the P.C. of a curve to the left having a central angle of 27E 13' and a radius of 443.08 feet; thence continuing along said West right of way line of Woodland Avenue run Southwardly along the arc of said curve 210.47 feet to the P.R.C. of a curve to the right having a central angle of 11E 45' and a radius of 546.14 feet; thence continuing along said West right of way line of Woodland Avenue run Southwardly along the arc of said curve 112.0 feet to the P.T. of said curve; thence continuing along said West right of way line of Woodland Avenue run S 10E 51' E 59.75 feet to the P.C. of curve to the left having a central angle of 15E 19' and a radius of 439.04 feet; thence continuing along said West right of way line of Woodland Avenue run Southwardly along the arc of said curve 117.37 feet to the P.T. of said curve; thence continuing along said West right of way line of Woodland Avenue run S 26E 10' E 183.59 feet to the P.C. of a curve to the right having a central angle of 51E 42' and a radius of 61.92 feet; thence continuing along said West right of way line of Woodland Avenue run Southwardly along the arc of said curve 55.87 feet to the P.T. of said curve; thence continuing along said West right of way line of Woodland Avenue run S 25E 32' W 386.30 feet to the P.C. of a curve to the left having a central angle of 82E 38' and a radius of 189.48 feet; thence continuing along said West right of way line of Woodland Avenue run Southwestwardly along the arc of said curve 273.27 feet to the P.T. of said curve; said point being on the North right of way line of Lakewood Drive; thence along said North right of way line of Lakewood Drive run N 71E 50' W 159.87 feet to the P.C. of a curve to the left having a central angle of 8E 10' and a radius of 910.45 feet; thence continuing along said North right of way line of Lakewood Drive run Westwardly along the arc of said curve 129.77 feet to the P.T. of said curve; thence continuing along said North right of way line of Lakewood Drive run N 80E 00' W 307.18 feet to the P.C. of a curve to the right having a central angle of 12E 36' and a radius of 473.48 feet; thence continuing along said North right of way line of Lakewood Drive run Westwardly 104.12 feet to the P.T. of said curve; thence continuing along said North right of way line of Lakewood Drive run N 67E 24' W 122.65 feet to the P.C. of a curve to the left

having a central angle of 23E 43' and a radius of 498.76 feet; thence continuing along said North right of way line of Lakewood Drive run Westwardly 206.45 feet to the P.T. of said curve; thence continuing along said North right of way line of Lakewood Drive run S 88E 53' W 116.95 feet to the P.C. of a curve to the right having a central angle of 16E 50' and a radius of 504.48 feet; thence continuing along said North right of way line of Lakewood Drive run Westwardly 148.22 feet to the P.T. of said curve; thence continuing along said North right of way line of Lakewood Drive run N 74E 17' W 224.52 feet to the P.C. of a curve to the right having a central angle of 8E 44' and a radius of 584.79 feet; thence continuing along said North right of way line of Lakewood Drive run Westwardly 89.14 feet to the P.T. of said curve; thence continuing along said North right of way line of Lakewood Drive run N 65E 33' W 185.05 feet to the P.C. of a curve to the left having a central angle of 24E 08' and a radius of 537.79 feet; thence continuing along said North right of way line of Lakewood Drive run Westwardly 226.59 feet to the P.T. of said curve; thence continuing along said North right of way line of Lakewood Drive run N 89E 41' W 305.78 feet to the point of beginning.

PARCEL "3"

Beginning at the Northeast corner of Lot 13, Lakewood Club Estates, Unit Two, as recorded in Map Book 5, Page 198 of the Probate Court Records, Baldwin County, Alabama; thence along the North boundary of said Lakewood Club Estates, Unit Two, run as follows: S 89E 00' W 390.0 feet, N 84E 00' W 382.86 feet, S 89E 00' W 525.0 feet, N 79E 24' W 178.55 feet to the Northwest corner of Lot 6 of said Lakewood Club Estates, Unit Two; thence along the West line of said Lot 6, run as follows: S 19E 25' 04" W 139.10 feet, S 15E 34' E 138.77 feet to a point on the North right of way line of Pinegrove Drive; said point being on the arc of a 270.82 foot radius curve concave Northwardly; thence along said North right of way line of Pinegrove Drive and along said arc of curve run Northwestwardly 30 feet to the Southeast corner of the Point Clear Cemetery property; thence along the East boundary of said Point Clear Cemetery property, run as follows: N 15E 34' W 130.44 feet, N 19E 25' 04" E 209.27 feet to the Northeast corner of said Point Clear Cemetery property; thence along the North boundary of said Point Clear Cemetery property run N 73E 32' 50" W 360.67 feet to the Northwest corner of said Point Clear Cemetery property; thence along the West boundary of said Point Clear Cemetery property run S 19E 23' W 222.0 feet to the Southwest corner of said Point Clear Cemetery Property; thence along the South boundary of said Point Clear Cemetery property, run as follows: S 73E 22' E 239.40 feet, S 39E 42' W 9.83 feet, S 55E 13' E 61.14 feet, S 50E 28' E 104.77 feet, S 15E 34' E 23.25 feet to a point on the aforementioned North right of way line of Pinegrove Drive; said point being on the arc of a 270.82 foot radius curve concave Northwardly; thence along said North right of way line of Pinegrove Drive and along said arc of curve run Northwestwardly 25 feet to the P.T. of said curve; thence continuing along said North right of way line of Pinegrove Drive run N 50E

28' W 98.86 feet to the P.C. of a curve to the left having a central angle of 22E 54' and a radius of 345.61 feet; thence continuing along said North right of way line of Pinegrove Drive run Northwestwardly along the arc of said curve 138.14 feet to the P.T. of said curve; thence continuing along said North right of way line of Pinegrove Drive run N 73E 22' W 168.92 feet to the Southeast corner of Lot 5 of aforementioned Lakewood Club Estates, Unit Two; thence along the East line of said Lot 5 run N 19E 23' E 242.22 feet to the Northeast corner of said Lot 5; thence along the North boundary of said Lakewood Club Estates, Unit Two, run as follows: N 53E 03' 30" W 709.99 feet, N 53E 20' 30" W 190.76 feet to the Northeast corner of Lot 1, Lakewood Club Estates, Unit Two; thence along the West line of said Lot 1 run S 41E 54' W 207.55 feet to a point on the aforementioned North right of way line of Pinegrove Drive; thence along said North right of way line of Pinegrove Drive run N 48E 06' W 305.45 feet to the P.C. of a curve to the left having a central angle of 29E 19' and a radius of 182.92 feet; thence continuing along said North right of way line of Pinegrove Drive run Northwestwardly along the arc of said curve 93.59 feet to the P.T. of said curve; thence continuing along said North right of way line of Pinegrove Drive run N 77E 25' W 185.60 feet to the P.C. of a curve to the right having a central angle of 68E 40' and a radius of 36.26 feet; thence continuing along said North right of way line of Pinegrove Drive run Northwestwardly along the arc of said curve 43.45 feet to the P.C.C. of a curve to the right having a central angle of 106E 35' 58" and a radius of 30.0 feet; thence continuing along said North right of way of Pinegrove Drive run Northeastwardly along the arc of said curve 55.82 feet to a point on the South right of way line of Lakewood Drive; said point also being on the arc of a 259.48 foot radius curve concave Northwestwardly; thence along said South right of way line of Lakewood Drive and the East right of way line of Woodland Drive run Northeastwardly along said arc of curve 327.50 feet to the P.T. of said curve; thence continuing along said East right of way line of Woodland Drive run N 25E 32' E 437.47 feet to a point; thence continuing along said East right of way line of Woodland Drive run N 26E 10' W 255.38 feet to the P.C. of a curve to the right having a central angle of 15E 19' and a radius of 379.04 feet; thence continuing along said East right of way line of Woodland Drive run Northwardly 101.33 feet to the P.T. of said curve; thence continuing along said East right of way line of Woodland Drive run N 10E 51' W 59.75 feet to the P.C. of a curve to the left having a central angle of 11E 45' and a radius of 606.14 feet; thence continuing along said East right of way line of Woodland Drive run Northwardly along the arc of said curve 125.35 feet to the Southwest corner of Lot 6-A, Rearrangement and Alteration of Lots 6-A, 7, 24, 25, 26, 27, 28, 29, Lakewood Club Estates, Unit One, as recorded in Misc. Book 17, Page 179 of the Probate Court Records, Baldwin County, Alabama; thence along the South line of said Lot 6-A run N 76E 37' E 76.3 feet to the Southeast corner of said Lot 6-A; thence along the East line of said Lot 6-A and along the East line of Lot 7 of said Rearrangement and Alteration of Lots 6-A, 7, 24, 25, 26, 27, 28, 29, Lakewood Club Estates, Unit One, run as follows: N 10E 24' E 197.87 feet, N 31E 25' E 200.93 feet to the

Southeast corner of Lot 8, Lakewood Club Estates, Unit One, as recorded in Map Book 5, Page 81 of the Probate Court Records, Baldwin County, Alabama; thence along the East boundary of said Lakewood Club Estates, Unit One, run as follows: N 45E 26' E 411.50 feet, N 53E 40' E 798.50 feet, S 87E 23' E 237.18 feet, N 03E 12' W 623.60 feet, N 05E 20' E 428.35 feet to a point on the South right of way line of Battles Road; said point also being on the arc of a 2890.57 foot radius curve concave Northwardly; thence along said South right of way line of Battles Road run Eastwardly along said arc of curve 387.84 feet to the P.T. of said curve; thence continuing along said South right of way line of Battles Road run S 89E 42' E 576.36 feet to a point; thence run S 00E 23' 15" W 1125.66 feet to a point; thence run S 89E 49' 43" E 287.52 feet to a point; thence run S 89E 26' 16" E 190.56 feet to a point on the West right of way line of Battles Road; thence along said West right of way line of Battles Road run S 00E 12' 59" E 667.52 feet to a point on the North line of Section 31, T6S-R2E, Baldwin County, Alabama; thence along said North line of Section 31 run N 89E 50' 14" W 110.0 feet to a point; thence run S 11E 04' 44" E 20.39 feet to the Northwest corner of Parcel "C", Lakewood Club Estates, Unit Six, as recorded on Slide No. 1147-B of the Probate Court Records, Baldwin County, Alabama; thence along the West boundary of said Lakewood Club Estates, Unit Six, run as follows: S 12E 20' 44" E 400.89 feet, S 14E 30' 06" E 300.0 feet, N 70E 05' E 295.0 feet to a point on arc of a 1270.62 foot radius curve concave Southwestwardly; thence continuing along said West boundary of Lakewood Club Estates, Unit Six, run Southeastwardly along said arc of curve 94.73 feet to a point; thence continuing along said West boundary of Lakewood Club Estates, Unit Six, run as follows: S 70E 00' W 290.0 feet, S 10E 03' 50" E 312.71 feet to a point on the arc of a 314.02 foot radius curve concave Southeastwardly; said point being on the West right of way line of Beaver Creek Drive; thence continuing along said West boundary of Lakewood Club Estates, Unit Six and along said West right of way line of Beaver Creek Drive run Southwestwardly along said arc of curve 54.60 feet to the P.R.C. of a curve to the right having a central angle of 42E 15' and a radius of 115.0 feet; thence continuing along said West boundary of Lakewood Club Estates, Unit Six and said West right of way line of Beaver Creek Drive run Southwestwardly along the arc of said curve 84.80 feet to the P.T. of said curve; thence continuing along said West boundary of Lakewood Club Estates, Unit Six and said West right of way line of Beaver Creek Drive run S 58E 15' W 177.57 feet to the P.C. of a curve to the left having a central angle of 62E 43' 17" and a radius of 164.08 feet; thence continuing along said West boundary of Lakewood Club Estates, Unit Six and said West right of way line of Beaver Creek Drive run Southwestwardly along the arc of said curve 179.62 feet to the P.T. of said curve; thence continuing along said West boundary of Lakewood Club Estates, Unit Six and said West right of way line of Beaver Creek Drive run S 04E 28' 17" E 183.74 feet to the P.C. of a curve to the right having a central angle of 7E 58' 17" and a radius of 717.61 feet; thence continuing along said West boundary of Lakewood Club Estates, Unit Six and said West right of way line of Beaver Creek Drive run Southwardly along

the arc of said curve 99.84 feet to the P.T. of said curve; thence continuing along said West boundary of Lakewood Club Estates, Unit Six and said West right of way line of Beaver Creek Drive run S 03E 30' W 292.38 feet to the P.C. of a curve to the left having a central angle of 4E 30' and a radius of 1018.07 feet; thence continuing along said West boundary of Lakewood Club Estates, Unit Six and said West right of way line of Beaver Creek Drive run Southwardly along the arc of said curve 79.96 feet to the P.T. of said curve; thence continuing along said West boundary of Lakewood Club Estates, Unit Six and said West right of way line of Beaver Creek Drive run S 01E 00' E 268.05 feet to the point of beginning.

