

TOWN COUNCIL

STAFF REPORT

Projects and Watershed Resilience Department



MEETING DATE:	March 14, 2023
PROJECT:	Consideration of an Ordinance and Ratification of a Non-Exclusive Easement Over Certain Real Property Owned by the Town of Bluffton Consisting of Parcel R610 036 000 1319 0000 in favor of Dominion Energy of South Carolina Inc. for the New Riverside Barn Park – Second and Final Reading
PROJECT MANAGER:	Kimberly Washok-Jones, Director of Projects and Watershed Resilience

REQUEST: Town Staff requests approval of the Second and Final Reading of an Ordinance (Attachment 2) authorizing the granting and transfer of a limited permanent utility easement to Dominion Energy South Carolina Inc. (“Dominion”) over a portion of real property owned by the Town of Bluffton, commonly known as the New Riverside Barn Parcel, at 30 Red Barn Drive (Tax Map No. R610-036-000-1319-00001).

Town Council recommended approval of the Ordinance at First Reading at the February 14, 2023 meeting with no changes.

BACKGROUND: The 37-acre New Riverside Barn property was purchased in December 2018 for the purpose of creating a community open space for civic gatherings and passive recreation. At the October 11, 2023 Town Council meeting, Town Council approved a construction contract with JS Construction Services for Phase 1 Site Development, and construction began in January 2023.

Electrical services need to be extended to provide power to the park site. An electrical utility location has been identified and a signed document is attached for Town Council ratification.

This permanent, non-exclusive easement in Dominion’s favor allows them the right to:

1. Construct, extend, replace, relocate, perpetually maintain and operate an overhead or underground electric line or lines consisting of any or all of the following: poles, conductors, lightning protective wires, municipal, public or private communication lines, cables, conduits, pad mounted transformers, and other accessory apparatus and equipment deemed by Dominion to be necessary or desirable, upon, over, across, through and under land contained in the easement;
2. The right, but not the obligation, to trim, cut or remove trees, underbrush and other obstructions that are within, over, under or through a strip of land (“Easement Space”) extending fifteen (15) feet on each side of any pole lines and five (5) feet on each side of any underground wires and within, over, under or through a section of land extending twelve (12) feet from the door side(s) of any pad mounted transformers, elbow cabinets, switchgears or other devices as they are installed; and

3. Any damage to the property of Town other than that caused by trimming, cutting or removing caused by Dominion in maintaining or repairing said lines, shall be borne by Dominion.

The easement states the Town agrees to the following:

1. Not to build or allow any structure to be placed on the premises in such a manner that any part thereof will exist within the specified Easement Space.
2. In case such structure is built, then the Town will promptly remove the same upon demand of Dominion.
3. The Town further agrees to maintain minimum ground coverage of thirty-six (36) inches and maximum ground coverage of fifty-four (54) inches over all underground primary electric lines; and
4. The Town grants right of entry upon easement area for all of the above listed purposes.

NEXT STEPS: Should Town Council approve the Second and Final Reading of the proposed Ordinance; the following next steps will be implemented:

1. Dominion Energy Records the Easement with Beaufort County,
2. Town pays Aid to Construction Cost to Dominion Energy,
3. Dominion Energy completes all design and construction activities within 12 months.

SUMMARY: Approval of the proposed Ordinance and ratification of the Easement Agreement allows for the installation of power facilities to service all proposed buildings, site lighting, irrigation systems, and power pedestals. This work is consistent with the recommendations provided within the Community Facilities component of the Comprehensive Plan and Guiding Principal 5 of the Town of Bluffton Strategic Action Plan for Community Quality of Life: “Foster and support place-based initiatives and evaluate community policies, programs, gathering spaces, and events that promote healthy and quality lifestyles for our diverse citizenry.”

Should Town Council desire to pursue the granting of an easement, formal action to authorize and ratify the easement via Ordinance is necessary. In accordance with Sections 5-7-40 and 5-7-260 of the South Carolina Code of Laws and Sections 2-13(a)(8) and 2-13(a)(4) of the Code of Ordinances for the Town of Bluffton, Town Council must act by Ordinance to convey, lease, or authorize the conveyance or lease of any Town owned lands as well as easements and public rights-of-way.

ATTACHMENTS:

1. Presentation
2. Proposed Ordinance
3. Recommended Motion