



# Consideration of a Resolution Authorizing Initiation of Legal Proceedings Supporting Construction of Historic District Sewer Extensions

**Presentation to Town Council**

**April 11, 2023**

**Department of Projects & Watershed Resilience**

**Kimberly Washok-Jones**

# *Background –*



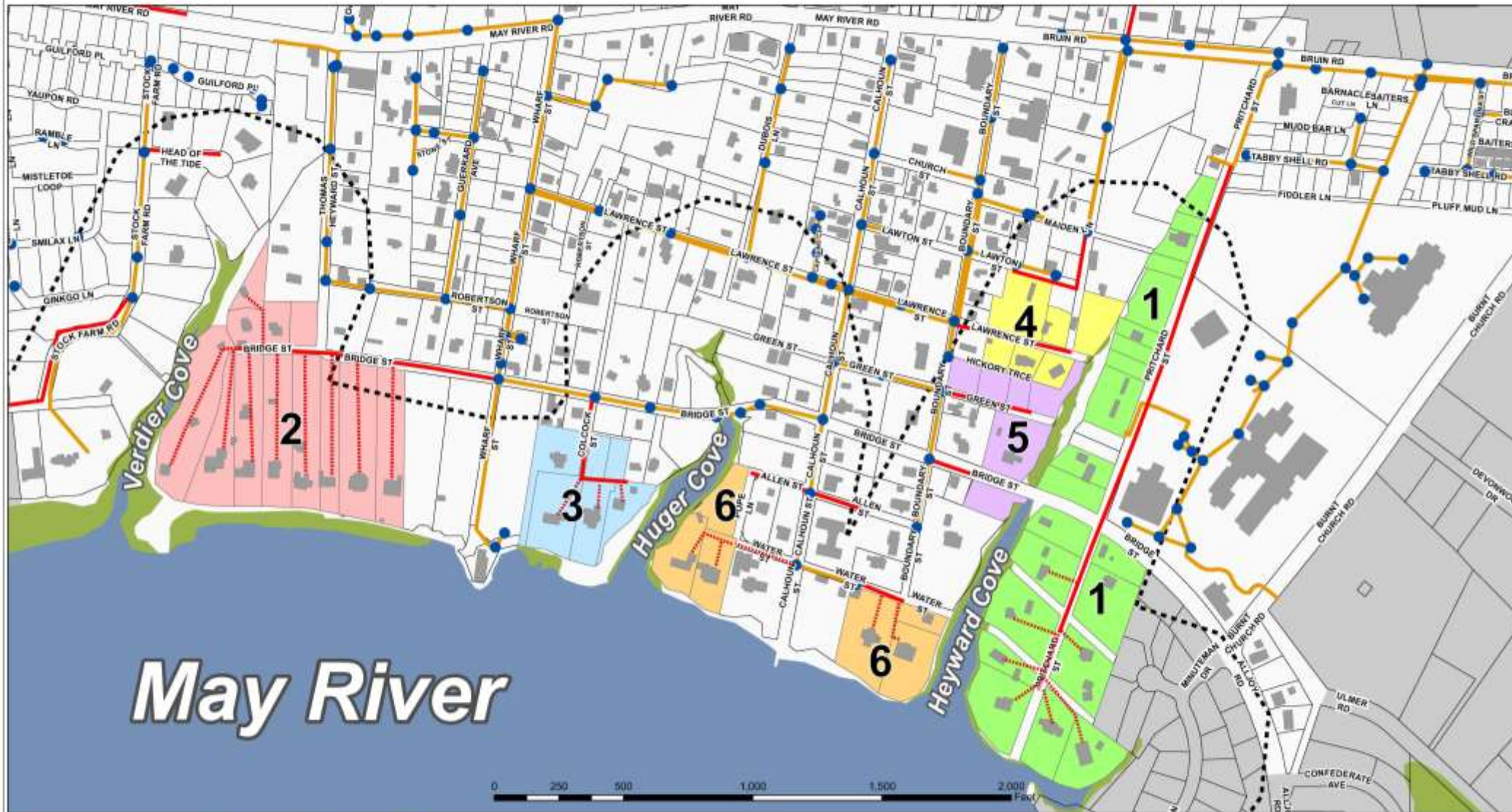
- Town Council recognizes that failing septic systems can negatively impact public health, environmental health, quality of life, and economic growth for the Town and that protecting Bluffton's watersheds and other outstanding natural resources is of the utmost importance to the community.
- To that end, the May River Watershed Action Plan recommends the elimination of septic systems throughout the watershed and directed development of the Sewer Connection and Extension Policy, adopted via Resolution in 2017.