PARCEL "4"

Commencing at the Northeast corner of Section 31, T6S-R2E, Baldwin County, Alabama, run N 89E 50' 14" W 40 feet to a point; thence run S 00E 20' 23" W 20 feet to the intersection of the South right of way line of Battles Road with the West right of way line of Section Street; said point being the point of beginning of the property herein described; thence along said West right of way line of Section Street run S 00E 20' 23" W 406.66 feet to the Northeast corner of Lakewood Club Estates, Unit Six, according to plat recorded on Slide No. 1147-B of the Probate Court Records, Baldwin County, Alabama; thence along the North boundary of Lakewood Club Estates, Unit Six, run as follows: N 89E 39' 37" W 120.0 feet, S 25E 31' 10" W 406.58 feet, S 06E 00' 00" E 120.0 feet, S 16E 00' 00" E 550.0 feet, S 89E 39' 37" E 75.0 feet, S 00E 20' 23" W 195.22 feet, S 66E 02' 48" W 47.45 feet to a point on the North right of way line of Beaver Creek Drive; thence continuing along said North boundary of Lakewood Club Estates, Unit Six, run N 76E 17' W along said North right of way line of Beaver Creek Drive 274.04 feet to the P.C. of a curve to the right having a central angle of 30E 56' 30" and a radius of 180.65 feet; thence continuing along said North boundary of Lakewood Club Estates, Unit Six, and along said North right of way line of Beaver Creek Drive run Northwestwardly along the arc of said curve 97.56 feet to the P.T. of said curve; thence continuing along said North boundary of Lakewood Club Estates, Unit Six, and along said North right of way line of Beaver Creek Drive run N 45E 20' 30" W 58.24 feet to the P.C. of a curve to the left having a central angle of 34E 54' 30" and a radius of 159.02 feet; thence continuing along said North boundary of Lakewood Club Estates, Unit Six, and along said North right of way line of Beaver Creek Drive run Northwestwardly along the arc of said curve 96.89 feet to the P.R.C. of a curve to the right having a central angle of 69E 00' and a radius of 101.85 feet; thence continuing along said North boundary of Lakewood Club Estates, Unit Six, and along the North right of way line of Beaver Creek Drive run Northwestwardly along the arc of said curve 55.92 feet to the Southwest corner of Lot 37 of said Lakewood Club Estates, Unit Six; thence continuing along said North boundary of Lakewood Club Estates, Unit Six, run as follows: N 66E 58' 30" E 139.30 feet, N 07E 01' 13" W 196.07 feet, N 15E 45' W 385.0 feet, N 01E 45' W 259.56 feet, S 68E 47' 26" W 94.51 feet, S 75E 57' 21"

W 146.73 feet, S 41E 43' 23" W 146.06 feet, N 21E 30' W 159.99 feet, S 63E 00' W 385.97 feet, S 75E 49' 44" W 194.99 feet to a point on the aforementioned North right of way line of Beaver Creek Drive; said point being on the arc of a 739.70 foot radius curve concave Southwardly; thence continuing along said North boundary of Lakewood Club Estates, Unit Six, run Westwardly along said North right of way line of Beaver Creek Drive and said arc of curve 184.0 feet to the P.R.C. of a curve to the right having a central angle of 20E 00' and a radius of 255.21 feet; thence continuing along said North boundary of Lakewood Club Estates, Unit Six, and along said North right of way line of Beaver Creek Drive run Westwardly along the arc of said curve 89.08 feet to the P.T. of said curve; thence continuing along said North boundary of Lakewood Club Estates, Unit Six, and along the North right of way line of Beaver Creek Drive run N 75E 15' W 15.0 feet to the P.C. of a curve to the right having a central angle of 11E 00' and a radius of 1194.32 feet; thence continuing along said North boundary of Lakewood Club Estates, Unit Six, and along said North right of way line of Beaver Creek Drive run Westwardly along the arc of said curve 89.29 feet to the Southeast corner of Lot 26 of said Lakewood Club Estates, Unit Six; thence continuing along said North boundary of Lakewood Club Estates, Unit Six, run as follows: N 18E 45' 18" E 175.06 feet, N 16E 00' W 210.0 feet, S 83E 30' W 700.0 feet, S 77E 30' W 535.0 feet, S 69E 12' 38" W 169.22 feet to a point on the arc of a 1330.62 foot radius curve concave Southwestwardly; thence continuing along said North boundary of Lakewood Club Estates, Unit Six, run Northwestwardly along said arc of curve 103.23 feet to the P.R.C. of a curve to the right having a radius of 817.11 feet; thence continuing along said North boundary of Lakewood Club Estates, Unit Six, run Northwestwardly along the arc of said curve 105.0 feet; thence continuing along said North boundary of Lakewood Club Estates, Unit Six, run as follows: N 66E 35' 07" E 222.08 feet, N 72E 19' 32" E 340.0 feet, N 53E 34' 32" E 110.0 feet, N 74E 29' 32" E 145.0 feet, N 41E 04' 32" E 210.0 feet to the Northeast corner of Parcel "C", of said Lakewood Club Estates, Unit Six; said point being on the aforementioned South right of way line of Battles Road; thence along said South right of way line of Battles Road run S 89E 50' 14" E 1325.62 feet to its intersection with the Northward projection of Lot 38 of the aforementioned Lakewood Club Estates, Unit Six; thence along said Northward projection of and said West line of Lot 38, Lakewood Club Estates, Unit Six, run as follows: S 09E 40' 22" W 157.45 feet, S 19E 52' 59" W 135.51 feet to the Southwest corner of said Lot 38, Lakewood Club Estates, Unit Six; thence along the South line of said Lot 38 and the South line of Lot 39 of said Lakewood Club Estates, Unit Six, run N 69E 25' E 478.74 feet to the Southeast corner of said Lot 39, Lakewood Club Estates, Unit Six; thence along the East line of said Lot 39, Lakewood Club Estates, Unit Six, run N 00E 09' 46" E 113.27 feet to a point on the aforementioned South right of way line of Battles Road; thence along said South right of way line of Battles Road run S 89E 50' 14" E 802.0 feet to the point of beginning.

PARCEL "5"

Beginning at the Southwest corner of Lot 27, Lakewood Club Estates, Unit Six, according to plat recorded on Slide No. 1147-B of the Probate Court Records, Baldwin County, Alabama; thence along the South line of said Lot 27 and the South line of Lots 28, 29, 30 and 31, run as follows: N 73° 30' E 165.0 feet, S 89° 56' 13" E 215.0 feet, S 58° 08' 52" E 150.0 feet, S 66° 28' 22" E 165.0 feet, N 55° 16' 38" E 100.0 feet, S 88° 58' 22" E 90.0 feet, S 82° 49' 14" E 91.73 feet to the Southeast corner of said Lot 31; said point also being the Northwest corner of Lot 32 of said Lakewood Club Estates, Unit Six; thence along the Southwest line of said Lot 32 and the Southwest line of Lot 33 of said Lakewood Club Estates, Unit Six, run as follows: S 39° 42' 39" E 125.10 feet, S 32° 05' 58" E 174.91 feet to the Southwest corner of said Lot 33; thence along the South line of said Lot 33 run N 72° 40' E 135.0 feet to the Southeast corner of said Lot 33; said point being on the South right of way line of Beaver Creek Drive; thence along said South right of way line of Beaver Creek Drive run S 11° 15' E 50.0 feet to the P.C. of a curve to the left having a central angle of 69° 00' and a radius of 161.85 feet; thence continuing along said South right of way line of Beaver Creek Drive run Southeastwardly along the arc of said curve 194.91 feet to the P.R.C. of a curve to the right having a central angle of 34° 54' 30" and a radius of 99.02 feet; thence continuing along said South right of way line of Beaver Creek Drive run Southeastwardly along the arc of said curve 60.33 feet to the P.T. of said curve; thence continuing along said South right of way line of Beaver Creek Drive run S 45° 20' 30" E 58.24 feet to the P.C. of a curve to the left having a central angle of 30° 56' 30" and a radius of 240.65 feet; thence continuing along said South right of way line of Beaver Creek Drive run Southeastwardly along the arc of said curve 129.96 feet to the P.T. of said curve; thence continuing along said South right of way line of Beaver Creek Drive run S 76° 17' E 234.24 feet to the P.C. of a curve to the left having a central angle of 13° 22' 37" and a radius of 456.37 feet; thence continuing along said South right of way line of Beaver Creek Drive run Eastwardly along the arc of said curve 106.55 feet to the P.T. of said curve; thence continuing along said South right of way line of Beaver Creek Drive run S 89° 39' 37" E 15.4 feet to the P.C. of a curve to the right having a central angle of 90° 00' and a radius of 25 feet; thence continuing along said South right of way line of Beaver Creek Drive run Southeastwardly along the arc of said curve 39.27 feet to the P.T. of said curve; said point being on the West right of way line of Section Street; thence along said West right of way line of Section Street run S 00° 20' 23" W 162.29 feet to a point; thence run N 89° 53' 13" W 450.00 feet to a point; thence run N 68° 50' 18" W 164.95 feet to a point; thence run N 89° 00' 40" W 520.00 feet to a point; thence run N 00° 23' 35" E 417.10 feet to a concrete monument; thence run N 89° 07' 25" W 418.0 feet to a 1 1/2" open top iron; thence run N 00° 19' 35" E 79.0 feet to a point; thence run N 89° 56' 13" W 389.79 feet to a point on the East right of way line of a future street as shown on the aforementioned plat of Lakewood Club Estates, Unit Six; thence along said

East right of way line of a future street run N 02° 00' W 250.29 feet to the point of beginning.

