

# COUNTY COUNCIL OF BEAUFORT COUNTY

ADMINISTRATION BUILDING  
100 RIBAUT ROAD  
POST OFFICE DRAWER 1228  
BEAUFORT, SOUTH CAROLINA 29901-1228  
TELEPHONE: (843) 255-2180  
FAX: (843) 255-9401  
www.bcgov.net

WM. WESTON J. NEWTON  
CHAIRMAN

D. PAUL SOMMERVILLE  
VICE CHAIRMAN

## COUNCIL MEMBERS

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BRIAN E. FLEWELLING  
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COUNTY ADMINISTRATOR

BRYAN J. HILL  
DEPUTY COUNTY ADMINISTRATOR

JOSHUA A. GRUBER  
COUNTY ATTORNEY

SUZANNE M. RAINEY  
CLERK TO COUNCIL

## AGENDA PUBLIC FACILITIES COMMITTEE

Tuesday, September 25, 2012

4:00 p.m.

Executive Conference Room  
Administration Building

### Committee Members:

Herbert Glaze, Chairman  
Steven Baer, Vice Chairman  
Gerald Dawson  
Brian Flewelling  
William McBride  
Jerry Stewart

### Staff Support:

Rob McFee, Division Director

1. CALL TO ORDER – 4:00 P.M.
2. CONSIDERATION OF CONTRACT AWARD
  - A. Construction Engineering Inspections and Management (CEI/CM) Services for SC 170-Widening Project ([backup](#))
3. DIRT ROAD PAVING REQUIREMENTS FOR DIRT ROADS WITHOUT RIGHT-OF-WAY OR EASEMENT DOCUMENTATION
  - A. Salt Creek Drive West ([backup](#))
  - B. Stanley Road ([backup](#))
  - C. Gumwood Drive ([backup](#))
4. GRANTING 50' NON-EXCLUSIVE ACCESS EASEMENT TO PEACOCK VENTURES, LLC ([backup](#))
5. BOUNDARY STREET IMPROVEMENT INTER-GOVERNMENTAL AGREEMENT BETWEEN BEAUFORT COUNTY AND CITY OF BEAUFORT ([backup](#))
6. TEXT AMENDMENTS TO AIRPORTS BOARD CHARTER ([backup](#))
7. NEW POLICY STATEMENT 17 – POLICY FOR ACCEPTANCE OF PRIVATE ROAD ([backup](#))
8. RESOLUTION CREATING SOUTHERN BEAUFORT COUNTY MEDIAN BEAUTIFICATION COMMITTEE ([backup](#))
9. AN ORDINANCE TO RELINQUISH AN EXISTING EASEMENT (LOT 4) AND TO ACCEPT A RELOCATED EASEMENT ON LOTS 1 AND 2 ON PROPERTY OWNED AND DEVELOPED BY JAMES AND PAMELA LOVE RECORDED IN REGISTER OF DEEDS, PLAT BOOK 133, PAGE 145 ([backup](#))
10. ADJOURNMENT





**COUNTY COUNCIL OF BEAUFORT COUNTY**  
**BEAUFORT COUNTY ENGINEERING DIVISION**  
102 Industrial Village Road, Building #3, Beaufort, SC 29906  
Post Office Drawer 1228, Beaufort, SC 29901-1228  
Telephone: 843-255-2700 Facsimile: 843-255-9420

TO: Councilman Herbert N. Glaze, Chairman, Public Facilities Committee

VIA: Gary Kubic, County Administrator  
Bryan Hill, Deputy Administrator  
David Starkey, Chief Financial Officer  
Rob McFee, Division Director of Engineering & Infrastructure  
Dave Thomas, Purchasing Director  
Monica Spells, Compliance Officer

FROM: Bob Klink, County Engineer

SUBJ: **Construction Engineering Inspection/Construction Management (CEI/CM)  
Services for SC 170 Widening Project**

DATE: September 10, 2012

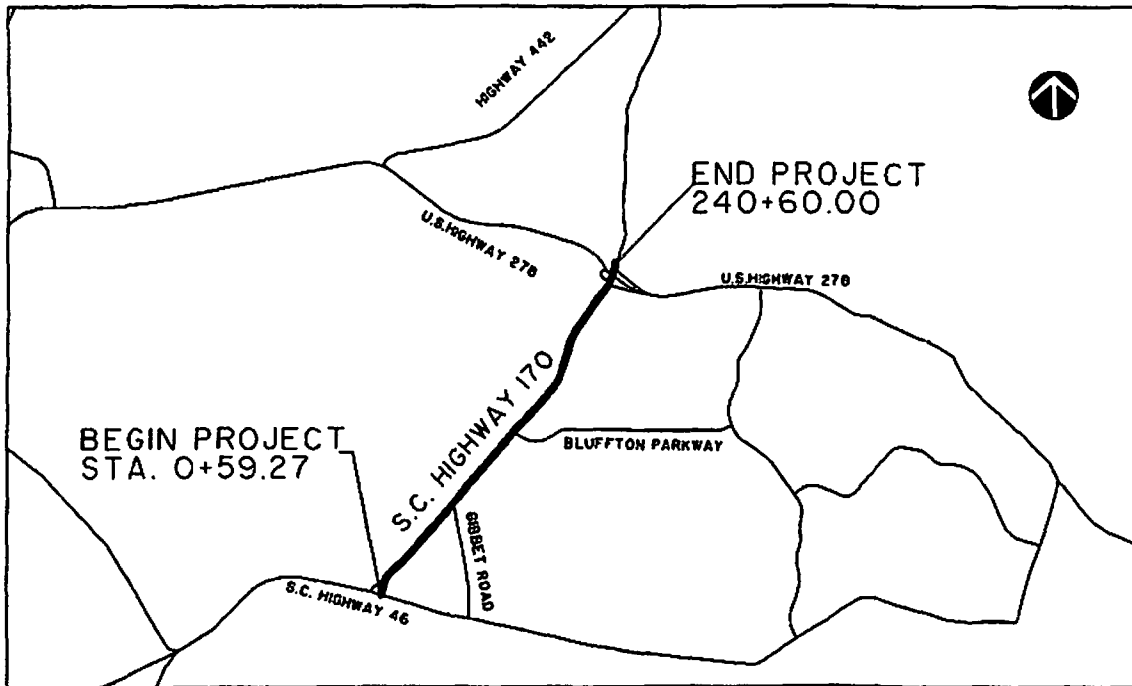
**BACKGROUND.** Beaufort County recently awarded the SC 170 widening project from US 278 to SC 46 to Cleland Site Prep, Inc., in the amount of \$14,998,972.30. SC 170 is a SCDOT road, it is required by the SCDOT/County IGA that the CEI/CM be performed by a SCDOT approved CEI/CM firm. Currently, the CEI/CM services for US 278 widening project is being performed by a team consisting of Coleman-Snow Consultants, LLC, Triplet King & Associates and F&ME Consultants. SCDOT has notified the County that this CEI/CM team is ready and able to perform the CEI/CM on the SC 170 widening project. Using the SCDOT approved CEI/CM team, would save Beaufort County money and would be much more efficient for SCDOT since this team is already on site for the US 278 widening project and performing very satisfactorily for SCDOT.

The Colman-Snow, Triplet King and F&ME team has given the County a proposal to perform the CEI/CM for SC 170 widening project in the amount of \$2,030,714. SCDOT has reviewed the proposal and has indicated that the proposal rates are consistent and in accordance with SCDOT standards, and recommends that the County accept the CEI/CM proposal for the SC 170 Widening Project. The cost of the CEI/CM services will be paid for with a State Infrastructure Bank (SIB) grant, account #33403-54500.

**RECOMMENDATION.** That the Public Facilities Committee approve and recommend to County Council award of a contract with Coleman-Snow Consultants, LLC in the amount of \$2, 030,714 for CEI/CM services for the SC 170 Widening /Construction Project.