# *Background –*



- The Sewer Connection and Extension Policy directs Strategic Plan action via the Capital Improvement Program to:
  - prioritize sewer extension and connection in the Historic District (HD) within five-hundred (500) feet of the May River and its Coves, and
  - acquire ghost road rights-of-way to support such capital projects.
- The Old Town Master Plan, adopted via Ordinance in 2006, also encourages the Town to undertake efforts to establish clear title to the existing rights-of-ways that exist in Old Town.

# HISTORIC DISTRICT SANITARY SEWER PROJECT AREAS



- |                       |                      |                      |                   |                 |
|-----------------------|----------------------|----------------------|-------------------|-----------------|
| PROPOSED SEWER LINE   | 500' BUFFER FROM MAY | 1 PRITCHARD STREET   | 4 GREEN STREET    | MARSH           |
| PROPOSED GRINDER LINE | BUILDING FOOTPRINT   | 2 BRIDGE STREET WEST | 5 LAWRENCE STREET | WATER           |
| EXISTING SEWER LINE   | PARCEL LINE          | 3 COLCOCK STREET     | 6 WATER STREET    | BLUFFTON        |
| SEWER MANHOLE         |                      |                      |                   | BLUFFTON COUNTY |

DATA SOURCES:  
- 2014 SURFILLING DATA  
- AVAILABLE 2017 SURFILLING AS BUILT DATA  
- 2016 SC PARCELS DATA  
- 2017 FIELD DATA COLLECTION  
- AVAILABLE 2017 TUB BUILDING FOOTPRINT DATA

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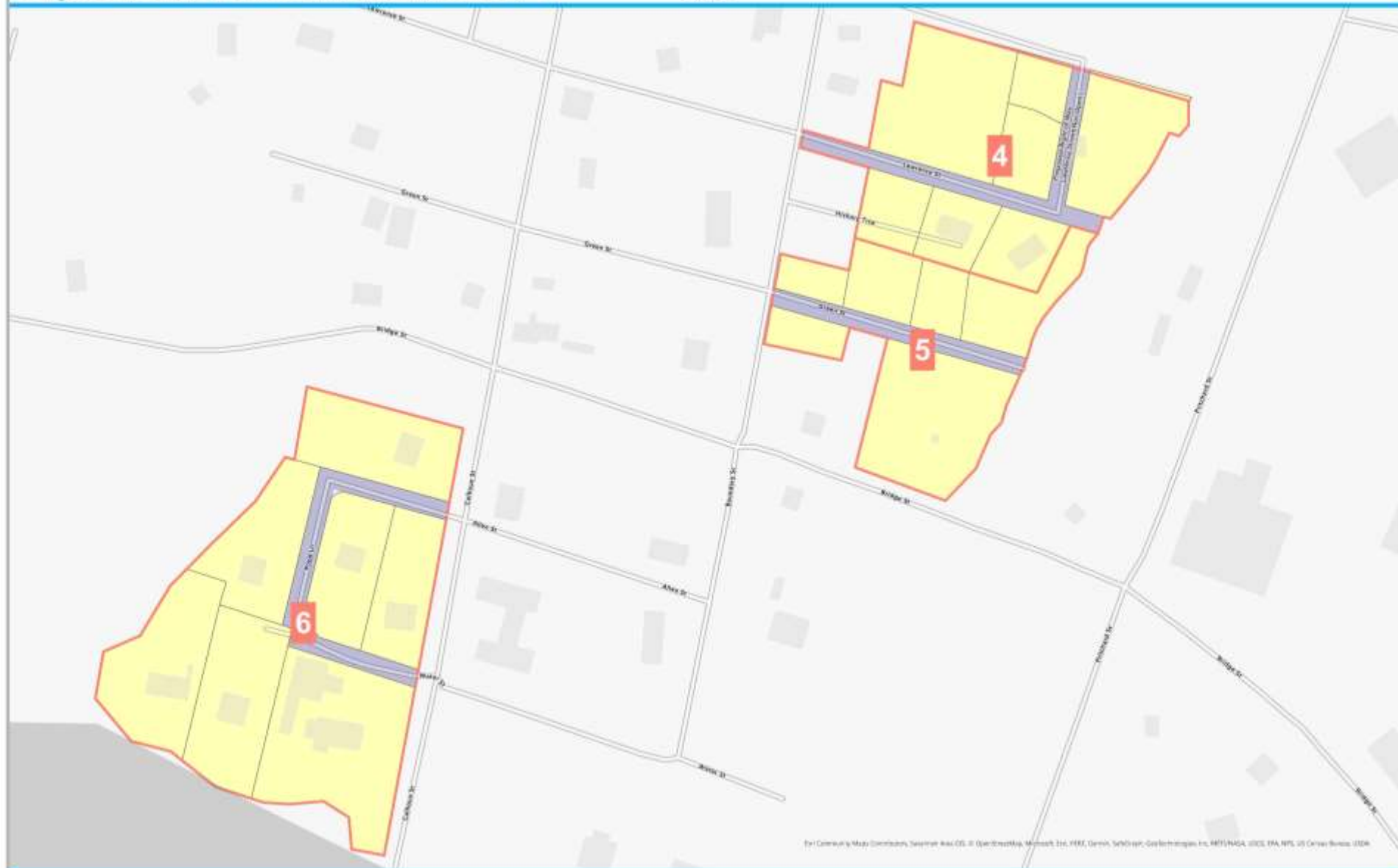