PARCEL "6"

Beginning at the Northwest corner of Lot 8, Lakewood Club Estates, Unit Six, according to plat recorded on Slide No. 1147-B of the Probate Court Records, Baldwin County, Alabama, run S 05E 00' W along the West line of said Lot 8, a distance of 72.0 feet to the Southwest corner of said Lot 8; thence run N 87E 14' 16" E 234.22 feet to a point; thence run N 60E 20' E 330.0 feet to the Southwest corner of Lot 11 of said Lakewood Club Estates, Unit Six; thence along the South line of said Lot 11 and the South line of Lots 12, 13, 14, 15 and 16, Lakewood Club Estates, Unit Six, run as follows: N 73E 50' E 235.0 feet, S 84E 35' E 792.93 feet to the Southeast corner of said Lot 16, Lakewood Club Estates, Unit Six; said point being on the West right of way line of a future street; thence along said West right of way line of a future street run S 02E 00' E 261.32 feet to a point; thence run N 89E 56' 13" W 745.83 feet to a point on the North line of Lot 6 of the aforementioned Lakewood Club Estates, Unit Six; thence along said North line of Lot 6 and the North line of Lots 5 and 4 of said Lakewood Club Estates, Unit Six, run as follows: S 63E 21' W 196.87 feet, S 52E 23' 15" W 205.0 feet, N 82E 36' 45" W 148.91 feet to a point on the South margin of a lake; thence along the meanderings of said South margin of lake, continue along said North line of Lot 4 and along the North line of Lots 3, 2 and 1, Lakewood Club Estates, Unit Six, run Westwardly 485 feet, more or less, to the Northwest corner of said Lot 1; said point bears S 75E 35' 05" W 415.75 feet from the last described point; thence run N 56E 55' 39" W 213.64 feet to a point on the East right of way line of Beaver Creek Drive; thence along said East right of way line of Beaver Creek Drive run N 04E 28' 17" W 72.96 feet to the P.C. of a curve to the right having a central angle of 62E 43' 17" and a radius of 104.08 feet; thence continuing along said East right of way line of Beaver Creek Drive run Northeastwardly along the arc of said curve 113.94 feet to the P.T. of said curve; thence along the Southeast right of way line of said Beaver Creek Drive run N 58E 15' E 192.45 feet to the P.C. of a curve to the left having central angle of 25E 46' 03" and a radius of 123.23 feet; thence continuing along said Southeast right of way line of Beaver Creek Drive run Northeastwardly 55.42 feet to the P.R.C. of a curve to the right having a central angle of 14E 10' 46" and a radius of 327.80 feet; thence continuing along said Southeast right of way line of Beaver Creek Drive run Northeastwardly along the arc of said curve 48.30 feet to the point of beginning.

PARCEL "7"

Beginning at the Half Section corner on line between Section 36, T6S-R2E and Section 31, T6S-R2E, Baldwin County, Alabama, run S 00E 22' W along said line

between Section 36 and Section 31, a distance of 888.12 feet to a point; thence run S 75E 57' W 430.15 feet to a point on the North right of way line of U.S. Highway No. 98; thence along said North right of way line of U.S. Highway No. 98 run N 40E 46' 30" W 180.35 feet to the P.C. of a curve to the left having a central angle of 7E 10' 30" and a radius of 4261.33 feet; thence continuing along said North right of way line of U.S. Highway No. 98 run Northwestwardly 533.63 feet to the P.T. of said curve; thence continuing along said North right of way line of U.S. Highway No. 98 run N 47E 57' W 3.91 feet to a point; thence run N 36E 36' 30" E 112.5 feet to a point; thence run N 48E 04' 30" W 198.33 feet to a point on the East line of Lot 4, Troost's Survey of Point Clear Tract, as recorded in Deed Book "K", Page 805 of the Probate Court Records, Baldwin County, Alabama; thence along said East line of Lot 4 run N 37E 04' 30" E 688.90 feet to a point on the South line of a planting strip South of and immediately adjacent to the South right of way line of Pinegrove Drive, as shown on the plat of Lakewood Club Estates, Unit Two, as recorded in Map Book 5, Page 198 of the Probate Court Records, Baldwin County, Alabama; thence along said South line of a planting strip run N 48E 06' W 1194.69 feet to a point on the East line of Lot 10 of the aforementioned Troost's Survey of Point Clear Tract; thence along said East line of Lot 10 run N 36E 57' E 15.04 feet to a point on the aforementioned South right of way line of Pinegrove Drive; thence along said South right of way line of Pinegrove Drive run S 48E 06' E 1149.73 feet to the P.C. of a curve to the left having a central angle of 25E 16' and a radius of 401.97 feet; thence continuing along said South right of way line of Pinegrove Drive run Southeastwardly along the arc of said curve 177.26 feet to the P.T. of said curve; thence continuing along said South right of way line of Pinegrove Drive run S 73E 22' E 168.92 feet to the P.C. of a curve to the right having a central angle of 22E 54' and a radius of 285.61 feet; thence continuing along said South right of way line of Pinegrove Drive run Southeastwardly along the arc of said curve 114.16 feet to the P.T. of said curve; thence continuing along said South right of way line of Pinegrove Drive run S 50E 28' E 98.86 feet to the P.C. of a curve to the left having a central angle of 40E 32' and a radius of 330.82 feet; thence continuing along said South right of way line of Pinegrove Drive run Southeastwardly along the arc of said curve 234.04 feet to the P.T. of said curve; thence continuing along said South right of way line of Pinegrove Drive run N 89E 00' E 1303.61 feet to the P.C. of a curve to the left having a central angle of 90E 00' and a radius of 135 feet; thence continuing along said South right of way line of Pinegrove Drive run Northeastwardly along the arc of said curve 106.03 feet to the Southwest corner of Lot 14 of aforementioned Lakewood Club Estates, Unit Two; thence along the South line of said Lot 14, run as follows: S 46E 00' E 55.94 feet, S 89E 00' W 178.0 feet to the Southeast corner of said Lot 14; thence along the East boundary of said Lakewood Club Estates, Unit Two, run S 01E 00' E 15.0 feet to the Southeast corner of said Lakewood Club Estates, Unit Two; thence along the South boundary of said Lakewood Club Estates, Unit Two, run S 89E 00' W 1718.70 feet to the point of beginning.

PARCEL "8"

Beginning at the Northwest corner of Lot 1, Lakewood Club Estates, Unit One, according to plat recorded in Map Book 5, Page 81 of the Probate Court Records, Baldwin County, Alabama; thence along the West line of said Lot 1, Lakewood Club Estates, Unit One, run S 31E 37' W 216.85 feet to the Northwest corner of Lot 16, Troost's Survey of Point Clear Tract; according to plat recorded in Deed Book K, Page 805 of the Probate Court Records, Baldwin County, Alabama; thence along the West line of said Lot 16, Troost's Survey of Point Clear Tract, run S 36E 58' 30" W 213.9 feet to a point on the Northeast right of way line of U.S. Highway No. 98; said point being on the arc of an irregular curve; thence along said Northeast right of way line of U.S. Highway No. 98 and said arc of irregular curve run Northwestwardly 310 feet, more or less, to a point which bears N 67E 19' 56" W 309.9 feet from the last described point; thence continuing along said Northeast right of way line of U.S. Highway No. 98 run N 70E 04' W 410.73 feet to the P.C. of an irregular curve to the right; thence continuing along said Northeast right of way line of U.S. Highway No. 98 run Northwestwardly along the arc of said irregular curve 170 feet, more or less, to a point which bears N 60E 22' 44" W 169.02 feet from the last described point; thence continuing along said arc of irregular curve run Northwardly along the East right of way line of U.S. Highway No. 98, a distance of 255 feet, more or less, to its intersection with the South right of way line of Lakewood Drive; said point bears N 06E 43' 06" W 247.80 feet from the last described point; thence along said South right of way line of Lakewood Drive run S 89E 41' E 330.20 feet to the P.C. of a curve to the right having a central angle of 24E 08' and a radius of 467.79 feet; thence continuing along said South right of way line of Lakewood Drive run Eastwardly along the arc of said curve 197.04 feet to the P.T. of said curve; thence continuing along said South right of way line of Lakewood Drive run S 65E 33' E 185.05 feet to the P.C. of a curve to the left having a central angle of 8E 44' and a radius of 654.79 feet; thence continuing along said South right of way line of Lakewood Drive run Eastwardly along the arc of said curve 99.81 feet to the P.T. of said curve; thence continuing along said South right of way line of Lakewood Drive run S 74E 17' E 224.52 feet to the P.C. of a curve to the left having a central angle of 16E 50' and a radius of 574.48 feet; thence continuing along said South right of way line of Lakewood Drive run Eastwardly along the arc of said curve 92.56 feet to the point of beginning.

PARCEL "9"

All land lying under the street, right of ways, as shown on the following recorded plats:

Lakewood Club Estates, Unit One, as recorded in Map Book 5, Page 81 and as amended by Misc. Book 17, Page 190 of the Probate Court Records, Baldwin County, Alabama.

Lakewood Club Estates, Unit Two, as recorded in Map Book 5, Page 198, of the Probate Court Records, Baldwin County, Alabama.

Lakewood Club Estates, Unit Four, as recorded in Map Book 9, Page 9, of the Probate Court Records, Baldwin County, Alabama.

Lakewood Club Estates, Unit Five, as recorded in Map Book 11, Page 147, of the Probate Court Records, Baldwin County, Alabama.

Subject to an non-exclusive easement for ingress and egress over the above described street right of ways.

PARCEL "10"

A non-exclusive easement for ingress and egress over the street right of ways as shown on plat of Lakewood Club Estates, Unit Six, according to plat recorded on Slide No. 1147-B of the Probate Court Records, Baldwin County, Alabama.

PARCEL "11"

Beginning at the Northwest corner of the East Half of the Southeast Quarter of the Southeast Quarter of Section 30, T6S-R2E, Baldwin County, Alabama, run S 89E 42' 18" E along the North line of said East Half of the Southeast Quarter of the Southeast Quarter of Section 30, T6S-R2E, a distance of 631.88 feet to a point on the West right of way line of Section Street; thence along said West right of way line of Section Street run S 00E 03' 21" E 1302.39 feet to its intersection with the North right of way line of Battles Road; thence along said North right of way line of Battles Road run N 89E 50' 14" W 630.42 feet to a point on the West line of the aforementioned East Half of the Southeast Quarter of the Southeast Quarter of Section 30, T6S-R2E; thence along said West line of the East Half of the Southeast Quarter of the Southeast Quarter of Section 30, T6S-R2E, run N 00E 07' 11" W 1303.86 feet to the point of beginning.