Attachments: 1) Location Map  
2) SCDOT 8/30/12 Correspondence  
3) Sole Source None Competitive Purchase Request

# LOCATION MAP





South Carolina  
Department of Transportation

Beaufort County  
Berkeley County  
Charleston County  
Colleton County  
Dorchester County  
Jasper County

August 30, 2012

J. Rob McFee  
Director of Engineering & Infrastructure  
Beaufort County Engineering Division  
Post Office Box 1228  
Beaufort, SC 29901-1228

Re: SC 170 Widening Construction Engineering and Inspection – Beaufort County

Dear Rob,

I appreciate the opportunity to meet with you and Bob Klink to discuss the upcoming Beaufort County SC 170 widening project. It is my understanding that Beaufort County is considering a CEI team which includes Coleman-Snow Consultants, LLC, Triplett-King & Associates, and F&ME Consultants. As we discussed, all three of these team members were selected for the SCDOT's on-call list. These firms also represent three of the eight teams that were selected state wide from a pool of over twenty firms. The Department appreciates Beaufort County considering these quality firms especially since you will be assigning a CEI team to the SCDOT to oversee the project.

As we also discussed, our local construction office has an on-call CEI contract with the firms you are considering. They have provided quality personnel and are very familiar with the SCDOT's policies and billing framework. If these firms are chosen, we have the ability to provide office space within our construction office. This will provide cost savings to Beaufort County and provide for better communication with our construction staff.

As always, we look forward to working with Beaufort County on this project and all future projects. If you have any questions and/or comments, please feel free to contact me.

Sincerely,

David L. Glenn Jr., PE  
District Construction/Maintenance Engineer

:dlg

cc: Chris Smith, Beaufort Construction

File: D6/CHAS/DLG





# Non-Competitive Purchases Form

This form shall be completed for any non-competitive purchase over \$2,500 that is not exempt.

*(a) A County contract may be awarded without competition when the Purchasing Director determines in writing, after conducting a good faith review of available sources, that there is only one source for the required supply, service, or construction item. The Purchasing Director shall conduct negotiations, as appropriate, as to price, delivery, and terms. A record of sole source procurements shall be maintained as public record and shall list each contractor's name, the amount and type of each contract, a listing of the items procured under each contract, and the identification of each contract file.*

*(b) Sole source procurement of a used item from the open market may only be considered, provided that:*

*(1) The using agency recommends purchase; (2) condition of the item is verified by appropriate County official; and (3) price analysis justifies purchase when the following factors are considered: (a) new acquisition price; (b) current book value; and (c) maintenance costs.*

*Code 1982 SS 12-19 Sec. 2-518 Sole source procurement*

*The County Council may by resolution, exempt specific supplies or services from the purchasing procedures required in the Code. The following supplies and services shall be exempt from the purchasing procedures required in this division; however, the Purchasing Director for just cause may limit or withdraw any exemption provided for in this section. (1) Works of art for museum and public display (2) Published books, library books, maps, periodicals, technical pamphlets (3) Copyrighted educational films, filmstrips, slides and transparencies (4) Postage stamps and postal fees (5) Professional dues, membership fees and seminar registration fees (6) Medicine and drugs (7) Utilities including gas, electric, water and sewer (8) Advertisements in professional publications or newspapers (9) Fresh fruit, vegetables, meats, fish, milk, bread and eggs (10) Oil company credit cards (11) Articles for commercial sale by all governmental bodies*

*Code 1982 SS 12-14 Ord. No. 2000-1 S 1, 1-1-0-2000 Sec. 2-514 Exemption from procedures*

*Notwithstanding any other section of this division, the Purchasing Director may make or authorize others to make emergency procurements of supplies, services, or construction items when there exists a threat to the functioning of county government; for the preservation or protection of property; or for the health, welfare or safety of any person, provided that such emergency procurements shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. As soon as practicable, a record of each emergency procurement shall be made and shall set forth the contractor's name, the amount and type of the contract, a listing of the items procured under the contract, and the identification number of the contract file.*

*Code 1982 SS 12-20 Sec. 2-519 Emergency procurements*

Requesting Department: Engineering Division Requested Account Code: 33403-54500

Description of Requested Services  
Construction Engineering Inspection & Construction Management for SC 170 Widening Construction  
Phases 1 & 2 Sales Tax Project #3

Please provide a listing of the items purchased, if additional pages are necessary please attach to this form:  
See attach Coleman Snow Consultants 7/17/12 Scope of Services Proposal

Cost of Requested Services: \$2,030,714

Requested Vendor Name: Coleman Snow Consultants

Requested Vendor Address: 1691 Turnbull Avenue, North Charleston, SC 29405

Requested Vendor Phone Number: 912-234-2950 Requested Vendor Email Address: 912-234-5300





# Non-Competitive Purchases Form

Type of Service Requested (Please check one)    Construction     Services     Supply/Good

Please attach any documentation provided by the vendor that provides back up for the claims in this document.

**Please select a reason below as to why this is a non-competitive purchase and provide a brief explanation.**

- It is not possible to obtain competition. There is only one source available for the supply, service, or construction item.*
- The procurement is for a used item from the open market. The item may only be considered if, (1) the using agency recommends purchase, (2) condition of the item is verified by appropriate County official, (3) Price analysis justifies purchase when the following factors are considered: (a) new acquisition price; (b) current book value; and (c) maintenance costs.*
- The item is a single source purchase. Other sources may be available but purchases are directed to one source because of factors unique to Beaufort County. Please select an option below:*
  - Standardization*
  - Warranty*
  - Other, if selected please specify below.*

This request is consideration of a for non-competitive purchase for Colman Snow Consultants to provide construction engineering inspections and management services(CEI-CM) for the Sales Tax Project #3 – SC 170 Widening Improvements. The County was awarded a \$25 million dollar SIB Grant in Feb 2012 for construction of Phases 1 & 2 of SC 170. Project bids were received on June 14, 2012 and Council awarded a contract to Cleland Site Prep, Inc. for \$14,998,972 on July 23, 2012. It is anticipated that construction will start during October 2012. SC 170 widening is a County Sales Tax Project.

Coleman Snow Consultants is the current SCDOT approved CEI-CM firm for SCDOT widening of US 278. US 278 is currently under construction. Per the IGA with SCDOT for SC 170 widening project, the firm used for CEI-CM services on state maintained road construction, must be approved by SCDOT. SCDOT has reviewed Coleman-Snow Consultant’s proposal and recommends that the County accept their CEI-CM scope of services for the widening of SC 170. SCDOT 8/30/12 recommendation is attached along with Coleman-Snow Consultant’s 7/17/2012 scope of services proposal.

- An emergency exists that threatens the functioning of County government.*
- An emergency exists that threatens the preservation or protection of County property.*
- An emergency exists that threatens the health, welfare or safety or any person within the County.*

**What steps have been taken to verify that these features are not available elsewhere?**

- Other brands/manufacturers were examined (please list names and contact information, and explain why they are not suitable for use by the County-attach additional pages as necessary):*



# Non-Competitive Purchases Form

\_\_\_\_\_

\_\_\_\_\_

Other vendors were contracted (please list names and contact information and explain why those contacted did not meet the needs of the County-attach additional pages as necessary):

\_\_\_\_\_

\_\_\_\_\_

Requester Name: \_\_\_\_\_ Requester Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Department Head Name: Robert E. Klink Department Head Signature: [Signature] Date: 9/10/12

### For Purchasing Completion only:

Date Received in Purchasing Department: \_\_\_\_\_

Reviewed by Purchasing Department for completeness

Date: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

Verified that this is the only source:    Yes     No

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Purchasing Director or His Designee Approval Signature: \_\_\_\_\_

Associated Purchase Orders Number: \_\_\_\_\_

Associated Contract Number: \_\_\_\_\_

# ATTACHMENT C

## Summary of Consulting Engineering Fees

SC 170

Prime Consultant-Coleman-Snow Consultants

Item No.

