



County Council Meeting Beaufort County, SC

Council Chambers, Administration Building Beaufort County Government Robert Smalls
Complex 100 Ribaut Road, Beaufort

Monday, February 26, 2024
5:00 PM

AGENDA

COUNCIL MEMBERS:

JOSEPH F. PASSIMENT, CHAIRMAN
DAVID P. BARTHOLOMEW
LOGAN CUNNINGHAM
YORK GLOVER
MARK LAWSON
ANNA MARIA TABERNIK

LAWRENCE MCELYNN, VICE CHAIR
PAULA BROWN
GERALD DAWSON
ALICE HOWARD
THOMAS REITZ

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE AND INVOCATION- Council Member Anna Maria Tabernik
3. PUBLIC NOTIFICATION OF THIS MEETING HAS BEEN PUBLISHED, POSTED, AND DISTRIBUTED IN COMPLIANCE WITH THE SOUTH CAROLINA FREEDOM OF INFORMATION ACT
4. APPROVAL OF AGENDA
5. APPROVAL OF MINUTES - January 22, 2024, February 5, 2024 (Special Called County Council Meeting), & February 12, 2024.
6. ADMINISTRATOR'S REPORT

CITIZEN COMMENTS

7. **CITIZEN COMMENT PERIOD - 15 MINUTES TOTAL**

Anyone who wishes to speak during the Citizen Comment portion of the meeting will limit their comments to AGENDA ITEMS ONLY and speak no longer than three (3) minutes. Speakers will address Council in a respectful manner appropriate to the decorum of the meeting, refraining from the use of profane, abusive, or obscene language. In accordance with Beaufort County's Rules and Procedures, giving of a speaker's time to another is not allowed.

COMMITTEE REPORTS

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8. LIASION AND COMMITTEE REPORTS

PUBLIC HEARINGS AND ACTION ITEMS

9. APPROVAL OF CONSENT AGENDA
10. FIRST READING OF AN ORDINANCE AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS TO CONVEY A PORTION OF PROPERTY OWNED BY BEAUFORT COUNTY WITH TMS NO. R510 005 000 0329 0000, LOCATED ON BEACH CITY ROAD, HILTON HEAD ISLAND (**FISCAL IMPACT: Beaufort County will receive \$30,250 from the Buyer. 70% of the funds from the sale will be deposited into the Rural and Critical Bond Fund (4500-80-0000-47010) to be used towards future acquisitions by the Rural and Critical Lands Preservation Program 30% of the funds will be reimbursed to the Town of Hilton Head**)
11. APPROVAL OF A RESOLUTION AUTHORIZING THE PROVISION OF FUNDS TO LOWCOUNTRY AREA TRANSPORTATION STUDY (LATS) FOR BEAUFORT COUNTY'S PORTION OF THE LOCAL MATCH FOR THE NORTHERN TRANSIT STUDY, THE SC 315/46 AND BLUFFTON PARKWAY EXTENSION STUDY, AND THE BLUFFTON PARKWAY FROM SC 170 TO US 278 AT THE BLUFFTON PARKWAY FLYOVER STUDY; AND FURTHER TO AUTHORIZE THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE MEMORANDUMS OF UNDERSTANDING WITH LOWCOUNTRY COUNCIL OF GOVERNMENTS FOR THE MANAGEMENT OF THE REGIONAL STUDIES (**FISCAL IMPACT: The match for the Bluffton Parkway's study will come from Bluffton Transportation Impact Fees account 2300-30-0000-51160 with a balance of \$7,331,998.85. The match for the SC315/SC 46's study and the Northern Transit Study will come from Road Use Fee funds professional services account 2342-30-0000-51160 with a balance of \$1,558,409.65**)
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CITIZEN COMMENTS

12. CITIZEN COMMENT PERIOD- 15 MINUTES TOTAL

Anyone who wishes to speak during the Citizen Comment portion of the meeting will limit their comments and speak no longer than three (3) minutes. Speakers will address Council in a respectful manner appropriate to the decorum of the meeting, refraining from the use of profane, abusive, or obscene language. In accordance with Beaufort County's Rules and Procedures, giving of a speaker's time to another is not allowed.

EXECUTIVE SESSION

13. PURSUANT TO S. C. CODE SECTION 30-4-70(A)(2) TO RECEIVE LEGAL ADVICE WHERE THE ADVICE RELATES TO PENDING LITIGATION (SCRATCH GOLF, LLC V BEAUFORT COUNTY AND BEAUFORT COUNTY COUNCIL)
14. PURSUANT TO S.C. CODE SEC. 30-4-70(A)(2): DISCUSSION OF PROPOSED CONTRACTUAL ARRANGEMENTS AND MATTERS COVERED BY THE ATTORNEY-CLIENT PRIVILEGE.
15. PURSUANT TO S.C. CODE SECTION 30-4-70(A)(2): DISCUSSION OF MATTERS COVERED BY THE ATTORNEY-CLIENT PRIVILEGE (INQUIRIES AND INVESTIGATIONS PURSUANT TO S.C. CODE SECTION 4-9-660)
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END OF EXECUTIVE SESSION

16. MATTERS ARISING OUT OF EXECUTIVE SESSION
17. ADJOURNMENT

CONSENT AGENDA

Items Originating from the Finance, Administration, and Economic Development Committee

1. THIRD READING OF AN ORDINANCE APPROPRIATING FIFTEEN PERCENT OF FY24 GROSS STATE ACCOMMODATIONS TAX REVENUE TO DEVELOPMENT OF WORKFORCE HOUSING (**FISCAL IMPACT: If approved, Council will be appropriating and committing fifteen percent of fiscal FY24's gross state accommodations tax revenue to the development of workforce housing. The County and Council will need to satisfy, by subsequent action, all the requirements of the South Carolina Code of Laws before these funds are expended**)

Vote at First Reading by Title only on January 22, 2024 - 10:1

Vote at Public Hearing and Second Reading on February 12, 2024 - 10:1

Items Originating from the Public Facilities and Safety Committee

2. SECOND READING OF AN ORDINANCE AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO ENTER INTO A LEASE AGREEMENT WITH THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION (SCDOT) FOR PROPERTY LOCATED UNDER THE CROSS ISLAND PARKWAY ADJACENT TO THE BROAD CREEK BOAT LANDING PARCEL 552 010 000 0650 0000 (**FISCAL IMPACT: N/A**)

Vote at First Reading on February 12, 2024- 11:0

Public Hearing to be held at third reading on March 11, 2024

END OF CONSENT AGENDA

TO WATCH COMMITTEE OR COUNTY COUNCIL MEETINGS OR FOR A COMPLETE LIST OF AGENDAS AND BACKUP PACKAGES, PLEASE VISIT:

<https://beaufortcountysc.gov/council/council-committee-meetings/index.html>



County Council Meeting Beaufort County, SC

Council Chambers, Administration Building Beaufort County Government Robert Smalls
Complex 100 Ribaut Road, Beaufort

Monday, January 22, 2024
5:00 PM

MINUTES

Watch the video stream available on the County's website to hear the Council's discussion of a specific topic or the complete meeting. <https://beaufortcountysc.new.swagit.com/videos/295383>

1. CALL TO ORDER

Chairman Passiment called the meeting to order at 5:00PM

PRESENT

Chairman Joseph F. Passiment
Vice-Chairman Lawrence McElynn
Council Member David P. Bartholomew
Council Member Paula Brown
Council Member Logan Cunningham
Council Member Gerald Dawson
Council Member York Glover
Council Member Alice Howard
Council Member Mark Lawson
Council Member Anna Maria Tabernik
Council Member Thomas Reitz

2. PLEDGE OF ALLEGIANCE AND INVOCATION

Chairman Passiment led the Pledge of Allegiance and Council Member Brown gave the invocation.

3. PUBLIC NOTIFICATION OF THIS MEETING HAS BEEN PUBLISHED, POSTED, AND DISTRIBUTED IN COMPLIANCE WITH THE SOUTH CAROLINA FREEDOM OF INFORMATION ACT

Chairman Passiment stated that public notice of this meeting had been posted, published and distributed in compliance with the SC Freedom of Information Act.

4. APPROVAL OF AGENDA

Motion to Amend: It was moved by Council Member Tabernik, seconded by Council Member Howard to add first reading by title only of an ordinance appropriating 15% of the state 2% accommodations tax funds a-tax funds for workforce housing for workforce housing subject to review

by the state accommodations tax committee and in compliance with the requirements of the sc code of laws.

The Vote - Motion was approved without objection.

Motion to Amend: It was moved by Council Member Cunningham, seconded by Council Member Tabernik to change the title of item number 12 removing Finance, Administration, and Economic Development Committee and replace it with Public Facilities and Safety Committee.

The Vote - Motion was approved without objection.

Main Motion: It was moved by Council Member Cunningham, Seconded by Council Member Dawson to approve the agenda as amended.

The Vote - Motion was approved without objection.

5. APPROVAL OF MINUTES

Motion: It was moved by Council Member Reitz, Seconded by Council Member Howard to approve the minutes from January 8, 2024.

The Vote - Motion was approved without objection.

6. ADMINISTRATOR'S REPORT

Interim County Administrator John Robinson recognized Denise Christmas for her outstanding work as interim Deputy County Administrator and stated she has stepped back from that position and is not the county's full time Chief Financial Officer.

Mr. Robinson then recognized employees Mark Sutton, construction manager; and Amber Black, Workforce Development Specialist in HR then gave an update on the Daufuskie Island Ferry.

To listed to the full update please click on the link below.

<https://beaufortcountysc.new.swagit.com/videos/295383>

7. APPROVAL OF THE 2023 ANNUAL AUDIT PRESENTED BY MAULDIN & JENKINS, LLC, CPA FIRM

Motion: It was moved by Council Member Lawson, Seconded by Council Member Brown to approve the 2023 Annual Audit as presented by Mauldin & Jenkins, LLC, CPA Firm.

The Vote - Motion approved without objection.

8. CITIZEN COMMENT PERIOD

Please watch the video stream available on the County's website to view the comments.

<https://beaufortcountysc.new.swagit.com/videos/295383>

1. Debbie Roberson
2. Denise Gilbert
3. Skip Hogland

9. LIASION AND COMMITTEE REPORTS

Please watch the video stream available on the County's website to view the full report

<https://beaufortcountysc.new.swagit.com/videos/295383>

10. APPROVAL OF CONSENT AGENDA

Motion: It was moved by Council Member Cunningham, Seconded by Council Member Bartholomew to approve the consent agenda.

The Vote - Motion was approved without objection.

- 11. TIME SENSITIVE ITEM FROM THE JANUARY 22ND SPECIAL CALLED FINANCE, ADMINISTRATION, AND ECONOMIC DEVELOPMENT COMMITTEE MEETING - APPROVAL OF THE APPOINTMENT OF TOMMY HARMON, JR. TO THE BEAUFORT MEMORIAL HOSPITAL BOARD OF TRUSTEES FOR A FIRST TERM OF 4 YEARS WITH AN EXPIRATION DATE OF 2028 & THE REAPPOINTMENT OF EUGENE RICHARDSON LABRUCE, TO THE BEAUFORT MEMORIAL HOSPITAL BOARD OF TRUSTEES FOR A SECOND TERM OF FOUR-YEARS WITH AN EXPIRATION DATE OF 2028**

Motion: it was moved by Council Member Howard, Seconded by Council Member Brown to approve the appointment of Tommy Harmon, Jr. and the reappointment of Eugene Richardson LaBruce to the Beaufort Memorial Hospital Board of Trustees.

The Vote - Motion was approved without objection.

- 12. TIME SENSITIVE ITEM FROM THE JANUARY 22ND PUBLIC FACILITIES AND SAFETY COMMITTEE MEETING - APPROVAL OF AN ORDINANCE FOR A 2024 TRANSPORTATION SALES AND USE TAX REFERENDUM**

Motion: It was moved by Council Member Cunningham, Seconded by Council Member Tabernik to approve first reading of an ordinance for a 2024 Transportation Sales and Use Tax Referendum.

Please watch the video stream available on the County's website to view the full discussion <https://beaufortcountysc.new.swagit.com/videos/295383>

Motion to Amend: It was moved by Council Member Cunningham, Seconded by Council Member Bartholomew to include language in Section 2.3 stating that all proceeds of the sales and use tax and all proceeds of any bonds payable shall be held by the County until County Council has approved the allocation and expenditure for the projects and preparations of the projects as further identified here.

The Vote - Voting Yea: Vice-Chairman McElynn, Council Member Bartholomew, Council Member Brown, Council Member Cunningham, Council Member Dawson, Council Member Lawson, Council Member Tabernik, and Council Member Reitz. Voting Nay: Chairman Passiment, Council Member Glover, and Council Member Howard. The motion passes 9:2.

Motion to Amend: it was moved by Council Member Howard, Seconded by Council Member Bartholomew to include language creating a citizens committee.

The Vote - motion was approved without objection.

Main Motion: It was moved by Council Member Cunningham, Seconded by Council Member Tabernik to approve first reading of an ordinance for a 2024 Transportation Sales and Use Tax Referendum with the approved amendments.

The Vote - Voting Yea: Chairman Passiment, Vice-Chairman McElynn, Council Member Bartholomew, Council Member Brown, Council Member Cunningham, Council Member Dawson, Council Member Glover, Council Member Howard, Council Member Lawson, and Council Member Tabernik. Voting Nay: Council Member Reitz. The motion passes 10:1

- 13. RECOMMEND APPROVAL OF HAWKERS AND PEDDLERS LICENSE FEES**

Motion: It was moved by Council Member Glover, Seconded by Council Member Howard to approve the Hawkers and Peddlers License Fees.

The Vote - motion was approved without objection.

- 14. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS AND TO PROVIDE FUNDING FOR THE PURCHASE OF TAX MAP SERIAL NUMBER TMS R600-036-000-0013-0000 AND ALSO KNOWN AS 76 MAY RIVER ROAD**

Motion: It was moved by Council Member Tabernik, Seconded by Council Member Howard to approve second reading of an ordinance authorizing the Interim County Administrator to execute the necessary documents and to provide funding for the purchase of tax map serial number tms r600-036-000-0013-0000 and also known as 76 May River Road.

Chairman Passiment opened the floor for public hearing.

No one came forward.

The Chairman closed the public hearing.

The Vote - motion was approved without objection.

15. RECONSIDERATION OF COUNCIL'S ACTION ON FIRST READING OF AN ORDINANCE APPROPRIATING FUNDS FROM THE STATE 2% ACCOMMODATIONS TAX FUND AND FIRST READING OF AN ORDINANCE APPROPRIATING FUNDS FROM THE STATE 2% ACCOMMODATIONS TAX FUND

Motion: It was moved by Council Member Tabernik, Seconded by Council Member Bartholomew to rescind the vote that council took on December 11, 2023 in which council awarded \$150,000 to Workforce Housing from the State A-Tax Committee recommendation.

The Vote - motion was approved without objection.

Motion: It was moved by Council Member Tabernik, Seconded by Council Member Glover to approve first reading of an ordinance appropriating funds from the state a-tax funds as recommended by the state a-tax committee in compliance with the requirement of SC Code of Laws.

The Vote - Voting Yea: Chairman Passiment, Vice-Chairman McElynn, Council Member Bartholomew, Council Member Dawson, Council Member Glover, and Council Member Lawson. Voting Nay: Council Member Brown, Council Member Cunningham, Council Member Howard, Council Member Tabernik, and Council Member Reitz. The motion passes 6:5

15.a Motion: It was moved by Council Member Tabernik, Seconded by Council Member Cunningham to approve First Reading by title only of an ordinance appropriating 15% of the State 2% Accommodations Tax funds for workforce housing subject to review by the State Accommodations Tax Committee and in compliance with the requirements of the SC Code of Laws.

The Vote - Voting Yea: Chairman Passiment, Vice-Chairman McElynn, Council Member Bartholomew, Council Member Brown, Council Member Cunningham, Council Member Dawson, Council Member Glover, Council Member Howard, Council Member Lawson, and Council Member Tabernik. Voting Nay: Council Member Reitz. The motion passes 10:1.

16. APPROVAL OF A RESOLUTION AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS AND TO PROVIDE FUNDING FOR THE PURCHASE OF TAX MAP SERIAL NUMBER TMS R600-021-000-0078-0000 AND ALSO KNOWN AS BARRELL LANDING ORR

Motion made by Council Member Howard, Seconded by Council Member Cunningham.

The Vote - motion was approved without objection.

17. APPROVAL OF A RESOLUTION TO ADOPT THE PASSIVE PARKS DEPARTMENT BUSINESS USE POLICY, APPLICATION AND FEE SCHEDULE

Motion: It was moved by Council Member Glover, Seconded by Council Member Howard to approve a resolution adopting the Passive Parks Department Use Policy, Application and Fee Schedule.

The Vote - motion was approved without objection.

18. CITIZEN COMMENT PERIOD- 15 MINUTES TOTAL

Please watch the video stream available on the County's website to view the comments.
<https://beaufortcountysc.new.swagit.com/videos/295383>

1. William Smith

19. ADJOURNMENT

The meeting adjourned at 6:53PM

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Joseph F. Passiment, Jr., Chairman

ATTEST:

Sarah W. Brock, Clerk to Council
Ratified:

DRAFT



Special Called County Council Meeting Beaufort County, SC

Council Chambers, Administration Building Beaufort County Government Robert Smalls
Complex 100 Ribaut Road, Beaufort

Monday, February 5, 2024
9:30 AM

MINUTES

Watch the video stream available on the County's website to hear the Council's discussion of a specific topic or the complete meeting. <https://beaufortcountysc.new.swagit.com/videos/296421>

1. CALL TO ORDER

Chairman Passiment called the meeting to order at 9:30AM

PRESENT

Chairman Joseph F. Passiment
Vice-Chairman Lawrence McElynn
Council Member David P. Bartholomew
Council Member Paula Brown
Council Member Logan Cunningham
Council Member Gerald Dawson
Council Member York Glover
Council Member Alice Howard
Council Member Anna Maria Tabernik
Council Member Thomas Reitz

ABSENT

Council Member Mark Lawson

2. PLEDGE OF ALLEGIANCE

Chairman Passiment led the Pledge of Allegiance.

3. PUBLIC NOTIFICATION OF THIS MEETING HAS BEEN PUBLISHED, POSTED, AND DISTRIBUTED IN COMPLIANCE WITH THE SOUTH CAROLINA FREEDOM OF INFORMATION ACT

Chairman Passiment stated that public notice of this meeting had been posted, published and distributed in compliance with the SC Freedom of Information Act.

4. APPROVAL OF AGENDA

Motion: It was moved by Council Member Tabernik, seconded by Council Member Howard to approve the agenda.

The Vote - Motion was approved without objection.

5. EXECUTIVE SESSION

Motion: It was moved by Vice-Chairman McElynn, Seconded by Council Member Dawson to enter executive session.

The Vote – Motion was approved without objection.

Council entered executive session at 9:31AM.

6. END OF EXECUTIVE SESSION

Council came out of executive session at 2:13PM

7. MATTERS ARISING OUT OF EXECUTIVE SESSION

Motion: It was moved by Vice-Chair McElynn, Seconded by Council Member Bartholomew to enter into a contract with Find Great People to recruit and hire the next County Administrator.

The Vote – Motion was approved without objection.

19. ADJOURNMENT

The meeting adjourned at 2:15PM

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Joseph F. Passiment, Jr., Chairman

ATTEST:

Sarah W. Brock, Clerk to Council
Ratified:



County Council Meeting Beaufort County, SC

Council Chambers, Administration Building Beaufort County Government Robert Smalls
Complex 100 Ribaut Road, Beaufort

Monday, February 12, 2024
5:00 PM

MINUTES

1. CALL TO ORDER

Chairman Passiment called the meeting to order at 5:00 pm.

PRESENT

Chairman Joseph F. Passiment
Vice-Chairman Lawrence McElynn
Council Member David P. Bartholomew
Council Member Paula Brown
Council Member Logan Cunningham
Council Member Gerald Dawson
Council Member York Glover
Council Member Alice Howard
Council Member Mark Lawson
Council Member Anna Maria Tabernik
Council Member Thomas Reitz

2. PLEDGE OF ALLEGIANCE AND INVOCATION

Vice Chairman Lawrence McElynn led the Pledge of Allegiance and gave the invocation.

3. PUBLIC NOTIFICATION OF THIS MEETING HAS BEEN PUBLISHED, POSTED, AND DISTRIBUTED IN COMPLIANCE WITH THE SOUTH CAROLINA FREEDOM OF INFORMATION ACT

Chairman Passiment noted that public notification of this meeting had been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act.

4. APPROVAL OF AGENDA

Motion: It was moved by Vice-Chairman McElynn, Seconded by Council Member Brown to approve the agenda.

The Vote - Motion was approved without objection.

5. ADMINISTRATOR'S REPORT

Interim County Administrator John Robinson recognized Joshua Sudomerski from the Auditors Office for his outstanding work.

To listen to the full update please click on the link below.

<https://beaufortcountysc.new.swagit.com/videos/297139>

6. CITIZEN COMMENT PERIOD

There were no citizen comments.

7. LIASION AND COMMITTEE REPORTS

Council Member's Howard, Tabernik, Brown, Reitz, and Dawson all gave a brief update of community meetings they attended.

Please watch the video stream available on the County's website to view the full report

<https://beaufortcountysc.new.swagit.com/videos/297139>

8. APPROVAL OF CONSENT AGENDA

Motion: It was moved by Council Member Tabernik, Seconded by Council Member Howard to approve the consent agenda.

The Vote - Motion approved without objection.

9. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE FOR A 2024 TRANSPORTATION SALES AND USE TAX REFERENDUM

Motion: It was moved by Council Member Cunningham, Seconded by Council Member Glover to approve public hearing and second reading of an Ordinance for a 2024 Transportation Sales and Use Tax Referendum.

Discussion: Henry Moss stated he was there to assist and thanked Council Members for bringing this forward.

Motion to Amend: It was moved by Council Member Howard, Seconded by Vice-Chairman McElynn to amend the ordinance by deleting the last sentence in section 2.3 which reads - All proceeds of the Sales and Use Tax and all proceeds of any bonds payable therefrom shall be held by the County until the County Council has approved the allocation and expenditure of funds for the Projects or portions of the Projects, as further identified herein.

The Vote - Motion was approved without objection.

Discussion: Please watch the video stream available on the County's website to view the full discussion.

<https://beaufortcountysc.new.swagit.com/videos/297139>

Motion to Amend: It was moved by Council Member Cunningham, Seconded by council Member Glover to amend the ordinance to include language that no member who sits on "a" council shall be appointed to the citizens committee defined herein.

The Vote - Motion was approved without objection.

Main Motion: It was moved by Council Member Cunningham, Seconded by Council Member Glover to approve public hearing and second reading of an Ordinance for a 2024 Transportation Sales and Use Tax Referendum as amended.

