



VIA E-MAIL WITH ATTACHMENTS

October 11, 2019

Mr. Wayne Dyess, AICP  
County Administrator  
Baldwin County Commission  
322 Courthouse Square Suite 12  
Bay Minette, AL 36507

Karin Wilson  
*Mayor*

*Council Members*

Kevin G. Boone

Robert A. Brown

Jack Burrell, AICMO

Jimmy Conyers

Jay Robinson

Lisa A. Hanks, MMC  
*City Clerk*

Michael V. Hinson, CPA  
*City Treasurer*

RE: City of Fairhope Zoning Case Number ZC 15.12 Thomasson PUD in proximity of proposed License Agreement 19013

Dear Wayne,

Thank you for your call regarding proposed License Agreement 19013 in the Montrose community of Fairhope, AL. The proposed license agreement requests "clearing 20 ft wide and 2,330 ft long of underbrush and a few small trees less than 12" in diameter to access their properties". The Baldwin County Highway Department verified the area to be cleared is the unopened and unimproved 3<sup>rd</sup> Street Right-of-Way (ROW) from the end of pavement to Rock Creek.

The area proposed for clearing is in close proximity to the Thomasson Planned Unit Development (PUD) adopted by the Fairhope City Council on June 12, 2017. A citizen that received notice of proposed License Agreement 19013 inquired to City of Fairhope staff regarding county-owned ROWs affected by the Thomasson PUD, and specifically asked if the clearing of 3<sup>rd</sup> Street was a component of constructing the Thomasson PUD. A reading of the Thomasson PUD ordinance and its supporting drawings does not indicate any clearing, opening, or improvements of 3<sup>rd</sup> Street, with the exception of an area where a proposed new ROW within the Thomasson PUD crosses the unopened and unimproved 3<sup>rd</sup> Street ROW. The Thomasson PUD supporting drawings include other crossings of unopened and/or unimproved county ROWs as seen in the attached electronic copy of the Thomasson PUD ordinance. Though the Thomasson PUD was adopted by the Fairhope City Council, a subdivision application which would include plans and profiles of all proposed ROWs within the Thomasson PUD has yet to be submitted to City of Fairhope.

To summarize, neither the Thomasson PUD ordinance nor its supporting drawings include opening or improving unopened and unimproved Baldwin County ROW 3<sup>rd</sup> Street in the Montrose Community within the City Limits of Fairhope, AL. However, my reading of the Thomasson PUD ordinance does not necessarily preclude opening or improving any county ROWs outside of the Thomasson PUD that have been otherwise approved by the Baldwin County Highway Department and the Baldwin County Commission. I will reiterate that a subdivision application for the Thomasson PUD has not been submitted to City of Fairhope and therefore no review of plans and profiles of proposed ROWs has been conducted. If it is the pleasure of the County Commission to approve proposed License Agreement 19013, City of Fairhope staff respectfully requests

161 North Section Street

P O. Drawer 429

Fairhope, Alabama 36533

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that correspondence be included in the license agreement indicating that the applicant shall request a land disturbance permit from the City of Fairhope prior to commencing with clearing activities.

Please do not hesitate to contact me with questions.

Karin Wilson  
*Mayor*

*Council Members*

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*City Clerk*

Michael V. Hinson, CPA  
*City Treasurer*

Respectfully,

A handwritten signature in black ink, appearing to read "J. Buford King".

J. Buford King  
LEED AP, OCI  
Development Services Manager  
City of Fairhope

CC: Mr. Richard Johnson, PE  
Public Works Director  
Mr. Erik Cortinas, CBO, CFM, LEED AP  
Building Official

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