PARCEL "12"

Together with the benefits of that certain easement dated **September 14, 1999** and recorded **September 20, 1999** by and between **Magnolia Trace, Inc. as GRANTOR** and **Point Clear Holdings, Inc. as GRANTEE** recorded in the **Office of the Judge of Probate of Baldwin County, Alabama as Instrument Number 512160, Pages 1 through 21.**

PARCEL 1 THROUGH PARCEL 12 ALSO BEING DESCRIBED AS FOLLOWS:

(EXHIBIT A-1)

PARCEL 1:

From the **Southeast** corner of **Lot 28** of the **North Point Clear Subdivision**, according to the plat thereof recorded in the **Office of the Probate Judge of Baldwin County, Alabama** in **Map Book 1, Page 149**, which point is on the **Western** boundary of the right of way of the paved highway known as the **Mobile Road**, run **South 20 degrees 30 minutes West** along said right of way line **115.50 feet** to a point for the **POINT OF BEGINNING**; thence continue **South 20 degrees 30 minutes West** along the said **West** line of said right of way **632.70 feet** to the point of curvature of an irregular curve to the left; thence along the arc of said curve and along said right of way line, parallel to and **35 feet** from the centerline of said **Mobile Road 311.00 feet**, more or less, to an iron marker set at a point on said right of way line which is at the **Northwest** corner of property now or formerly of **Mrs. Jessie E. Cole**; (said point bears **South 03 degrees 07 minutes 15 seconds East 302.24 feet** from the point of curvature of said curve); thence run **South 36 degrees 01 minutes 45 seconds West** and along the **Western** boundary of said property of **Cole 368.48 feet** to an iron marker in a fence line of the **East** boundary of the property herein described; thence run **South 22 degrees 50 minutes West** along the **Western** boundary of said property of **Cole** and along said fence line and the continuation thereof **361.34 feet**, more or less, to the margin of **Mobile Bay**; thence run **Northwestwardly** along the margin of the said **Bay 108.00 feet**, more or less, to the **Southeast** corner of property now or formerly of **Virginus L. Arnold**, which point is on the **Southward** projection of the boundary line fence between the property herein described and the said property of **Arnold**; thence run along said projection and along said fence line **North 22 degrees 36 minutes East 363.30 feet**, more or less, to an iron marker in said fence line; thence run **North 36 degrees 01 minutes 12 seconds East** and along the said boundary line fence **245.94 feet** to an iron marker at the **Northeast** corner of said property of **Arnold**; thence run **North 69 degrees 07 minutes 15 seconds West** along a wire fence on the boundary line between the property herein described and the said property of **Arnold 133.20 feet**, more or less, to the **Northwest** corner of said property of **Arnold** (which point is located according to a deed from **Mat Mahorner** to **Virginus L. Arnold** dated **July 6, 1946** and recorded in the **Office of the Probate Judge of Baldwin County, Alabama** in **Deed Book 109, Pages 145 through 149**, as being **South 1023.8 feet** and **West 534.50 feet** from the **Southeast** corner of **Lot 28** of the said **North Point Clear Subdivision**); thence run **South 22 degrees 37 minutes 56 seconds West** along a fence on the boundary line between the property herein described and the said property of **Arnold** and the continuation of said fence line **610.13 feet**, more or less, to the margin of **Mobile Bay**; thence run **Westwardly** along the margin of the **Bay 800.0 feet**, more or less, to the point; thence continue **Northwardly** and along the margin of **Mobile Bay 1750.00 feet**,

more or less, to a point at the **Northwest** corner of property conveyed by **Mat Mahorner, Trustee to Grand Hotel Corporation** by deed dated **April 24, 1940** and recorded in the **Office of the Probate Judge of Baldwin County, Alabama** in **Deed Book 71, Pages 393 through 394** and correctly described in correction deed from **Mat Mahorner to Edward A. Roberts** dated **January 30, 1946** and recorded in said Office in **Deed Book 103, Page 245**; thence run **South 65 degrees 51 minutes East 487.24 feet**, more or less, to the **POINT OF BEGINNING**. All measurements being according to a survey by **Hubert C. Rester**, a **Registered Land Surveyor**, dated **February 24, 1982**.

PARCEL 2:

Begin at the Half Section corner on the line between **Section 36, Township 6 South, Range 1 East** and **Section 31, Township 6 South, Range 2 East, Baldwin County, Alabama**; thence **North 89 degrees 00 minutes East 1770.80 feet** to the center of **Point Clear Creek**; thence along said centerline of said Creek and generally **North 17 degrees 12 minutes 49 seconds West 536.31 feet** to a point; thence **North 89 degrees 52 minutes 15 seconds East 334.60 feet** to a point; thence **North 17 degrees 02 minutes 45 seconds West 93.0 feet** to an iron pin in a fence corner at the **Southwest** corner of property formerly of **Jordan**; thence **North 89 degrees 52 minutes 15 seconds East 696.52 feet** to an iron pin in a fence corner; thence **North 00 degrees 15 minutes 55 seconds East 283.01 feet** to an iron pin in a fence corner; thence **South 89 degrees 33 minutes 09 seconds East 59.00 feet** to an iron pin; thence **North 00 degrees 29 minutes 32 seconds East 424.15 feet** to an iron pin; thence **South 89 degrees 56 minutes 13 seconds East 1125.66 feet** to a concrete monument; thence **South 00 degrees 19 minutes 35 seconds West 79.0 feet** to a concrete monument; thence **South 89 degrees 07 minutes 25 seconds East 418.0 feet** to a concrete monument; thence **South 00 degrees 23 minutes 35 seconds West 477.10 feet** to a concrete monument; thence **South 88 degrees 53 minutes 13 seconds East 297.20 feet** to a concrete monument; thence **South 89 degrees 11 minutes 25 seconds East 205.30 feet** to a point; thence **South 00 degrees 33 minutes 35 seconds West 69.51 feet** to a point; thence **South 89 degrees 53 minutes 13 seconds East 662.00 feet** to a point on the **East** line of **Section 31, Township 6 South, Range 2 East**; thence **North 00 degrees 20 minutes 23 seconds East** along said Section line **1306.07 feet** to a point; thence **North 89 degrees 03 minutes 35 seconds West 40.0 feet** to a point; thence **North 00 degrees 20 minutes 23 seconds East 650.02 feet** to a point; thence **North 89 degrees 50 minutes 14 seconds West 3841.69 feet** to a point; thence **North 11 degrees 04 minutes 44 seconds West 20.39 feet** to a point; thence **North 89 degrees 50 minutes 14 seconds West 110.00 feet** to a point; thence **North 00 degrees 12 minutes 59 seconds West 667.52 feet** to an iron pin in a fence corner; thence **North 89 degrees 26 minutes**

16 seconds West 190.56 feet to an old iron pin in a fence line; thence **North 89 degrees 49 minutes 43 seconds West 287.52 feet** to a point; thence **North 00 degrees 23 minutes 15 seconds East 1125.66 feet** to a concrete monument on the **South** right of way line of **Battles Road**; (said monument being **30 feet Southward** of the centerline of said Road); thence **North 89 degrees 42 minutes West** along the **South** right of way line of **Battles Road 576.36 feet** to the P.C. of a **2890.57 foot** radius curve to the right; thence **Westwardly** and curving to the right along the arc of said curve **528.04 feet** to the P.T. of said curve; thence **North 79 degrees 14 minutes West 109.00 feet** to the P.C. of a **3617 foot** radius curve to the left; thence **Westwardly** and curving to the left along the arc of said curve **397.72 feet** to the P.T. of said curve; thence **North 85 degrees 32 minutes West** along the **South** right of way line of **Battles Road 1077.96 feet** to the intersection with the **East** right of way line of **Mobile Road**; thence along said **East** right of way line run **South 21 degrees 31 minutes 18 seconds West 271.07 feet** to the P.C. of a **1539.04 foot** radius curve to the right; thence continuing along said **East** right of way line run **Southwestwardly** along the arc of said curve **1199.37 feet** to the P.T. of said curve; thence **South 66 degrees 10 minutes 20 seconds West 257.24 feet** to the P.C. of a **1441.17 foot** radius curve to the left; thence **Southwestwardly** along the arc of said curve **1148.80 feet** to the P.T. of said curve; thence continuing along said **East** right of way line **South 20 degrees 30 minutes West 887.22 feet** to a concrete monument; thence continue along said **East** right of way line **South 19 degrees 33 minutes West 74.14 feet** to a point; thence **Southwardly** and **Eastwardly** along the arc of an irregular curve parallel to and **35.0 feet** from the centerline of said **Mobile Road**, a distance of **255.00 feet**, more or less, to a point; said point bears **South 06 degrees 43 minutes 06 seconds East 247.80 feet** from previous point; thence continue along the arc of said irregular curve parallel to and **35.0 feet** from the centerline of said **Mobile Road**, a distance of **170.0 feet**, more or less, to the P.T. thereof; said P.T. bears **South 60 degrees 22 minutes 44 seconds East 169.02 feet** from previous point; thence **South 70 degrees 04 minutes East** along said right of way line **410.73 feet** to the P.C. of a curve to the right; thence **Eastwardly** and **Southwardly** along the arc of said curve along said right of way line parallel to and **35.0 feet** from the centerline of the **Mobile Road** a distance of **310.0 feet**, more or less, to an iron pin at the intersection of the **East** line of **Lot 17** of said **Troost** survey with the **North** right of way line of the **Mobile Road**, said iron pin bears **South 67 degrees 19 minutes 56 seconds East 309.90 feet** from previous point; thence **North 36 degrees 58 minutes 30 seconds East** along said **East** line of **Lot 17** and along the line of an old fence a distance of **213.90 feet** to a concrete monument; thence **South 58 degrees 48 minutes East 401.80 feet** to a point on the **East** line of **Lot 15** of said **Troost** survey; thence **North 37 degrees 03 minutes East** along said **East** line **99.40 feet** to a point; thence **South 57 degrees 10 minutes East 580.93 feet** to a point on the

Eastern boundary line of Lot 12 of said Troost survey; thence North 36 degrees 49 minutes East along said East line of Lot 12 a distance of 404.46 feet; thence South 52 degrees 23 minutes East along an old fence line 209.24 feet to a point on the East line of Lot 11 of said Troost survey; thence South 36 degrees 33 minutes West along an old fence and the East line of said Lot 11, a distance of 399.36 feet to an old iron pin in a fence corner; thence South 55 degrees 22 minutes East along said fence line 203.31 feet to an old iron pin in a fence along the East line of Lot 10 of said Troost survey; thence North 36 degrees 57 minutes East along said fence line and the East line of said Lot 10, a distance of 537.39 feet to the North boundary line of said Troost survey; thence South 48 degrees 06 minutes East and along said North boundary line 601.59 feet to an iron pin in a fence corner at the intersection of said North boundary line with the East line of Lot 7 of said Troost survey; thence South 36 degrees 18 minutes West along a fence line and the East line of Lot 7 a distance of 801.60 feet to an old iron pin on the North right of way line of the Mobile Road; thence South 48 degrees 11 minutes 03 seconds East along said North right of way line 197.96 feet to a point which is the intersection of said North right of way line with the Eastern boundary line of Lot 6 of said Troost survey; thence North 36 degrees 18 minutes East along said East line of Lot 6 a distance of 801.30 feet to a point on the North boundary line of said Troost survey; thence South 48 degrees 06 minutes East along said North boundary line 395.10 feet to a point which is the intersection of said North boundary line with the Eastern boundary line of Lot 4 of said Troost survey; thence South 37 degrees 04 minutes 30 seconds West along the Eastern boundary line of Lot 4 a distance of 688.90 feet to an iron pin in a fence corner; thence South 48 degrees 04 minutes 30 seconds East 198.33 feet to a point on the Eastern boundary line of said Troost survey; thence South 36 degrees 36 minutes 30 seconds West along the Eastern boundary of said Lot 3 a distance of 112.50 feet to a point on the North right of way line of the Mobile Road; thence South 47 degrees 57 minutes East 3.91 feet to the P.C. of a 4261.33 foot radius curve to the right; thence continue Southeastwardly along the arc of said curve 533.63 feet to the P.T. of said curve; thence South 40 degrees 46 minutes 30 seconds East along said North right of way line 476.25 feet to a point; thence North 75 degrees 57 minutes East 229.14 feet to a point on the division line between said Sections 31 and 36; thence North 00 degrees 22 minutes East along said division line 1161.00 feet to the POINT OF BEGINNING. All measurements being according to a survey by Hubert C. Rester, a Registered Land Surveyor, dated February 24, 1982.

PARCEL 3:

The East Half of the Southeast Quarter of the Southeast Quarter of Section 30, Township 6 South, Range 2 East, Baldwin County, Alabama.

PARCEL 4:

From the **Southeast** corner of **Lot 28** of **North Point Clear Subdivision** of a portion of the **Southeast Quarter** of the **Southwest Quarter** of **Section 25, Township 6 South, Range 1 East**, according to plat thereof recorded in **Map Book 1, Page 149** of the records in the **Office of the Judge of the Probate Court of Baldwin County, Alabama**, run **South 1023.8 feet** to a point, thence **West 534.5 feet** to a point on the wire fence that marks the **Eastern** boundary of the **Grand Hotel Property** for the **POINT OF BEGINNING**, thence **South 22 degrees 30 minutes West** along said fence **586.5 feet**, more or less, to the margin of **Mobile Bay**, thence **Eastwardly** along the margin of said **Bay 76.5 feet** to a point, thence **North 22 degrees 30 minutes East** parallel to the aforesaid fence **331.5 feet**, more or less, to a point, thence **North 35 degrees 45 minutes East 245.8 feet** to a wire fence that divides the said **Grand Hotel Property** from the property herein described, thence along said fence **North 69 degrees 20 minutes West 133.2 feet** to the **POINT OF BEGINNING**, all in **Fractional Section 36, Township 6 South, Range 1 East**.

