

## TOWN COUNCIL

### STAFF REPORT Executive Department



|                         |   |
|-------------------------|---|
| <b>MEETING DATE:</b>    | March 11, 2025  |
| <b>PROJECT:</b>         | Consideration of an Ordinance and Ratification of an Easement Over Certain Real Property owned by the Town of Bluffton, Identified as Beaufort County Tax Map No. R610 039 000 0498 0000, in favor of Dominion Energy South Carolina, Inc. to Provide Service to 1095 May River Road. |
| <b>PROJECT MANAGER:</b> | Heather Colin, Assistant Town Manager   |

#### **REQUEST:**

Town Council approve First Reading of an Ordinance authorizing the granting and transfer of a permanent utility easement (Attachment 1) to Dominion Energy of South Carolina Inc. over a portion of real property owned by the Town of Bluffton at 1095 May River Road (Tax Map No. R610 039 000 0498 0000).

#### **BACKGROUND:**

On April 10, 2018, Town Council approved a Resolution to acquire 1095 May River Road. In 2019 a Request for Proposals for the development of affordable housing on certain Town owned property, which included 1095 May River Road as a possible site, to further the Town's affordable housing initiatives in accordance with the Town's adopted Strategic Plan. A Master Agreement for the Development of Affordable Housing, as amended, was awarded to Workforce State of Mind, LCC and executed on August 4, 2022, with a subsequent Addendum executed on August 8, 2023, for the development of 1095 May River Road.

Dominion Energy has requested that the Town grant it a utility easement across a portion of the property for the purpose of installing utilities to serve the twelve planned townhomes.

Should Town Council desire to pursue the granting of the easement, formal action to authorize 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. Therefore, the proposed Ordinance for approval of the Easement is provided as Attachment 2.

**NEXT STEPS:**

Should Town Council desire to approve First Reading of the proposed Ordinance, the following next steps will be implemented:

1. Town Council approves Second and Final Reading of the proposed Ordinance
2. Town Manager executes Easement
3. Recording of Easement

**SUMMARY:**

Consideration of a proposed Easement related to Town owned property at 1095 May River Road in favor of the Dominion Energy of South Carolina Inc.

**ATTACHMENTS:**

1. Ordinance with Draft Easement
2. Proposed Motion

ORDINANCE NO. \_\_\_\_\_

**TOWN OF BLUFFTON, SOUTH CAROLINA**

AN ORDINANCE AUTHORIZING THE TOWN MANAGER TO EXECUTE AND DELIVER AN EASEMENT PROVIDING A NON-EXCLUSIVE PERMANENT UTILITY EASEMENT TO DOMINION ENERGY OF SOUTH CAROLINA INC. OVER CERTAIN REAL PROPERTY OWNED BY THE TOWN OF BLUFFTON CONSISTING OF A PORTION OF PARCEL R610-039-000-0498-0000

WHEREAS, the Town of Bluffton, South Carolina, (the “*Town*”) presently owns one parcel of approximately 1.78 acres located in the Town of Bluffton, Beaufort County, South Carolina, commonly known and identified as 1095 May River Road and assigned Tax Map No. R610-039-000-0498-0000 (the “*Property*”); and,

WHEREAS, Dominion Energy of South Carolina (“*Dominion Energy*”) has requested that the Town grant it a utility easement across a portion of the Property for the purpose of installing utilities to serve the twelve planned townhomes; and,

WHEREAS, Town Staff has worked diligently with Dominion Energy to locate an appropriate easement path across the Property that ensures a minimal impact to the Property itself; and,

WHEREAS, Town Council has determined that it is in the best interests of the Town to authorize the execution and delivery of the requested *Easement*, which has been attached hereto as EXHIBIT “A” and incorporated by reference herein (the “*Easement*”); and,

WHEREAS, 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 requires that Town Council 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.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BLUFFTON, SOUTH CAROLINA, in accordance with the foregoing, as follows:

SECTION 1. EXECUTION AND DELIVERY OF EASEMENT. The Town Council hereby authorizes the transfer and conveyance of the necessary easements over the Property and hereby authorizes the Town Manager to execute the Easement in substantial form to the one attached hereto as EXHIBIT “A”.

SECTION 2. AUTHORIZATION FOR ADDITIONAL ACTIONS. The Mayor, Town Manager, and Town Clerk are each hereby authorized to execute any and all documents necessary to consummate the transfer and conveyance of the easements on the

Property from the Town, including, without limitation, the delivery and recordation of the Easement with the Office of the Register of Deeds for Beaufort County, South Carolina. The Town Manager is hereby authorized to pay such reasonable costs of the transaction as may be necessary.

SECTION 3. ORDINANCE IN FULL FORCE AND EFFECT. This entire Ordinance shall take full force and effect upon its final adoption.

DONE, RATIFIED AND ENACTED this \_\_\_\_ day of \_\_\_\_\_, 2025.

This Ordinance was read and passed at first reading on \_\_\_\_\_, 2025.

---

Larry Toomer, Mayor  
Town of Bluffton, South Carolina

---

Marcia Hunter, Town Clerk  
Town of Bluffton, South Carolina

This Ordinance was read and passed at second reading on \_\_\_\_\_, 2025.