		<u>SC 170</u>
	<b>Coleman-Snow Consultants / TKA / F&amp;ME</b>	
1	Accounting/Invoicing	\$ 22,198.18
2	Plan Reviews	\$ 15,523.20
3	Utility Coordination	\$ 24,324.30
4	Construction Engineering and Inspection	
	Coleman-Snow Consultants	\$ 948,989.33
	TKA	\$ 296,714.25
	F&ME	\$ 316,877.76
5	Survey Verification	\$ 157,877.12
6	Reimbursables	\$ 248,210.00
		<hr/> <hr/>
	<b>Total Estimated Fee:</b>	<b>\$ 2,030,714.14</b>





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BEAUFORT COUNTY ENGINEERING DIVISION  
102 Industrial Village Road, Building #3, Beaufort, SC 29906  
Post Office Drawer 1228, Beaufort, SC 29901-1228  
Telephone: 843-255-2700 Facsimile: 843-255-9420

TO: Councilman Herbert N. Glaze, Chairman, Public Facilities Committee

VIA: Gary Kubic, County Administrator *GKubic*  
Bryan Hill, Deputy County Administrator *BHill*  
Josh Gruber, County Attorney *JGruber*  
Robert McFee, Division Director of Engineering & Infrastructure *JR McFee*

FROM: Robert Klink, County Engineer *REK*

SUBJ: **Beaufort County Dirt Road Paving Requirements for Dirt Roads Without Right of Way or Easement Documentation - Salt Creek Drive West**

DATE: September 14, 2012

**BACKGROUND.** Salt Creek Drive West Road is a County maintained dirt road that is included in Dirt Road Design Build Improvement Contract #45. Contract #45 was awarded by County Council on 3/12/12.

Since May 2012, the Engineering Division and the design-build contractor team have been working under guidance that Beaufort County can no longer pave a County dirt road based on presumption of prescriptive right. Rather, it must assure that the Country posses a deeded right-of way, signed right-of-way document, or signed easement document from each adjoining property owner along the dirt road identified for paving.

Engineering Division staff has had limited success in obtaining documents and has identified Salt Creek Drive West for which right of way documentation cannot be secured from the property owners. Efforts to date include at least two different letters to each owner, public meeting signs, on-site public meetings, phone calls, follow-up visits and meetings. These efforts are outlined in Attachment #1.

Extended efforts have been made on Salt Creek Drive West without success and it is suggested that further efforts will not produce satisfactory results. Staff and the design-build contractor team are therefore presenting this information for committee review and are recommending that Salt Creek Drive West be dropped from the County maintenance inventory.

**RECOMMENDATION.** That the Public Facilities Committee approve and recommend to County Council that Salt Creek Drive West be dropped from the County road maintenance inventory.

REK/DS/mjh

Attachments: 1) Right of Way Acquisition Efforts Worksheet  
2) Andrews & Burgess Right of Way Status Plans  
3) Location Map

cc: Eddie Bellamy

**RIGHT-OF-WAY ACQUISITION EFFORTS FOR  
SALT CREEK DRIVE W, BURTON  
September 20, 2012**

1. Right-of-Way Scenario #2: Salt Creek Drive W represents one of the three different right-of-way acquisition conditions that exist along the dirt roads in the County. The dirt road exists within a platted right-of-way which ownership cannot be determined through reasonable title search efforts. In this case the property owners along the road are contacted as outlined in item 2 below, and asked to convey any interest they may have in the right-of-way to the County via Quit Claim Deed. Typically there are some property owners that live outside of the County and some are deceased with ownership of the property transferring to heirs and/or an estate.

2. Efforts Made to Secure the Right-of-Way:

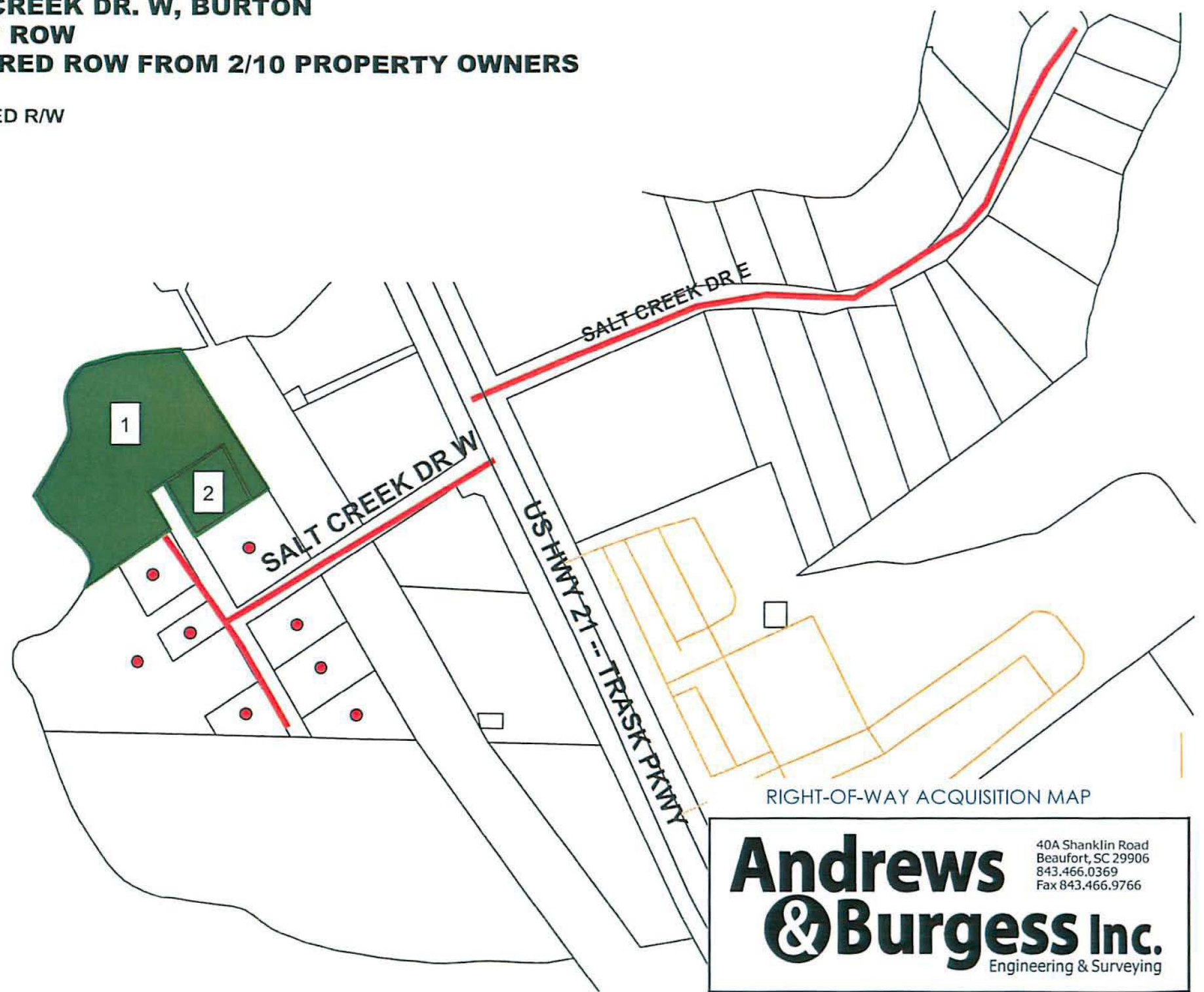
- a. June 15 - Submit first R/W request letters.
- b. July 25 - Submit second R/W request letters.
- c. July 26 - Posted sign advertising on-site meeting.
- d. July 31 - Meet on site.
- e. August 10 - Phone calls.
- f. August 15 - Phone calls.
- g. August 23 - Phone calls.
- h. September 5 - Meet on site.
- i. September 12 - Phone calls.