The Vote - Voting Yea: Chairman Passiment, Vice-Chairman McElynn, Council Member Bartholomew, Council Member Cunningham, Council Member Dawson, Council Member Glover, Council Member Howard, Council Member Lawson, and Council Member Tabernik. Voting Nay: Council Member Brown, Council Member Reitz. The motion passes 9:2

10. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE APPROPRIATING FIFTEEN PERCENT OF FY24 GROSS STATE ACCOMMODATIONS TAX REVENUE TO DEVELOPMENT OF WORKFORCE HOUSING

Motion: It was moved by Council Member Tabernik, Seconded by Council Member Howard to approve public hearing and second reading of an ordinance appropriating 15% of FY24 gross State Accommodations Tax Revenue to development of workforce housing.

The Vote - Voting Yea: Chairman Passiment, Vice-Chairman McElynn, Council Member Bartholomew, Council Member Brown, Council Member Cunningham, Council Member Dawson, Council Member Glover, Council Member Howard, Council Member Lawson, and Council Member Tabernik.
Voting Nay: Council Member Reitz. The motion passed 10:1

11. PUBLIC HEARING AND SECOND READING OF AN ORDINANCE APPROPRIATING FUNDS FROM THE STATE A-TAX FUNDS AS RECOMMENDED BY THE STATE A-TAX COMMITTEE IN COMPLIANCE WITH THE REQUIREMENT OF SC CODE OF LAWS

Motion: It was moved by Council Member Tabernik, Seconded by Council Member Cunningham to refer public hearing and second reading of an ordinance appropriating funds from the State A-Tax Funds as recommended by the State A-Tax Committee in compliance with the requirements of SC Code of Laws back to the Finance, Administration, and Economic Development Committee for further review.

The Vote - Voting Yea: Chairman Passiment, Vice-Chairman McElynn, Council Member Bartholomew, Council Member Brown, Council Member Cunningham, Council Member Dawson, Council Member Howard, Council Member Tabernik, and Council Member Reitz. Voting Nay: Council Member Glover, Council Member Lawson. The motion passes 9:2.

12. FIRST READING OF AN ORDINANCE AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO ENTER INTO A LEASE AGREEMENT WITH THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION (SCDOT) FOR PROPERTY LOCATED UNDER THE CROSS ISLAND PARKWAY ADJACENT TO THE BROAD CREEK BOAT LANDING PARCEL 552 010 000 0650 0000

Motion: It was moved by Council Member Cunningham, Seconded by Council Member Howard to approve first reading of an ordinance authorizing the Interim County Administrator to enter into a lease agreement with SCDOT for property located under the Cross Island Parkway parcel number 552 010 000 0650 0000.

The Vote - The motion was approved without objection.

13. APPROVAL OF A RESOLUTION TO ACCEPT THE MILITARY ENHANCEMENT PLAN FUND GRANT FROM THE SOUTH CAROLINA DEPARTMENT OF VETERANS' AFFAIRS FOR THE AMOUNT OF \$3,392,328 FOR THE LAUREL BAY ROAD PATHWAY PROJECT

Motion: It was moved by Council Member Howard, Seconded by Council Member Bartholomew to approve a resolution to accept the Military Enhancement Plan Fund Grant from the South Carolina Department of Veterans' Affairs for the amount of \$3,392,328 for the Laurel Bay Road Pathway Project.

The Vote - Motion was approved without objection.

Motion: It was moved by Council Member Glover, Seconded by Council Member Cunningham to take citizen comments prior to executive session.

The Vote - approved without objection.

14. CITIZEN COMMENT PERIOD

Please watch the video stream available on the County's website to view the full comment.

<https://beaufortcountysc.new.swagit.com/videos/297139>

1. Debbie Smith- Daufuskie Island Ferry System

15. EXECUTIVE SESSION

PURSUANT TO S.C. CODE SEC. 30-4-70(A)(2): RECEIPT OF LEGAL ADVICE WHERE THE ADVICE RELATES TO PENDING CLAIMS OR OTHER MATTERS COVERED BY THE ATTORNEY-CLIENT PRIVILEGE (BARACCO V BEAUFORT COUNTY)

PURSUANT TO S. C. CODE SECTION 30-4-70(A)(2) TO RECEIVE LEGAL ADVICE WHERE THE ADVICE RELATES TO PENDING LITIGATION (HELMSMAN WAY CONDEMNATION)

PURSUANT TO S.C. CODE SEC. 30-4-70(A)(2): RECEIPT OF LEGAL ADVICE WHERE THE ADVICE RELATES TO PENDING, THREATENED, OR POTENTIAL CLAIMS WHICH ARE COVERED BY THE ATTORNEY-CLIENT PRIVILEGE (HILTON HEAD ISLAND AIRPORT)

PURSUANT TO S. C. CODE §30-4-70(a)(2): RECEIPT OF LEGAL ADVICE WHERE THE LEGAL ADVICE RELATES TO MATTERS COVERED BY THE ATTORNEY-CLIENT PRIVILEGE (CONTRACTUAL ARRANGEMENTS AND POTENTIAL LITIGATION)

PURSUANT TO S. C. CODE §30-4-70(a)(2): RECEIPT OF LEGAL ADVICE WHERE THE LEGAL ADVICE RELATES TO MATTERS COVERED BY THE ATTORNEY-CLIENT PRIVILEGE (S. C. CODE SECTION 8-13-1346)

Motion: It was moved by Vice-Chairman McElynn, Seconded by Council Member Brown to enter executive session.

The Vote – Motion was approved without objection.

Council entered executive session at 5:54PM.

16. MATTERS ARISING OUT OF EXECUTIVE SESSION

There were no matters arising out of executive session.

17. ADJOURNMENT

The meeting adjourned at 7:10PM

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
Joseph F. Passiment, Jr., Chairman

ATTEST:

Sarah W. Brock, Clerk to Council
Ratified:

DRAFT



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

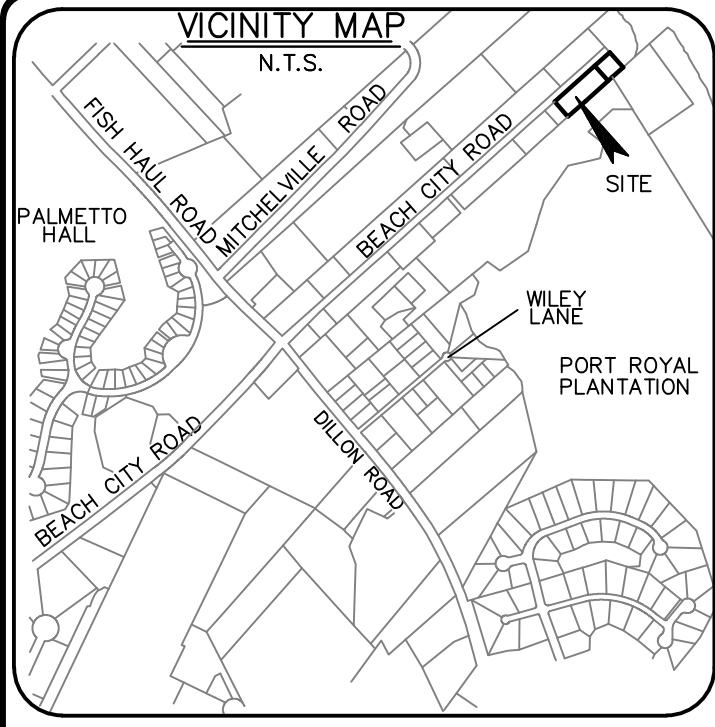
ITEM TITLE:
RECOMMEND APPROVAL OF AN ORDINANCE AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS TO CONVEY A PORTION OF PROPERTY OWNED BY BEAUFORT COUNTY WITH TMS NO. R510 005 000 0329 0000, LOCATED ON BEACH CITY ROAD, HILTON HEAD ISLAND
MEETING NAME AND DATE:
Community Services and Land Use Committee, February 12, 2024
PRESENTER INFORMATION:
Brittany Ward, County Attorney (5 minutes)
ITEM BACKGROUND:
This is a new item for Committee/Council
PROJECT / ITEM NARRATIVE:
<p>Parcel #R510 005 000 0329 0000 was co-purchased through the Rural and Critical Lands Preservation Program on January 29, 2013 by Beaufort County and the Town of Hilton Head Island as part of a series of parcels along Beach City Road adjacent to Mitchelville Freedom Park. At the time of acquisition, Parcel 0329 was 1.22 acres and cost \$280,921, with a 70/30 respective cost share between the County and Town.</p> <p>In early 2023, a property boundary discrepancy was brought to County staff's attention whereby the adjacent neighbor's driveway was constructed on the co-owned County/Town property. A survey was completed on August 4, 2023 to designate the 0.11 acre encroachment. An appraisal was completed on September 20, 2023 and provided a compensation opinion of \$30,250 for the 0.11 acre encroachment area. The original acquisition cost of the 0.11 acre encroachment area was \$25,329, therefore the current appraised value is an acceptable value for conveyance.</p>
FISCAL IMPACT:
Beaufort County will receive \$30,250 from the Buyer. Seventy percent of the funds from the sale will be deposited into the Rural and Critical Bond Fund (4500-80-0000-47010) to be used towards future acquisitions by the Rural and Critical Lands Preservation Program. Thirty percent of the funds from the sale will be reimbursed to the Town of Hilton Head Island.
STAFF RECOMMENDATIONS TO COUNCIL:
Staff recommends approval as submitted
OPTIONS FOR COUNCIL MOTION:
<p>Motion to approve, modify, or deny approval of an ordinance authorizing the interim county administrator to execute the necessary documents to convey a portion of property owned by Beaufort County with TMS No. R510 005 000 0329 0000, located on Beach City Road, Hilton Head Island.</p> <p>Beaufort County Code of Ordinances Section 26-36 (attached) governs Council's consideration of this matter.</p> <p>If approved, move forward to County Council for 1st reading on February 26, 2024.</p>

Sec. 26-36. Resale, swap, condemnation or lease of acquired property.

There may be instances where property acquired under the RCLPP for its conservation value(s), and possibly to mitigate the impacts of development, may not be suitable or needed for county ownership in the future. In such cases, the county council may request the RCLP board to evaluate and make a recommendation on selling, swapping or leasing the property, in whole or in part.

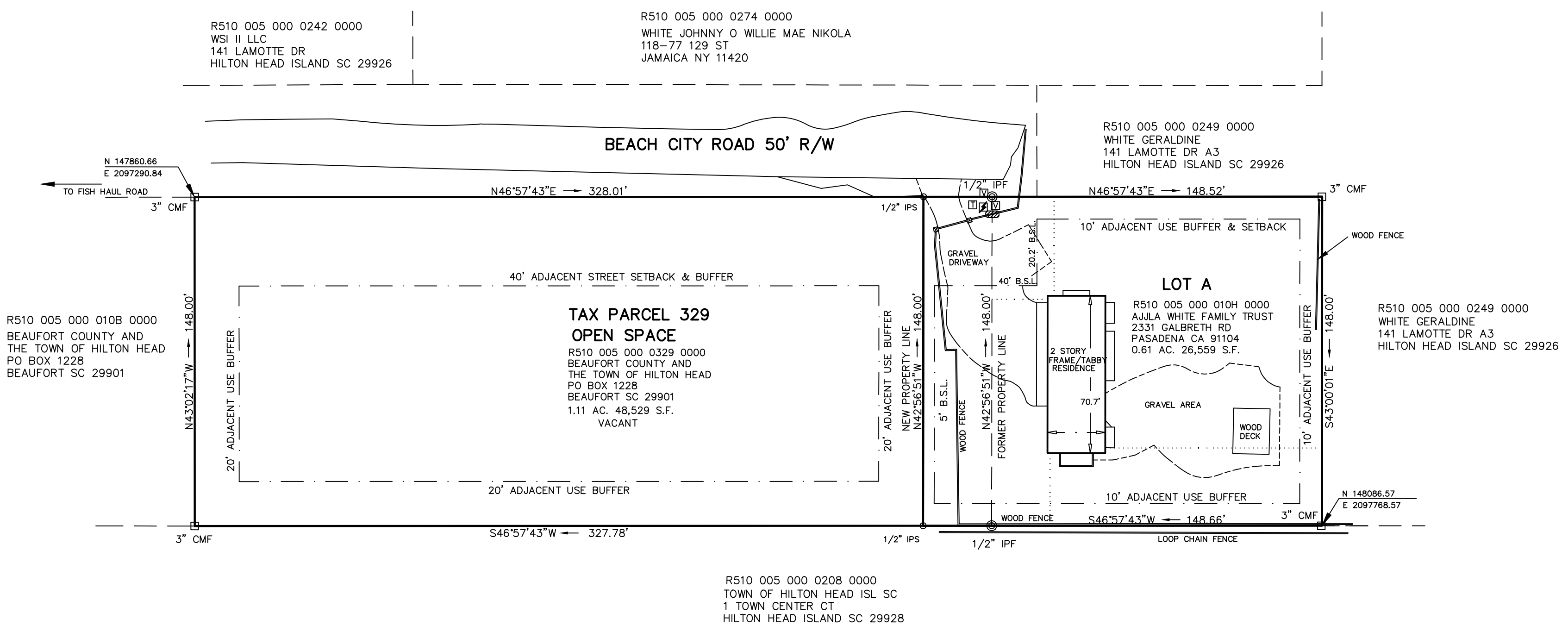
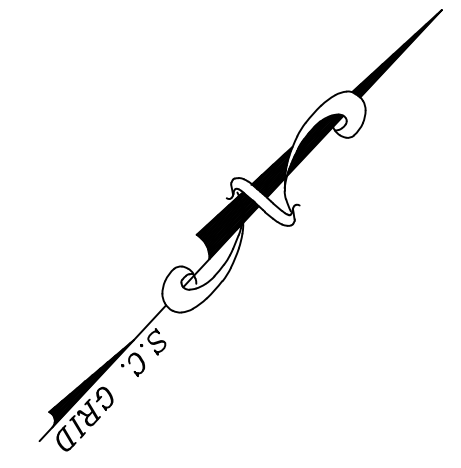
- (a) In those instances, the RCLP board shall be guided by the following:
 - (1) To ensure that the resale, swap or lease of the property, in whole or in part, will not have an adverse impact on the conservation value(s) of the property, which can be assured through the placement of a conservation easement or other appropriate instruments on the sold, swapped or leased property if necessary.
 - (2) To ensure that the development of the property for use(s) permitted under a conservation easement will be carefully monitored by the easement holder.
- (b) Additionally, the following will apply:
 - (1) Any RCLPP property considered for sale, swap or lease shall require appropriate action by a two-thirds majority of the county council following prescribed procedures for sale, swap or lease of county-owned land.
 - (2) If all or part of a RCLPP property is sold, swapped or condemned, the county and any co-owners will be entitled to respective ownership ratio compensation of any net proceeds, after payment of all closing expenses.
 - (3) Any RCLPP property sold, swapped or condemned will have the county's portion of any proceeds deposited into the land preservation fund for use in future RCLPP acquisitions.
 - (4) Any RCLPP property leased by the county will have any proceeds deposited into the passive parks fund for use in management and maintenance of RCLPP passive parks.

(Ord. No. 2019/47, 10-28-2019 ; Ord. No. 2019/48, 10-28-2019)



SOME OR ALL AREAS ON THIS PLAT ARE FLOOD HAZARD AREAS AND HAVE BEEN IDENTIFIED AS HAVING AT LEAST A ONE PERCENT CHANCE OF BEING FLOODED IN ANY GIVEN YEAR BY RISING TIDAL WATERS ASSOCIATED WITH POSSIBLE HURRICANES. LOCAL REGULATIONS REQUIRE THAT CERTAIN FLOOD HAZARD PROTECTIVE MEASURES BE INCORPORATED IN THE DESIGN AND CONSTRUCTION OF STRUCTURES IN THESE DESIGNATED AREAS. REFERENCE SHALL BE MADE TO THE DEVELOPMENT COVENANTS AND RESTRICTIONS OF THIS DEVELOPMENT AND REQUIREMENTS OF THE TOWN BUILDING OFFICIAL. IN ADDITION, FEDERAL LAW REQUIRES MANDATORY PURCHASE OF FLOOD INSURANCE AS A PREREQUISITE TO FEDERALLY INSURED MORTGAGE FINANCING IN THESE DESIGNATED FLOOD HAZARD AREAS.

- NOTES:
- 1). THIS PLAT HAS BEEN PREPARED WITHOUT BENEFIT OF A COMPLETE TITLE SEARCH BY NANDINA, INC.
 - 2). THIS PROPERTY MAY BE SUBJECT TO EASEMENTS OF RECORD AND COVENANT RESTRICTIONS AS RECORDED IN THE OFFICE OF THE ROD FOR BEAUFORT COUNTY.
 - 3). SUBJECT PROPERTY DOES NOT APPEAR TO BE AFFECTED BY THE BEACHFRONT SETBACK REQUIREMENTS OF THE S.C. BEACH PROTECTION ACT OF JULY 1, 1988.
 - 4). BUILDING SETBACKS, WHETHER SHOWN OR NOT, SHOULD BE VERIFIED BY THE LOCAL BUILDING AUTHORITY.
 - 5). THE ONLY ACTIVITIES PERMITTED IN THE EXTERIOR SUBDIVISION BUFFER AS LABELLED ON THIS PLAN SHALL BE THOSE LISTED IN PERMITTED ACTIVITY IN OTHER BUFFER AREAS AS PER THE L.M.O.
 - 6). THE ONLY ACTIVITIES PERMITTED IN THE WETLAND BUFFER SHALL BE THOSE LISTED IN WETLAND BUFFERS AS PER THE L.M.O.
 - 7). THESE PROPERTIES LIE PARTIALLY OR WHOLLY WITHIN THE AIRPORT OVERLAY DISTRICT AND MAY BE SUBJECT TO NOISE THAT MAY BE OBJECTIONABLE.



REFERENCE PLAT
 1) A COMPOSITE PLAT-GABRIEL BOSTON TRACT, A PORTION OF FISH HAUL PLANTATION ON BEACH CITY ROAD BAYGALL SECTION. DRAWN: 9/21/78, LAST REVISED: 2/28/81. ROD. BEAUFORT COUNTY, SC. BY: E.H. FREISLEBEN S.C.R.L.S. # 4624

PROPERTY AREA LOT A: 0.61 AC. 26,559
 PROPERTY AREA TAX PARCEL 329: 1.11 AC. 48,529 S.F.
 ADDRESS: 282 BEACH CITY ROAD
 DISTRICT: 510, MAP: 5, PARCELS: 10H & 329
 THIS PROPERTY LIES IN F.E.M.A. ZONE X
 BASE FLOOD ELEVATION = NO MINIMUM ELEVATION
 COMMUNITY NO. 450250, PANEL: 0456G, DATED: 3/23/2021

LEGEND & SYMBOLS:

3" CMF	3" CONCRETE MONUMENT FOUND
1/2" IPF	1/2" IRON PIN FOUND
	WATER METER
	VALVE BOX
	ELECTRIC TRANSFORMER
	TELEPHONE SERVICE
1/2" IPS	1/2" IRON PIN SET

OWNERS CERTIFICATION
 _____ ARE THE OWNER(S) OF THE HEREON DESCRIBED PROPERTY AND THAT I (WE) STATE THAT THIS PLAN IS BEING PUT FORTH AS REQUESTED.

SIGNATURE _____ DATE _____

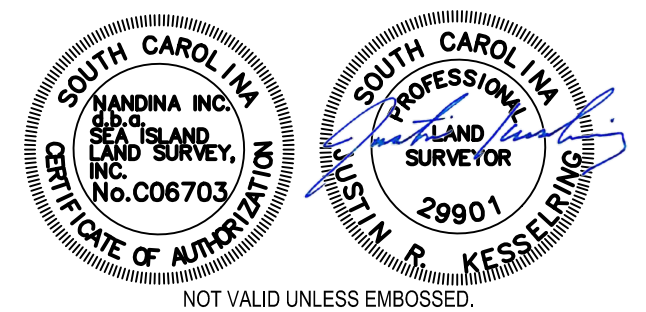
OWNERS CERTIFICATION
 _____ ARE THE OWNER(S) OF THE HEREON DESCRIBED PROPERTY AND THAT I (WE) STATE THAT THIS PLAN IS BEING PUT FORTH AS REQUESTED.

SIGNATURE _____ DATE _____

OWNERS CERTIFICATION
 _____ ARE THE OWNER(S) OF THE HEREON DESCRIBED PROPERTY AND THAT I (WE) STATE THAT THIS PLAN IS BEING PUT FORTH AS REQUESTED.

SIGNATURE _____ DATE _____

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.



BOUNDARY RECONFIGURATION OF:
 LOT A & TAX PARCEL 329, BEACH CITY ROAD,
 HILTON HEAD ISLAND,
 BEAUFORT COUNTY, SOUTH CAROLINA
 PREPARED FOR: ANDRE J. WHITE, AJJLA WHITE
 FAMILY TRUST, & THE TOWN OF HILTON HEAD ISLAND

DATE : 8/04/2023 SCALE : 1" = 40'



d.b.a. Sea Island Land Survey, Inc.
 10 Oal Park Drive, Unit C1, Hilton Head Island, SC 29926
 Tel (843) 681-3248 Fax (843) 689-3871
 E-mail: admin@nandinainc.com
 FILE No. : 05608.15 DWG No. : 4-05608.15

APPRAISAL REPORT
OF
TAX PARCEL 329 BEACH CITY ROAD
HILTON HEAD ISLAND, SC 29926
&
VALUE OF THE EASEMENT/ACQUISITION

PREPARED FOR
ANDRE WHITE

AS OF
09/11/2023

PREPARED
BY

WILLIAM R. COBIA, SRA
COASTAL PROPERTY APPRAISALS

COASTAL PROPERTY APPRAISALS
P.O. BOX 7523 HILTON HEAD ISLAND, SC 29938
REAL ESTATE APPRAISALS AND CONSULTING

September 20, 2023

RE: PARCEL 329 BEACH CITY ROAD & DRIVEWAY EASEMENT/ACQUISITION

Dear Mr. White,

In accordance with your request, I have made a personal inspection of the above referenced property and prepared an appraisal for the purpose of estimating the just compensation for the proposed acquisition of the 0.11+/- acre portion of parent parcel Tax Parcel 329. I understand the intended use of this appraisal is to aid in negotiations to acquire this portion from the parent parcel of the subject property. The intended users of this appraisal are Mr. Andre White, appropriate officials with the Town of Hilton Head Island and appropriate members of Beaufort County. Use of this appraisal by anyone other than those listed as intended users is prohibited. My conclusions of highest and best use and market value of the property, as well as the just compensation for the proposed acquisition, are based on conditions existing in the market as of September 11, 2023.