PARCEL 5:

All land lying under the streets located on the following recorded plats:

Lakewood Club Estates Unit One as recorded in **Map Book 5, Page 81** and as amended by **Miscellaneous Book 17, Page 190**.

Lakewood Club Estates Unit Two as recorded in **Map Book 5, Page 198**.

Lakewood Club Estates Unit Four as recorded in **Map Book 9, Page 9**.

Lakewood Club Estates Unit Five as recorded in **Map Book 11, Page 147**.

PARCEL 6:

A non exclusive easement for ingress and egress over the streets located in **Lakewood Club Estates Unit Six** as recorded in **Slide 1147-B**.

LESS AND EXCEPT FROM THE ABOVE DESCRIBED PARCELS 1, 2 AND 3 THE FOLLOWING:

A. The following described property in **Baldwin County, Alabama**, deed by **Grand Hotel Development Corporation** to the **Eastern Shore Confederate Memorial Association** on **August 22, 1963**. Beginning at a point near the **Western** column of the entrance gate to a cemetery adjacent to the **Lakewood Golf Club**, at **Point Clear, Alabama**, and at the intersection of the **Southern** fence line of this cemetery with the **Western**

side of an entrance road to the cemetery as marked by an iron pipe; thence **North 73 degrees 22 minutes West** along the cemetery fence **108.60 feet** to a point thence to the left **South 39 degrees 42 minutes West 9.83 feet** to a point; thence to the left, **South 55 degrees 13 minutes East 61.14 feet** to a point, which point is **15 feet** from the **North** right of way line of the **Lakewood Club Estates, Unit Two, Pinegrove Drive** and on the extension of the radius at the **Eastern** end of **Curve No. 2**; thence to the right, **South 50 degrees 28 minutes East 104.77 feet** to a point at the intersection with the **Western** side of the entrance road to the cemetery; thence to the left, **North 15 degrees 34 minutes West 81.25 feet** to the **POINT OF BEGINNING**; in accordance with the plat thereof prepared by **Truman A. Smith** which is attached to the deed dated **August 22, 1963** from **Grand Hotel Development Corporation** to **Eastern Shore Confederate Memorial Association**.

B. The following described property in **Baldwin County, Alabama**, which is known as the **Point Clear Cemetery**; from the **Northwest** corner of **Lot 6 Lakewood Club Estates, Unit Two**, as recorded in **Map Book 5, Page 198, Probate Records, Baldwin County, Alabama**, run **North 77 degrees 36 minutes West** a distance of **25.05 feet** to a point in a fence line for the **POINT OF BEGINNING** of the property herein described; thence **North 18 degrees 58 minutes East** along said fence **69.02 feet** to a fence corner; thence **North 73 degrees 39 minutes West** along a fence **359.60 feet** to a fence corner; thence **South 19 degrees 23 minutes West** along a fence **222.00 feet** to a fence corner; thence **South 73 degrees 22 minutes East** along a fence **348.00 feet** to a point; thence **North 62 degrees 10 minutes East** a distance of **19.50 feet** to a point on a fence line; thence **North 18 degrees 58 minutes East** along said fence **140.18 feet** to the **POINT OF BEGINNING**.

C. All of **Lakewood Club Estates, Unit One**, recorded in **Map Book 5, Page 81** of the records in the **Office of the Judge of Probate, Baldwin County, Alabama**, as amended by a plat entitled "**Rearrangement and Alteration of Lot 6A, et al, of Lakewood Club Estates, Unit One**" recorded in **Miscellaneous Book 17, Page 190** of the records in the **Office of the Judge of Probate, Baldwin County, Alabama**.

D. All of **Lakewood Club Estates, Unit Two**, recorded in **Map Book 5, Page 198** of the records in the **Office of the Judge of Probate of Baldwin County, Alabama**, with the exception of **Lots 7, 10, 11, 12, 13 and 14**.

E. All of **Lakewood Club Estates, Unit 4**, recorded in **Map Book 9, Page 9** of the records in the **Office of the Judge of Probate, Baldwin County, Alabama**.

F. All of Grand Manor, a Condominium, recorded in Apartment Ownership Book 1, Page 1 of the records in the Office of the Judge of Probate of Baldwin County, Alabama, as amended by instrument dated July 12, 1972 and recorded in Apartment Ownership Book 1, Page 51 and further amended by instrument dated June 26, 1973 in Apartment Ownership Book 1, Page 129, more particularly described as follows: commencing at a point where the Southwesterly line of Oak Avenue intersects the Northwesterly line of Lot 27, "Rearrangement and Alteration of Lots 6A, 7, 24, 25, 26, 27, 28 and 29, Lakewood Club Estates, Unit One", as per plat recorded in Miscellaneous Book 17, Page 179, Probate Court Records, Baldwin County, Alabama; thence North 43 degrees 52 minutes West 196.69 feet to the POINT OF BEGINNING of the property herein described; thence continue North 43 degrees 52 minutes West, 262.09 feet to a point at the P.C. of a 988.34 foot radius curve to the left; thence Northwestwardly along the arc of said curve, 106.03 feet to a point; thence South 45 degrees 41 minutes 22 seconds West 196.13 feet; thence South 47 degrees 26 minutes 10 seconds West 185.65 feet; thence South 49 degrees 55 minutes 40 seconds West 199.72 feet; thence South 63 degrees 20 minutes 40 seconds West 230.61 feet to a point; thence South 42 degrees 52 minutes 20 seconds East 133.33 feet to a point on the arc of a 50 foot radius curve; thence Southwardly and Southeastwardly along the arc of said curve, 149.23 feet to a point; thence South 33 degrees 52 minutes 20 seconds East 129.79 feet; thence North 61 degrees 43 minutes 40 seconds East 231.95 feet; thence North 49 degrees 24 minutes 40 seconds East 222.04 feet; thence North 48 degrees 19 minutes 04 seconds East 197.40 feet; thence North 40 degrees 18 minutes 02 seconds East 111.25 feet; thence North 59 degrees 15 minutes 41 seconds East 90.67 feet to the POINT OF BEGINNING.

G. Also, commencing at a point where the Southwesterly line of Oak Avenue intersects the Northwesterly line of Lot 27, "Rearrangement and Alternation of Lots 6A, 7, 24, 25, 26, 27, 28 and 29, Lakewood Club Estates, Unit One" as per plat recorded in Miscellaneous Book 17, Page 179, Probate Court Records, Baldwin County, Alabama; thence North 43 degrees 52 minutes West, 196.69 feet; thence South 59 degrees 15 minutes 41 seconds West 90.67 feet; thence South 40 degrees 18 minutes 02 seconds West 111.25 feet; thence South 48 degrees 19 minutes 04 seconds West 197.40 feet; thence South 49 degrees 24 minutes 40 seconds West, 222.04 feet; thence South 61 degrees 43 minutes 40 seconds West 231.95 feet to the POINT OF BEGINNING of the property herein described; thence run South 33 degrees 52 minutes 20 seconds East a distance of 50.21 feet; thence run North 61 degrees 43 minutes 40 seconds East a distance of 12 feet to a point; thence run South 15 degrees 54 minutes 50 seconds East a distance of 218.61 feet to a point; thence run South 80 degrees 38 minutes 10 seconds West a distance of 145.0 feet to a point; thence run North 05 degrees 54 minutes 50

seconds West a distance of **200.0 feet** to a point; thence run **North 72 degrees 41 minutes 45 seconds East** a distance of **48.0 feet** to a point; thence run **North 18 degrees 24 minutes West** a distance of **41.25 feet** to a point; thence run **North 61 degrees 43 minutes 40 seconds East** a distance of **37.04 feet** to the **POINT OF BEGINNING**.

H. Beginning at the **Southwest** corner of **Lot 29, Resubdivision of Lakewood Club Estates, Unit One**, as recorded in **Miscellaneous Book 17, Page 179, Probate Records, Baldwin County, Alabama**, run thence **South 60 degrees 41 minutes East, 210.00 feet** to a point on the **West** line of **Woodland Drive**, said point also being the **Southeast** corner of said **Lot 29** and being on a curve concave **Southeastwardly** and having a radius of **365.96**; thence **Southwesterly** and curving to the left along the arc of said curve and along the **West** line of **Woodland Drive 40.70 feet** to the P.T. of said curve; thence **South 04 degrees 37 minutes West, 139.30 feet** to a point; thence **North 60 degrees 42 minutes 38 seconds West, 240.00 feet** to a point; thence **North 14 degrees 37 minutes 20 seconds East, 170.05 feet** to the **POINT OF BEGINNING**. Together with a non-exclusive private easement, for ingress and egress purposes only, on and across those private easements known as **Lakewood Drive** and **Woodland Drive** to and from the above described parcel to **U.S. Highway 98**.

I. **Lot 5 of Lakewood Club Estates, Unit 5**, according to plat thereof recorded in **Map Book 11, Page 147** of the records in the **Office of the Judge of Probate of Baldwin County, Alabama**. Also, a private non-exclusive reciprocal easement over and across the **Northern** portion of the real property hereby conveyed for the purpose of ingress to and egress from the said **Lots 3, 4, and 6**, which easement is hereby declared to be a covenant running with the land, said **Northern** portion of the property hereby conveyed being more particularly described as follows: That portion of **Lot 5, Lakewood Club Estates, Unit 5**, described as follows: Commencing at the **Southeast** corner of **U.S. Highway 98 (Mobile Road) and Battles Road, Baldwin County, Alabama** run **South 85 degrees 32 minutes East** along the **South** right of way line of **Battles Road 385.27 feet** to the **POINT OF BEGINNING** of the property herein described; thence continuing **South 85 degrees 32 minutes East** along said **South** line of **Battles Road** run **170 feet** to a point; thence **South 04 degrees 28 minutes West 40 feet** to a point; thence run **North 85 degrees 32 minutes West 170 feet** to a point; thence run **North 04 degrees 28 minutes East 40 feet** to the **POINT OF BEGINNING**.