3. Status of Right-of-Way:

a. Nazarine Sneed Burton R100 025 000 023A 0000	Has Granted	b. Thomas Dilbert Beaufort R100 025 000 0023 0000	Has Granted
c. King Petroleum Co., Inc. Walterboro R100 025 000 023J 0000	Has not Granted	d. Gloria J. Dilbert Beaufort R100 025 000 023E 0000	Has not Granted
e. Alma D. Kelson Beaufort R100 025 000 023I 0000 R100 025 000 023D 0000	Has not Granted	f. Elizabeth Pusha Beaufort R100 025 000 023G 0000	Has not Granted
g. Terry Harper, Trustee Gus Harper Honolulu, Hawaii R100 025 000 0024 0000	Has not Granted	h. Shemekia Dilbert Beaufort R100 025 000 023C 0000	Has not Granted
i. Lydia Dilbert Beaufort R100 025 000 023B 0000	Has not Granted	j. Heirs of William Blake Burton R100 025 000 023F 0000	Has not Granted

**SALT CREEK DR. W, BURTON  
EX. 30' ROW  
ACQUIRED ROW FROM 2/10 PROPERTY OWNERS**

● = NEED R/W

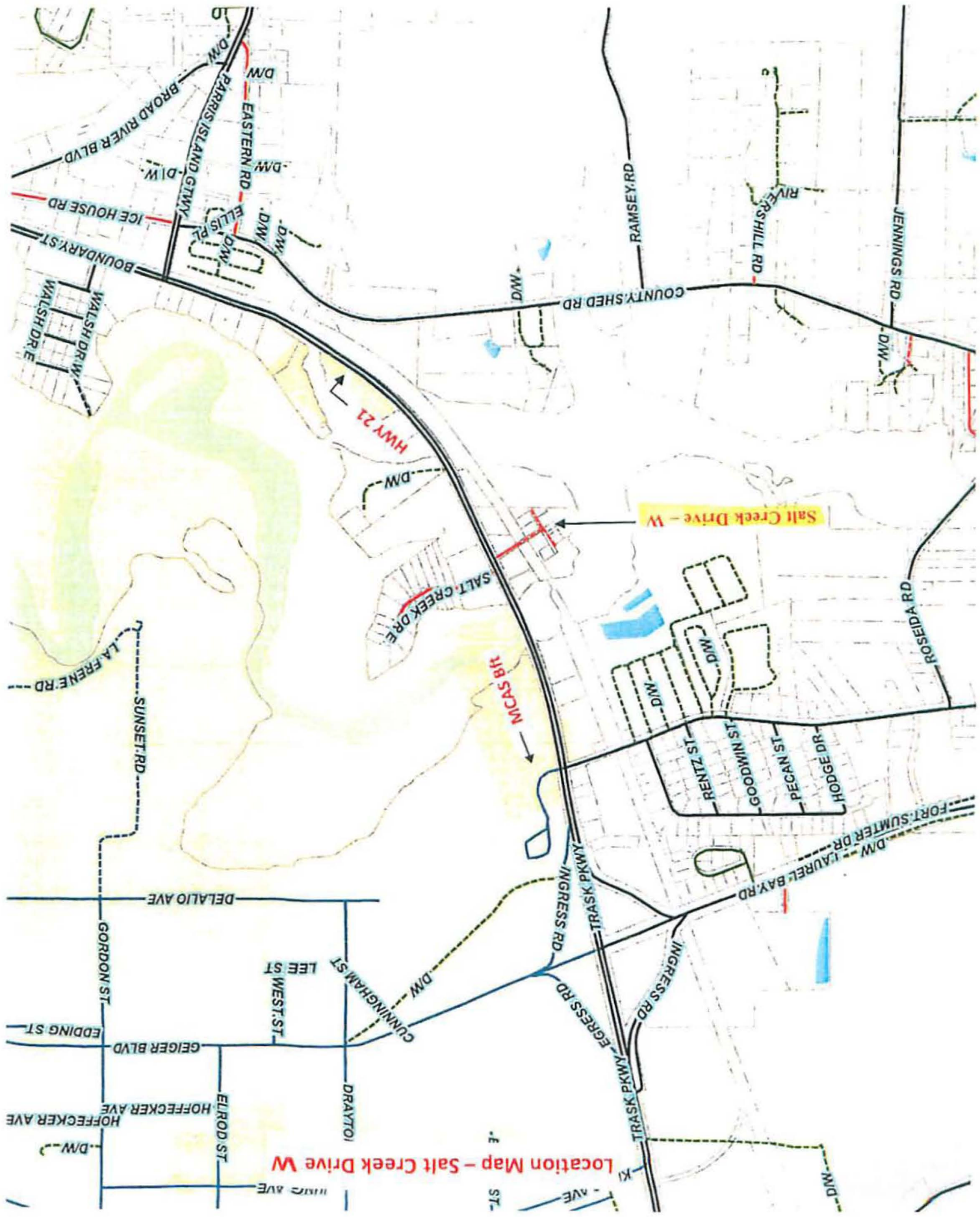


RIGHT-OF-WAY ACQUISITION MAP

**Andrews & Burgess Inc.**  
Engineering & Surveying

40A Shanklin Road  
Beaufort, SC 29906  
843.466.0369  
Fax 843.466.9766





Location Map - Salt Creek Drive W



COUNTY COUNCIL OF BEAUFORT COUNTY  
BEAUFORT COUNTY ENGINEERING DIVISION  
102 Industrial Village Road, Building #3, Beaufort, SC 29906  
Post Office Drawer 1228, Beaufort, SC 29901-1228  
Telephone: 843-255-2700 Facsimile: 843-255-9420

TO: Councilman Herbert N. Glaze, Chairman, Public Facilities Committee

VIA: Gary Kubic, County Administrator *GKubic*  
Bryan Hill, Deputy County Administrator *B Hill*  
Josh Gruber, County Attorney *JG*  
Robert McFee, Division Director of Engineering & Infrastructure *Robert McFee*

FROM: Robert Klink, County Engineer *REK*

SUBJ: **Beaufort County Dirt Road Paving Requirements for Dirt Roads Without Right of Way or Easement Documentation – Stanley Road**

DATE: September 14, 2012

**BACKGROUND.** Stanley Road is a County maintained dirt road that is included in Dirt Road Design Build Improvement Contract #43. Contract #43 was awarded by County Council on 3/24/11.

Since May 2012, the Engineering Division and the design-build contractor team have been working under guidance that Beaufort County can no longer pave a County dirt road based on presumption of prescriptive right. Rather, it must assure that the County possess a deeded right-of-way, signed right-of-way document, or signed easement document from each adjoining property owner along the dirt road identified for paving.

Engineering Division staff has had limited success in obtaining documents and has identified Stanley Road for which right of way documentation cannot be secured from the property owners. Efforts to date include at least two different letters to each owner, public meeting signs, on-site public meetings, phone calls, follow-up visits and meetings. These efforts are outlined in Attachment #1.

Extended efforts have been made on Stanley Road without success and it is suggested that further efforts will not produce satisfactory results. Staff and the design-build contractor team are therefore presenting this information for committee review and are recommending that Stanley Road be dropped from the County maintenance inventory.

**RECOMMENDATION.** That the Public Facilities Committee approve and recommend to County Council that Stanley Road be dropped from the County road maintenance inventory.