Submitted herewith is the appraisal report containing the pertinent information gathered during my investigation. My opinion of the just compensation for the acquisition of the release is:

Thirty Thousand Two Hundred Fifty Dollars: (\$30,250)

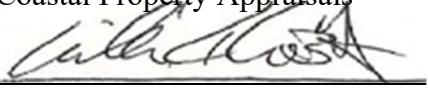
The preceding estimated just compensation is subject to the standard assumptions and limiting conditions summarized in the attached report. This appraisal report has been prepared in conformance with my interpretation of the "Uniform Standards of Professional Appraisal Practice" (USPAP) published by the "The Appraisal Foundation", as well as South Carolina State Law.

It is noted that the real estate market is constantly changing, and numerous events, including but not limited to, actions by the Federal Reserve, outcomes of elections, changes in the tax code, events overseas, natural disasters, new or changing governmental regulations, development of public infrastructure, hiring and layoffs by major area employers, and changes in the lending environment can have profound impacts on values of real estate. As such, the reader is cautioned that the value of the subject property will almost certainly change over time, and that I have no opinion of value of the subject property other than as of the stated effective date(s) of valuation.

A digital copy of the report has been provided. If you have any questions or desire additional information, then please do not hesitate to contact me.

Respectfully Submitted,

Coastal Property Appraisals

A handwritten signature in black ink, appearing to read "William R. Cobia", is written over a horizontal line.

Mr. William R. Cobia, SRA
SC Appraiser # AB .3490 CG

LIMITING CONDITIONS AND ASSUMPTIONS

This appraisal is made subject to the following Assumptions and Limiting Conditions:

1. It is assumed that the legal description as obtained from public records or as furnished is correct and no responsibility is assumed for matters of a legal nature. No opinion is rendered as to title, as it is assumed to be good, marketable, and in fee simple unless otherwise noted and discussed.
2. The information contained in this report as obtained from sources deemed reliable. However, no warranty is given as to its accuracy. Competent management and responsible ownership are assumed.
3. The property is appraised as though free and clear of any or all liens or encumbrances except as noted herein.
4. Any plot plans, sketches, drawings, or other exhibits in this report are included only to assist the reader in visualizing the property. I have made no survey for this report and assume no responsibility for its presentation within.
5. Possession of this report or a copy thereof does not carry with it the right of publication nor may it be used for any purpose by any but the applicant without the previous written consent of the appraiser and the applicant and then only with proper identification.
6. The appraiser herein by reason of this appraisal is not required to give future consultation, testimony or be in attendance in court with reference to the property in question unless arrangements have been previously made.
7. The distribution, if any, of the total valuation in the report between land and improvements applies only under the existing program of utilization. The separate allocations for land and improvements must not be used in conjunction with any other appraisal and are invalid if so used.
8. The appraisers assume, and the user of this report agrees, that the appraisers have no liability for existing physical condition of the building and all parties agree that the purpose of this appraisal is to estimate value as though the superstructure is structurally sound. Likewise, it is assumed and all parties agree that the appraisers have no responsibility for subsurface or hazardous waste conditions, including asbestos.
9. Unless otherwise noted herein, it is assumed that there are no encroachments, zoning or other violations of any regulations affecting the subject property. The appraisers assume, and the user of this report agrees that the appraised value is prepared as though no encroachments, liens or other violations of any regulations affecting the subject property exist, unless otherwise noted.
10. The value estimates reported herein apply to the entire property and any proration or division of the total into fractional interest will invalidate the value estimate unless such proration or division of interest is set forth in the report. No statement as to the value in use to the property owner has been made. Only the value of the property, if exposed for sale on the open market, has been estimated.

11. Neither all nor any part of the contents of this report shall be conveyed to the public through advertising, public relations, news, sales, or other media, without the prior written consent and approval of the author; this pertains particularly to valuation conclusions, the identity of the appraiser or firm with which the appraiser is associated with and any reference to the Appraisal Institute or to the SRA designation.
12. This appraisal will not take into consideration the possibility of the existence of asbestos, PCB transformers, or other toxic, hazardous, or contaminated substances and/or underground storage tanks (hazardous materials), or the cost of encapsulation or removal thereof. Should the client have concern over the existence of such substances on the property, the appraisers consider it imperative for the client to retain the services of a qualified, independent engineer or contractor to determine the existence and extent, if any, of any hazardous materials, as well as the cost associated with any required or desirable treatment or removal thereof.
13. Client agrees to defend, indemnify and hold harmless Appraiser from any damages, losses or expenses, including attorneys' fees and litigation expenses at trial or on appeal, arising from allegations asserted against Appraiser by any third party that, if proven to be true, would constitute a breach by Client of any of Client's obligations, representations or warranties made in this Agreement, or any violation by Client of any federal, state or local law, ordinance or regulation, or common law (a "Claim"). In the event of a Claim, Appraiser shall promptly notify Client of such Claim, and shall cooperate with Client in the defense or settlement of any Claim. Client shall have the right to select legal counsel to defend any Claim, provided that Appraiser shall have the right to engage independent counsel at Appraiser's expense to monitor the defense or settlement of any Claim. Client shall have the right to settle any Claim, provided that Appraiser shall have the right to approve any settlement that results in any modification of Appraiser's rights under this agreement, which approval will not be unreasonably withheld, delayed or conditioned.
14. Neither party shall under any circumstances be liable to the other party for special, exemplary, punitive or consequential damages, including, without limitation, loss of profits or damages proximately caused by loss of use of any property, whether arising from either party's negligence, breach of the Agreement or otherwise, whether or not a party was advised, or knew, of the possibility of such damages, or such possibility was foreseeable by that party. In no event shall Appraiser be liable to Client for any amounts that exceed the fees and costs paid by Client to Appraiser pursuant to this Agreement.

EXTRAORDINARY ASSUMPTIONS

An ***Extraordinary Assumption*** is defined as “*an assumption, directly related to a specific assignment, as of the effective date of the assignment results, which, if found to be false, could alter the appraiser’s opinions or conclusions.*”

This appraisal is subject to the following extraordinary assumption:

I am making the **Extraordinary Assumption** that there are NO wetlands and the majority, if not all, 1.22 acres are developable.

As real estate appraisers, I am not qualified to perform a wetland delineation; therefore, I strongly advise the Client to retain the services of a qualified environmental consultant if it is concerned about this issue. Furthermore, if my assumption pertaining to wetlands is false, then it could impact the value(s) estimated in this report.

PROPERTY IDENTIFICATION

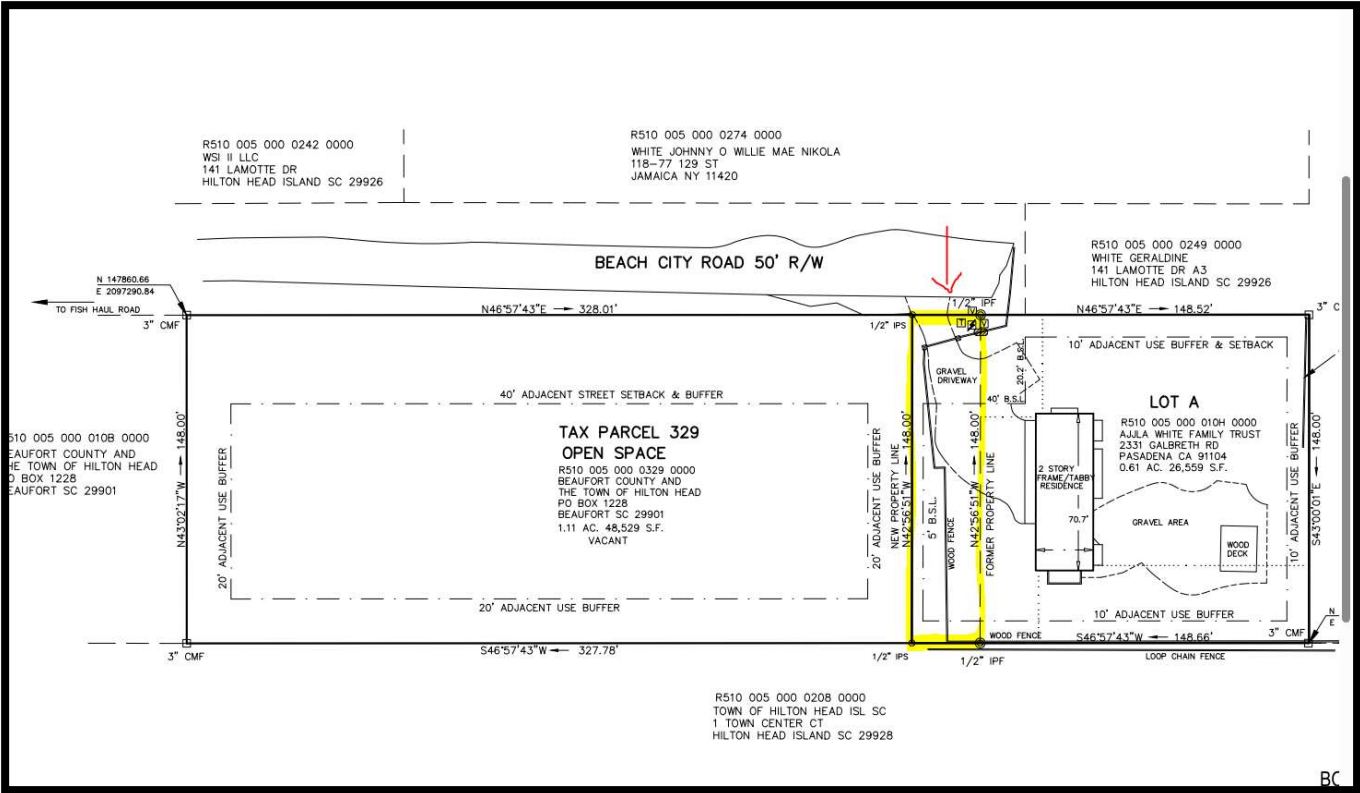
The subject of this appraisal is a ± 1.22-acre lot located at 329 Beach City Road in an incorporated area of Beaufort County, South Carolina and within the Town of Hilton Head Island. The property is best described by the Beaufort County Tax Assessor’s Office as Parcel Identification Number R510 005 000 0329 0000. An aerial tax map showing the approximate location and configuration of the subject property outlined and shaded in yellow is provided below.



I understand Mr. Andre White wishes to obtain a certain portion estimated to contain approximately 0.11 acres from an approximate 53,143 square foot or 1.22-acre area. This portion of the property is being used for a permanent driveway easement across and through the lands of Beaufort County and the Town of Hilton Head Island. Currently this 0.11+/- acre portion which is located at the east corner extending approximately 148 linear feet south to the southeast corner and is mostly rectangular in shape. A plan sheet showing the approximate location and configuration of the area to be released from the parent parcel is provided on the following page. Upon completion of the proposed release, the subject property will be similar to before the acquisition, and unaffected by the current driveway encroachment.

The physical, legal, and economic characteristics of the subject property both before and after the proposed acquisition are described and analyzed in greater detail in later sections of this report.

Below is a map showing the approximate location of the proposed portion of Tax Parcel 329 to be sold to the owners of Lot A.



HISTORY OF OWNERSHIP

Tax records indicate legal ownership of the subject property is vested in the name of the Beaufort County and The Town of Hilton Head Island. The only recorded sale according to Beaufort County Records occurred on January 24, 2013, for \$350,000 and included an additional property identified by tax map number: R510 005 000 010B 0000, an adjacent site to the west and containing 0.30 acres or 13,068 square feet.

Furthermore, it is my understanding that the property is not listed for sale or under contract for sale. In addition, I was not advised that any offers to purchase this 0.11+/- acre portion from the property have been made.

CLIENT AND INTENDED USERS OF THE APPRAISAL

Mr. Andre White is my client. Intended users of this appraisal are Mr. Andre White, as well as appropriate officials with Beaufort County and the Town of Hilton Head Island. Use of this appraisal by anyone other than the stated intended users above is prohibited, and not intended by the appraiser(s).

PURPOSE OF THE APPRAISAL

The purpose of this appraisal is to estimate the just compensation for the proposed acquisition of the 0.11+/- acre portion of the parent site which currently serves as the driveway easement to Lot A, 282 Beach City Rd. However, at this time the driveway encroaches on the parent site, which is the subject of the report.

INTENDED USE OF THE APPRAISAL

I understand the intended use of this appraisal is to aid in negotiations to acquire the 0.11+/- acre area from a portion of the subject property. Any other use of this appraisal is prohibited and not allowed without authorization from the appraiser(s).

REAL PROPERTY INTEREST APPRAISED

The fee simple interest of the property is appraised. The Fee Simple Estate is defined as “...*absolute ownership unencumbered by any other interest or estate subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.*”

EFFECTIVE DATE OF VALUATION AND DATE OF REPORT

The effective date of value is September 11, 2023, which is also the date of my most recent official inspection of the subject property.

The date of the report is September 20, 2023.



Subject Property Viewed from Beach City Road: Facing East



Subject Viewed Beach City Road: Facing South



Beach City Road: Facing East



Driveway Encroachment

TYPE OF VALUE CONSIDERED

This assignment involves estimating the market value of the subject property. **Market Value** is defined as the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. Buyer and seller are typically motivated;
2. Both parties are well informed or well advised, & acting in what they consider their best interest;
3. A reasonable time is allowed for exposure in the open market
4. Payment is made in terms of cash in United States dollars or in terms of financial arrangements comparable thereto; and
5. The price represents a normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

**This definition is specified in the regulations pursuant to Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA).*

SCOPE OF WORK

The scope of work is the amount and type of information researched and the analysis applied in the assignment. The appraiser is responsible for determining the appropriate scope of work in the appraisal assignment given the client's intended use and the nature of the problem to be solved.

The appraiser(s) made a personal inspection of the neighborhood, which consisted of driving most of the major roadways and identifying its approximate boundaries. In addition, the appraiser lives and works in the Bluffton/Hilton Head Region and travels through the subject neighborhood on a regular basis. Sources of information pertaining to the local region and subject neighborhood included various online publications, and my ongoing market observations and research.

Information pertaining to the subject utilized in this appraisal was limited to viewing the property from the fronting roadways and/or adjoining properties, and reviewing aerial photographs (supported by Google Earth), flood maps, deeds, plats, zoning, and/or other publicly available information.

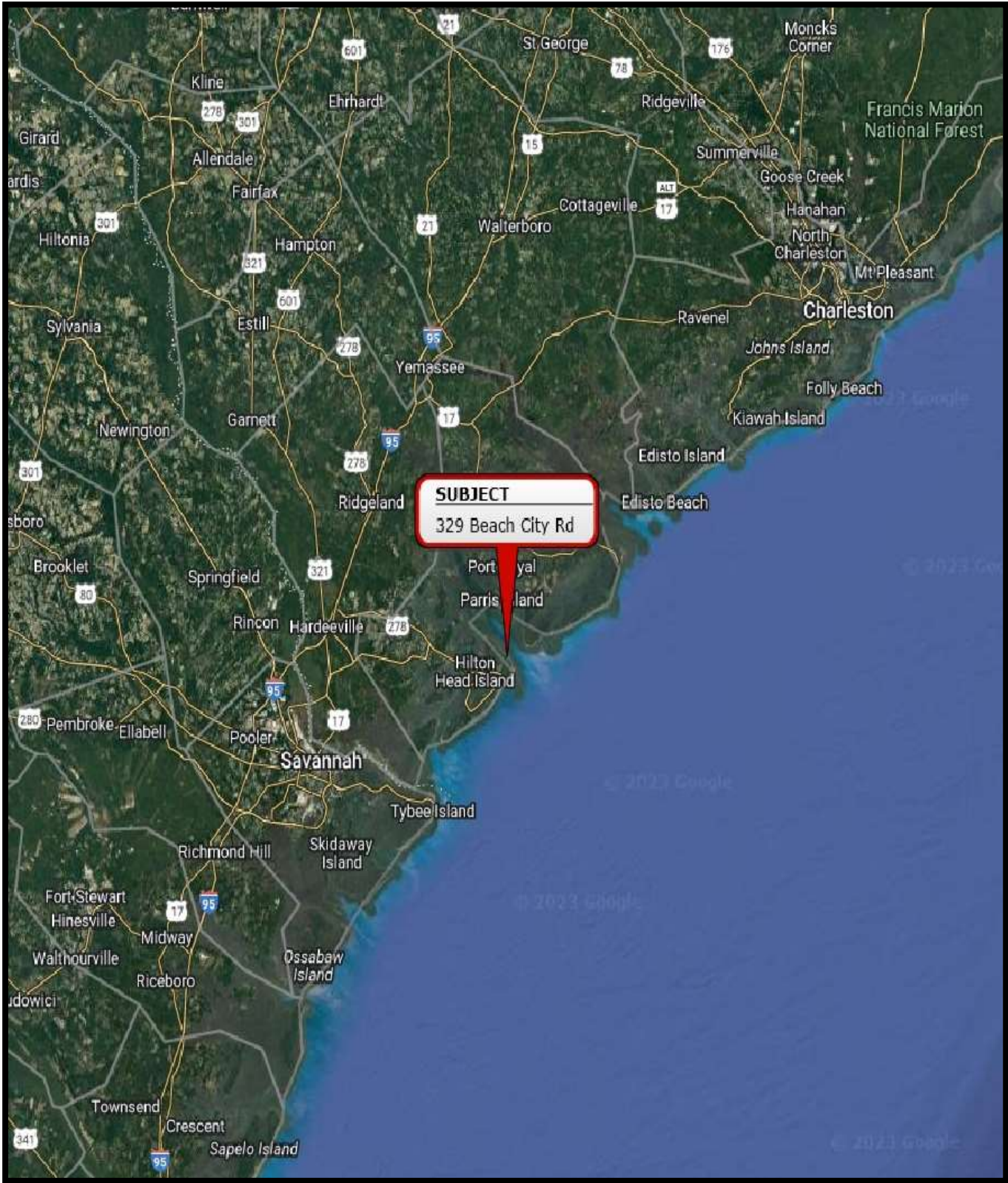
In order to estimate the market value of the subject property both before and after the acquisition, I have considered a Sales Comparison Approach, whereby sales of comparable properties are analyzed. It is noted that I considered two other valuation methodologies, which are the Cost Approach and Income Approach; however, typical buyers and sellers in this market do not consider these approaches to value when analyzing vacant land. Therefore, I have not developed these two approaches to value, and their exclusion does not limit the scope of this assignment.

Comparable sales were gathered, verified, and compared to the subject site to determine a reasonable market value of the land. Sources of information pertaining to comparable sales included, local MLS data, Costar data, public deed and tax records, plats and surveys, discussions with parties either involved in or familiar with the sales, aerial photographs, online zoning, flood, wetland, and topographic maps, and visits to the sale properties.

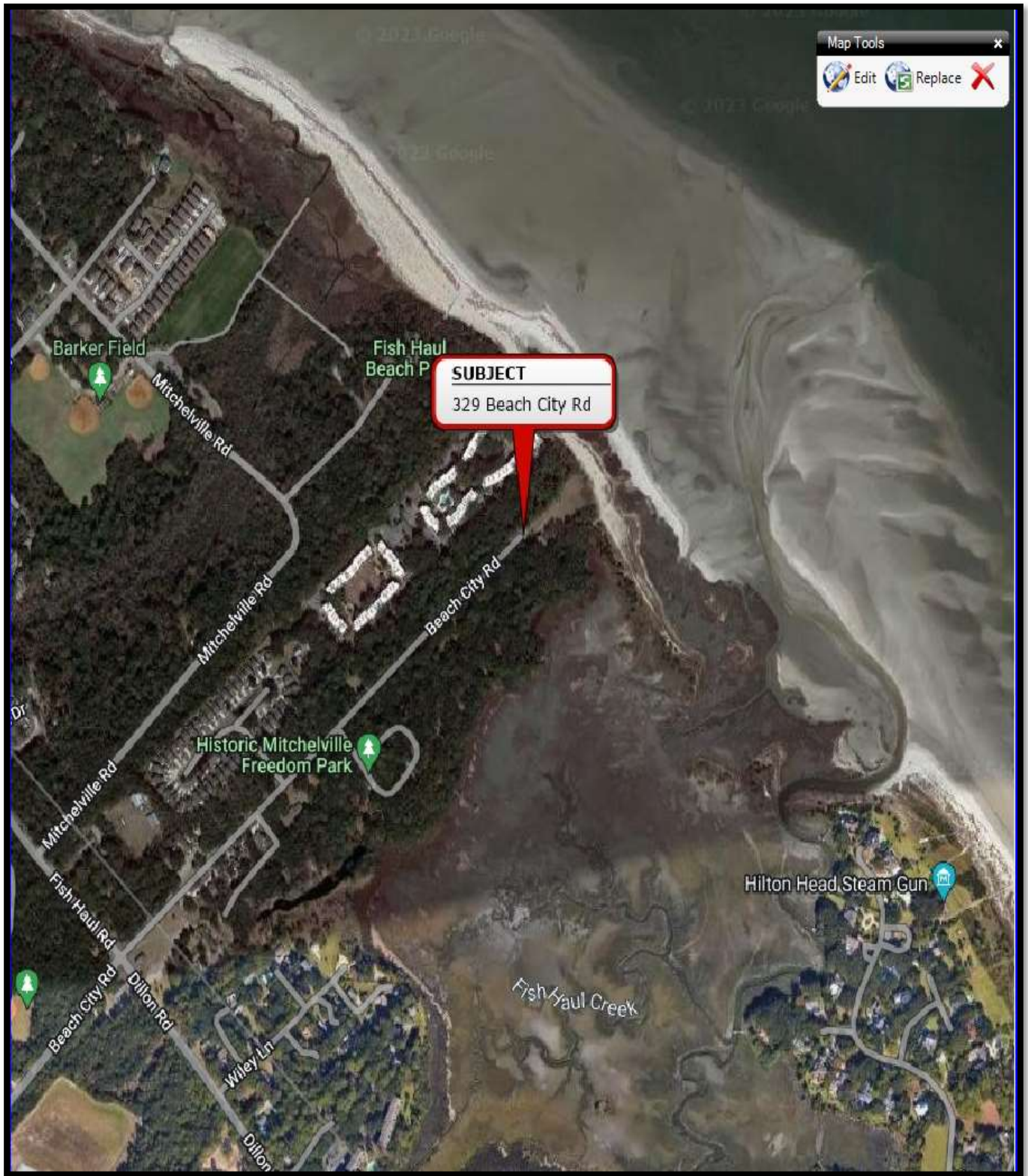
AREA/NEIGHBORHOOD ANALYSIS

The map below depicts the subject's location within Beaufort County, and the Savannah/Hilton Head Island region. As shown, this location is roughly 15 radial miles east of Interstate 95, 8 radial miles east of Old Town Bluffton, and roughly seventeen radial miles north of Savannah's National Landmark Historic District.

The subject property is located on the south side of Beach City Road just west of the Port Royal Sound and bordering the 33-acre Town-owned Mitchelville Freedom Park. The location is close to the Hilton Head Island Airport and surrounding residential development. It is approximately 2 miles east of Highway 278, which is the primary thoroughfare on Hilton Head Island. This neighborhood is loosely defined as the Mitchelville Historic Gullah Neighborhood. In general, this neighborhood is firmly entrenched in the growth stage of its economic life cycle. The subject neighborhood is shown on the following aerial photograph.