J. Commencing at a point where the **North** right of way line of **Lakewood Drive** intersects the **East** right of way line of **U.S. Highway 98 (Mobile Highway)** as shown on the plat of **Lakewood Club Estates, Unit One**, as recorded in **Map Book 5, Page 81** of the **Probate Court Records, Baldwin County, Alabama** run **North 20 degrees 30 minutes East** along said **East** line of **U.S. Highway 98 (Mobile Highway)** a distance of **707.54 feet** to the **POINT OF BEGINNING** of the property herein described; thence continuing **North 20 degrees 30 minutes East**

along said **East** line of **U.S. Highway 98 (Mobile Highway)** run **179.68 feet** to the P.C. of a curve to the right having a central angle of **45 degrees 40 minutes 20 seconds** and a radius of **1441.17 feet**; thence continuing along said **East** line of **U.S. Highway 98 (Mobile Highway)** run **Northeastwardly** along the arc of said curve **1148.66 feet** to the P.T. of said curve; thence continuing along said **East** line of **U.S. Highway 98 (Mobile Highway)** run **North 66 degrees 10 minutes 20 seconds East 257.24 feet** to the P.C. of a curve to the left having a radius of **1539.04 feet**; thence continuing along said **East** line of **U.S. Highway 98 (Mobile Highway)** run **Northeastwardly** along the arc of said curve **129.42 feet** to a point; thence run **South 28 degrees 38 minutes 47 seconds East 200 feet** to a point; thence run **South 64 degrees 29 minutes 02 seconds West 207.12 feet** to a point; thence run **South 66 degrees 11 minutes West 199.80 feet** to a point; thence run **South 61 degrees 44 minutes West 184.98 feet** to a point; thence run **South 53 degrees 13 minutes West 184.98 feet** to a point; thence run **South 44 degrees 40 minutes West 184.98 feet** to a point; thence run **South 36 degrees 07 minutes West 184.98 feet** to a point; thence run **South 30 degrees 41 minutes West 186 feet** to a point; thence run **South 25 degrees 36 minutes 22 seconds West 241.70 feet** to a point; thence run **North 69 degrees 30 minutes West 170 feet** to the **POINT OF BEGINNING. CONTAINING 7.45 ACRES.**

K. Lot 10 of Lakewood Club Estates, Unit 2, according to plat thereof recorded in Map Book 5, Page 198 of the records in the Office of the Judge of Probate of Baldwin County, Alabama.

L. Lot 6 of Lakewood Club Estates, Unit 2, according to plat thereof recorded in Map Book 5, Page 198 of the records in the Office of the Judge of Probate of Baldwin County, Alabama.

M. Commencing at the Southeast corner of U.S. Highway 98 (Mobile Road) and Battles Road, Baldwin County, Alabama, run South 21 degrees 31 minutes 18 seconds West along the East right of way line of said U.S. Highway 98 (Mobile Road) 271.07 feet to the P.C. of a curve to the right having a radius of 1539.04 feet; thence continuing along said East line of U.S. Highway 98 (Mobile Road) run Southwestwardly along the arc of said curve 89.95 feet to the POINT OF BEGINNING of the property herein described; thence continuing Southwestwardly along said East line of U.S. Highway 98 (Mobile Road) and said arc of curve run 250.0 feet to a point; thence run South 81 degrees 34 minutes 55 seconds East 342.07 feet to a point; thence run North 22 degrees 29 minutes 30 seconds East 203.86 feet to a point; thence run North 74 degrees 55 minutes 15 seconds West 303.77 feet to the POINT OF BEGINNING.

N. Property described in Deed recorded in the aforesaid Probate Office in Real Property Book 219, Page 1002;

O. Property described in Deed recorded in the aforesaid Probate Office in Real Property Book 238, Page 1810;

P. Property described in Deed recorded in the aforesaid Probate Office in Real Property Book 288, Page 717;

Q. Property described in Deed recorded in the aforesaid Probate Office in Real Property Book 297, Page 1578; and

R. Property described in Deed recorded in the aforesaid Probate Office in Real Property Book 297, Page 1783.

S. Property described in Deed to Traditional Episcopal Parish of Saint Francis At The Point recorded in the aforesaid Probate Office in Real Property Book 190, Page 368.

AND FURTHER LESS AND EXCEPT FROM PARCEL 2 THE FOLLOWING PARCELS:

T. Beginning at the Northeast corner of Lot 6, Lakewood Club Estates, Unit One, as per plat recorded in Map Book 5, Page 81 of the Probate Court Records, Baldwin County, Alabama; said point also being on the West line of Lot 11, Troost's Survey of the Point Clear Tract, as per plat recorded in Deed Book "K", Page 805 of the Probate Court Records, Baldwin County, Alabama; thence along the East line of said Lot 6, Lakewood Club Estates, Unit One, and said West line of Lot 11, Troost's Survey of the Point Clear Tract run South 34 degrees 27 minutes 39 seconds West 104.30 feet to a point; thence run South 52 degrees 31 minutes 06 seconds East 209.24 feet to a point on the West line of Lot 10 of said Troost's Survey of the Point Clear Tract; thence along said West line of Lot 10, Troost's Survey of the Point Clear Tract run South 36 degrees 37 minutes 40 seconds West 399.36 feet to a point; thence run South 55 degrees 43 minutes 33 seconds East 203.21 feet to a point on the East line of said Lot 10, Troost's Survey of the Point Clear Tract; thence along said East line of Lot 10, Troost's Survey of the Point Clear Tract run North 36 degrees 57 minutes 58 seconds East 551.71 feet to a point on the South right of way line of Pinegrove Drive; said point also being the P.C. of a curve to the left having a central angle of 29 degrees 19 minutes and a radius of 152.91 feet; thence along said South right of way line of Pinegrove Drive run Northwestwardly along the arc of said curve 78.24 feet to the P.T. of said curve; thence continuing along said South right of way line of Pinegrove Drive run North 77 degrees 25 minutes 00 seconds West 185.60 feet to the P.C. of a curve to the right having a central angle of 57 degrees 01 minutes 41 seconds and a radius of 66.26 feet; thence continuing along said South right of way line of Pinegrove Drive run Northwestwardly along the arc of said curve 65.95 feet to the P.T. of said curve; thence continuing along said South right of way line of Pinegrove Drive run North 20 degrees 23 minutes 19 seconds West 81.03

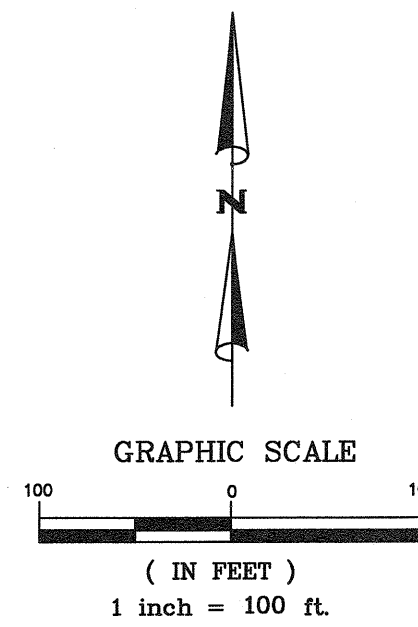
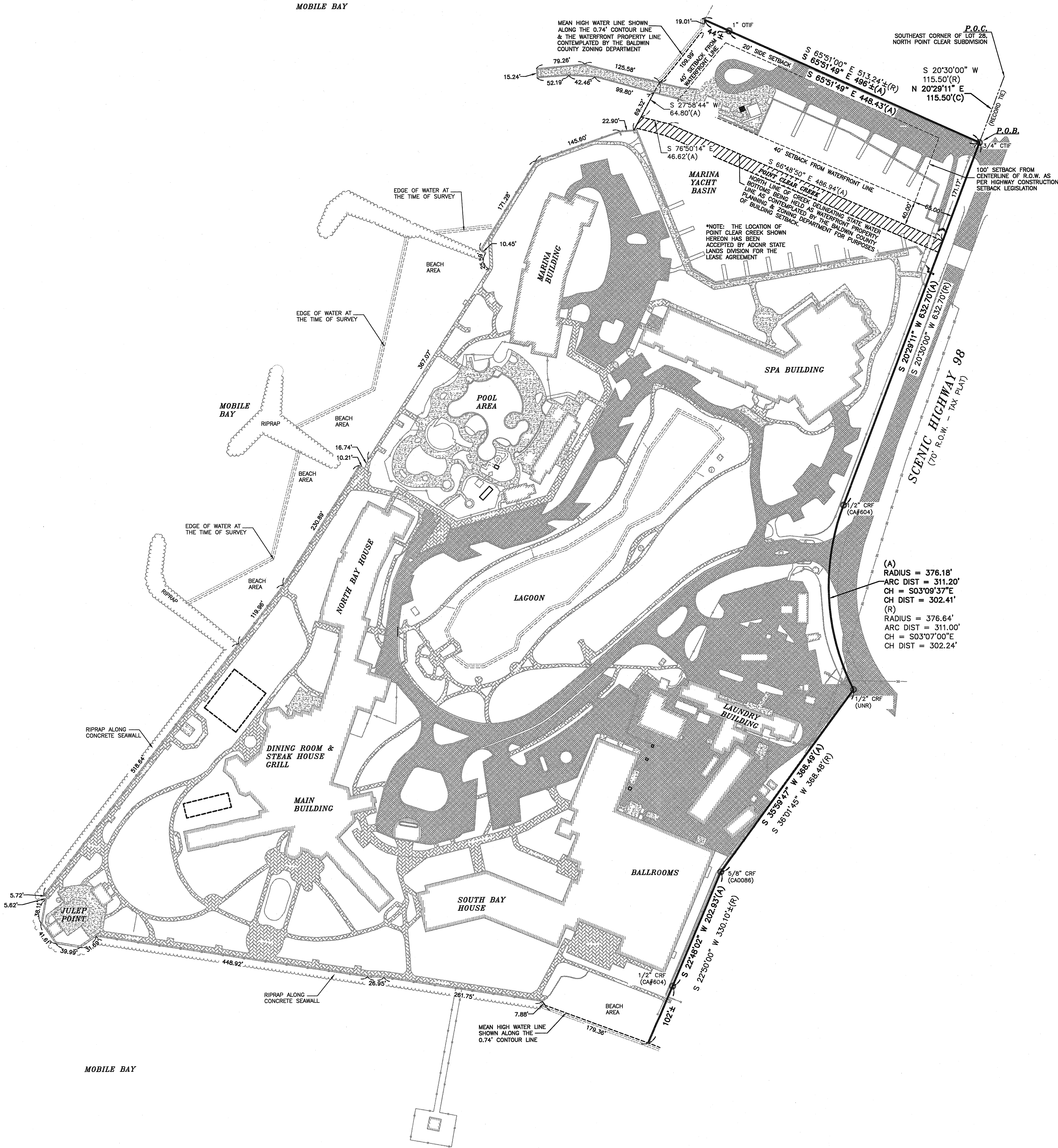
feet to a point on the **South** right of way line of **Lakewood Drive**; thence along said **South** right of way line of **Lakewood Drive** run **North 71 degrees 37 minutes 13 seconds West 44.86 feet** to the **POINT OF BEGINNING**.