REK/DS/mjh

Attachments: 1) Right of Way Acquisition Efforts Worksheet  
2) Andrews & Burgess Right of Way Status Plans  
3) Location Map

cc: Eddie Bellamy

Contract 43.rds/ROW/Stanley Rd

**RIGHT-OF-WAY ACQUISITION EFFORTS FOR  
STANLEY ROAD, BURTON  
September 20, 2012**

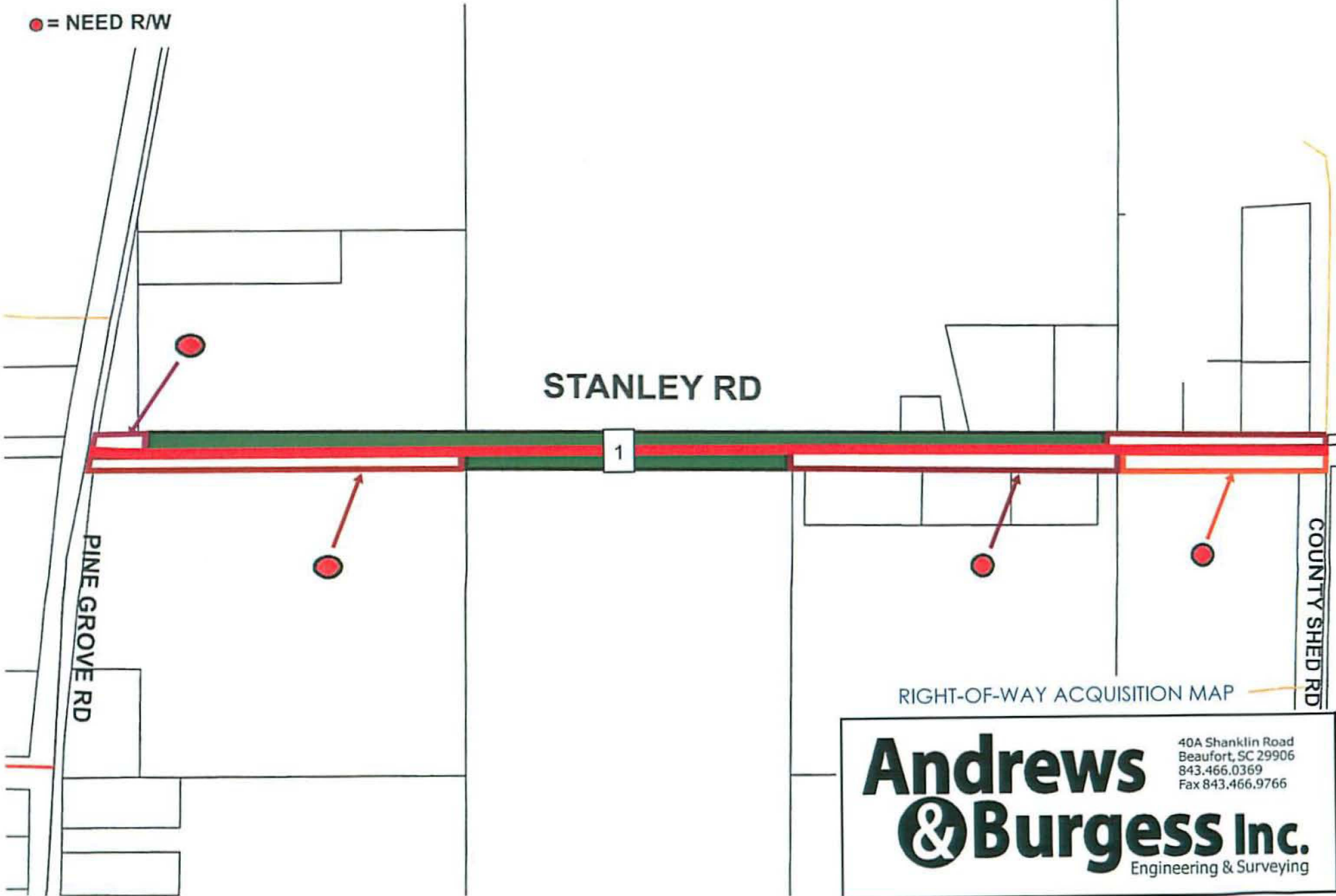
1. **Right-of-Way Scenario #1:** Stanley Road represents one of the three different right-of-way acquisition conditions that exist along the dirt roads in the County. The dirt road exists within a platted right-of-way which is owned by individuals that do not live along the road. In some cases these owners no longer live in the County. Another recurring condition is that these owners are deceased with the ownership of the right-of-way transferring to heirs and/or an estate. These owners are contacted as outlined in item 2 below and asked to grant their interest in the right-of-way to the County via Quit Claim Deed.
  
2. **Efforts Made to Secure the Right-of-Way:**
  - a. May 30 - Submit R/W request letters.
  - b. July 25 - Submit Quit Claim Deeds.
  - c. August 8 - Knock on doors explaining the deed and requesting signatures.
  - d. August 30 - Follow-up with the August 8 in person contact.
  - e. August - Several phone calls to out of town residents.
  - f. September 19 – Try again to contact the owners with phone calls and by knocking on doors.
  
3. **Status of Right-of-Way:**

a. Emma P. Adams Beaufort	Has Granted
b. Willie Mae Brown Port Royal	Has not Granted
c. Ernest Griffin Burton Doretha G. Taylor Bear, DE	Has not Granted
d. Estate of Walter Stanley Anne S. Webb Norcross, GA	Has not Granted
e. Heirs of Tony Gibbs Burton	Has not granted



**STANLEY RD, BURTON  
EX. 50' ROW  
ACQUIRED ROW FROM 1/5 PROPERTY OWNERS**

● = NEED R/W

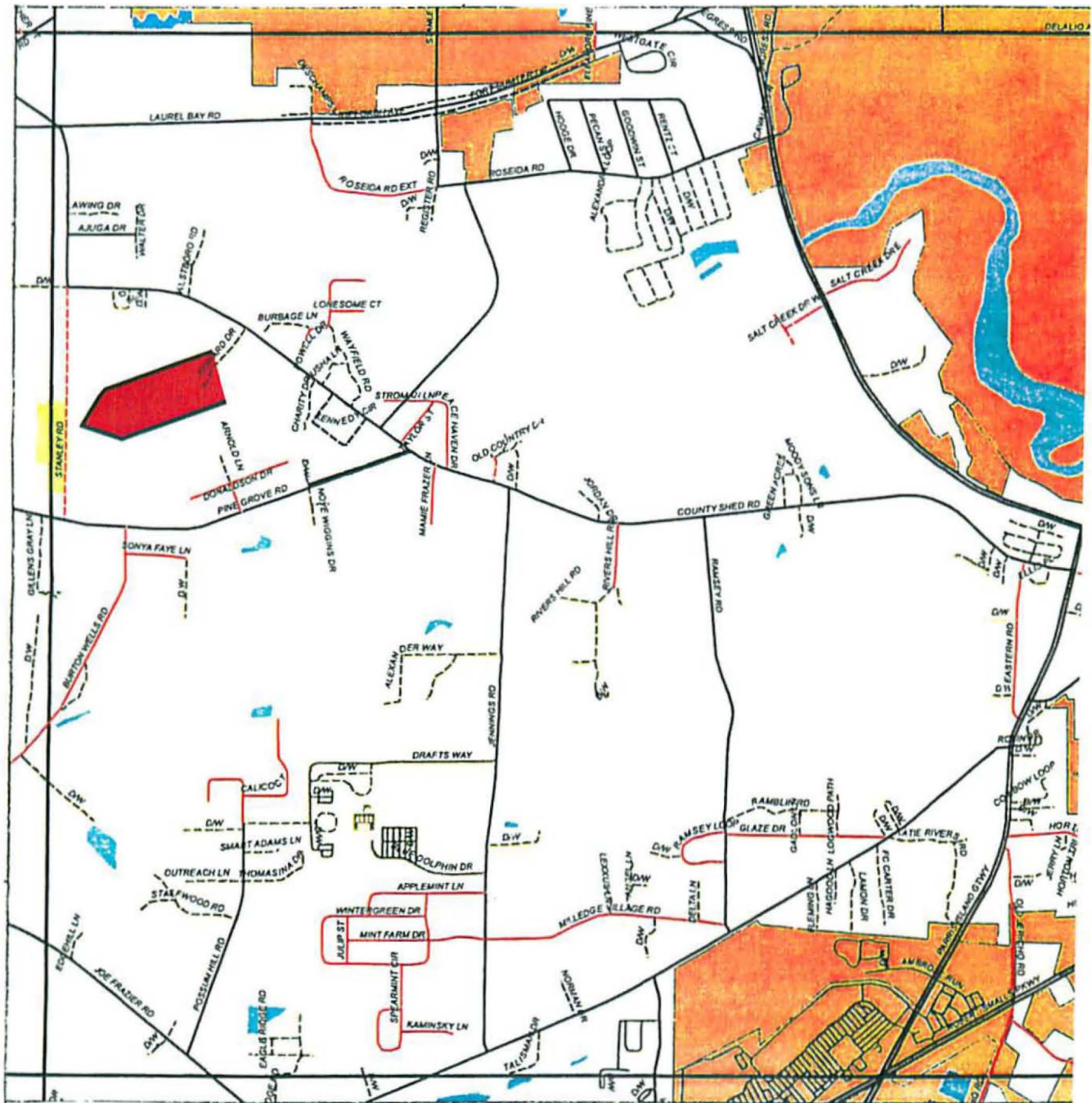


RIGHT-OF-WAY ACQUISITION MAP

**Andrews & Burgess Inc.**  
Engineering & Surveying

40A Shanklin Road  
Beaufort, SC 29906  
843.466.0369  
Fax 843.466.9766

# Location Map – Stanley Road







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102 Industrial Village Road, Building #3, Beaufort, SC 29906  
Post Office Drawer 1228, Beaufort, SC 29901-1228  
Telephone: 843-255-2700 Facsimile: 843-255-9420