# *Background –*

- All HD Sewer quitclaim deeds have been acquired for:
  - Phase 1 – Pritchard Street (sewer connected in 2019),
  - Phase 2 – Bridge Street, and
  - Phase 3 – Colcock Street.
- Not all HD Sewer quitclaim deeds have been acquired for:
  - Phase 4 – Lawrence Street,
  - Phase 5 – Green Street, and
  - Phase 6 – Pope Lane, Water Street, and Allen Street.

# Quitclaim Deeds Necessary for the Completion of Historic District Sewer Extension Phases 4 – 6



## Legend

- 4 - Sewer Phase 4 (Lawrence Street)
- 5 - Sewer Phase 5 (Green Street)
- 6 - Sewer Phase 6 (Pope Lane, Allen Street & Water Street)

Scale: 0 50 100 150 200 Feet

Updated: 3/15/2023

Map prepared by: [Name]



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# *Background –*



- Per legal counsel, if Staff is unable to obtain voluntary execution of a quitclaim deed by an impacted property owner, the Town can pursue a “quiet title” action and/or a condemnation action to acquire title.
- Quiet Title process:
  - The owner of real property files a claim with the court to eliminate any other interests claimed to the property.
  - All parties involved must be served notice of the lawsuit.

# *Background –*



- Quiet Title process (continued):
  - If no party objects, then a final hearing can be held where a judge can grant clean title to the property.
  - If anyone contests the ownership, then a trial takes place before a judge to hear evidence and make a ruling.
  - If the court rules against the Town in the quiet title action and does not grant clear title, the next step would be to initiate the eminent domain process.



# Request



- Staff requests that Town Council adopt a resolution authorizing the Town Attorney to initiate legal proceedings to confirm title to certain rights of way in Bluffton as necessary to construct Historic District Sewer Extension Phases 4 through 6.

# *Next Steps*



- Adoption of this Resolution.
- Meetings with Counsel and coordination with required subcontractors.
- File required legal proceedings.



# ***QUESTIONS & DISCUSSION***

# *Proposed Motion*



“I move to **adopt** a resolution authorizing the Town Attorney to initiate legal proceedings to confirm title to certain rights of way in Bluffton as necessary to construct Historic District Sewer Extension Phases 4 through 6.”