U. Commencing at a point on the **West** right of way line of **Section Street, Point Clear, Alabama**, where it is intersected by the **South** right of way line of **Beaver Creek Drive**, as shown on the plat of **Lakewood Club Estates, Unit Six**, as recorded on **Slide No. 1147-B** of the **Probate Court Records, Baldwin County, Alabama**; thence along said **West** right of way line of **Section Street** run **South 00 degrees 20 minutes 23 seconds West, 162.29 feet** to the **POINT OF BEGINNING** of the property herein described; thence continuing **South 00 degrees 20 minutes 20 seconds West 70. feet** to a crimp top iron; thence run **North 89 degrees 53 minutes 13 seconds West, 622.0 feet** to a rebar iron; thence run **North 00 degrees 33 minutes 35 seconds East, 69.51 feet** to a rebar iron; thence run **North 89 degrees 11 minutes 25 seconds West, 205.30 feet** to a concrete monument; thence run **North 88 degrees 53 minutes 13 seconds West, 297.20 feet** to a concrete monument; thence run **North 00 degrees 23 minutes 35 seconds East, 60.0 feet** to a point; thence run **South 89 degrees 00 minutes 40 seconds East, 520.0 feet** to a point; thence run **South 68 degrees 50 minutes 18 seconds East, 164.95 feet** to a point; thence run **South 89 degrees 53 minutes 13 seconds East, 450.0 feet** to the **POINT OF BEGINNING. CONTAINING 1.8239 ACRES.**

Together with the benefits of that certain easement dated **September 14, 1999** and recorded **September 20, 1999** by and between **Magnolia Trace, Inc.** as **GRANTOR** and **Point Clear Holdings, Inc.** as **GRANTEE** recorded in the **Office of the Judge of Probate of Baldwin County, Alabama** as **Instrument Number 512160, Pages 1 through 21.**

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PLOT DATE: Apr 22, 2021 10:44am



- LEGEND**
- | | |
|---|---------------------------------|
| P.O.C. POINT OF COMMENCEMENT | TELEPHONE BOX (VAULT) |
| P.O.B. POINT OF BEGINNING | WATER METER |
| (A) ACTUAL | SANITARY SEWER VALVE |
| (R) RECORD DEED (INSTRUMENT NO. 1024402) | WATER VALVE |
| (P) PLAT OF RECORD | GAS VALVE |
| (C) COMPUTED | TRANSFORMER BOX |
| OTIF OPEN TOP IRON PIPE FOUND | LIGHT POLE |
| IPF IRON PIN FOUND | CABLE TV BOX |
| CTIF CRIMP TOP IRON PIPE FOUND | ELECTRIC BOX |
| CRF CAPPED REBAR FOUND | ELECTRIC PANEL |
| RBF 1/2" REBAR FOUND | IRRIGATION CONTROL VALVE |
| CRS 1/2" CAPPED REBAR SET STAMPED CA#604 | SANITARY SEWER MANHOLE |
| CMF CONCRETE MONUMENT FOUND | STORM DRAIN MANHOLE |
| CMS CONCRETE MONUMENT SET | TELEPHONE MANHOLE |
| LS# LICENSED PROFESSIONAL SURVEYOR'S NUMBER | SEWER CLEANOUT |
| CA# CERTIFICATE OF AUTHORIZATION NUMBER | SEWER GRINDER PUMP |
| (DIST) DISTURBED | GREASE TRAP |
| (REF) REFERENCE CORNER SET ON LINE | FLAG POLE |
| (UNR) UNREADABLE | GAS LINE SIGN MARKER |
| INST # INSTRUMENT NUMBER | TELEPHONE SIGN MARKER |
| SECT. SECTION | WATERLINE MARKER |
| CONC. CONCRETE | FIBER OPTIC LINE MARKER |
| POW. POWER POLE | (EX) EXCEPTION |
| GUY WIRE | FO UNDERGROUND FIBER OPTIC LINE |
| R/W RIGHT-OF-WAY | OE OVERHEAD ELECTRIC |
| BE BURIED ELECTRIC LINE | UT UNDERGROUND TELEPHONE LINE |
| FI FIRE HYDRANT | S UNDERGROUND SEWER LINE |
| W UNDERGROUND WATERLINE | W UNDERGROUND WATERLINE |
| U UNDERGROUND GAS LINE | G UNDERGROUND GAS LINE |
| TV UNDERGROUND TELEVISION | TV UNDERGROUND TELEVISION |
| ELEC. ELECTRIC | |
- *NOTE: TREE SYMBOL SIZE IS AN APPROXIMATION OF THE DRIP LINE AREA OF THE TREE, COMPUTED AS 2 X'S TREE DIAMETER IN FEET. (EXAMPLE: 20" TREE = 40' DRIP LINE)
- ASPHALT
BRICK
CONCRETE

GENERAL SURVEYOR'S NOTES

- SOURCES OF INFORMATION USED TO FACILITATE THIS SURVEY WERE PREVIOUS SURVEYS BY THIS AND OTHER FIRMS, THE RECORDED SUBDIVISION PLAT, AND/OR OTHER RECORDED DOCUMENTS SHOWN HEREON.
- NO TITLE SEARCH, TITLE OPINION OR ABSTRACT WAS PERFORMED BY THIS FIRM. THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, RIGHT-OF-WAYS, OR OTHER INSTRUMENTS OF RECORD WHICH COULD AFFECT THE BOUNDARIES OF THIS PROPERTY THAT WERE NOT FURNISHED AT TIME OF SURVEY.
- NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN.
- FIELD WORK FOR THIS SURVEY WAS COMPLETED ON 05/27/2020.
- ALL BEARINGS ARE BASED ON NORTH AMERICAN DATUM 1983, ALABAMA WEST ZONE; STATE PLANE GRID NORTH; DERIVED BY GLOBAL POSITIONING SYSTEM OBSERVATION; ALL DISTANCES SHOWN ARE GROUND DISTANCES. ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH U.S. STANDARD FEET.
- ELEVATIONS ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988. CONTOURS ARE SHOWN AT ONE FOOT INTERVALS.
- NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION TIDAL BENCHMARK STAMPED 3821 B 2010 (DESIGNATION 873 3821 B) WAS USED TO REFERENCE THE MEAN HIGH WATER LINE ELEVATION. MEAN HIGH WATER LINE WAS LOCATED ALONG THE MARGIN OF MOBILE BAY AT AN ELEVATION OF 0.74'.
- THIS IS A BOUNDARY SURVEY OF THE GRAND HOTEL MARRIOTT RESORT.
- BALDWIN COUNTY PLANNING AND ZONING HAS REQUESTED A BOUNDARY SURVEY DEPICTING THE LOCATION OF POINT CLEAR CREEK AND THE PROPOSED BUILDING OFFSETS FOR FUTURE DEVELOPMENT WITHIN THE MARINA AREA.
- THE SURVEYED PROPERTY LIES WITHIN SECTION 36, TOWNSHIP 6 SOUTH, RANGE 1 EAST.

LEGAL DESCRIPTION
(AS PER INSTRUMENT NO.1024402)

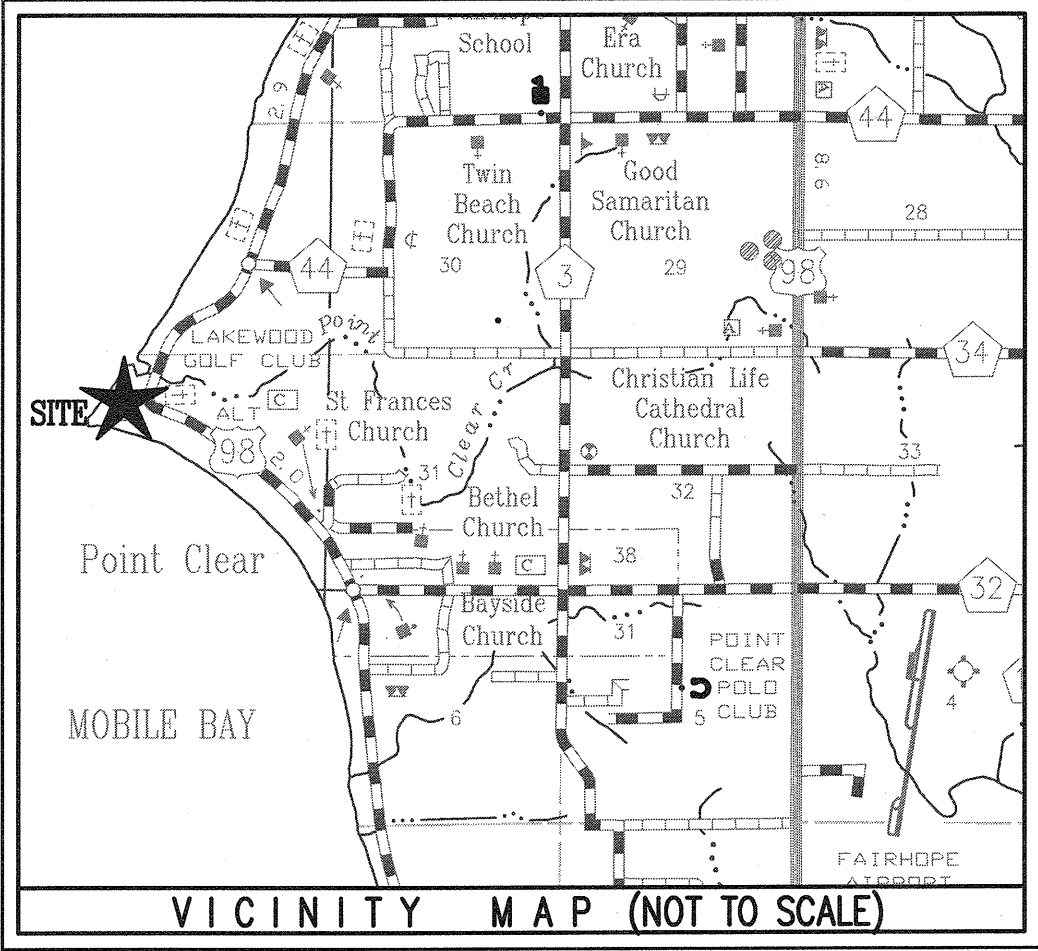
COMMENCE AT THE SOUTHEAST CORNER OF LOT 28 OF THE NORTH POINT CLEAR SUBDIVISION, ACCORDING TO THE PLAT RECORDED IN MAP BOOK 1, PAGE 149 OF THE PROBATE COURT RECORDS, BALDWIN COUNTY, ALABAMA; SAID POINT BEING ON THE WEST RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 98 (MOBILE ROAD); THENCE ALONG SAID WEST RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 98 (MOBILE ROAD) RUN SOUTH 20 DEGREES 30 MINUTES WEST 115.5 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUING SOUTH 20 DEGREES 30 MINUTES WEST ALONG SAID WEST RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 98 (MOBILE ROAD) RUN 632.70 FEET TO THE P.C. OF A IRREGULAR CURVE TO THE LEFT; THENCE CONTINUING ALONG SAID WEST RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 98 (MOBILE ROAD), PARALLEL WITH AND 35 FEET WEST OF THE CENTERLINE RUN SOUTHWARDLY ALONG THE ARC OF SAID CURVE 311 FEET, MORE OR LESS, TO A POINT WHICH BEARS SOUTH 03 DEGREES 07 MINUTES 15 SECONDS EAST 302.24 FEET FROM THE LAST DESCRIBED POINT; SAID POINT BEING THE NORTHWEST CORNER OF THE PROPERTY FORMERLY OF MRS. JESSIE E. COLE, PROPERTY NOW OF THE ESTATE OF S.B. QUIGLEY; THENCE ALONG THE WEST BOUNDARY OF SAID QUIGLEY PROPERTY RUN SOUTH 36 DEGREES 01 MINUTES 45 SECONDS WEST 368.48 FEET TO A POINT; THENCE CONTINUING ALONG SAID WEST BOUNDARY OF QUIGLEY PROPERTY RUN SOUTH 22 DEGREES 50 MINUTES WEST 330.10 FEET, MORE OR LESS, TO A POINT ON THE EAST MARGIN OF MOBILE BAY; THENCE ALONG THE MEANDERINGS OF SAID EAST MARGIN OF MOBILE BAY RUN NORTHWESTWARDLY 1036 FEET, MORE OR LESS, TO A POINT; THENCE CONTINUING ALONG SAID MEANDERINGS OF THE EAST MARGIN OF MOBILE BAY RUN NORTHEASTWARDLY 1852 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF THE PROPERTY NOW OR FORMERLY OF THOMAS J. TAYLOR AND JEANNE TAYLOR; THENCE ALONG THE SOUTH BOUNDARY OF SAID TAYLOR PROPERTY RUN SOUTH 65 DEGREES 51 MINUTES EAST 513.24 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

SURVEYOR'S CERTIFICATION

I HEREBY STATE THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND-SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

