

TOWN COUNCIL

STAFF REPORT

Executive Department



MEETING DATE:	October 21, 2025
PROJECT:	Consideration of an Ordinance Authorizing the Town Manager to Execute Conservation Agreements in Accordance with Conditions Imposed by the Beaufort County Green Space Program and the South Carolina Conservation Bank for Two Parcels in the Buckwalter PUD
PROJECT MANAGER:	Stephen Steese, Town Manager

REQUEST: Enact an ordinance which authorizes the Town Manager to execute and deliver such documents as provided by Beaufort County Council as part of the Green Space Program and by the South Carolina State Conservation Bank for the permanent conservation of two tracts of land in the Buckwalter Planned Unit Development with assigned tax map numbers R610-030-000-0138-0000 and R610-030-000-1971-0000.

BACKGROUND: In May of this year, Town Council authorized the signing of a purchase and sale agreement for the acquisition of the two above-named parcels with the understanding that Town staff would apply for contributions from the Beaufort County Green Space program and the state Conservation Bank. Participation in one or both of these programs would include restrictions on the property limiting the uses to conservation-minded and recreational uses. The Conservation Bank approved a contribution of \$146,660 and Beaufort County Council approved via resolution to provide funding from the Green Space program up to \$2,143,678. Funds for due diligence reimbursement have been set aside separately as part of the County Green Space program, but it should be noted that between the two entities pledging funds, there is an excess of \$50,338 above the negotiated purchase price of the parcels. The funds were pledged for the purchase of the parcels and not for park planning expenses so the Town will determine before closing what closing costs there may be and how any excess funds may be allocated within their approved purposes, and whether that reduces the County's contribution toward the purchase price.

CONTENT OF THE GRANT AGREEMENTS: The South Carolina Conservation Bank has already provided their grant agreement which states that The Bank is awarding their grant only for the purpose of acquisition of real property or qualified closing costs. The property must be permanently protected for conservation purposes.

The County has provided their grant agreement which contains the same terms and conditions as the Conservation Bank.

Town staff is currently working with Beaufort County staff to draft the real property covenant and land use restrictions, which take its language from the County Green Space Program Ordinance enacted at Chapter 38, Article VII of the Beaufort County Code) and the County grant agreement which details the terms and conditions of the grant award. In the first draft covenant, the land is restricted in perpetuity for conservation with the following use restrictions which are directly quoted from the enacting ordinance: low impact walking trails and boardwalks; environmental, historical, and land use planning education; nature viewing, protection of natural and wildlife habitat; low impact parking areas; open air pavilion shelters/picnic areas; buildings and/or other structures deemed essential to support allowed uses. No more than 10% of the total net acreage of upland subject to the conservation easement shall be allowed to be developed. The Town specifically excluded the area of the existing relocatable right of way (named the North-South Connector) from its application. There are also requirements to retain a forested canopy and forested buffer from any OCRM critical lines and wetlands. The grant agreement for the Green Space Program states the purpose of the financial pledge is for the procurement of an interest in real property for preservation and conservation purposes plus an amount specific for the reimbursement of due diligence.

Among the documents as provided by the State Conservation Bank and Beaufort County, there are no contradictory terms.

NEXT STEPS: Although the Town is acquiring these parcels in fee simple, the two grant agreements have terms and conditions which put limitations on the use of Town property, and will provide a supervisory interest in auditing adherence to those terms, therefore Town Council must approve by ordinance.

SUMMARY: Approve by ordinance the terms and conditions of the State Conservation Bank grant agreement and the terms and conditions of the Beaufort County Green Space program covenants and restrictions and grant agreement in exchange for financial contributions of \$146,660 and up to \$2,143,678 respectively.

ATTACHMENTS:

1. South Carolina Conservation Bank grant agreement
2. Draft Beaufort County Green Space covenants and restrictions
3. Draft Beaufort County Green Space grant agreement
4. Ordinance
5. Recommended Motion