

John Underwood - CLTC

From: John Underwood - CLTC
Sent: Tuesday, January 10, 2023 9:23 AM
To: Tom Henrion (tomhenrion@bellsouth.net)
Cc: Rollo Fox iPad; barrettchar@icloud.com; Elizabeth Rapaport; mark@markjgardner.com; equither@att.net; Holly Hoffer Reed (hollyhoffer@yahoo.com)
Subject: Tom - Your Phone Call
Attachments: Letter To Members.pdf; BP Review Motion.pdf; John Underwood.pdf

Tom,

Thanks for calling yesterday afternoon. Once again, it appears the bridle path committee, or a subset of that committee, may be myopically focused on some 30+/- yards of the Underwoods' private property, as juxtaposed with my frequent and respectful requests during the past two years for an independent safety review of the entire 20+ miles of BP easements. My latest iteration of this proposed board motion is attached, as are my 2022 board nomination letter and separate correspondence to all members that globally address the same.

The time is long overdue for BP policy, expenditures and strategic planning be handled by the entire elected board, not an appointed committee. These expansive easements are LPOA's main amenity, function, potential liability and expense line item (routinely). In my opinion, failing to facilitate this safety review by now is irresponsible.

Tom, as Reta and I have exhaustively promised, if/when a comprehensive and credible review is completed, we certainly are willing to discuss the possibility of relocating a small portion of personal property as part of a redrawn easement. It seems that some of our good neighbors are either unaware or have selective memory that the Underwoods cooperatively permitted access to non-easement personal property for 14 consecutive years until we deemed one section to no longer be safe for casual riders. Contrary to whatever non-binding and miscellaneous statements allegedly have been issued to LPOA over the years, both our personal attorney and insurance agent have assured us that, if a rider is injured on our non-easement property, we would be solely liable. Further, we have been advised about the possibility that LPOA doesn't have specific insurance

coverage for the BP easements, so I'll appreciate if you will email or mail me the policy language that hopefully will contradict this assertion.

Related, Reta and I reasonably expect as LPOA members to be afforded more basic courtesy from volunteer leaders. During 2021-22 alone: (1) An unnecessary and costly land survey was conducted by LPOA on our private property without the Underwoods' cooperation; (2) At the April 2022 board meeting that I attended, Elizabeth Rapaport attributed statements to the Underwoods in a third-party manner that were blatantly false. In fact, despite incessant and disproportionate attention to this short stretch of 152-1 easement, not once has she simply called Reta and/or me. I did finally hear from Holly as BP committee chairman late last year, but it appeared that she had been misinformed some time ago in several regards; (3) Heavy equipment was sent to our tract without prior notice, which accessed and was clearing non-easement private property. That vendor said he had not been provided the legal easement map; (4) We were threatened in writing with a 'prescriptive easement', which isn't applicable, by an individual board member who's also a licensed real estate agent; (5) Some \$7700 of our prorated assessment monies were spent without board pre-approval on a non-essential BP project, and that included heavy clearing on solely private property; and, (6) I've been repeatedly approached by LPOA volunteers, including an estimated 6+ times by you, with the exact same question about accessing our 152-1, yet not a single board member has introduced a motion regarding the recommended independent safety review that's a prerequisite to any such formal discussion.

Last, regarding the pending relocation of the tract 152-1 easement to 151, that's a decision between LPOA and LaCroix, since the Underwoods will provide a release letter, if asked. As I commented to you, Reta and I feel as LPOA members the proposed route at the entrance is a bit inclined for casual riders, but perhaps tolerable. However, it's considerably compromised at the creek crossing that's so close to the large culvert where significant amounts of runoff water can immediately alter that terrain. Closer to the crossover bridge is a very narrow passageway, with mature trees, to remain on 151. Based on firsthand experience, we also have safety concerns about young thoroughbreds on LaCroix's track right above the section where BP riders will continue down to Harrod's Creek; fortunately, Erin LaCroix doesn't share this latter concern, so that's good.

Kindest regards,

John

John F. Underwood

Tract 152-1

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