

ORDINANCE NO. 202__ - __

TOWN OF BLUFFTON, SOUTH CAROLINA

**AN ORDINANCE AUTHORIZING THE TOWN MANAGER TO EXECUTE AND DELIVER
A DECLARATION OF COVENANT PROVIDING FOR A USE RESTRICTION FOR
CERTAIN REAL PROPERTY OWNED BY THE TOWN OF BLUFFTON
CONSISTING OF PARCEL R610-036-000-1319-0000**

WHEREAS, the Town of Bluffton, South Carolina, (the “*Town*”) presently owns one parcel of approximately 36.90 acres located in the Town of Bluffton, Beaufort County, South Carolina, commonly known and identified as 200 New Riverside Road and assigned Tax Map No. R610-036-000-1319-0000 (the “*Property*”); and,

WHEREAS, the South Carolina Department of Parks, Recreation, and Tourism notified the Town of approval from the National Park Service for the award of a grant through its Land and Water Conservation Fund Project, identified as Project# 45-01131, for certain improvements to the Property to include site prep/grading/paving, asphalt drives, trails, walkways, paths, parking, event lawns, multi-purpose area, water, sewer, storm drainage, electrical, entry gate, fencing and restroom pavilion; and,

WHEREAS, the executed Project Agreement specifies that the Town execute and record a use restriction for the Property limiting its use to public outdoor recreation; and,

WHEREAS, Town Council has determined that it is in the best interests of the Town to authorize the execution and recording of the requested *Declaration of Covenant*, which has been attached hereto as EXHIBIT “A” and incorporated by reference herein (the “*Declaration*”); 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 DECLARATION OF COVENANT. The Town Council hereby authorizes the execution of the necessary Covenant over the Property and hereby authorizes the Town Manager to execute the Declaration of Covenant 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 restriction on the Property from the Town, including, without limitation, the delivery and recordation of the Declaration of Restriction 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 _____, 202__.

This Ordinance was read and passed at first reading on _____, 202__.

Lisa Sulka, Mayor
Town of Bluffton, South Carolina

Kimberly Gammon, Clerk
Town of Bluffton, South Carolina

This Ordinance was read and passed at second reading on _____, 202__.

Lisa Sulka, Mayor
Town of Bluffton, South Carolina

Kimberly Gammon, Clerk
Town of Bluffton, South Carolina