---

Larry Toomer, Mayor  
Town of Bluffton, South Carolina

---

Marcia Hunter, Town Clerk  
Town of Bluffton, South Carolina

INDENTURE, made this \_\_\_\_\_ day of \_\_\_\_\_, 2025 by and between **The Town of Bluffton, a South Carolina municipal corporation**, hereinafter called "Grantor" (whether singular or plural), and the **DOMINION ENERGY SOUTH CAROLINA, INC.**, a South Carolina corporation, having its principal office in Cayce, South Carolina, hereinafter called "Grantee".

WITNESSETH:

That, in consideration of the sum of One Dollar (\$1.00) received from Grantee, Grantor, owning a tract or development known as **May River Road Townhomes** situate in the County of **Beaufort**, State of South Carolina, shown on a certain plat or various plats filed or to be filed in the office of the public records of said County and generally described as follows: Being a tract or lot of land containing **1.78** acres, more or less, and being the same lands conveyed to Grantor by deed of **KGB 1934 LTD, CO**, dated or recorded **07/25/2018**, and filed in the Register of Deeds office for **Beaufort** County in Deed Book **3686** at Page **2292**.

**All that certain piece, parcel or lot of land situate, lying and being in Bluffton Township, and identified as Tract 4 on that certain plat recorded in Plat Book 73 at Page 26. The easement is for the Grantee's facilities more fully shown on DESC Drawing #85447 and any revisions made thereof and is being made a part hereof, by reference only and will be as the Grantee's facilities are actually installed. A signed DESC Drawing by the Grantor will be authorization for the Grantee to install/extend its facilities in the future.**

TMS: **R610 039 000 0498 0000**

The Grantor hereby grants and conveys to Grantee, its successors and assigns, the right, privilege and authority, from time to time, to enter upon, construct, extend, inspect, operate, replace, relocate, repair and perpetually maintain upon, over, under, along, across and through any and all property shown on the plat of land referred to above, and upon, over, under, along, across and through any and all streets, alleys, roads or other public ways or places of said development now existing or hereafter laid out, 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, guys, push braces and other accessory apparatus and equipment deemed by Grantee to be necessary or desirable, together with the right of ingress, egress and access to and from such rights of way, across and upon the lands of Grantor, as may be necessary or convenient for the purposes connected therewith.

Together also with the right to lay, construct, maintain, operate, repair, alter, replace and remove pipe lines, together with valves, tieovers and appurtenant facilities for the transportation of gas, oil petroleum products or any other liquids, gases or substances which can be transported through a pipe line.

Together also with the right, from time to time, to install guy wires upon lots in said development, to overhang lots with conductors, cross arms and service wires with the right (but not the obligation) from time to time 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 or pipe lines 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; provided, however, any damage to the property of Grantor (other than that caused by trimming, cutting or removing) caused by Grantee in maintaining or repairing said lines, shall be borne by Grantee; provided further, however, that Grantors agree for themselves, their successors and assigns, 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 applicable above specified Easement Space, and in case such structure is built, then Grantor, or such successor and assign as may be in possession and control of the premises at the time, will promptly remove the same upon demand of Grantee herein. Grantor 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. Grantor further agrees to maintain minimum ground coverage of twenty four (24) inches and maximum ground coverage of forty two (42) inches over all underground pipe (gas) lines.

The words "Grantor" and "Grantee" shall include their heirs, executors, administrators, successors and assigns, as the case may be.

IN WITNESS WHEREOF, Grantor has caused this indenture to be duly executed the day and year first above written.

WITNESS:

[SIGNATURE TO FOLLOW]

Easement # 906380

For: The Town of Bluffton, a South Carolina municipal corporation

1st Witness

2nd Witness

By: \_\_\_\_\_(SEAL)

**Stephen Steese, ICMA-CM**

**Town Manager**  
Title

ACKNOWLEDGMENT

STATE OF SOUTH CAROLINA    )  
  )  
COUNTY OF **Beaufort**            )

The foregoing instrument was acknowledged before me, the undersigned Notary, and I do hereby certify that the within named **Stephen Steese, ICMA-CM** as **Town Manager** for **The Town of Bluffton, a South Carolina municipal corporation** personally appeared before me this day and that the above named acknowledged the due execution of the foregoing instrument.

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, **2025**

\_\_\_\_\_  
Signature of Notary Public State of SC

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Print Name of Notary Public

**RIGHT OF WAY GRANT TO  
DOMINION ENERGY SOUTH CAROLINA, INC.**

Line: **1095 MAY RIVER RD TOWNHOMES**

County: **Beaufort**

R/W File Number: **27569**

Grantor(s): **The Town of Bluffton, a South Carolina municipal corporation**

Return to: **DESC, C/O Right of Way Dept., 81 May River Road, Bluffton, SC 29910**

**Attachment 2**  
**Proposed Motion**

**Consideration of an Ordinance and Ratification of an Easement Over Certain Real Property owned by the Town of Bluffton, Identified as Beaufort County Tax Map No. R610 039 000 0498 0000, in favor of Dominion Energy South Carolina, Inc. to Provide Service to 1095 May River Road.**

**Proposed Motion**

*“I move to approve the first reading of an Ordinance authorizing the Town Manager to execute an Easement providing an easement over certain real property owned by the Town of Bluffton, located at 1095 May River Road, in favor of Dominion Energy of South Carolina for the purpose of installing utilities to serve the twelve planned townhomes.”*