**TO:** Councilman Herbert N. Glaze, Chairman, Public Facilities Committee

**VIA:** Gary Kubic, County Administrator *GKUBIC*  
Bryan Hill, Deputy County Administrator *J Hill*  
Josh Gruber, County Attorney *JG*  
Robert McFee, Division Director of Engineering & Infrastructure *RR McFee*

**FROM:** Robert Klink, County Engineer *REK*

**SUBJ:** **Beaufort County Dirt Road Paving Requirements for Dirt Roads Without Right of Way or Easement Documentation - Gumwood Drive**

**DATE:** September 14, 2012

**BACKGROUND.** Gumwood Drive is a County maintained dirt road that is included in Dirt Road Design Build Improvement Contract #45. Contract #45 was awarded by County Council on 3/12/12.

Since May 2012, the Engineering Division and the design-build contractor team have been working under guidance that Beaufort County can no longer pave a County dirt road based on presumption of prescriptive right. Rather, it must assure that the Country posses a deeded right-of way, signed right-of-way document, or signed easement document from each adjoining property owner along the dirt road identified for paving. Efforts to date include at least two different letters to each owner, public meeting signs, on-site public meetings, phone calls, follow-up visits and meetings. Staff and the design-build contractor team have documented the extent of these efforts in Attachment #1.

The Engineering Division has some success in obtaining right of way documents and has identified Gumwood Drive as a dirt road for consideration for condemnation of several properties. Seven of the ten property owners have signed for the road to be paved. Condemnation of the remaining three parcels will allow paving of Gumwood Drive to proceed.

Staff and the design-build contractor team are therefore presenting this information for committee review and are recommending that the remaining required right of way be condemned.

**RECOMMENDATION.** The Public Facilities Committee approve and recommend to County Council to authorize proceeding with condemnation of the remaining required right of way for Gumwood Drive.

REK/DS/mjh

Attachments 1) Right of Way Acquisition Efforts Worksheet  
2) Andrews & Burgess Right of Way Status Plans  
3) Location Map

cc: Eddie Bellamy

Contract 45.rds/ROW/Gumwood Dr



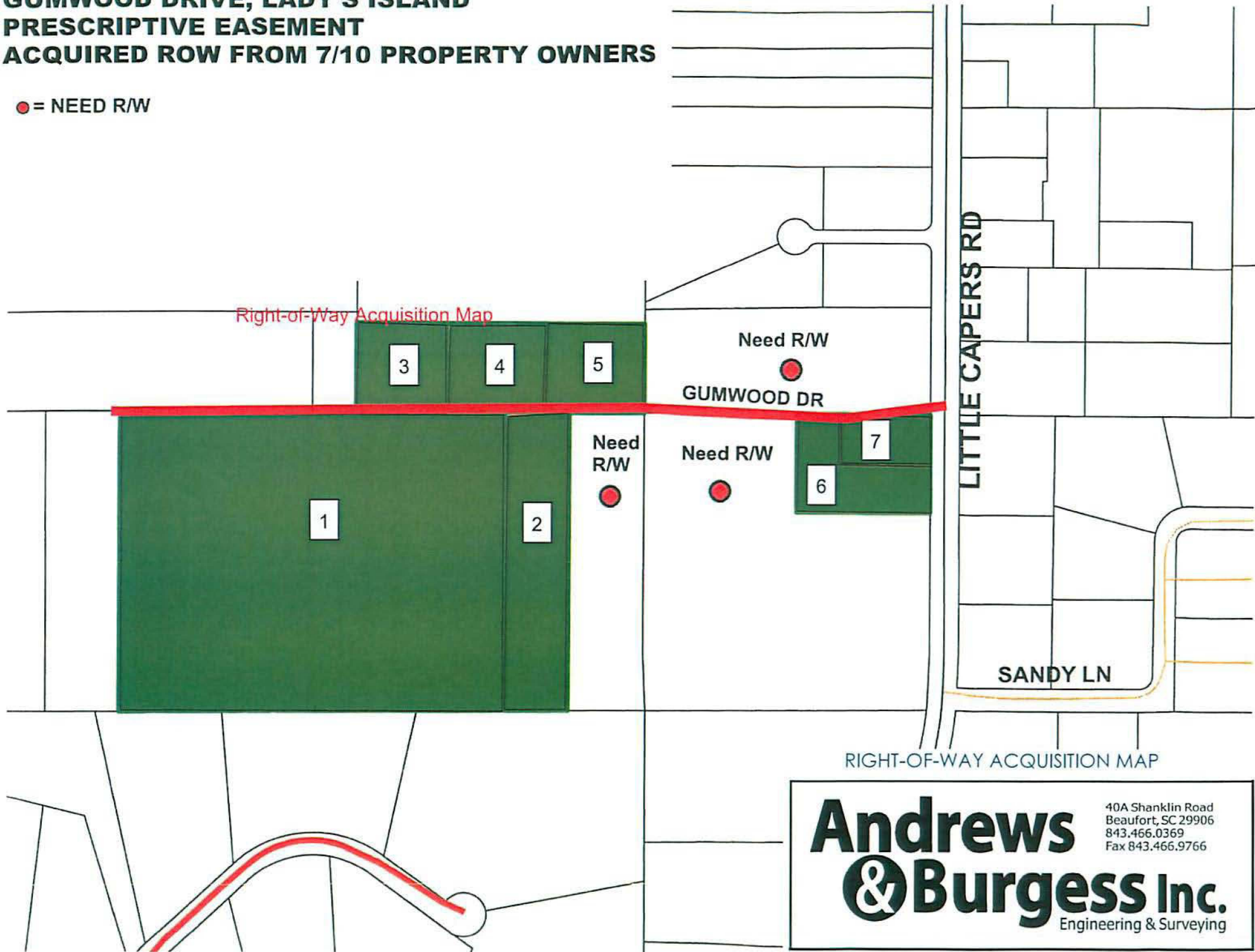
**RIGHT-OF-WAY ACQUISITION EFFORTS FOR  
GUMWOOD DRIVE, LADY'S ISLAND**

September 20, 2012

1. Right-of-Way Scenario #3: Gumwood Drive represents one of the three different right-of-way acquisition conditions that exist along the dirt roads in the County. The dirt road exists within a prescriptive easement. In this case the property owners along the road are contacted as outlined in item 2 below, and asked to convey any interest they may have in the right-of-way to the County via right-of-way deed. Typically there are some property owners that live outside of the County and some are deceased with ownership of the property transferring to heirs and/or an estate.
  
2. Efforts Made to Secure the Right-of-Way:
  - a. June 7 – Submit first R/W request letters.
  - b. July 18 – Submit second R/W request letters.
  - c. July 31 – Meet on site.
  - d. August 2 – Follow-up meeting on site.
  - e. September 6 – Meet on site.
  - f. July 30 to September 3 – Several phones calls to owners.
  - g. September 11 - Meet on site.
  