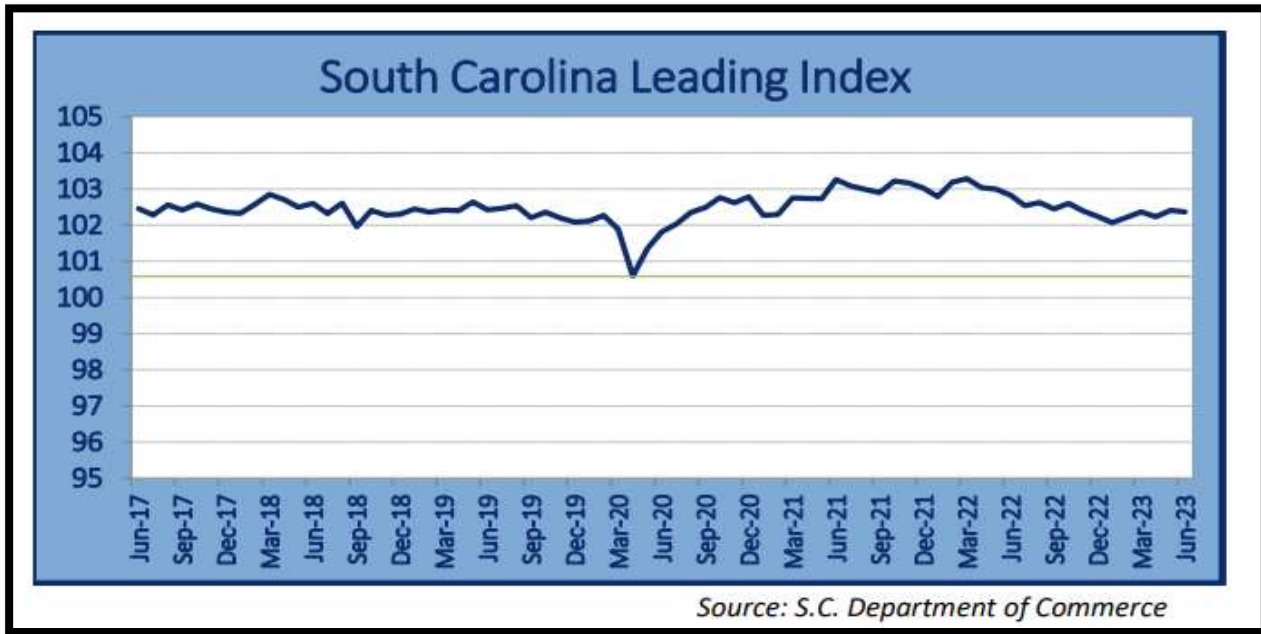
Aerial Map



HILTON HEAD ISLAND REGIONAL ANALYSIS

The subject property is located on the northeast side of Fish Haul Road. This location is mid island and is centrally located to serve all of Hilton Head Island. The property is approximately ten miles south-east of Bluffton, and twenty miles east of Interstate 95. Beaufort County is located in the southeastern part of the State of South Carolina and has been one of the fastest growing counties in the US. Located entirely within Beaufort County, Hilton Head Island, a barrier island, is a 42 square mile resort town with an approximate year-round population of 40,000 people. Over 2.25 million visitors come to Hilton Head Island each year and during the summer the population can swell to over 150,000. Hilton Head Island is a primary city within the Hilton Head Island-Bluffton-Beaufort metropolitan area and has an estimated overall population of over 220,000. A map showing the location of the subject property relative to other areas of Beaufort County and the Hilton Head Island Region is provided on the next page.

According to the Chamber of Commerce Economic Outlook published in July 2023 The South Carolina Leading Index (SCLI) fell in June to a value of 102.37. Unemployment claims were 25% higher than in May and the number of issued housing permits fell 11.3% month-over-month. In conjunction, the valuation of the permits fell 8.2 percent and the weekly manufacturing hours rose 2.4 percent. The DOW Jones Composite Average was up 6.4 percent.



The Conference Board’s national Leading Economic Index decreased in June to 106.1. The Conference Board notes that the elevated prices and hard-to-get credit are dampening economic activity.

On the following page is the Key South Carolina Indicators for the following sectors: Income; Employment and Real Estate.



Those who wish to receive S.C. Commerce's monthly Economic Outlook can email bwilkerson@SCcommerce.com.

South Carolina's total non-seasonally adjusted nonfarm employment rose by 8,500 net jobs to 2,313,200 in June, a 0.4 percent increase from May's numbers. Below is a chart depicting the industry sector, the timeline comparison, and the overall rate of change for those periods.

Industry Sector	May 2023 (Preliminary)	Previous Month	Previous Year	% Change Month Ago	% Change Year Ago
Goods Producing	378,900	376,400	367,000	0.66%	3.24%
Natural Resources and Mining	4,600	4,500	4,700	2.22%	-2.13%
Construction	112,200	114,400	103,300	-1.92%	8.62%
Manufacturing	262,100	262,000	259,000	0.04%	1.20%
Service Providing	1,934,300	1,928,300	1,862,600	0.31%	3.85%
Trade, Transportation, and Utilities	441,400	439,600	436,200	0.41%	1.19%
Information	32,900	31,900	29,500	3.13%	11.53%
Finance	123,300	122,000	116,100	1.07%	6.20%
Professional and Business Services	312,000	314,400	298,000	-0.76%	4.70%
Educational and Health Services	278,200	278,200	254,800	0.00%	9.18%
Leisure and Hospitality	290,900	284,800	278,800	2.14%	4.34%
Other Services	84,100	82,900	81,600	1.45%	3.06%
Total Private	1,941,700	1,930,200	1,862,000	0.60%	4.28%
Government	371,500	374,500	367,600	-0.80%	1.06%
Total Nonfarm	2,313,200	2,304,700	2,229,600	0.37%	3.75%

Source: U.S. Department of Labor, Bureau of Labor Statistics

In June 2023, the number of building permits in South Carolina for new residential construction fell 11.3 percent to 3,778, which is down 9.4 percent from a year ago. The value for the permits fell 8.2 percent month-over-month and was 6.7 percent lower than one year ago. Real estate closings were up 5% compared to May, while the median sale price was up 1.7%. Total closings rose in four of the top six MSA, with Charleston reporting the strongest gain at 7.7 percent.

	Month	Current	Previous Year	% Change Year Ago	Current YTD	Prior YTD	% Change YTD
Closings	June	9,046	10,399	-13.0%	44,340	54,889	-19.2%
Median Sales Price*	June	\$338.0	\$329.5	2.6%	\$323.9	\$312.5	3.6%
Residential Building Permits -Total	June	3,778	4,170	-9.4%	21,385	25,569	-16.4%
Residential Building Permits -Valuation*	June	\$984,412	\$1,054,555	-6.7%	\$5,452,712	\$6,288,922	-13.3%

* Thousands of US dollars. Source: S.C. Association of Realtors, U.S. Census.

NEIGHBORHOOD ANALYSIS

The subject neighborhood is defined as the mid island submarket, and includes the area along Fish Haul Road, Beach City Road and Mathews Drive, a minor thoroughfare, running north to south from Highway 278. This neighborhood has experienced significant growth in the past ten years, with further new growth expected during the foreseeable future, inclusive of some re-development on strategically located sites. Overall, this neighborhood is in the growth stage of its neighborhood life cycle.

Vehicular access to this neighborhood is good and is provided by a network of streets that run north/south and east/west. Major traffic arteries in this neighborhood are Mathews Drive which run in a general north/south direction, and Marshland Road, which runs in an east to west direction.

Development in this neighborhood consists primarily of older commercial buildings, including Port Royal Plaza, a retail plaza with a mix of tenants, including Planet Fitness, Auto Zone and a variety of restaurants and CVS pharmacy, interspersed with pockets of older and newer residential neighborhoods.

In summary, the subject neighborhood is centrally located within the Town of Hilton Head Island, has good vehicular access, and is stable, with minimal new development occurring. Reasons for the lack of new development include a general scarcity of available vacant sites, as well as the transitional nature of various parts of the neighborhood, along with lands owned by the Town of Hilton Head Island and Beaufort County. Much of these lands are owned for preservation and utilized for park or community recreation. In my opinion, this neighborhood will maintain stable population levels with minimal new development over the foreseeable future.

Hilton Head Island Parks

Our Parks: Existing and Future

The Master Plan found the Island's public park system to be balanced with a good mix of park types and distribution, especially for areas outside of the ten major Planned Unit Developments (PUDs). The almost 550 acres of developed park property on the Island is comprised of 27 parks, varying in type and size, interconnected by an extensive public multi-use pathway network. Hilton Head Island is known and recognized for this pathway network, and has several award winning parks. There are also several "private parks" and beach access within the PUDs. This Hilton Head Island Parks map is comprised of all the public parks on the Island, regardless of ownership as some are jointly owned with other agencies. In the legend below the parks are organized by classification and future parks planned for the next 1-5 years are noted.

Mini-Park

- ① Compass Rose Park
- ② Betsy Jukofsky Xeriscape Garden
- ③ *Future* Taylor Park
- ④ *Future* Patterson Park

Neighborhood Park

- ⑤ Greens Shell Park
- ⑥ Hilton Head Park (Old Schoolhouse Park)
- ⑦ Veterans Memorial

Community Park

- ⑧ Rowing & Sailing Center at Squire Pope Community Park
- ⑨ Jarvis Creek Park
- ⑩ *Future* Mid Island Park
- ⑪ Chaplin Community Park
- ⑫ Shelter Cove Community Park

Beach Park

- ⑬ Folly Field Beach Park
- ⑭ Driessen Beach Park
- ⑮ Coligny Beach Park
- ⑯ Alder Lane Beach Access
- ⑰ Islander's Beach Park
- ⑱ Burkes Beach Access
- ⑲ Fish Haul Beach Park

Regional Park

- ⑳ Lowcountry Celebration Park

Sports Park

- ㉑ Barker Field & Extension
- ㉒ Bristol Sports Arena
- ㉓ Crossings Park
- ㉔ Cordillo Tennis Courts

Community Center

- ㉕ Island Recreation Center

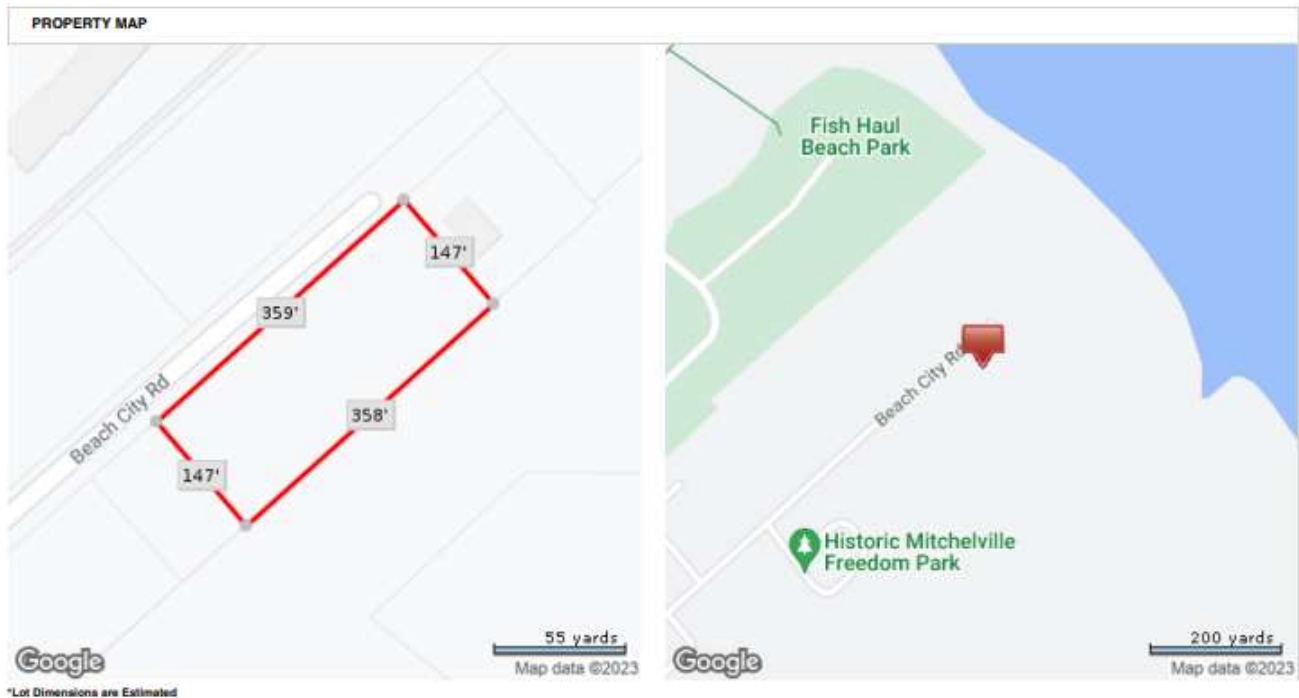
Special-Use Park

- ㉖ Honey Horn
- ㉗ Marshland Road Boat Landing
- ㉘ Historic Mitchelville Freedom Park
- ㉙ Cross Island/ Broad Creek Boat Ramp
- ㉚ Old House Creek Dock

SITE DESCRIPTION

The following description is based on my review of information provided by the property owner, the recorded plat, various online sources, and my property inspections. Photographs of the subject property were provided earlier in this report.

Size/Shape: Based on my review of the recorded plat, the subject site consists of 1.22-acres, and is a rectangular shaped site located on the southeast side of Beach City Road, just east of the Hilton Head Island Airport and just west of the Port Royal Sound. The shape and configuration of the subject site is depicted on the following excerpt from the recorded plat.



Frontage: Review of the plat shows the subject having ± 359.00 feet of frontage on the southeast side of Beach City Road.

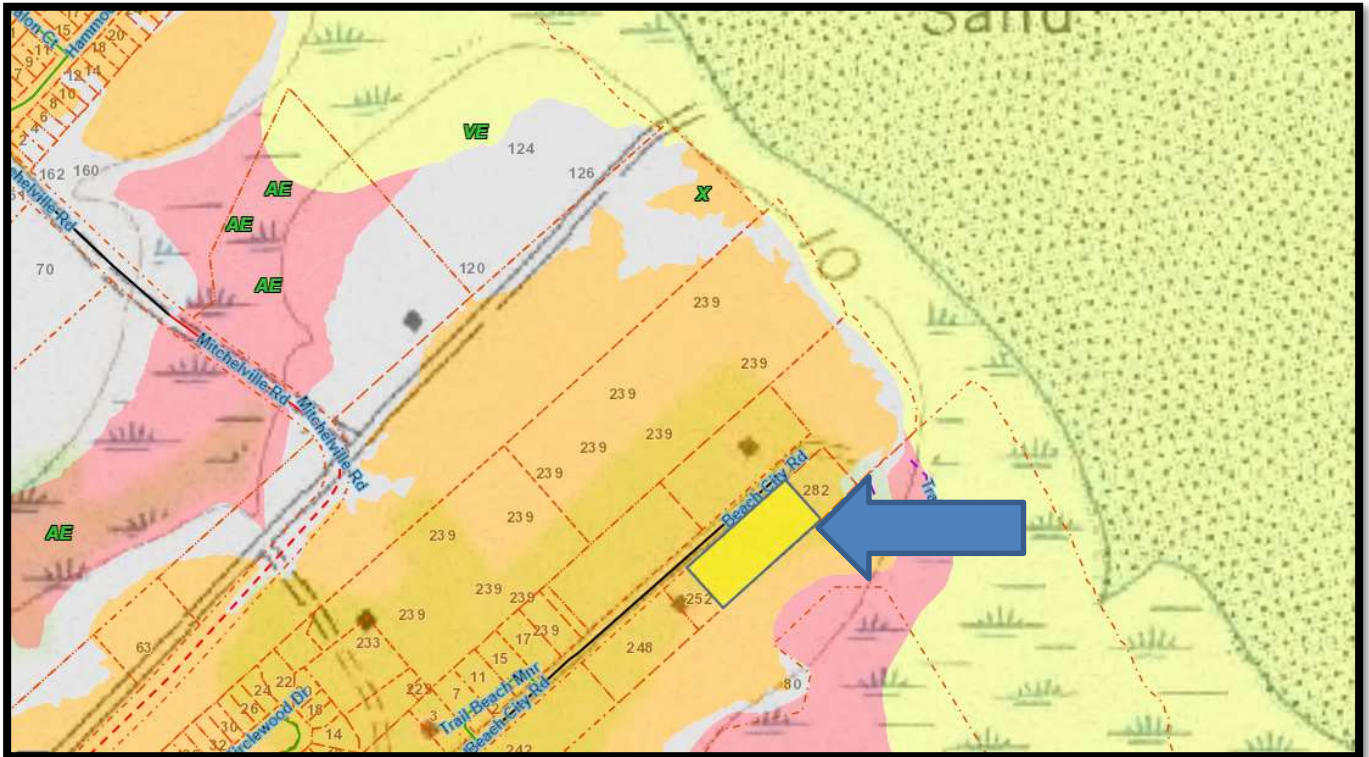
In this area, Beach City Road is a two-lane, minor roadway that runs in a east-west direction. Development along this stretch of road is comprised of various older and newer residential communities, limited commercial and recreational parks.

Access: The subject is afforded good vehicular access via one driveway on Beach City Road.

Topography: The subject property is generally level and at the grade of the fronting roadways and adjoining properties. The subject is cleared and vacant and is currently used as preservation land by the Town of Hilton Head and Beaufort County.

Elevations: Review of the Beaufort County GIS website shows the subject's elevations ranging from 13 to 15 feet.

Flood Zone: According to Flood Map Community Panel Numbers 45013C0456G dated March 23, 2021, the site appears to be in Flood Zone X500, which is defined as area of 0.2% annual chance of flood. An excerpt from these flood panels showing the subject property and its immediate surroundings is provided below and on the following page.



Drainage: No problems with drainage were noted during the inspection.

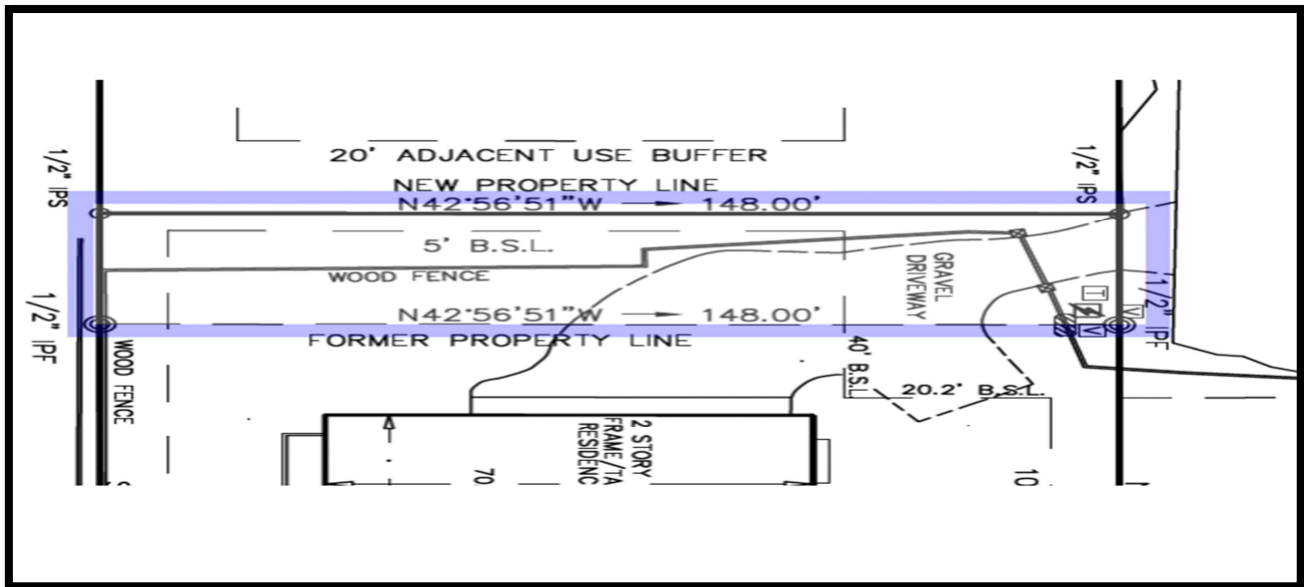
Soil Types: A soil report was not provided for use in this appraisal. I am not qualified to render a technical opinion regarding soil conditions; however, the presence of the existing improvements indicates the soil is sufficient for commercial oriented development typical of the area. Therefore, I assume the load-bearing capacity is sufficient to support any reasonably probable improvements. If the Client is concerned about this issue, then I recommend a study by a qualified soils engineer.

Hazardous Materials: Please note the subject buildings were not constructed during a time period when both asbestos and lead based paint were commonly used materials. *For the purpose of this appraisal, I assume there are no hazardous substances on or beneath the surface of the subject property. The appraiser, however, is not qualified to detect such substances. The presence of substances such as asbestos, lead based paint, urea-formaldehyde foam insulation, underground storage tanks or other potentially hazardous materials may have an effect on the value of the property. The value estimate is predicated on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for any such condition, or for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in this field if desired.*

Wetlands: I did not observe any inundated areas or vegetation characteristic of jurisdictional wetlands during the inspection. Furthermore, virtually all the subject property has been cleared and remains vacant. *As a real estate appraiser, I am not qualified to determine how much, if any, of the property is a jurisdictional wetland. Therefore, for the purpose of this appraisal, I have made the reasonable assumption the subject property consists entirely of usable upland area. I reserve the right to change my opinions of highest and best use and market value if I am provided with information that indicates the subject contains a different amount of jurisdictional wetlands than that indicated in this report. If the client is concerned about this issue, then I strongly advise it to retain the services of a qualified expert to perform a wetlands delineation of the subject property.*

Utilities: All major public utilities, including water and sewer, have been extended to the subject property. Adequate police and fire protection are provided by the Town of Hilton Head Island.

Easements/Encroachments: Review of the recorded plat indicates there is a known encroachment, other than typical utility. My research of a recent survey did reveal an existing driveway encroachment. According to the survey, a certain portion estimated to contain approximately 0.11+/- acres from an approximate 53,143 square foot or 1.22-acre area is being used for a permanent driveway easement across and through the lands of Beaufort County and the Town of Hilton Head Island. Currently this 0.11+/- acre portion which is located at the east corner extending approximately 148 linear feet south to the southeast corner and is mostly rectangular in shape encroaches on land owned by The Town of Hilton Head Island and Beaufort County.



