

106 Alsway Court  
Fairhope AL 36532  
(541) 232-0982

7<sup>th</sup> October, 2019

Baldwin County Highway Department  
Permit Division  
P.O. Box 220  
Silverhill, AL 36576  
Fax: (251) 937-0227

LETTER SENT VIA FAX AND REGULAR MAIL

Re: **Application for License to Clear Unopened Right-of-Way  
Case Number #LA-19013**

To Whom It May Concern:

I am responding to the notice I received regarding Burgess Thomasson's and the Thomasson Trust's request for a license allowing them the right to clear a 20-foot by 2,330-foot path to provide access to their property located to the east of 3<sup>rd</sup> Street. I understand that this request will be considered during a meeting of the Baldwin County Commission Work Session scheduled for October 8<sup>th</sup>, 2019, which I plan to attend.

I believe that the request should be denied for a number of reasons. First, the Thomassons already have access to the property, making the license unnecessary. Based on my review of the application materials and the notice I received, the license is purportedly needed so that the Thomassons can access the property. My understanding is that the Thomassons are planning to market and sell the property to a buyer and that they would like to clear the right-of-way to help them show the property. However, they already have sufficient access to the property that would allow them to show it to potential buyers. There is a utility easement on the eastern side of the property that is already cleared, and I believe that there is also an older logging trail that provides the Thomassons access to the property. Because access already exists, it is unnecessary to clear a path down the 3<sup>rd</sup> Street right-of-way.

In addition to being unnecessary, clearing 3<sup>rd</sup> Street as requested will create several problems for the residents of Montrose. Clearing this right-of-way will likely lead to drainage and erosion issues, especially given that there is a large gully running across 3<sup>rd</sup> Street. I'm also worried that clearing the right-of-way will cause problems similar to those currently occurring on 2<sup>nd</sup> Street. I have spoken with Barry Booth and other residents living adjacent to 2<sup>nd</sup> Street, who have

reported finding trash and other indications that people are camping and loitering on the right of way, which concerns me. These are ongoing issues that we do not wish to have on 3<sup>rd</sup> Street if they can be avoided.

Lastly, my neighbors and I are especially concerned that unnecessarily clearing this right-of-way will be the first in a series of steps leading to the eventual opening of 3<sup>rd</sup> Street and other connecting streets such as Adams, Chapman and Taylor Streets. Montrose is a historic neighborhood with small quiet roads and beautiful trees, and we believe that the integrity of the neighborhood should be preserved at all costs. Opening 3<sup>rd</sup> Street would do just the opposite. It would lead to increased traffic off of U.S. Hwy. 98, create public safety issues stemming from additional all-wheel vehicles on these small, narrow roads, and would compromise the neighborhood's unique and rural feel. Taken together, these impacts would cause irreversible harm to the makeup of the Montrose community.

Mr. Larry Chason, who spoke on behalf of the Thomasons in meetings with the City of Fairhope Planning Commission, has acknowledged as much. He told the Planning Commission on several occasions that there is no plan to open these existing rights of ways or to connect a future development to Montrose. Mr. Chason went so far as to propose a Planned Unit Development (PUD) to the City of Fairhope's Planning Commission for this future development. That plan did not include any access to 3<sup>rd</sup> Street or any of its parallel streets, and the City adopted this PUD in February of 2017. Moreover, past County Commissioners have expressed that there is no plan by the County to open these rights of ways for the same reasons.

Considering that the Thomassons already have access to the property in question and given both the concerns set out in this letter and the representations made to the City of Fairhope and the residents of Montrose in the past regarding this very issue, my hope is that the Commission will respectfully deny the request to grant the license the Thomassons have applied for. I appreciate your time in consideration in this matter.

Yours sincerely,



Theodore & Laurelle Gardner  
(Laurelle\_gardner@hotmail.com)