3. Status of Right-of-Way:
  - a. Mary H. Capers                      Has Granted  
Beaufort  
R200 015 000 0005 0000
  - b. Charlene G. Manigault            Has Granted  
Savannah, GA  
R200 015 000 0706 0000  
R200 015 000 0707 0000  
R200 015 000 0708 0000
  - c. Daisy B. Singleton                Has Granted  
Beaufort  
R200 015 000 003A 0000
  - d. George Washington              Has Granted  
Beaufort  
R200 015 000 003B 0000
  - e. James Wynn                        Has Granted  
Beaufort  
R200 015 000 0773 0000
  - f. Delores Atkin (New Jersey)    Has not Granted  
c/o Nancy Jeffery  
Beaufort  
R200 015 000 0004 0000
  - g. Donald Green                      Has not Granted  
Elizabeth, NJ  
R200 015 000 0002 0000
  - h. Estate of Maggie Sheppard    Has not Granted  
c/o James Tarrant  
Bronx, NY  
R200 015 000 0003 0000

**GUMWOOD DRIVE, LADY'S ISLAND  
PRESCRIPTIVE EASEMENT  
ACQUIRED ROW FROM 7/10 PROPERTY OWNERS**

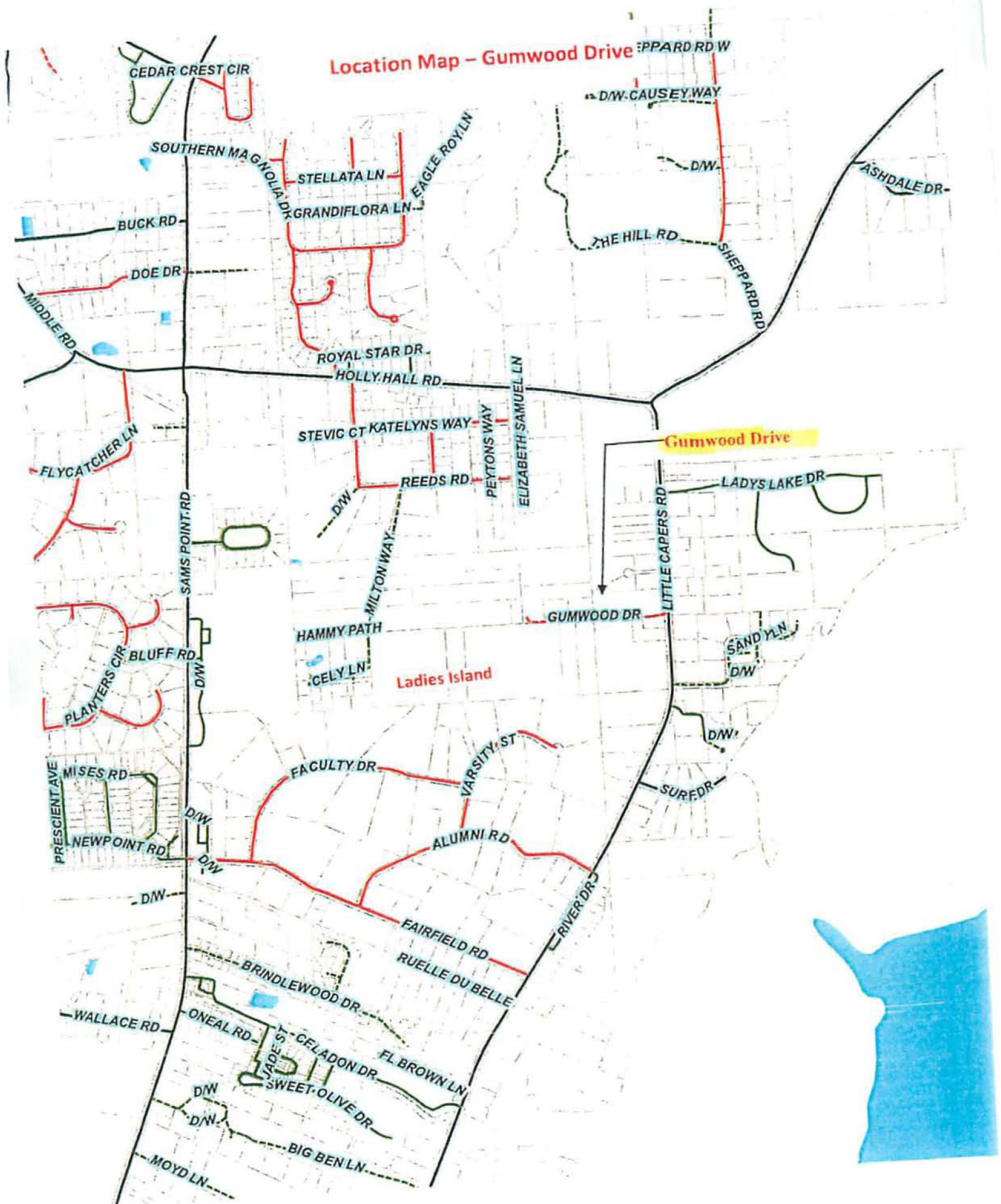
● = NEED R/W



**Andrews & Burgess Inc.**  
Engineering & Surveying

40A Shanklin Road  
Beaufort, SC 29906  
843.466.0369  
Fax 843.466.9766

# Location Map - Gumwood Drive





# **STUCKEY LAW OFFICES, LLC**

ATTORNEYS AT LAW  
123 MEETING STREET  
CHARLESTON, SOUTH CAROLINA 29401-2217  
www.stuckeylaw.com

JAMES A. STUCKEY (SC & CA)\*\*  
CHRISTOPHER L. MURPHY\*\*  
ALISSA R. COLLINS

\*CERTIFIED CIVIL COURT MEDIATOR  
\*CERTIFIED CIVIL COURT ARBITRATOR

TELEPHONE: (843) 577-9323  
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E-MAIL: slo@stuckeylaw.com

CYNTHIA W. DILLARD, SENIOR PARALEGAL  
SANDRA S. GARVIN, OFFICE MANAGER

September 13, 2012

Joshua A. Gruber, Esquire  
Beaufort County Attorney  
P.O. Box 1228  
Beaufort, South Carolina 29902

RE: Beaufort County v. Old South Apartments II  
Case No. 2010-CP-07-3159  
Tract: 60

Case No. 2010-CP-07-3158  
Tract: 102

Dear Josh:

Enclosed please find the Quit Claim Deed wherein the County will deed certain property to Hunter Peacock as part of the settlement agreement. If everything meets your approval, I would appreciate your executing, filling in the date of the conveyance, and recording with the Register of deeds. Please feel free to give me a call if you have any questions or problems.

With kindest regards, I am

Sincerely,

  
Christopher L. Murphy  
Direct E-mail: [clmurphy@stuckeylaw.com](mailto:clmurphy@stuckeylaw.com)

ssg

Enclosures

G:\BEAUFORT COUNTY\Old South Apartments, II tract 60 (10-3220)\Letters\Gruber.QC deed.9-13-12.wpd

Prepared by: Stuckey Law Offices, LLC  
123 Meeting St.,  
Charleston, SC 29401

STATE OF SOUTH CAROLINA                    )  
  )  
COUNTY OF BEAUFORT                    )           QUIT CLAIM DEED

KNOW ALL PERSONS BY THESE PRESENTS that, BEAUFORT COUNTY hereinafter referred to as "Grantor", in the State aforesaid, County aforesaid, in consideration of Five and No/100ths (\$5.00) Dollars, receipt of which is hereby acknowledged, and other good and valuable consideration, has remised, released and forever quit-claimed, and by these presents does grant, bargain, sell and release, subject to all easements and restrictions of record, unto PEACOCK VENTURES, LLC, hereinafter referred to as "Grantee" its, successors, and assigns forever, this property:

**ALL, all that certain piece, parcel or tract of land situate, lying and being in Bluffton Township, Beaufort South Carolina containing 0.31 acres more or less and designated as 50' NON-EXCLUSIVE ACCESS EASEMENT, a portion of Lot 5 Buckingham Plantation Drive, and being more particularly shown on and described on "A Boundary Plat of 3.54 Acres" prepared by Barry W. Connor SC RLS#9056 dated July 2, 1992 and recorded in the Register of Deeds for Beaufort County in Plat Book 44 at Page 33. For a more detailed description as to courses, metes, bounds & distances, reference may be made to said plat of record.**

**SUBJECT TO BEAUFORT COUNTY maintaining a 30' MAINTENANCE EASEMENT for the maintenance of the drain line required for the functionality Bluffton Parkway drainage system of the said easement will run along the north side of the entire property line.**

BEING of the same property conveyed to Grantor by deed of Old South Apartments III Limited Partnership by dated March 26, 2012, and recorded in the Register of Deeds Office for Beaufort County in Book 3137 at Page 2153.