Comments: Overall, the subject site is rectangular in shape and contains a gross land area of 1.22 acres, of which all is believed to be usable upland area. The subject has frontage on one public roadway, Beach City Road. Vehicular access to the site is good. Topographically, the subject property is level with elevations from 13 to 15 feet and cleared. All major public utilities are available, and I am not aware of any adverse issues related to wetlands, soils, site conditions, or encumbrances that would negatively impact the use of the property. Therefore, it is my opinion that the subject property is physically suitable

for a wide range of development types, including residential or commercial oriented uses. However, the limitations and restrictions imposed by the zoning district limit the overall use. As previously noted, the subject is currently committed to public park and recreation use and it's likely to remain unchanged into the foreseeable future.

ZONING: (PR – Parks and Recreation)

The subject property is zoned PR, Parks and Recreation in the Town of Hilton Head Island's Unified Development Ordinance. The PR District is intended to accommodate and manage the **land uses** allowed on publicly held **land** used for active or passive recreation purposes, or publicly owned **land** preserved in its natural state for public enjoyment. Development in this district shall be allowed and designed to minimize, as much as possible, its impact on both the natural environment and the community. Permitted uses in the PR District include but are not necessarily limited to: Public, Civic, Institutional, and Educational Uses.

AD VALOREM TAXES

The property is subject to ad valorem taxation by Beaufort County and is identified by the Beaufort County Tax Assessor's Office as Tax Parcel Number R510 005 000 0329 0000. This office has estimated the value of the subject property, as of December 31, 2021, at \$600.

Land: \$600.00

Improvements: N/A

DESCRIPTION OF SUBJECT PROPERTY BEFORE ACQUISITION

Description of Subject Land

Size: Tax records indicate the subject property contains a gross land area of 1.22 acres.

Shape: The subject property is rectangular in shape.

Frontage: The subject property has roughly 359 feet of frontage on the southeast side of Beach City Road.

Access: The subject property has open vehicular access along Beach City Road via one curb cut.

Topography: The site is relatively low lying and flat.

Elevations: My review of the Beaufort County GIS website indicates elevations of the subject property to be 13-15 feet.

Flood Zone: The subject property is in Flood Zone C, which is NOT in a FEMA Flood Hazard Area. Map Number: 4500250085D. Map Date: September 29, 1986. FIPS: 45013. Flood Map Included.

Wetlands: I am NOT aware of, nor did I observe any wetland or low-lying area. No wetland delineation study was made available to me. I am making the **Extraordinary Assumption** that there are NO wetlands and the majority, if not all, 1.22 acres are developable.

As real estate appraisers, I am not qualified to perform a wetland delineation; therefore, I strongly advise the Client to retain the services of a qualified environmental consultant if it is concerned about this issue. Furthermore, if my assumption pertaining to wetlands is false, then it could impact the value(s) estimated in this report.

Soils: A soil report was not provided for use in this appraisal. I am not qualified to render a technical opinion regarding soil conditions. Therefore, it is assumed that the load-bearing capacity is sufficient to support any reasonably probable improvements. This assumption is considered reasonable based on the existence of improved properties in the immediate area. If the Client is concerned about this issue, then I recommend a study by a qualified soils engineer.

Site Conditions: As appraisers, I am not qualified to determine the existence or extent of hazardous contamination either on or below the surface of the property. For the purpose of this appraisal, I have made the reasonable assumption that no significant hazardous contamination is present which would impact the highest and best use, marketability, or value of the subject property. I reserve the right to revise my opinions of highest and best use and market value if provided with independent engineering reports that indicate significant hazardous contamination exists on the property and which include estimated costs for its remediation to acceptable levels.

Adjoining Uses: Adjoining uses include larger, vacant tracts which are also owned by the Town of Hilton Head Island and Beaufort County and utilized as designated park space. In addition, there is existing residential development along Beach City Road.

Utilities: Officials with Beaufort County indicated that public water and public sewer service is available.

Easements/Encumbrances: There are typical utility easements for the area. However, there is an existing driveway encroachment. According to the survey, a certain portion estimated to contain approximately 0.11+/- acres from an approximate 53,143 square foot or 1.22-acre area is being used for a permanent driveway easement across and through the lands of Beaufort County and the Town of Hilton Head Island. This driveway encroaches on the parent property. Currently this 0.11+/- acre portion which is located at the northeast corner extending approximately 148 linear feet south to the southeast corner and is mostly rectangular in shape encroaches on land owned by The Town of Hilton Head Island and Beaufort County.

Functional Utility: The subject consists of a rectangular shaped, 1.22-acre tract. The property has open vehicular access along Beach City Road, which in this area is a town maintained paved road. Topographically, the property is partially cleared with some wooded areas and is predominately situated outside a 100-year flood plain. Public water and sewer are in the immediate area, and it appears the subject site is afforded with public water and sewer.

DESCRIPTION OF THE PROPOSED ACQUISITION

The proposed acquisition is for the approximate 0.11+/- acre area, which is currently serving as a private driveway to an adjacent site and is encroaching on the Town/County-owned property, which is the subject of this report. This portion of the property is being used for a permanent access easement across and through the lands of Beaufort County and the Town of Hilton Head Island. This permanent access easement will remain in place as it currently exists. The actual dimensions of this portion of the property is unclear, with the exception of the east and west side showing 148' linear feet. I have estimated that the north and south side are approximately 27' linear feet.

DESCRIPTION OF THE REMAINDER

Upon the release of the approximate 0.11+/- acre portion, the remainder will be similar as the property prior to the acquisition and there will be minimal to no affect.

IMPACT OF THE RELEASED ACQUISITION ON THE REMAINDER

As such, I believe the release of the approximate 0.11+/- acre portion will have a very limited impact on the potential use of the remaining area. Furthermore, I do not believe the release of the approximate 0.11+/- acre portion will have any impact on the future use of the unencumbered area.

HIGHEST AND BEST USE

The Appraisal Institute defines Highest and Best Use as follows:

"...that reasonable and probable use that will support the highest present value, as defined, as of the effective date of the appraisal"

It is also defined as:

"...that use, from among reasonable and probable legal alternate uses, found to be physically possible, appropriately supported, financially feasible, and which results in the highest land value."

The determination of highest and best use includes identifying the motivation of probable purchasers, analyzing the supply and demand of various property types in the market, and considering limitations imposed by zoning and the physical characteristics of the property.

Highest and Best Use of Subject Property As Though Vacant Before The Release

Physically Possible

As discussed, the subject site is rectangular in shape and contains a gross land area of 1.22 acres, of which all is believed to be usable upland area. The subject has frontage on one public roadway, Beach City Road. Vehicular access to the site is good. Topographically, the subject property is level with elevations from 13 to 20 feet and cleared. All major public utilities are available, and I am not aware of any adverse

issues related to wetlands, soils, site conditions, or encumbrances that would negatively impact the use of the property. Therefore, it is my opinion that the subject property is physically suitable for a wide range of development types, including residential or commercial oriented uses.

Legally Permissible

The subject property includes areas zoned PR; Parks and Recreation in the Town of Hilton Head Island's Unified Development Ordinance. The PR District is intended to accommodate and manage the **land uses** allowed on publicly held **land** used for active or passive recreation purposes, or publicly owned **land** preserved in its natural state for public enjoyment. Development in this district shall be allowed and designed to minimize, as much as possible, its impact on both the natural environment and the community. Permitted uses in the PR District include but are not necessarily limited to: Public, Civic, Institutional, and Educational Uses. Consequently, any legally permissible use, which is physically possible, could be considered.

Financially Feasible

My research shows there is good commercial and residential demand in this part of Hilton Head Island, which is evidenced by the development of various residential and revived commercial development. In general, I do not believe this activity would be occurring if the broader market did not believe there was adequate demand. Considering this activity, it is reasonable to assume residential or commercial development would be feasible on the subject property under the current market conditions. However, considering the limitations under its current zoning district a zoning variance would need to be obtained. This is unlikely. Therefore, the feasibility would be limited to the permitted uses.

Maximally Productive

Considering its physical, legal, and economic characteristics, it is my opinion the highest and best use of the subject is for continued park and recreation use.

Highest and Best Use of Subject Property As Though Vacant After The Release

The highest and best use of the subject property as vacant will not change as a result of the proposed release.

VALUATION OF SUBJECT PROPERTY BEFORE THE ACQUISITION

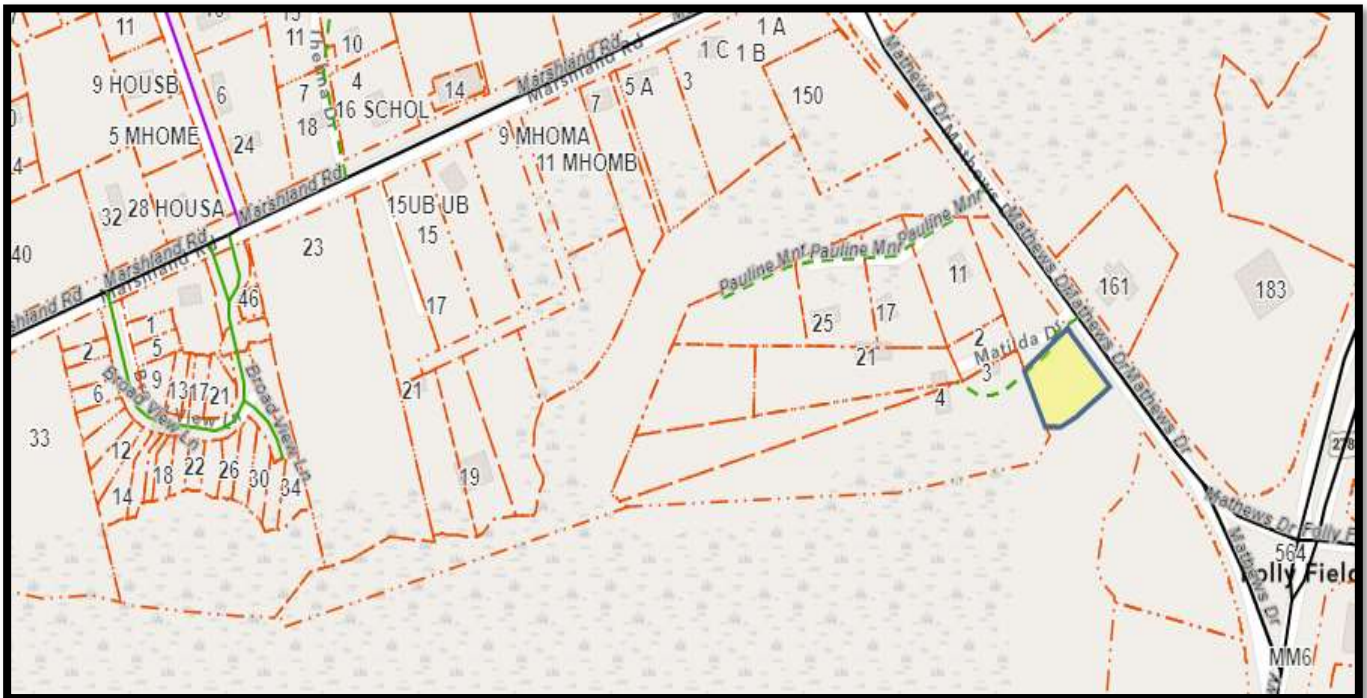
In order to estimate the market value of the subject property before the acquisition, I have relied upon a Sales Comparison Approach, where sales and listings of similar tracts are compared to the subject property based on a price per gross acre, which is how these properties are normally analyzed in this market. My research revealed relatively few sales and listings of similar tracts, and I have focused on four sales considered the most comparable to the subject property. Details of these transactions are summarized on the following pages, while a map showing their locations relative to the subject is included later in this section.

LAND SALE ONE

LOCATION: Legal Address: Por Marshland Plantation Adjacent to Mathews Dr
 Beaufort County, Hilton Head Island, SC 29926
 Tax Parcel Number: R510 008 000 0015 0000

GRANTOR: United General Holdings, LLC
 GRANTEE: Town of Hilton Head
 SALE DATE: August 10, 2023
 SALE PRICE: \$350,000
 DEED REFERENCE: Deed Book: 4268 Page: 154
 RECORDING INSTRUMENT: General Warranty Deed
 FINANCING: Transfer Fee Funds, normal
 INTEREST CONVEYED: Fee simple subject to normal matters of record
 CONDITIONS OF SALE: Arm's length, no special circumstances
 INFORMATION SOURCE(S): Liam Cronin of Engels and Volkers; public records, MLS
 LAND AREA: 0.52 acres (No Survey)
 ZONING: MF; Marsh Front Mixed Use – Intended Zoning: PR; Parks and Recreation
 FLOOD ZONE: Zone AE
 IMPROVEMENTS: None
 UTILITIES: All major utilities were in immediate area and available
 UNIT PRICE: \$673,077 per acre

COMMENTS: This is the sale of a square shaped 0.52-acre site located on the west side of Mathews Drive, just south of the traffic circle and with a deeded access easement on Matilda Drive. According to my sources, this property was purchased by the Town of Hilton Head Island for green space to be designated as Park and Recreation land. This site affords views of the marsh.

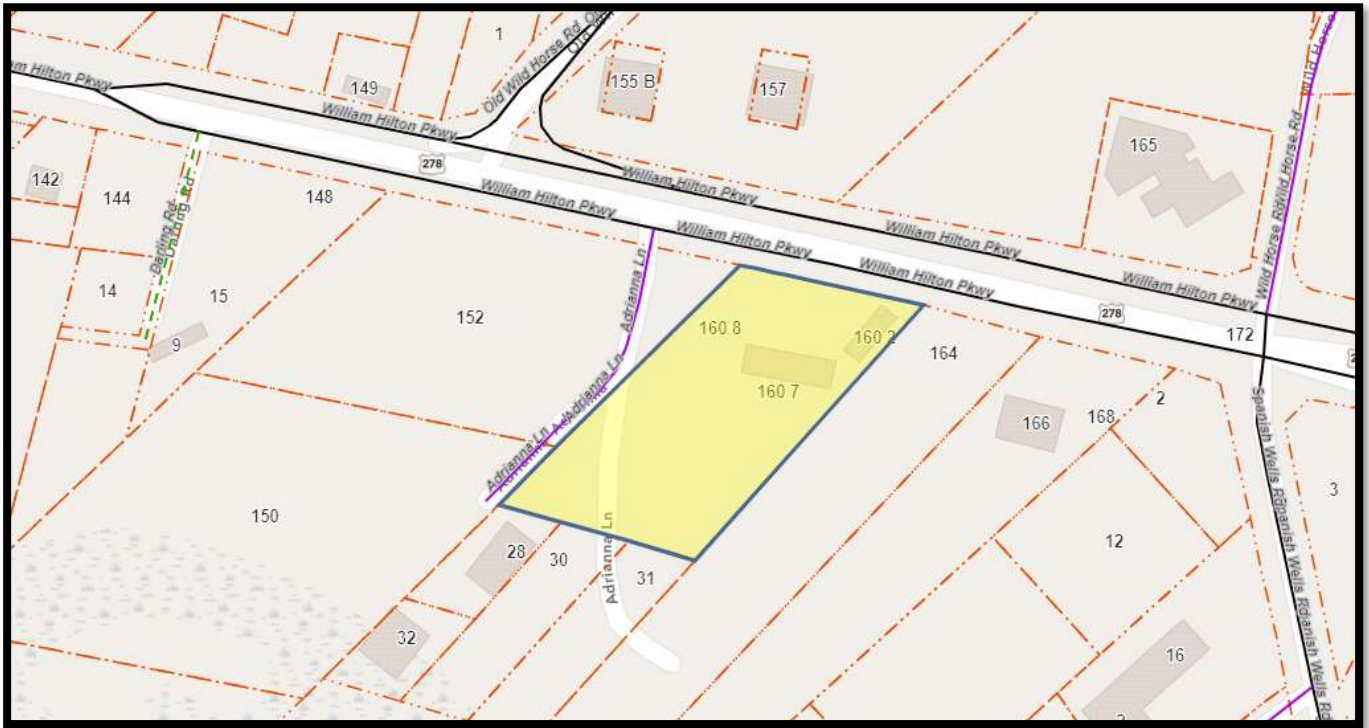


LAND SALE TWO

LOCATION: 160 William Hilton Parkway
 Beaufort County, Hilton Head Island
 Tax Parcel Number: R511 007 000 072A 0000

GRANTOR: Fairfield Square Hilton Head, LLC
 GRANTEE: Town of Hilton Head Island
 SALE DATE: October 08, 2020
 SALE PRICE: \$475,000
 DEED REFERENCE: Deed Book: 3919 Page: 2593
 RECORDING INSTRUMENT: Limited Warranty Deed
 FINANCING: Cash to seller, normal
 INTEREST CONVEYED: Fee simple subject to normal matters of record
 CONDITIONS OF SALE: Arm's length
 INFORMATION SOURCE(S): Public records, 2015 MLS, Realist
 LAND AREA: 1.83 acres (No Survey)
 ZONING: S; Stony Mixed Use
 FLOOD ZONE: Zone X
 IMPROVEMENTS: Improvements were razed following the sale
 UTILITIES: All major utilities were in immediate area and available
 UNIT PRICE: \$259,563 per acre

COMMENTS: This is the sale of a mostly rectangular shaped 1.83-acre site located on the west side of William Hilton Parkway, just north of Spanish Wells Road. This property was acquired by the Town of Hilton Head Island for use as green space, park and recreation.

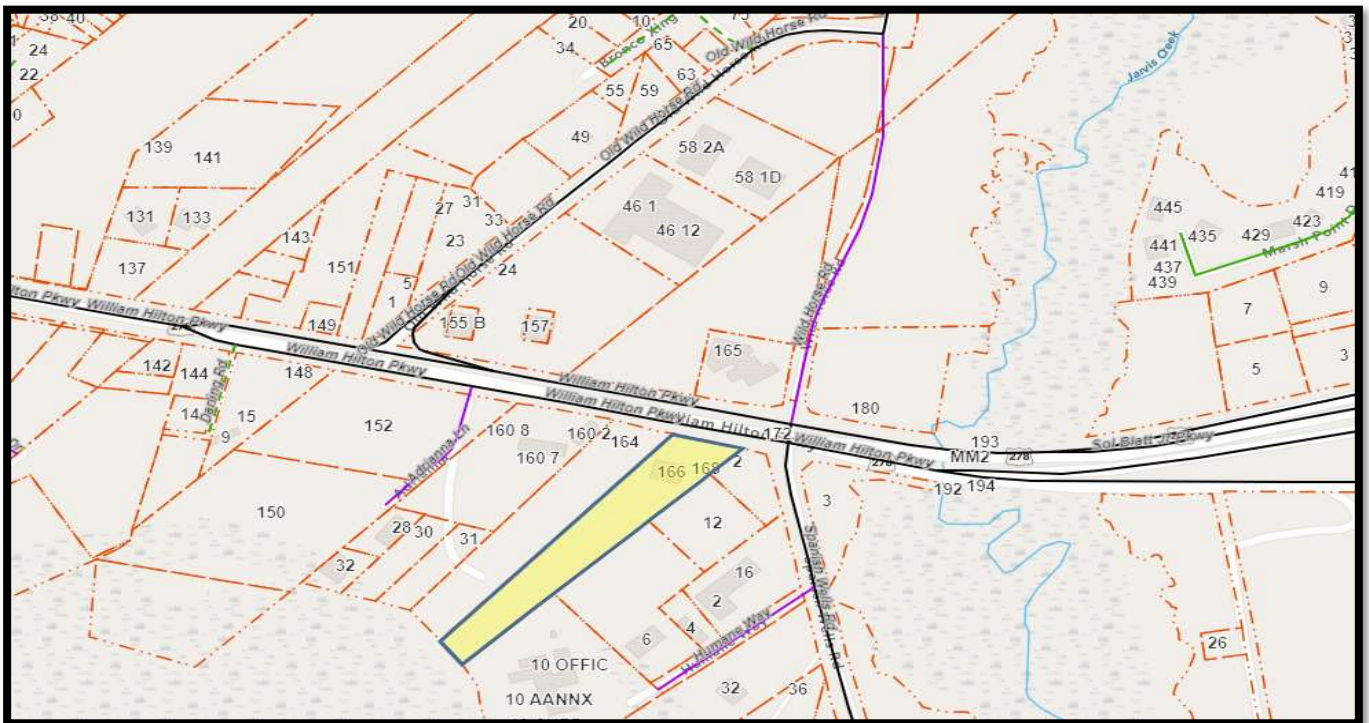


LAND SALE THREE

LOCATION: 166 William Hilton Parkway
Beaufort County, Hilton Head Island, SC
Tax Parcel Number: R511 007 000 073A 0000

GRANTOR: Williams, Edward N.
GRANTEE: The Town of Hilton Head Island
SALE DATE: October 07, 2020
SALE PRICE: \$975,000
DEED REFERENCE: Deed Book: 3928 Page: 0565
RECORDING INSTRUMENT: Full Warranty Deed
FINANCING: Cash to seller, normal
INTEREST CONVEYED: Fee simple subject to normal matters of record
CONDITIONS OF SALE: Arm's length, no special circumstances
INFORMATION SOURCE(S): Public records
LAND AREA: 2.6 acres (No Survey)
ZONING: PR; Park and Recreation; Formally S; Stony Mixed Use
FLOOD ZONE: Zone X
IMPROVEMENTS: Improvements were razed following sale
UTILITIES: All major utilities were in immediate area and available
UNIT PRICE: \$375,000 per acre

COMMENTS: This is the sale of a mostly rectangular shaped 2.6-acre site located on the west side of William Hilton Parkway, just north of Spanish Wells Road. This property was acquired by the Town of Hilton Head Island for use as green space. It appears that this property was previously zoned S; Stony Mixed Use at the time of sale.