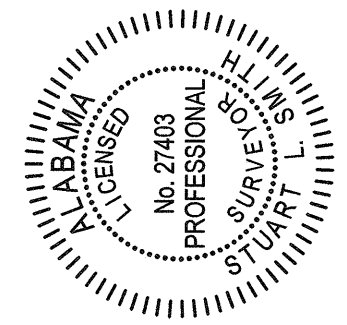
STUART L. SMITH, PLS
ALABAMA LICENSE NUMBER 27403
DATE 4/22/2021

*DRAWING IS INVALID WITHOUT SIGNATURE & SEAL OF A LICENSED LAND SURVEYOR



BOUNDARY SURVEY

GRAND HOTEL
MARRIOTT RESORT
POINT CLEAR, AL



RETIREMENT SYSTEMS OF ALABAMA
GMC Project #
CMOB190012

2039 Main Street
Daphne, AL 36526
T 251.626.2626
GMCNETWORK.COM

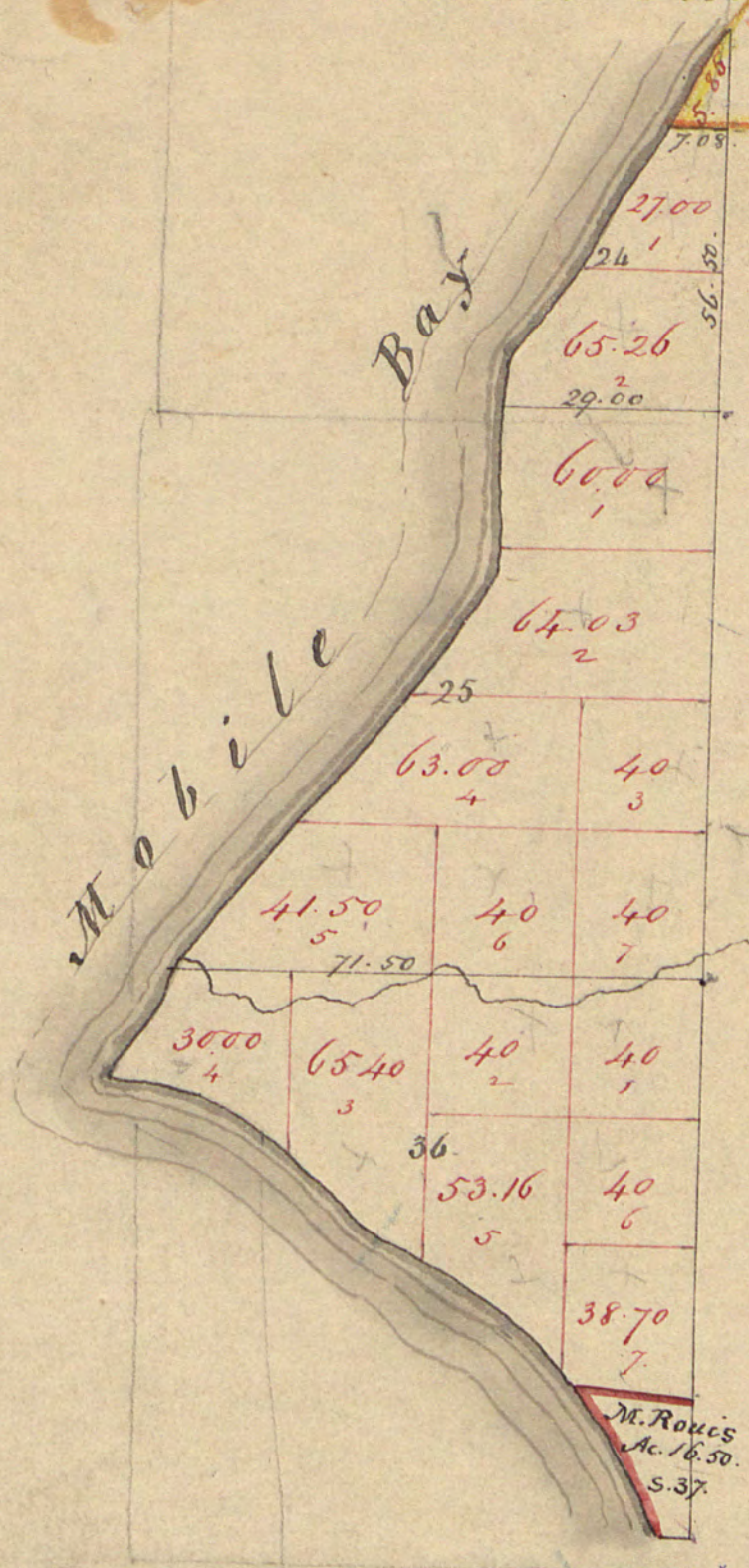




19

Part of T. VI. S. R. I. East.
Land Dist. Southern Part of Alabama.

Rec'd with S. G. letter of 15 Oct. 1845



De Forest

770.43

ALABAMA. S & E
ST. STEPHENS. MER.

Surveyor's Office, (Ala)
19 May 1845. Examined & approved
John H. Weakley, Surveyor Genl,
of the public lands in Alabama

POOR COPY

July 14, 2021

Baldwin County Board of Adjustment No. 1
c/o Linda Lee, Planner
lee@baldwincountyal.gov

**Re: Land Use Certificate; Case # LU21-000478
The Teachers Retirement System of Alabama and The Grand Hotel**

Dear Members of the Board of Adjustment:

On July 13, 2021, The Teachers Retirement System of Alabama (“RSA”) submitted a letter in response to an appeal filed by Point Clear Property Owners Association, Inc. with the Board of Adjustment in the above-styled case. Among other things, RSA’s submission explains that RSA’s proposed Beach Suites hotel satisfies Section 7.1.4 of the Ordinance, which requires a 20-foot side yard setback, because that setback should run from the original, pre-dredged border of Point Clear Creek.

Enclosed is the Affidavit of Jeffrey N. Lucas, a surveyor and attorney, who testifies that a 1938 aerial photograph and an 1845 United States General Land Office plat of Point Clear Creek establish “definitive contrary evidence” that The Grand Hotel marina yacht basin in its present state does not establish the boundary of RSA’s property and, therefore, the point from which the side yard setback is measured. In Mr. Lucas’s opinion, Point Clear Creek could not have been more than 15-20 feet as it crossed RSA’s property near the current location of the proposed Beach Suites. RSA received Mr. Lucas’s affidavit after making its initial submission.

Thanks you for your consideration of this information.

Best regards,

By: /s/ C. Randall Minor

Cc: Matthew Brown
Matthew.brown@baldwincountyal.gov

AFFIDAVIT OF JEFFERY N. LUCAS, JD, PLS, Esq.

PERSONALLY before me, an officer duly authorized to administer oaths in the State of Alabama, appeared JEFFERY N. LUCAS, who being duly sworn, deposes and says the following:

1. I am a United States citizen and a resident of the State of Alabama, County of Shelby, who is over nineteen (19) years of age, I am competent to testify and I have personal knowledge of all the matters addressed herein.

2. For the past thirty-six (36) years, I have been a licensed professional land surveyor, and am currently licensed in the States of Alabama, Florida, Georgia, Mississippi and Tennessee. I have been admitted to the Alabama State Bar since 2003 and am a licensed attorney in Alabama in good standing.

3. I hold the following degrees and certifications: Associates Degrees in Land Surveying; Bachelor's Degree in Business Administration; and Juris Doctor.

4. I have authored nearly 150 articles on land surveying, boundary law, riparian rights and other related legal issues, which have been published in state and national professional journals. I have authored three books on land surveying and boundary law, including the Alabama Boundary Law book (2009), which was sponsored by the Alabama Society of Professional Land Surveyors.

5. I have testified as an expert witness in the field of land surveying or consulted on such matters on dozens of occasions. I have been accepted as an expert by the State Courts of Alabama, Florida, Georgia, Missouri, Ohio, Vermont, Washington State, and served as a consultant for cases in Alabama, Arkansas, California, Florida, Georgia, Idaho, Illinois, Mississippi, and Tennessee. I have compiled information, written expert surveying reports/affidavits and given deposition testimony and trial testimony, relied upon in resolving disputed issues in court cases and other controversies.

6. I have personal knowledge of the facts and matters herein referred to by me, except where indicated to be based on information and belief (my opinion), and where so stated I verily believe them to be true. Where I state an opinion, it is my professional opinion based on reasonable land surveying certainty, my surveying experience, my legal training, experience in dealing with legal issues of this nature, and knowledge of relevant Alabama precedent.

7. The subject of my examination and this report is The Grand Hotel and associated properties located at One Grand Boulevard, Point Clear,¹ Alabama 36564 (the “Subject Property”). I have examined documents relevant to the Subject Property to include, but not limited to: the 1845 United States General Land Office (“1845 GLO Plat”) plat of Township 6 South, Range 1 East of the St. Stephens Principal Meridian containing Fractional Section 36 within which the Subject Property is situated; a 1938 aerial photograph of Point Clear which includes the Subject property (the “1938 Aerial Photograph”); the undated Exhibit A1 “Description of Point Clear Creek,” prepared by Goodwyn Mills Cawood, LLC (“GMC Point Clear Creek Exhibit”); various other surveys of the Subject Property, prepared by (GMC); the latest deed of the Subject Property, Instrument No. 1024402 Page 29, Baldwin County Probate Records; the May 17, 2021 Land Use Certificate Case # LU21-000478, relative to the Subject Property; the June 4, 2021 Appeal of Administrative Decision relative to Land Use Certificate Case # LU21-000478; the Baldwin County Zoning Ordinance, Amended as of June 1, 2021; and the Baldwin County Subdivision Regulations, dated October 6, 2020, among other documents.

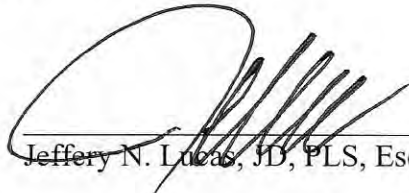
8. The 1845 GLO Plat (created after statehood in 1819), clearly depicts what could only be Point Clear Creek meandering along the northern boundary of Fractional Section 36 on its way to

¹ Point Clear is an unincorporated census-designated place in Baldwin County, Alabama. The address is also referred to as being Fairhope, Alabama.

Mobile Bay. It is impossible to know the width of the creek from the plat, but it clearly is not a natural cove or man-made marina. The 1938 Aerial Photograph (also post-statehood) depicts Point Clear Creek in approximately the same location as the GLO plat. This photo is "definite contrary evidence" that, in its ordinary condition, Point Clear Creek was a small creek that was artificially increased in size post-1938. Using the relative size of Point Clear Creek on the photo as compared to Scenic Highway 98 as an indicator, Point Clear Creek could not have been more than 15-20 feet in width.

9. It is obvious from the historical evidence that Point Clear Creek in its ordinary condition at the time of statehood was a small creek and had not been widened either naturally or by artificial means near the bay. Under both federal and Alabama law, when it was widened and deepened by artificial means sometime after 1938, an avulsive event took place. It is my opinion that the "GMC Point Clear Creek Exhibit" is a reasonable representation of the probable width and location of the creek in its ordinary condition at the time of statehood.

Further, Affiant sayeth not.


Jeffery N. Lucas, JD, PLS, Esq. Affiant

STATE OF ALABAMA
SHELBY COUNTY

I, Treva M. Moore, as Notary Public in the for said County and State, do hereby certify that Jeffery N. Lucas, whose name is signed to the foregoing affidavit, who is known to me, acknowledged before me, on this date, that after having been duly informed of the contents of said certificate, executed same voluntarily as such surveyor with full knowledge thereof.

Given under my hand and seal this 13 day of July, 2021.

By: 
Notary Public

My commission expires: April 17, 2024

TREVA M. MOORE
Notary Public, Alabama State At Large
My Commission Expires APRIL 17, 2024



Affidavit of Jeffery N. Lucas, JD, PLS, Esq.
Page 3 of 3