

# TOWN COUNCIL

## STAFF REPORT



<b>MEETING DATE:</b>	January 11, 2022
<b>PROJECT:</b>	Consideration of an Ordinance to Place a Deed Restriction on Town Owned Property, referenced as “New Riverside Park”, located at 30 Red Barn Drive, Parcel R610 036 000 1319 0000 in New Riverside – First Reading
<b>PROJECT MANAGER:</b>	Heather Colin, AICP Assistant Town Manager

**REQUEST:** Consideration of Approval of Second and Final Reading of an Ordinance to place a deed restriction for the Town owned property located at 30 Red Barn Drive, commonly referred to as the New Riverside Park” to restrict its use to public outdoor recreation to comply with the terms for the award of grant funds for the development of certain improvements.

On December 14, 2021, Town Council approved First Reading of the Ordinance.

There are no changes from First Reading.

**BACKGROUND:** The Town of Bluffton (the “Town”) acquired certain real property within the New Riverside Planned Unit Development located at 30 Barn Drive at the south-west corner of the SC Highway 46/SC Highway 170 roundabout, consisting of approximately 37 acres and identified as Beaufort County Tax Map No. R610 036 000 1319 0000 (the “Property”), for the future development of a public park.

On June 30, 2020, Town staff submitted an application to the South Carolina Department of Parks, Recreation & Tourism requesting funds from the National Park Service’s Land & Water Conservation Fund Grant Program for improvements to the Property.

On December 8, 2020, Town Council approved the Consent Agenda which included the Conceptual Master Plan for the Property, a copy of which is provided as Attachment 1.

October 18, 2021, the South Carolina Department of Parks, Recreation, and Tourism notified the Town on October 18, 2021 via letter (Attachment 2) of the 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.

As part of the grant award process, the Town executed a Project Agreement (Attachment 3) which provides for the terms of the award. One of the required terms is that the Town must record a deed restriction specifying that the Property shall only be utilized for public outdoor recreation as follows:

*“This Property has been acquired or developed with Federal financial assistance provided by the National Park Service of the Department of the Interior in accordance with the Land and Water Conservation Fund Act of 1965, as amended. Pursuant to a requirement of that law, this property may not be converted to other than public outdoor recreation uses (whether by transfer, sale or in any other manner) without the express written approval of the Secretary of the Interior. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.”*

Town Staff prepared a Declaration of Covenant to place the required restriction on the Property. 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 restrictions, easements, and public rights-of-way. Therefore, Town Council must approve the Declaration of Covenant as well as authorize its execution and recording by Ordinance. The proposed Ordinance and its Exhibit, the Declaration of Covenant, are provided as Attachment 4.

**TOWN COUNCIL ACTIONS:** Town Council has the authority to take the following actions with respect to the proposed Ordinance:

1. Approve Second and Final Reading of the Ordinance as proposed;
2. Approve Second and Final Reading of the Ordinance with modifications; or
3. Deny Second and Final Reading of the Ordinance.

**NEXT STEPS:**

Action	Complete	Date
Town Council Ordinance First Reading	✓	December 14, 2021
Town Council Ordinance Second Reading	✓	January 11, 2022
National Park Service Deadline to Record		January 15, 2022

**ATTACHMENTS:**

1. Conceptual Master Plan
2. Award Letter
3. Project Agreement
4. Proposed Ordinance
  - a. Exhibit A – Declaration of Covenant
5. Proposed Motion