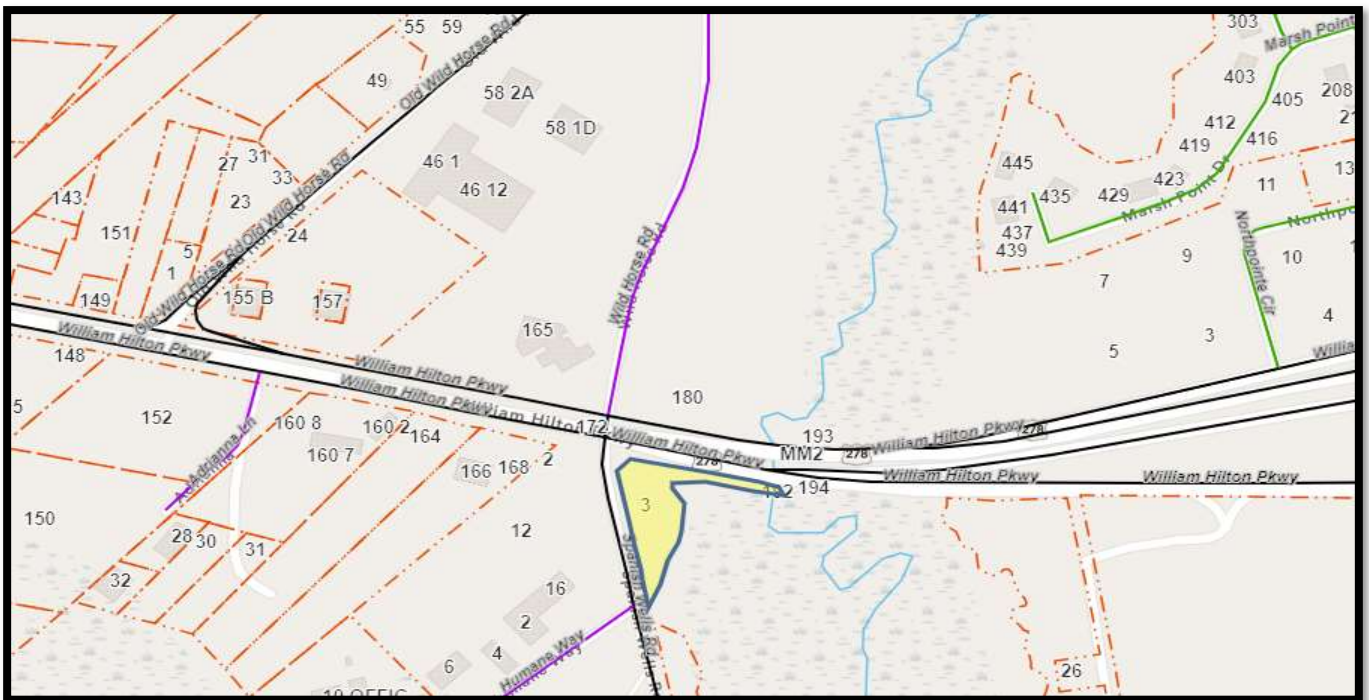


LAND SALE FOUR

LOCATION: 192 William Hilton Parkway
 Beaufort County, Hilton Head Island, SC
 Tax Parcel Number: R511 007 000 074F 0000

GRANTOR: MEGR, LLC
 GRANTEE: The Town of Hilton Head Island
 SALE DATE: January 08, 2020
 SALE PRICE: \$114,000
 DEED REFERENCE: Deed Book: 3826 Page: 2326
 RECORDING INSTRUMENT: Limited Warranty Deed
 FINANCING: Cash to seller, normal
 INTEREST CONVEYED: Fee simple subject to normal matters of record
 CONDITIONS OF SALE: Arm's length, no special circumstances
 INFORMATION SOURCE(S): Public records
 LAND AREA: 1.07 acres (No Survey)
 ZONING: S; Stony Mixed Use
 FLOOD ZONE: Zone AE
 IMPROVEMENTS: None
 UTILITIES: All major utilities were in immediate area and available
 UNIT PRICE: \$106,542 per acre

COMMENTS: This is the sale of an irregular shaped 1.07-acre site located on the west side of William Hilton Parkway on the corner of Spanish Wells Road. This site was purchased by The Town of Hilton Head for greenspace, park, and recreation.



The sales are compared to the subject property based primarily on the following criteria:

Zoning/Use: Properties either in the same or similar zoning district, which is a precursor to developmental use or uses, as well as the actual intended use of the property were included.

Size: Smaller tracts tend to sell for higher unit prices when all other factors are held constant due to the economic principle of diminishing marginal utility.

Topography: Properties with a higher percentage of wetlands and/or non-usable area relative to usable area are considered inferior to those with a higher percentage of usable area.

My analysis of the comparable sales is provided as follows:

Sale One: This is the recent sale of a square shaped 0.52-acre site located on the west side of Mathews Drive, just south of the traffic circle and with a deeded access easement on Matilda Drive. This site has views of the marsh. According to my sources, this property was purchased by the Town of Hilton Head Island for green space to be designated as Park and Recreation land.

In my opinion, this sale is:

- Similar in terms of its location, and use. Superior in Zoning
- Superior in View.
- Superior in size.
- Similar in terms of its topography.

Overall, this sale is **superior** to the subject due primarily due to zoning, view and size. A reasonable unit value of the subject property as indicated by this sale should be **far less than** \$673,077 per acre.

Sale Two: This is an older sale of a mostly rectangular shaped 1.83-acre site located on the west side of William Hilton Parkway, just north of Spanish Wells Road. This property was acquired by the Town of Hilton Head Island for use as green space, park, and recreation. This property is an interior property with no view amenity.

In my opinion, this sale is:

- Similar to the subject in terms of its location, and use. Superior zoning.
- Inferior in View.
- Inferior to the subject in terms of its larger size.
- Similar to the subject in terms of its topography.

Overall, this sale is considered slightly inferior to the subject. Consequently, a reasonable unit value of the subject property as indicated by this sale should therefore be slightly greater than \$259,563 per acre.

Sale Three: This is an older sale of a mostly rectangular shaped 2.6-acre site located on the west side of William Hilton Parkway, just north of Spanish Wells Road. This property was acquired by the Town of Hilton Head Island for use as green space. This site has a view of the marsh.

In my opinion, this sale is:

- Similar to the subject in terms of its location and use. Superior zoning.
- Superior in View.
- Inferior to the subject in terms of its size
- Similar to the subject in terms of its topography.

Overall, this sale is considered superior to the subject due primarily to its zoning and view. A reasonable unit value of the subject property as indicated by this sale should therefore be **less than** \$375,000 per acre.

Sale Four: This is an older sale of an irregular shaped 1.07-acre site located on the west side of William Hilton Parkway on the corner of Spanish Wells Road. This site was purchased by The Town of Hilton Head for greenspace, park, and recreation. This site has a view of the marsh, but is believed to be impacted by wetlands or soil conditions which would limit development.

In my opinion, this sale is:

- Similar to the subject in terms of its location, and use. Superior zoning.
- Similar to the subject in terms of its size.
- Superior in View.
- Inferior to the subject in terms of its topography
- Inferior to the subject in terms of its shape.
- Inferior to the subject in terms of development potential.

Overall, this sale is considered **inferior** to the subject due primarily to its topography, shape and development potential. A reasonable unit value of the subject property as indicated by this sale should be significantly greater than \$106,542 per acre.

My analysis of the comparable sales and listing is summarized in the following table.

COMPARABLE LAND SALE TABULATION					
	Subject	Sale One	Sale Two	Sale Three	Sale Four
Location	Parcel 329 Beach City Rd	Por. Marshland Rd	160 Wm. Hilton Pkwy.	166 Wm. Hilton Pkwy.	192 Wm. Hilton Pkwy.
Sale Date	N/A	Aug. 10, 2023	Oct. 08, 2020	Oct. 07, 2020	Jan. 08, 2020
Sale Price	N/A	\$350,000	\$475,000	\$975,000	\$114,000
Gross Land Area	1.22	0.52	1.83	2.6	1.07
Usable Area	1.22	0.52	1.83	2.6	Unknown
% Usable	100%	100%	100%	100.0%	>100.0%
Zoning	PR	MF	S	S	S
Flood Zone	C	AE	X	X	AE
Utilities	All available	All available	All available	All available	All available
Price/Gross Acre	N/A	\$673,077	\$259,563	\$375,000	\$106,542
Comparison to Subject					
Zoning	PR	Superior	Superior	Superior	Superior
Size	1.22 Acres	Superior	Inferior	Inferior	Similar
Topography/View	Landscape/Park	Superior	Inferior	Superior	Similar
Shape	Rectangular	Similar	Similar	Similar	Inferior
Utilities	All available	Similar	Similar	Similar	Similar
Overall Comparison:	N/A	Superior	Slightly Inferior	Superior	Inferior

Based on my review of the comparable sales, I believe a reasonable unit value of the fee simple interest subject property should be less than Sale #1 and Sale #3; greater than Sale #4 and slightly greater than Sale #2. The leading indicator is Sale #2 with an average price per gross acre of \$259,563. The current market value of the fee simple interest of the subject property is calculated as follows.

1.22 Acres x \$275,000 per Acre = \$335,500

Estimated Value of the ± 0.11- acre portion to be released.

The value of the release portion is calculated as follows:

$$\frac{\text{Unit Value}}{\$275,000/\text{Acre}} \times \frac{\text{Released Area}}{0.11 \text{ Acres}} = \frac{\text{Value of Released Portion}}{\$30,250}$$

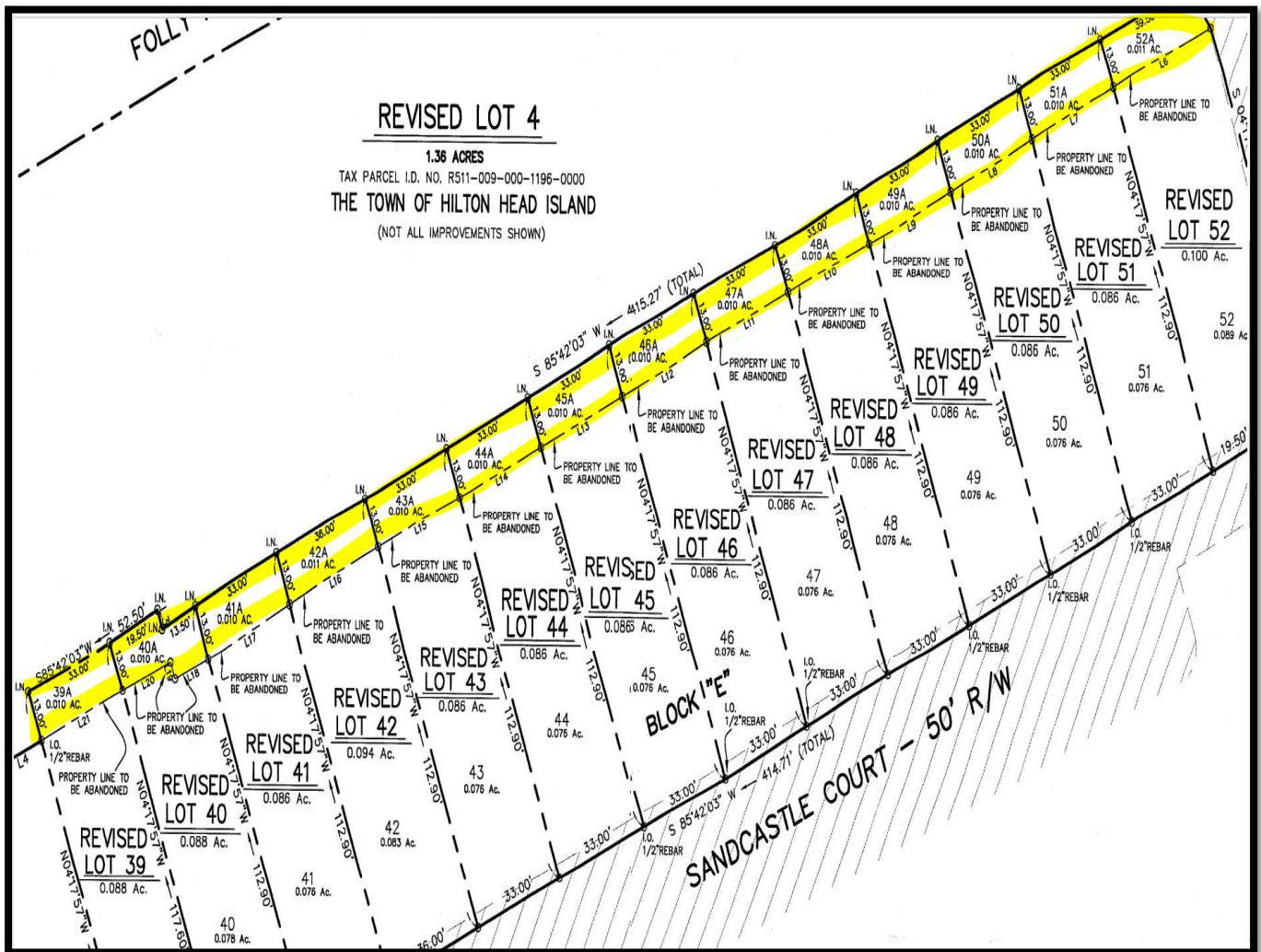
The value of the remainder portion is calculated as follows:

$$\frac{\text{Unit Value}}{\$275,000/\text{Acre}} \times \frac{\text{Remainder Area}}{1.11 \text{ Acres}} = \frac{\text{Value of Remainder Portion}}{\$305,250}$$

In addition, I have included a chart and plat map below itemizing the few transactions where the Town of Hilton Head sold off a portion of Town-owned property to owners of abutting sites. The sales below are

part of a bulk sale including fourteen 0.010 +/- acre portions. These transfers result in a price per acre of \$310,500.

TOWN OF HHI EASEMENT SALE TABULATION					
	Subject	Sale One	Sale Two	Sale Three	Sale Four
Location	Parcel 329 Beach City Rd	45A Folly Field Rd	44A Folly Field Rd	47A Folly Field Rd	46A Folly Field Rd
Sale Date	N/A	May 25, 2022	May 25, 2022	May 25, 2022	May 25, 2022
Sale Price	N/A	\$3,105	\$3,105	\$3,105	\$3,105
Gross Land Area	0.11	0.010	0.010	0.010	0.010
Usable Area	N/A	N/A	N/A	N/A	N/A
% Usable	0%	0%	0%	0%	0%
Price/Gross Acre	N/A	\$310,500	\$310,500	\$310,500	\$310,500





Sharon W. Bunn
BEAUFORT COUNTY AUDITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT) TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, That **BDC Capital, Inc. f/k/a BDC Capital, LLC**, a Virginia corporation ("**Grantor**") in the State aforesaid, for and in consideration of the sum of **Three Hundred Fifty Thousand and No/100 (\$350,000.00) Dollars** to the said Grantor in hand paid at and before the sealing of these presents by **Beaufort County and The Town of Hilton Head Island ("Grantees")**, in the State aforesaid, the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, and by these Presents do grant, bargain, sell and release unto said Grantees, Their Successors and Assigns forever, the following described property, to-wit:

SEE ATTACHED EXHIBIT "A" FOR PROPERTY DESCRIPTION

TAX MAP# R510-005-000-0329-0000 &
R510-005-000-010B-0000

GRANTEES' ADDRESS: **Post Office Box 1228**
 Beaufort, SC 29901

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said Premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises before mentioned unto the said Grantees, Their Successors and Assigns, forever.

AND the said Grantor does hereby bind Grantor and Grantor's Successors and Assigns, to warrant and forever defend, all and singular, the said Premises unto the said Grantees, as hereinabove provided, Their Successors and Assigns, against Grantor and Grantor's Successors and Assigns and against all persons whomsoever lawfully claiming, or to claim the same or any part thereof.

ADD DMP Record 2/8/2013 08:45:52 AM
BEAUFORT COUNTY TAX MAP REFERENCE

Dist	Map	SMap	Parcel	Block	Week
R510	005	000	0329	0000	00

ADD DMP Record 2/8/2013 08:45:59 AM
BEAUFORT COUNTY TAX MAP REFERENCE

Dist	Map	SMap	Parcel	Block	Week
R510	005	000	010B	0000	00



Property ID (PIN)	Alternate ID (AIN)	Parcel Address	Data refreshed as of	Assess Year	Pay Year
R510 005 000 0329 0000	13670852	,	9/8/2023	2023	2023

Current Parcel Information			
Owner	BEAUFORT COUNTY AND THE TOWN OF HILTON HEAD	Property Class Code	ResVac Recreational
Owner Address	PO BOX 1228 BEAUFORT SC 29901	Acreage	1.2200
Legal Description	OPEN SPACE BEACH CITY ROAD PB121 P171		

Tax Year	Historic Information		Market	Taxes	Payment
	Land	Building			
2022	\$600		\$600	\$46.99	\$46.99
2021	\$600		\$600	\$46.93	\$48.34
2020	\$600		\$600	\$46.87	\$46.87
2019	\$600		\$600	\$46.82	\$46.82
2018	\$600		\$600	\$46.61	\$46.61
2017	\$600		\$600	\$46.59	\$46.59
2016	\$600		\$600	\$12.22	\$12.22
2015	\$600		\$600	\$12.16	\$12.52
2014	\$600		\$600	\$11.56	\$11.56
2013	\$600		\$600	\$411.56	\$411.56

Grantor	Sales Disclosure		Date	Deed	Vacant	Sale Price
	Book & Page					
BDC CAPITAL LLC	3210 2689		1/24/2013	Fu		\$350,000
WHITE ANDRE J	2939 1787		2/23/2010	Ma		\$2,500
UNKNOWN OWNER 13670852			12/31/1776	Or		\$0
			12/31/1776	Or		\$0

Improvements							
Building	Type	Use Code Description	Constructed Year	Stories	Rooms	Square Footage	Improvement Size

William Roberson Cobia, SRA

As a real estate appraiser, William R. Cobia has extensive experience in valuations and analysis. Mr. Cobia's clients have included individuals, law firms, financial institutions and accounting firms throughout Coastal South Carolina and Coastal Georgia.

Education: University of Georgia – Psychology - 1994

Professional Real Estate Experience: Coastal Property Appraisals – 1997 – Present

Responsibilities include the timely preparation of appraisal reports for banks, government agencies, attorneys, corporations, and individuals. These assignments have involved a wide variety of property types including the following:

- | | |
|---------------------------------------|-------------------------------------|
| Single family residences | Multi Family |
| Restaurants | Shopping centers |
| Professional/medical office buildings | Historic properties |
| Warehouses | Partial real estate interests |
| Branch banks | Easements |
| Private estates | Vacant land |
| Hangars | Boat Slips |
| Churches | Marinas |
| Replacement Costs | Exceptional and Unique Custom Homes |

Professional Development:

Licenses:	GA Certified General Appraiser # 333346
	SC Certified General Appraiser # 3490
	FHA Certified

Activities/Affiliations	Member of the Appraisal Institute (SRA)
-------------------------	---

Partial Client List:

- | | |
|----------------------|------------------|
| TD Bank | Bank of America |
| The Town of Bluffton | South State Bank |
| Coastal States Bank | Wells Fargo Bank |
| Mortgage Network | JP Morgan Chase |
| Movement Mortgage | Regions Bank |
| Prime Lending | Pulte Homes |
| DR Horton | Town of H.H.I |

South Carolina Department of Labor, Licensing and Regulation
Real Estate Appraisers Board

 CERTIFIES THAT:
WILLIAM R COBIA
IS AUTHORIZED TO PRACTICE
Certified General Appraiser

LICENSE NO. **AB .3490 CG** EXPIRATION DATE: 06/30/2024

To verify current license status, go to <http://verify.llronline.com/LicLookup/LookupMain.aspx>

2024/ ____

AN ORDINANCE AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE THE NECESSARY DOCUMENTS TO CONVEY A PORTION OF PROPERTY OWNED BY BEAUFORT COUNTY WITH TMS NO. R510 005 000 0329 0000, LOCATED ON BEACH CITY ROAD, HILTON HEAD ISLAND

WHEREAS, Beaufort County (“County”) purchased real property and is the current fee simple co-owner of the real property with TMS No. R510 005 000 0329 0000 and being recorded in the Office of the Register of Deeds for Beaufort County, South Carolina on January 29, 2013, in Book 3210 Pages 2689-2692; hereinafter referred to as the “Property”; and

WHEREAS, the County purchased the Property through the Rural and Critical Lands Preservation Program for \$230,263 per acre, at a 70/30 cost share with the Town of Hilton Head Island (“Town”); and

WHEREAS, adjacent to the Property is the real property with TMS No. R510 005 000 010H 0000 and is currently owned by the White Family (“Residents”); hereinafter the “Adjacent Property”; and

WHEREAS, the Residents private access drive to the Adjacent Property was previously constructed on a portion of the Property; and

WHEREAS, the Residents desire to purchase a portion of the Property to retain their existing private residence access to the Adjacent Property in the most direct and accessible manner possible with no potential user conflicts; and

WHEREAS, the County and the Town desire to convey a 0.11 acre portion of the Property, as illustrated in the survey for Tax Parcel 329 dated August 4, 2023 (Exhibit A), for the appraised value of \$30,250 to be deposited in the County Rural and Critical Lands Preservation Program Fund (#4502).

NOW, THEREFORE BE IT ORDAINED BY BEAUFORT COUNTY COUNCIL, duly assembled, does hereby authorize the Interim County Administrator to execute the necessary documents to convey a portion of property owned by Beaufort County with TMS No. R510 005 000 0329 0000 to Mr. Andre White, of which the proceeds will be returned to the Rural and Critical Lands Preservation Program land acquisition fund.

Adopted this ____ day of _____, 2024.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

ATTEST:

Sarah Brock, Clerk to Council



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
Recommend approval of a resolution authorizing the providing of funds to Lowcountry Area Transportation Study (LATS) for Beaufort County’s portion of local match for the Norther Transit Study, the SC 315/46 and Bluffton Parkway Extension Study, and the Bluffton Parkway from SC 170 to US 278 at the Bluffton Parkway Flyover Study; and further to authorize the interim county administrator to execute memorandums of understanding with Lowcountry Council of Governments for the management of the regional studies.
MEETING NAME AND DATE:
Public Facility and Safety Committee – November 27, 2023
PRESENTER INFORMATION:
Jared Fralix, Assistant County Administrator- Infrastructure 5 minutes
ITEM BACKGROUND:
LATS is the transportation planning entity for the region. They are working on various plans to guide transportation improvements throughout the area. LCOG will manage the preparation of the regional studies.
PROJECT / ITEM NARRATIVE:
If planning studies are completely within SCDOT’s network, guideshare funds can be used for the entirety of the project. In the event there are some local roads within the project area, a 20% local match is required. Currently, there are three planning studies that LATS is working on that involve local streets and a local match is required. The plan is for the local match to be divided amongst the applicable jurisdictions for each study. Beaufort County’s pro rata share for the Northern Transit Study will not exceed \$25,000, for the SC 315/SC 46 study will not exceed \$10,000 and for the Bluffton Parkway will not exceed \$30,000.
FISCAL IMPACT:
The match for the Bluffton Parkway’s study will come from 2000 Bluffton impact fees professional services account 2300-30-0000-51160 with a balance of \$7,331,998.85. The match for the SC315/SC 46’s study and the Northern Transit Study will come from Road Use Fee funds professional services account 2342-30-0000-51160 with a balance of \$1,558,409.65.
STAFF RECOMMENDATIONS TO COUNCIL:
Recommend approval of a resolution to authorize the use of matching funds for Beaufort County’s portion of the Local Match for three planning studies through LATS and authorize the Interim Administrator to execute the Memorandums of Understanding (MOU) with LCOG for each of the three planning studies.
OPTIONS FOR COUNCIL MOTION:
Motion to approve/deny the recommended approval of a resolution the use of matching funds for Beaufort County’s portion of the Local Match for three planning studies through LATS and to authorize the Interim

County Administrator to execute the Memorandums of Understanding (MOU) with LCOG for each of the three planning studies.

Item 11.

**MEMORANDUM of UNDERSTANDING
BETWEEN
Beaufort County and
Lowcountry Council of Governments (LCOG)**

Subject: SC 315/SC 46 Bluffton Parkway Local Match

The Lowcountry Council of Governments in cooperation with the Lowcountry Area Transportation Study has identified completing a corridor study for SC 315/SC46 and the Bluffton parkway extension as a priority in the 2045 in the Long Ragne Transportation Plan. \$450,000 was programmed in the Transportation Improvement Program to fund the study.

1. The purpose of this MOU is to engage the services of the Planning Department of the Lowcountry Council of Governments (LCOG) to manage the preparation of a study on behalf of LATS.
2. Beaufort County, the City of Hardeeville, the Town of Bluffton and Jasper County will serve as key stakeholders on the Advisory Committees created, providing input to the project team.
3. Work will consist of, but not be limited to the following tasks:
 - a. Establish a project steering committee.
 - b. Data collection and map existing conditions
 - c. Interim findings
 - d. Prepare recommendations, policy, and regulations.
 - e. Implementation plan
 - f. Complete a draft and final document for review.
 - g. Complete final report
4. The total cost of the project is \$200,000. The Federal share is \$160,000 and local share is \$40,000. No single party will be held responsible for the lack of funding from another entity. The local share is to be split between the four local entities:
 - a. Beaufort County will not exceed \$10,000.
 - b. City of Hardeeville will not exceed \$10,000.
 - c. Town of Bluffton will not exceed \$10,000.
 - d. Jasper County will not exceed \$10,000.

Lowcountry Council of Governments

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5. The completion date is estimated to be Spring 2024.
6. Beaufort County, the Town of Bluffton, City of Hardeeville and Jasper County will be provided with all relevant documentation at the conclusion of the study.
7. This agreement will become effective upon the signature of both parties' authorized officials.

Signed:

Beaufort County

Lowcountry Council of Governments

Date

Date

Lowcountry Council of Governments

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RESOLUTION 2024/

A RESOLUTION TO AUTHORIZE THE PROVIDING OF FUNDS TO LOWCOUNTRY AREA TRANSPORTATION STUDY (LATS) FOR BEAUFORT COUNTY'S PORTION OF LOCAL MATCH FOR THE NORTHERN TRANSIT STUDY, THE SC 315/46 AND BLUFFTON PARKWAY EXTENSION STUDY, AND THE BLUFFTON PARKWAY FROM SC 170 TO US 278 AT THE BLUFFTON PARKWAY FLYOVER STUDY; AND FURTHER TO AUTHORIZE THE INTERIM COUNTY ADMINISTRATOR TO EXECUTE MEMORANDUMS OF UNDERSTANDING WITH LOWCOUNTRY COUNCIL OF GOVERNMENTS FOR THE MANAGEMENT OF THE REGIONAL STUDIES

WHEREAS, Lowcountry Area Transportation Study (LATS) is the transportation planning entity for the regional metropolitan planning organization (MPO); and

WHEREAS, Beaufort County is one of the jurisdictions within the MPO of which there are seven (7) members (Beaufort County, Jasper County, Port Royal, City of Beaufort, Hardeeville, Bluffton and Hilton Head; and

WHEREAS, the County desires to enter into Memorandums of Understanding (MOU) to engage the services of the Planning Department of Lowcountry Council of Governments (LCOG) to manage the preparation of regional studies on a Northern Transit Study, SC 315/SC 46 study, and Bluffton Parkway from SC 170 to US 278 study on behalf of LATS; and

WHEREAS, Beaufort County is required to provide our pro rata share of the local match for certain regional studies that LATS conducts; and

WHEREAS, the Northern Transit Study will look at and evaluate mass transit needs, potential routes, and projects for the urbanized areas north of the Broad. The local share cost of the study is \$50,000 to be paid as follows:

1. Beaufort County will not exceed \$25,000.
2. City of Beaufort will not exceed \$12,500.
3. Town of Port Royal will not exceed \$12,500.

WHEREAS, the SC 315/SC 46 and the Bluffton Pkwy Extension study will evaluate needed roadway improvements in the Southern part of Beaufort and Jasper County The local share cost of the study is \$40,000 to be paid as follows:

1. Beaufort County will not exceed \$10,000.
2. City of Hardeeville will not exceed \$10,000.
3. Town of Bluffton will not exceed \$10,000.
4. Jasper County will not exceed \$10,000.

WHEREAS, the Bluffton Parkway from SC 170 to US 278 at the Bluffton Parkway flyover will evaluate access management and corridor improvements throughout the parkway to enhance safety and capacity withing the corridor. The local share cost of the study is \$40,000 to be paid as follows:

- 1. Beaufort County will not exceed \$30,000.
- 2. Town of Bluffton will not exceed \$10,000.

NOW, THEREFORE, IT IS HEREBY RESOLVED at a duly called meeting of Beaufort County Council, that the Interim County Administrator is hereby provided the authority necessary to provide the local matching funds for the aforementioned studies and to sign the Memorandums of Understanding with LCOG related to each study.

Adopted this 26th day of February 2024.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock, Clerk to Council

**MEMORANDUM of UNDERSTANDING
BETWEEN
Beaufort County and
Lowcountry Council of Governments (LCOG)**

Subject: Bluffton Parkway Local Match

The Lowcountry Council of Governments in cooperation with the Lowcountry Area Transportation Study has identified completing a corridor study for Bluffton Parkway from the Flyover to SC 170 a priority in the 2045 Long Range Transportation Plan. \$200,000 was programmed in the Transportation Improvement Program to fund the study.

1. The purpose of this MOU is to engage the services of the Planning Department of the Lowcountry Council of Governments (LCOG) to manage the preparation of a study on behalf of LATS.
2. Beaufort County and the Town of Bluffton will serve as key stakeholders on the Advisory Committees created, providing input to the project team.
3. Work will consist of, but not be limited to the following tasks:
 - a. Establish a project steering committee.
 - b. Data collection and map existing conditions
 - c. Interim findings
 - d. Prepare recommendations, policy, and regulations.
 - e. Implementation plan
 - f. Complete a draft and final document for review.
 - g. Complete final report
4. The total cost of the project is \$200,000. The Federal share is \$160,000 and local share is \$40,000. No single party will be held responsible for the lack of funding from another entity. The local share is to be split between the two local entities:
 - a. Beaufort County will not exceed \$30,000.
 - b. Town of Bluffton will not exceed \$10,000.
5. The completion date is estimated to be December 31st, 2024.

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- 6. Beaufort County and the Town of Bluffton will be provided with all relevant documentation at the conclusion of the study.

- 7. This agreement will become effective upon the signature of both parties' authorized officials.

Signed:

Beaufort County

Lowcountry Council of Governments

Date

Date

Lowcountry Council of Governments

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**MEMORANDUM of UNDERSTANDING
BETWEEN
Beaufort County and
Lowcountry Council of Governments (LCOG)**

Subject: Northern Beaufort County Transit Study

The Lowcountry Council of Governments in cooperation with the Lowcountry Area Transportation Study has identified completing a transit Study in Northern Beaufort County as a priority in the 2045 in both the urban and rural Long Range Transportation Plans. \$200,000 was programmed in the Transportation Improvement Program to fund the study.

1. The purpose of this MOU is to engage the services of the Planning Department of the Lowcountry Council of Governments (LCOG) to manage the preparation of a transit study for the Northern portion of Beaufort County, the City of Beaufort and the Town of Port Royal.
2. Beaufort County, the City of Beaufort and the Town of Port Royal along with Palmetto Breeze will serve as key stakeholders on the Advisory Committees created, providing input to the project team.
3. Work will consist of, but not be limited to the following tasks:
 - a. Establish a project steering committee.
 - b. Data collection and map existing conditions
 - c. Interim findings
 - d. Prepare recommendations, policy, and regulations.
 - e. Implementation plan
 - f. Complete a draft and final document for review.
 - g. Complete final report
4. The LCOG planning department successfully applied for federal funds to conduct the work while local governments will supply the 20% local match. The total cost of the project is \$250,000. The Federal share is \$200,000 and local share is \$50,000. No single party will be held responsible for the lack of funding from another entity. The local share is to be split between the three local entities:
 - a. Beaufort County will not exceed \$25,000.

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- b. City of Beaufort will not exceed \$12,500.
- c. Town of Port Royal will not exceed \$12,500.

- 5. The completion date is estimated to be December 31st, 2024.

- 6. Beaufort County, The Town of Port Royal and the City of Beaufort will be provided with all relevant documentation at the conclusion of the study.

- 7. This agreement will become effective upon the signature of both parties' authorized officials.

Signed:

Beaufort County

Lowcountry Council of Governments

Date

Date

Lowcountry Council of Governments

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BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
SECOND READING OF AN ORDINANCE APPROPRIATING FIFTEEN PERCENT OF FY24 GROSS STATE ACCOMMODATIONS TAX REVENUE TO DEVELOPMENT OF WORKFORCE HOUSING
MEETING NAME AND DATE:
County Council, February 12, 2024
PRESENTER INFORMATION:
John Robinson, County Administrator 5 minutes
ITEM BACKGROUND:
<p>During its 2023 legislative session, the South Carolina General Assembly adopted (and the governor subsequently signed into law) Act 57. This Act amended the South Carolina Code of Laws to permit the use of state accommodations tax revenue and local accommodations tax revenue for the development of workforce housing. The Act established several steps that a governing body must satisfy before state accommodations tax revenue is expended on workforce</p> <p>Council has made the development and funding of workforce housing a priority. On January 22, 2024 Council approved by title only first reading of an ordinance appropriating fifteen percent of FY24's gross state accommodations tax revenue to the development of workforce housing subject to review by the state a-tax committee and compliance with the all the requirements of South Carolina Code of Laws. The proposed ordinance requires that these steps be satisfied before these funds are expended.</p>
PROJECT / ITEM NARRATIVE:
See above
FISCAL IMPACT:
If approved, Council will be appropriating and committing fifteen percent of fiscal FY24's gross state accommodations tax revenue to the development of workforce housing. The County and Council will need to satisfy, by subsequent action, all the requirements of the South Carolina Code of Laws before these funds are expended.
STAFF RECOMMENDATIONS TO COUNCIL:
Staff recommends approval
OPTIONS FOR COUNCIL MOTION:
Council can approve the motion, deny the motion, modify it, or defer it.

ORDINANCE 2024/ _____

AN ORDINANCE APPROPRIATING FIFTEEN PERCENT OF FY24 GROSS STATE ACCOMMODATIONS TAX REVENUE TO THE DEVELOPMENT OF WORKFORCE HOUSING

WHEREAS, Act 57 of the 2023 South Carolina General Assembly Legislative Session amended S.C. Code of Laws §6-4-5 et seq., Allocation of Accommodations Tax Revenue, to permit the County to dedicate and expend up to fifteen percent of its annual two percent accommodations tax revenue for the development of workforce housing which must include programs to promote home ownership; and

WHEREAS, the Act provides that prior to the expenditure of these funds for the development of workforce housing, the County must satisfy several requirements as set forth in the Act; and

WHEREAS, Council is aware of the critical need for workforce housing in unincorporated Beaufort County and has come to appreciate the difficulty in finding funds to satisfy this need; and

WHEREAS, in light of the tremendous need for workforce housing in unincorporated Beaufort County and the general lack of funds to meet this need, Council desires to appropriate and to commit (pursuant to Section 6-4-10(4)(c)(ii)) fifteen percent of the gross state local accommodations tax revenue (2%) it receives pursuant to Section 6-4-5 et seq. for FY24 to the development of workforce housing as set forth in Section 6-4-10(4)(b)(ix).

NOW, THEREFORE, BE IT RESOLVED THAT Beaufort County Council does hereby appropriate and commit fifteen percent of the state local accommodations tax revenue it receives pursuant to Section 6-4-5 et seq. in FY24 to the development of workforce housing as permitted by Act 57 and further directs that none of these funds may be expended until such time as Beaufort County has satisfied all the requirements that are set forth therein.

Adopted this _____ day of _____ 2024.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

ATTEST:

Sarah Brock, JD
Clerk to Council



BEAUFORT COUNTY COUNCIL AGENDA ITEM SUMMARY

ITEM TITLE:
<i>An ordinance authorizing the Interim County Administrator to enter into a lease agreement with the South Carolina Department of Transportation (SCDOT) for property located under the Cross Island Parkway adjacent to the Broad Creek Boat Landing parcel R552 010 000 0650 0000.</i>
MEETING NAME AND DATE:
Public Facilities & Safety Committee Meeting January 22, 2024
PRESENTER INFORMATION:
Jared Fralix, P.E., Assistant County Administrator, Infrastructure (5 Minutes)
ITEM BACKGROUND:
On May 7, 2002 Beaufort County and The Town of Hilton Head Island executed an Intergovernmental Agreement associated with the construction of a boat ramp off Broad Creek. Recently, the Town of Hilton Head Island and the County have been working with SCDOT to formalize use of the property located under the Cross Island Parkway that has been in use for approximately 20 years. SCDOT requested a public interest finding from FHWA so the County can lease the property gratis.
PROJECT / ITEM NARRATIVE:
SCDOT and the County have finalized a lease agreement for the property located under the Cross Island Parkway associated with the Broad Creek Boat Landing parcel # R552 010 000 0650 0000 . SCDOT will lease this property to the County at no cost (gratis).
FISCAL IMPACT:
N/A
STAFF RECOMMENDATIONS TO COUNCIL:
Staff recommends approval of <i>an ordinance authorizing the Interim County Administrator to enter into a lease agreement with the South Carolina Department of Transportation (SCDOT) for property located under the Cross Island Parkway adjacent to the Broad Creek Boat Landing parcel R552 010 000 0650 0000.</i>
OPTIONS FOR COUNCIL MOTION:
<i>Motion to approve/deny an ordinance authorizing the Interim County Administrator to enter into a lease agreement with the South Carolina Department of Transportation (SCDOT) for property located under the Cross Island Parkway adjacent to the Broad Creek Boat Landing parcel R552 010 000 0650 0000.</i> An approval vote by Committee would move the item to full County Council for three readings and a public hearing to approve the ordinance.

ORDINANCE 2024/_____

AN ORDINANCE AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO ENTER INTO A LEASE AGREEMENT WITH THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION (SCDOT) FOR PROPERTY LOCATED UNDER THE CROSS ISLAND PARKWAY ADJACENT TO THE BROAD CREEK BOAT LANDING PARCEL R552 010 000 0650 0000

WHEREAS, Beaufort County (“County”) and the Town of Hilton Head Island (“Town”) entered into an Intergovernmental Agreement on May 7, 2002 to construct a boat ramp off Broad Creek on parcel # R550 010 000 0650 0000; and

WHEREAS, the County completed the boat ramp in the 2003 time frame and the public has been utilizing the boat ramp and area under the Cross Island Parkway for approximately 20 years; and

WHEREAS, the South Carolina Department of Transportation (“SCDOT”) has ownership interests in the property located under the Cross Island Parkway adjacent to the County boat ramp on parcel #R550 010 000 0650 0000. The County recently approached SCDOT about transferring ownership interests to the County, but SCDOT needs to retain ownership for bridge/highway maintenance purposes. SCDOT offered to lease the property gratis. More specific lease information is provided on attached Exhibit “A”; and

WHEREAS, County Council finds that it is in best interest of the citizens and residents of Beaufort County for the Interim County Administrator to enter into a lease agreement with the South Carolina Department of Transportation (SCDOT) for property located under the Cross Island Parkway adjacent to the Broad Creek Boat Landing parcel R552 010 000 0650 0000.

NOW, THEREFORE, BE IT ORDAINED that Beaufort County Council hereby authorizes the Interim County Administrator to enter into a lease agreement with the South Carolina Department of Transportation (SCDOT) for property located under the Cross Island Parkway adjacent to the Broad Creek Boat Landing parcel R552 010 000 0650 0000.

ADOPTED this _____ day of _____, 20____.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Joseph Passiment, Chairman

ATTEST:

Sarah W. Brock,
Clerk to Council

Exhibit “A”

Final Lease SCDOT to Beaufort County January 2024

STATE OF SOUTH CAROLINA)
)
 COUNTY OF BEAUFORT) **LEASE AGREEMENT**

This Lease Agreement is made this _____ day of _____, 2024, by and between the South Carolina Department of Transportation (SCDOT) (“Lessor”) and Beaufort County, its successors and/or assigns (“Lessee”).

1. Lease and Use of Premises

- a) Lessor hereby leases to Lessee and Lessee hereby leases from Lessor the following described property (hereinafter referred to as “the Premises”) for use as parking:

ALL AND SINGULAR, all that certain piece, parcel or lot of land, situate, lying and being in the town of Hilton Head Island in Beaufort County, South Carolina, containing approximately 2.05 acres and being shown on highway plans for US Route 278, File 7.558, Sheets 13 & 32, Tract 41 and for Road S-80 under File 7.558, sheet 16 as portions of Tracts 113, 114, 116, and 121, and designated as “Lease Area” on the attached Exhibit A, and also being shown on “Dufuskie Island at Cross Island, Overall Site Plan prepared by Davis & Floyd, dated October 2023; on the attached Exhibit B. Said property being acquired by the South Carolina Department of Transportation by General Warranty Deed from Plantation Land Company, Inc. dated August 5, 1994, and recorded on January 26, 1995, in Book 30042 at Page 325 in the Office of the Register of Mesne Conveyances for Beaufort County. Adjacent to TMS Number R552-010-000-0309-0000 and R552-010-000-0650-0000.

- b) Restricted Use of Premises

- 1) Lessee’s use of the Premises shall be subordinate at all times to SCDOT’s use of the Premises for Highway Purposes. As used herein, the term “Highway Purposes” means the operation, use, maintenance, construction, or reconstruction of the highway facilities, including but not limited to the piers, columns, and other structural support of the highways and bridge facilities. Lessee shall use and maintain the Premises at all times in a manner that will not interfere with the use of the Premises and SCDOT facilities thereon for Highway Purposes.

- 2) Lessee shall use and manage the Premises exclusively for public purposes, specifically as follows:

- (i) to make parking available for passenger vehicles for patrons of Cross Island Boat Landing; and to install and maintain a ferry embarkation dock near, but not under the bridge on Premises;

- (ii) for park and recreational uses; and

(iii) for pedestrian, bicycle, and vehicular access, ingress, and egress, including walking, jogging, and biking paths and/or trails to other property of the Lessee or to parking, park, and recreational uses on the Premises.

(iv) at no time shall any vehicle or recreational vehicle be used as living and/or sleeping quarters while parked on the Premises. Lessee will be responsible for operation, security, landscaping, trash, ice and snow removal and all maintenance of the parking and recreational park facilities.

3) SCDOT has complete authority to require that the Lessee install approved protective barriers at bridge piers and at low elevation structures of any bridge affected by construction plans and improvements prepared and approved in accordance with Paragraph 6) of this Section. SCDOT can regulate or prohibit the type of machinery and use of the Premises in any manner necessary to insure protection of highway structures.

4) Vehicular access to any portion of the Premises affected by construction plans and improvements prepared and approved in accordance with Paragraph 6) of this Section will be restricted by Lessee with fences, bollards or other means to prevent regular use of vehicles larger than a passenger vehicle (16' height limitation), but to allow access by emergency vehicles, fire trucks and SCDOT's maintenance vehicles and trucks whenever necessary.

5) No use will be made of the space within ten feet (10') of any bridge pier or column. To the extent any piers or columns are affected by construction plans and improvements prepared and approved in accordance with Paragraph 6) of this Section, said piers or columns shall be protected by Lessee, at no expense to SCDOT, with protective devices suitable to and approved by SCDOT's District Six Engineering Administrator, or his or her designee (the "DEA"). No flexible pavement will be utilized within five feet (5') of any bridge pier or column. Exceptions upon approval of SCDOT's District Six Engineering Administrator or designee may include:

- (a) Install and maintain parking spaces as needed
- (b) Install and maintain walkways, both surface and raised as needed

6) All construction plans and improvements to the Premises must be preapproved by the DEA, who may be contacted as follows:

SCDOT District Six Engineering Administrator
6355 Fain Boulevard
North Charleston, SC 29406
843-740-1667(Office); 843-740-1663 (Fax)

Any outstanding issues with respect to plans, improvements, modifications, etc. of the individual Premises that cannot be resolved by the DEA and the Lessee shall be elevated to the Deputy Secretary for Engineering in Columbia. The Deputy Secretary for Engineering shall review and make the final determination.

7) Unless approved by the DEA in accordance with Paragraph 6 of this Section, the following modifications to the Premises shall not be allowed:

- (a) Change in site grades or fill elevation;
- (b) Trenching for drain structures; or
- (c) Additional storm water drainage discharged into bridge ponds.
- (d) Additional off-site storm water drainage from private parcels

8) Without the prior written approval of the DEA, the Lessee shall not do any of the following on the Premises:

- a) change or divert, or fill drainage under or around bridge structures;
- b) mine, remove soil or any ground materials; or

- c) install signs, displays or lighting.
 - d) additional off-site storm water drainage from private parcels
- 9) No flammable, explosive or hazardous materials of any kind shall be allowed on the Premises.
- 10) The operation and use of the Premises by Lessee shall not permit objectionable smoke, fumes, steam, vapor, or odors to rise above the grade line of the highway.
- 11) The Premises shall be subject to the SCDOT's superior right at all times:
- a) Entry for emergency inspections and/or repairs. If SCDOT, in its sole discretion, determines that emergency inspection and/or repairs are necessary in the interests of public safety, SCDOT, its agents, contractors, and employees, shall have the right to enter the Premises without notice to Lessee for the purposes of inspection and/or repair.
 - b) Entry for non-emergency situations. In cases other than such emergencies, SCDOT, its agents, contractors and employees, shall have the right to enter the Premises upon no less than 48 hours prior notice for any reason including maintenance, repair and inspection of the Premises or the highway or bridge facilities. Lessee shall remove or have removed at its own cost any vehicles or other obstructions to such work.
 - c) Responsibility for damages or injuries. Except in the case of gross negligence or willful misconduct, neither SCDOT, nor its agents or employees, shall be held responsible for costs or damages to the Lessee, or anyone claiming through Lessee, for damages to property or injuries to persons arising from the work described in subparagraphs a) and b) directly above.
2. Rental and Covenant to pay rent. Lessee shall pay SCDOT rent at the rate of \$1.00 per year. As additional rent, Lessee shall be responsible for maintaining the Premises in a safe, clean and attractive condition, to include without limitation regular mowing.
3. Term of Lease. The lease term will run for a thirty (35) year period beginning at 12:00AM on _____, and ending at 12:00am on _____, unless otherwise terminated in accordance with this Lease.
4. Security Deposit. There will be no security deposit required.
5. Condition of the Premises. The Lessee acknowledges that it has examined and knows the condition of the Premises and that no representations as to the condition or repair of the Premises have been made to Lessee by SCDOT. SCDOT makes no warranties or representations as to the condition of the Premises or the fitness of the Premises for Lessee's intended use. Should the Premises be deemed to be unsuitable for parking at any time during the term of this Lease by any governmental or regulatory authority through no fault of Lessee, Lessee may immediately terminate this Lease without penalty.
6. Repairs, improvements, or modifications. The Lessee shall keep the Premises in a good and safe state of repair. The Lessee shall make no repairs, modifications, or improvements on the Premises without the prior written consent of the DEA.
7. Outdoor Advertising. No outdoor advertising shall be allowed on the Premises.
8. Responsibility for Claims. Lessee acknowledges its responsibility for acts of its employees and officials within the limits of the S.C. Tort Claims Act. Lessee shall reimburse SCDOT for any and all damages to the highway and bridge facilities arising out of the use of the Premises for Lessee's purposes caused by the negligent or intentional acts of the City.

9. Insurance. The Lessee will obtain and keep in effect during the term of the Lease a policy of Commercial General Liability insurance with minimum limits of liability of \$1,000,000.00 per occurrence and \$2,000,000.00 in the aggregate to cover any and all liability that the Lessee or Lessor may incur as a result of the Lessee's occupancy of the Premises and such policy shall name Lessor as an additional named insured. Proof of insurance must be provided to the Lessor.

10. Taxes and Insurance. The Lessee agrees to pay all taxes, insurance, water and other utilities imposed or charged upon the Premises or upon the Lessor and Lessee in respect thereof. At the execution of this Lease there are no taxes due and owing on the Premises for which the Lessee is responsible. If at any time during the term of this Lease any taxes are assessed against the Premises for which Lessee is responsible, Lessor shall notify Lessee upon receipt of such notice at the Lessor's Property Management Office and Lessee shall make payment for such taxes directly to the entity assessing the taxes and provide the Lessor a copy of the paid receipt.

11. Compliance with Laws. The Lessee agrees to use the Premises for legal purposes only and agrees to comply with all local, state and federal laws and ordinances governing the use and occupancy thereof.

12. Default Remedies. If any rental installment shall be due and remain unpaid ten (10) business days after the due date, or if default shall be made in any of the covenants and terms of this Lease Agreement on the part of the Lessee, then it shall be lawful for the Lessor to re-enter the Premises and to again have, possess and enjoy the same. Lessor shall give Lessee written notice of any default other than failure to pay rent and an opportunity to cure the default within fifteen (15) days. If the default cannot be cured within fifteen (15) days and Lessee promptly commences and diligently pursues a cure of the default, Lessor will grant Lessee a reasonable time to cure, not to exceed thirty (30) days. If not cured, Lessor may terminate this lease.

13. Termination.

a) Either party may elect to terminate this Lease Agreement for "Just Cause" (as hereinafter defined) at any time during the life of the Lease upon ninety (90) days written notice given to the other party. The parties will incur no damages, liabilities, or responsibilities by reason of such termination. "Just Cause" shall mean the need for major structural repairs or major maintenance to be made to the bridge structure located within the Premises.

b) Lessor shall also have the right to terminate this Lease Agreement pursuant to the provisions of Paragraphs (6), (12), (16) (b).

c) Termination shall not operate to relieve Lessee from its responsibility for any charges payable pursuant to this Lease or for any damages to the Premises or Lessor's improvements on the Premises.

d) In lieu of terminating for Just Cause, if the repairs can be made within six (6) months, Lessee can agree to vacate the Premises until repairs are complete and rent shall abate for an equal period and add the equal number of months onto the tail end of the Lease.

14. Lessee's Duty as to Condition of Premises upon Termination or Default.

a) Upon termination or default of the Lease, the Lessee shall vacate the Premises and leave it in good and clean condition, free of vehicles and debris. Failure to clean and clear the Premises will result in direct action for damages should Lessor incur any expenses for cleaning or clearing the Premises, including attorney's fees and costs in bringing such action.

b) Upon expiration or earlier termination of the Lease, Lessor may, at their option, request the removal of any improvements made by the Lessee. If such request is made, the removal shall be accomplished by the Lessee in a manner prescribed by Lessor at no cost to the Lessor. If such request is not made, any modifications or improvements to the Premises made by Lessee shall become the property of Lessor and shall be surrendered

to Lessor upon the expiration or prior termination of this Lease and Lessee shall not be required to remove any modifications or improvements made to the Premises.

15. Assignment. The Lessee may not assign or sublet the Premises; provided, however, the County may rent monthly and daily parking passes to the general public in compliance with all applicable federal, state, and local laws. Charges for parking shall be limited to an amount necessary to recoup the County’s cost of improvements, maintenance, security and regulating/management of parking.

16. Lease Subject to Other Rights. This Lease is being made subject to any and all existing public utility rights of user, reservations, easements, rights of way, control of access, zoning ordinances and restrictions or protective covenants that may appear of record or on the Premises, other than those hereby released. It is understood and agreed by the parties hereto that Lessor holds Control of Access rights along the boundary line of many of its properties. The Premises being subject to the Lessor’s superior right at all times, Lessor retains the right to enter the Premises at any reasonable time for any reason including maintenance of the Premises or its improvements on the Premises without any liability or cause for complaint by Lessee, or anyone claiming through Lessee, and Lessor shall not be held responsible for costs or damages to the Lessee, or anyone claiming through Lessee, except to the extent caused by the willful conduct or gross negligence of Lessor, its officers, employees, agents and contractors.

a) The Lessee shall not mine, remove soil or any ground materials from the subject property other than in conjunction with work that is permitted in paragraphs 1 (b) (ii) and by encroachment permit, without specific written permission from the Lessor’s local District Engineering Administrator. Lessor shall have and retain all mineral and timber rights to the land.

b) Lessee’s operation on the Premises shall not interfere in any way with the Lessor’s use of the Premises for highway purposes and if such interference takes place, Lessor shall have the right to immediately terminate this Lease without any liability to the Lessee for such termination and Lessee shall compensate Lessor for any damages to Lessor’s property by reason of Lessee’s operations.

17. Hazardous Waste. Lessee shall be responsible for the cleanup of any hazardous waste contamination caused by their use of the premises without liability to the Lessor.

18. Relocation Benefits. Lessee acknowledges that Lessee will not qualify for relocation benefits upon the termination of this Lease.

19. Notices. Any notice by either party to the other shall be valid only if it is in writing and delivered personally or by certified mail to the addresses shown below, unless the other party is notified in writing of a new address:

If to Lessor:

**South Carolina Department of
Transportation**
955 Park Street
Columbia, SC 29202
Attn: Property Management

If to Lessee:

Beaufort County
104 Industrial Village Rd,
Beaufort, SC 29902
Attn: Right of Way Manager

20. Use of Generated Revenues. Lessee shall dedicate and expend any revenues generated under this lease solely for maintenance and/or improvements to the Premises, security, and/or regulation and management of parking on the Premises.

21. Entire Agreement. This Lease contains the entire agreement of the parties and no representations, inducements, promises or agreements, oral or otherwise, between the parties not stated herein, shall be of any force or effect.

22. Applicable Law. This Lease shall be governed by and interpreted in accordance with the laws of the State of South Carolina.

23. Severability. If any clause or provision of this Lease is illegal, invalid or unenforceable, under present or future laws effective during the term hereof, then it is the intention of the parties hereto that the remainder of this Lease shall not be affected thereby and it is also the intention of both parties that in lieu of each clause or provision as similar in terms to such illegal, invalid or unenforceable clause or provision as may be possible and be legal, valid and enforceable; provided however, that both parties must agree in writing to such substitute language and provisions before such will become binding on either party.

24. Counterparts. This Lease may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. Faxed signatures are acceptable with the understanding that the parties will use their best efforts to promptly deliver original signatures to the other parties.

25. Non-discrimination Clause. The parties covenant that the use of these premises pursuant to this Agreement shall in no way discriminate on the grounds of race, religion, color, sex, age, disability or national origin.

REMAINDER INTENTIONALLY LEFT BLANK

Signed, sealed and delivered
in the presence of

SOUTH CAROLINA DEPARTMENT OF
TRANSPORTATION
“LESSOR”

Witness

By: _____ (L.S.)
Christy A. Hall, PE, Secretary of Transportation

Witness

By: _____ (L.S.)
Madeleine Hendry, Acting Deputy Secretary for
Finance and Administration

THE STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

)
) PROBATE
)

Personally appeared before me _____ and
made oath that s(he) saw the within named South Carolina Department of Transportation, by
its duly authorized officers, Christy A. Hall, PE, Secretary of Transportation and Madeleine
Hendry, Acting Deputy Secretary for Finance and Administration, sign, seal with its corporate
seal, and as its act and deed delivered the within written instrument, and that s(he) with
_____ witnessed the execution thereof.

SWORN to before me this _____
day of _____, 2024

Witness

Notary Public for South Carolina

Printed Name of Notary

My Commission Expires: _____

LESSEE SIGNATURE ON FOLLOWING PAGE

Signed, sealed and delivered in the presence of

BEAUFORT COUNTY
"LESSEE"

Witness

By _____ (L.S.)

Its: _____

THE STATE OF SOUTH CAROLINA

COUNTY OF BEAUFORT

)
)
)

PROBATE

Personally appeared before me _____ and made oath that s(he) saw the within named _____, by its duly authorized officers, _____, sign, seal with its corporate seal, and as its act and deed delivered the within written instrument, and that s(he) with _____ witnessed the execution thereof.

SWORN to before me this _____ day of _____, 2024

Witness

Notary Public for South Carolina

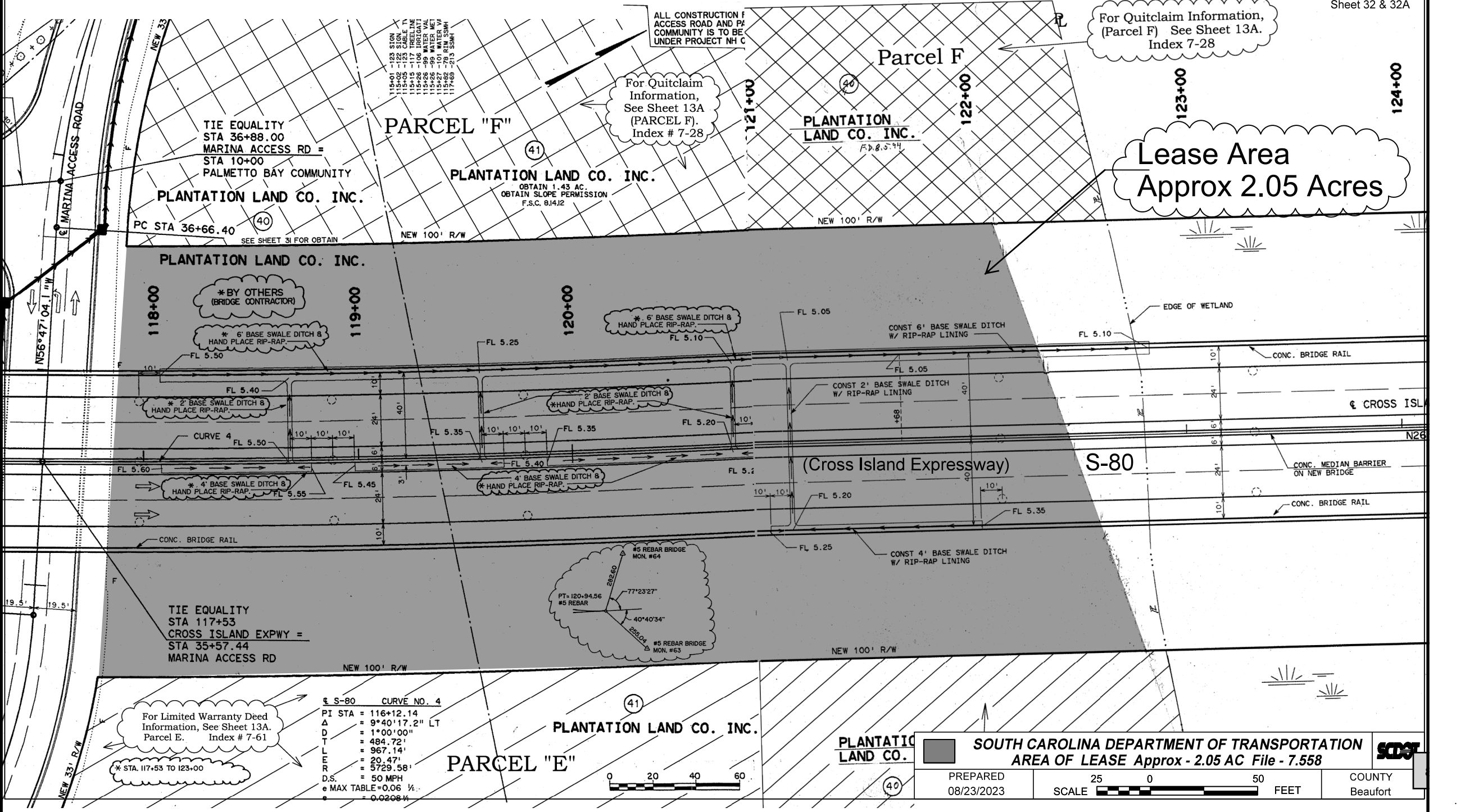
Printed Name of Notary

My Commission Expires: _____

EXHIBIT "A"

THIS EXHIBIT IS A GRAPHIC REPRESENTATION OF THE "LEASE AREA" AND IS IN DIRECT REFERENCE TO ENGINEERING PLANS, A COPY OF WHICH CAN BE OBTAINED FROM SCDOT HEADQUARTERS; 955 PARK STREET, COLUMBIA, SC 29201. ADDITIONALLY, UPON COMPLETION OF CONSTRUCTION, A RECORDABLE RIGHT OF WAY PLAT SHALL BE SUBMITTED TO THE REGISTER OF DEEDS IN COMPLIANCE WITH SCDOT STANDARD DRAWING 809-105-00.

Beaufort Co
File 7.558 S-80
Sheet 32 & 32A



ALL CONSTRUCTION OF ACCESS ROAD AND PALMETTO BAY COMMUNITY IS TO BE UNDER PROJECT NH C

For Quitclaim Information, (Parcel F) See Sheet 13A. Index 7-28

For Quitclaim Information, See Sheet 13A (PARCEL F). Index # 7-28

Lease Area
Approx 2.05 Acres

TIE EQUALITY
STA 36+88.00
MARINA ACCESS RD =
STA 10+00
PALMETTO BAY COMMUNITY
PLANTATION LAND CO. INC.

PARCEL "F"
PLANTATION LAND CO. INC.
OBTAIN 1.43 AC.
OBTAIN SLOPE PERMISSION
F.S.C. 814.12

Parcel F
PLANTATION LAND CO. INC.
F.D. 8.5.94

PLANTATION LAND CO. INC.

* BY OTHERS (BRIDGE CONTRACTOR)

* 6' BASE SWALE DITCH & HAND PLACE RIP-RAP.

* 6' BASE SWALE DITCH & HAND PLACE RIP-RAP.

* 2' BASE SWALE DITCH & HAND PLACE RIP-RAP.

* 2' BASE SWALE DITCH & HAND PLACE RIP-RAP.

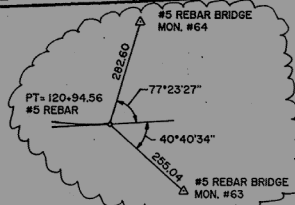
* 4' BASE SWALE DITCH & HAND PLACE RIP-RAP.

* 4' BASE SWALE DITCH & HAND PLACE RIP-RAP.

(Cross Island Expressway)

S-80

TIE EQUALITY
STA 117+53
CROSS ISLAND EXPWY =
STA 35+57.44
MARINA ACCESS RD



For Limited Warranty Deed Information, See Sheet 13A. Parcel E. Index # 7-61

S-80 CURVE NO. 4
PI STA = 116+12.14
Δ = 9°40'17.2" LT
D = 1°00'00"
T = 484.72'
L = 967.14'
E = 20.47'
R = 5729.58'
D.S. = 50 MPH
e MAX TABLE = 0.06
e = 0.0208 1/4

PARCEL "E"

PLANTATION LAND CO. INC.

PLANTATION LAND CO.

SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION
AREA OF LEASE Approx - 2.05 AC File - 7.558



PREPARED
08/23/2023

SCALE 25 0 50 FEET

COUNTY
Beaufort

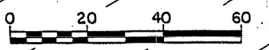
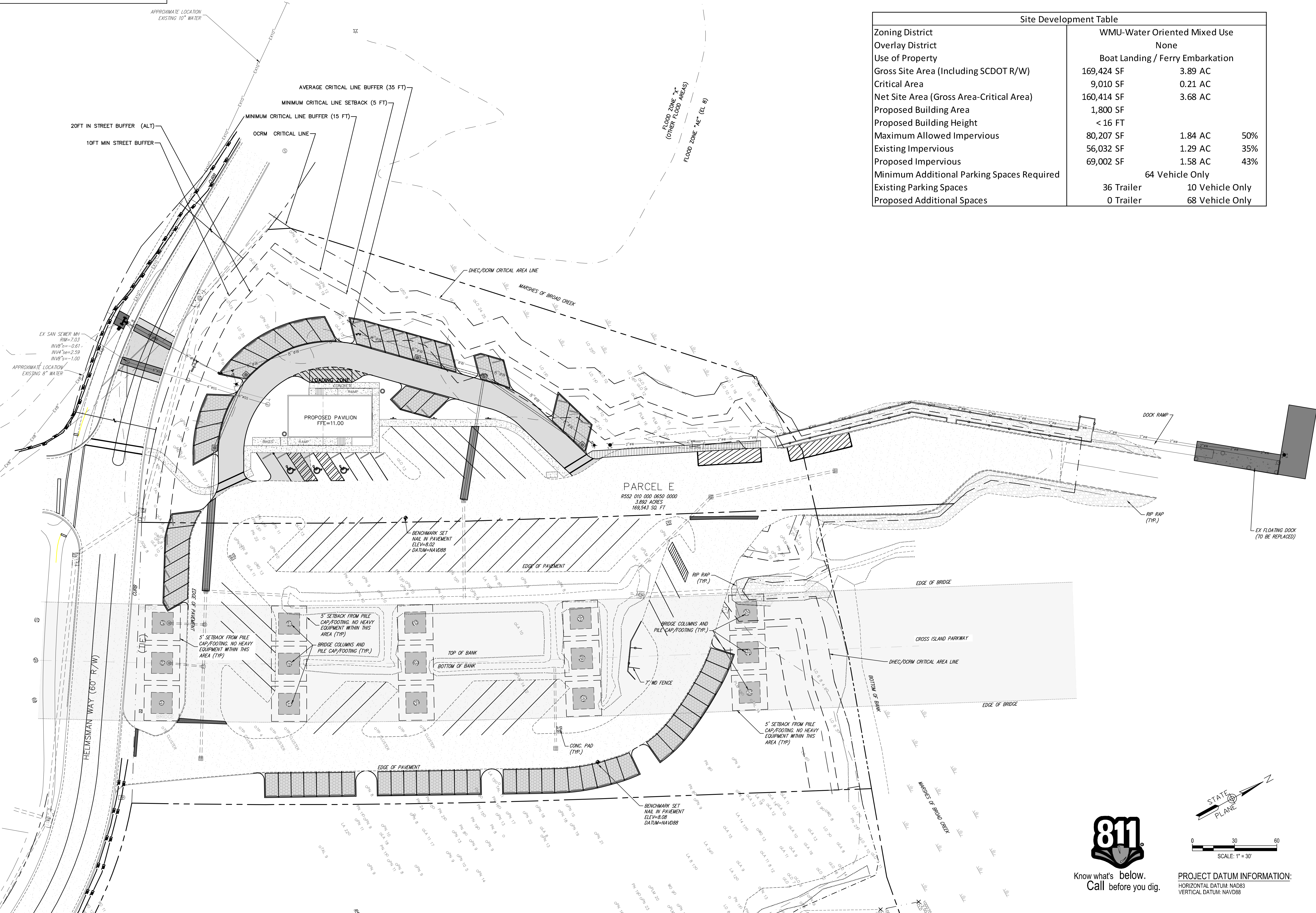
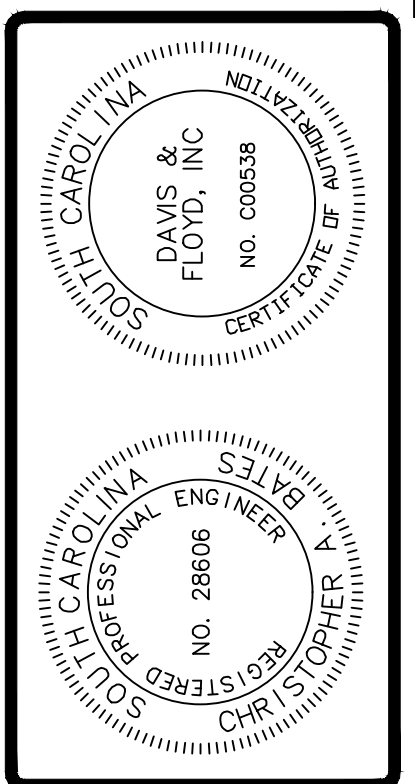


EXHIBIT B



Site Development Table			
Zoning District	WMU-Water Oriented Mixed Use		
Overlay District	None		
Use of Property	Boat Landing / Ferry Embarkation		
Gross Site Area (Including SCDOT R/W)	169,424 SF	3.89 AC	
Critical Area	9,010 SF	0.21 AC	
Net Site Area (Gross Area-Critical Area)	160,414 SF	3.68 AC	
Proposed Building Area	1,800 SF		
Proposed Building Height	< 16 FT		
Maximum Allowed Impervious	80,207 SF	1.84 AC	50%
Existing Impervious	56,032 SF	1.29 AC	35%
Proposed Impervious	69,002 SF	1.58 AC	43%
Minimum Additional Parking Spaces Required	64 Vehicle Only		
Existing Parking Spaces	36 Trailer	10 Vehicle Only	
Proposed Additional Spaces	0 Trailer	68 Vehicle Only	



DAVIS & FLOYD
 SINCE 1854
 WWW.DAVISANDFLOYD.COM
 2742 BULL STREET, SUITE A
 BEAUFORT, SC 29902
 843-743-3135

BEAUFORT COUNTY
 DAUFUSKE ISLAND AT CROSS ISLAND

Overall Site Plan

NO.	DATE	DESCRIPTION
1	10/23/2023	ISSUED FOR PERMIT
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		

PROJECT DATUM INFORMATION:
 HORIZONTAL DATUM: NAD83
 VERTICAL DATUM: NAVD88

C200

PAGE 4 OF 15

F:\Projects\2023\2023 Projects\23077 Dausfuske Ferry at Cross Island Landing Ph. 1.dwg\22746.mxd.dwg, 10/23/2023 11:53:06 AM, chris.bates, pb
 THESE DRAWINGS AND THE DESIGN THEREON ARE THE PROPERTY OF DAVIS & FLOYD, INC. AND MAY NOT BE USED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT OF THE ENGINEER/ARCHITECT AND ANY INFRINGEMENT WILL BE SUBJECT TO LEGAL ACTION