PID# R600 041 000 168B 0000 (Previously separated from R600 014 000 0155 0000)

Grantee's address:    Mr. Hunter E. Peacock  
                                  Registered Agent for Peacock Ventures, LLC  
                                  8 Victoria Bluff Court  
                                  Bluffton, SC 29910

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular, the said premises before mentioned unto the said Town of Bluffton, its successors and assigns forever.

And the Grantor does hereby bind itself, its successors and assigns, and other lawful representatives, to warrant and forever defend all and singular the Premises unto the Grantee and the Grantee's successors and assigns, against the Grantor, its successors and assigns and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

WITNESS the hand and seal of the Grantor this \_\_\_\_ day of \_\_\_\_\_, in the year of our Lord Two Thousand Twelve and in the Two Hundred Thirty Sixth year of the Sovereignty and Independence of the United States of America.

SIGNED, SEALED, AND DELIVERED OF:

\_\_\_\_\_  
\_\_\_\_\_

BEAUFORT COUNTY IN THE PRESENCE

By: \_\_\_\_\_  
Its \_\_\_\_\_

STATE OF SOUTH CAROLINA        )  
  )  
COUNTY OF BEAUFORT                )

PERSONALLY APPEARED before me, the undersigned witness, who, after first being duly sworn, deposes and says that (s)he saw the within Grantor BEAUFORT COUNTY, by \_\_\_\_\_, its \_\_\_\_\_ sign, seal, and as its act and deed deliver the within Title to Real Estate, and that (s)he with the other subscribed witness above witnessed the due execution and delivery thereof.

SWORN to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
NOTARY PUBLIC OF SOUTH CAROLINA

My Commission Expires: \_\_\_\_\_



STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF BEAUFORT )

BEAUFORT COUNTY ROD  
**AFFIDAVIT OF TRUE CONSIDERATION  
and CLAIM FOR EXEMPTION**

PERSONALLY appeared before me the undersigned, who is duly sworn, deposed, and says that the following is a true and correct statement concerning the CONSIDERATION for the conveyance set forth below, and concerning any EXEMPTION claimed by the Filer under the laws of the State of South Carolina, the Town of Bluffton, County of Beaufort, or as otherwise provided by law.

**GRANTOR NAME: BEAUFORT COUNTY**

**GRANTEE NAME: PEACOCK VENTURES, LLC**

**GRANTEE MAILING ADDRESS: 8 Victoria Bluff Court, Bluffton, SC 29910**

**DATE OF CONVEYANCE:** \_\_\_\_\_

**TRUE CONSIDERATION: \$0.00 THIS IS A TRANSFER OF PROPERTY  
PURSUANT TO A SETTLEMENT**

**TAX DISTRICT/MAP/PARCEL NO.:** Being a portion of PID# R600 041 000 168B 0000

(NOTE: This information must appear on any Deed, and any Plat, whether attached or filed separately.)

**STATE RECORDING FEE EXEMPTION – 12-24-40, sub-par # \_\_\_\_\_**

(Per S.C. Code Sect. 12-24-40. Note Subparagraph No.)

**OTHER EXEMPTION – Please Cite Federal, State or other Code as applicable, and describe Exemption below:**

X **Signed:** \_\_\_\_\_  
**Printed Name:**  
**As (Capacity):**

**SWORN TO BEFORE ME,**  
this \_\_\_ day of \_\_\_\_\_, 2012

**SIGNED:** \_\_\_\_\_  
Notary Public for South Carolina  
My Commission Expires: \_\_\_\_\_

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF BEAUFORT ) BOUNDARY STREET IMPROVEMENT  
 INTER-GOVERNMENTAL AGREEMENT

THIS AGREEMENT is made and entered into this 10<sup>th</sup> day of September, 2012, by and between the City of Beaufort, South Carolina, a South Carolina municipal corporation (hereinafter the "City") and the County of Beaufort, South Carolina (hereinafter the "County").

WHEREAS, in May 2004, Beaufort County Council adopted a Capital Improvement Plan for roads (hereinafter the "Capital Plan"); and

WHEREAS, the Capital Plan identifies projects for Northern Beaufort County including the Boundary Street Capacity Improvement and the Boundary Street Connectivity Plan implementation; and

WHEREAS, thereafter, Beaufort County Council adopted a Road Facilities Impact Fee Ordinance to help fund the Capital Plan; and

WHEREAS, following a public hearing, Beaufort City Council adopted and approved the Capital Plan and the Road Facilities Impact Fee; and

WHEREAS, by Referendum in November, 2006, the voters of Beaufort County approved a one-cent sales tax for transportation projects, including the Boundary Street Capacity Improvement and the Boundary Street Connectivity Plan; and

WHEREAS, the monies collected under the Road Facilities Impact Fee and the penny sales tax are paid to Beaufort County for the funding of the Capital Plan pursuant to State statute; and

WHEREAS, in May 2012, the City was awarded \$12,635,000 in federal funding under the TIGER III grant program for use in the Boundary Street Redevelopment Project; and

WHEREAS, the County of Beaufort and the City of Beaufort wish to amend the previous intergovernmental agreement entered into by the parties for purposes of incorporating the terms of this agreement relating to this project and thereby move forward with the negotiation, award, administration and management of the capital project improvements regarding Boundary Street, located within the City's municipal boundaries.

NOW, THEREFORE, for and in consideration of the rights and responsibilities herein, the City of Beaufort and Beaufort County hereby agree as follows:

1. Beaufort County and the City shall jointly assume responsibility for the negotiation, award of, administration of, and management of all contracts concerning and pertaining to the Boundary Street Road Improvement referenced in the Capital Improvements

Plan and approved in the 2006 Referendum. The estimated budgets necessary to implement the projects are identified in Exhibit "A" attached hereto and incorporated by reference.

2. At the request of the City, the County shall provide such engineering assistance as may be reasonably requested by the City in the negotiation, award of, administration of and management of these projects, under the memorandum concerning engineering assistance attached as Exhibit 1.

3. It is mutually agreed that funds collected by Beaufort County are insufficient to pay for two projects on Boundary Street as the costs for the construction of both improvement projects was underestimated and, therefore, all funds collected from the one-cent sales tax and the Road Facilities Impact Fee will be collectively used for the U.S. 21, Boundary Street, (known as the Boundary Street Capacity Improvement Plan) from Broad River Road to Palmetto Street including the construction of a parallel street to Boundary Street heretofore known as Pearl Street a/k/a Burnside Street. However, no federal funds will be used for the construction of the parallel street to Boundary Street.

4. This Agreement will last for the extent and duration of the Boundary Street Project. In the event that either party believes that the other party is not properly administering or managing the Boundary Street Road Improvement Project, either party shall provide written notice of such deficiencies. Either party shall have sixty days to cure any such deficiencies or upon its failure to cure such deficiencies, the County and the City shall submit the dispute to a Dispute Resolution Board made up of 3 members, one appointed by the City Manager, one appointed by the County Administrator and one appointed by the South Carolina Department of Transportation. The Board shall render a decision within 30 days of the hearing.

5. Any notice under this Agreement shall be delivered in writing to the following:

To the City:	Mr. Scott Dadson City Manager P. O. Box 1167 Beaufort, SC 29901-1667
--------------	---

To the County:	Mr. Gary Kubic County Administrator P. O. Drawer 1228 Beaufort, SC 29901-1228
----------------	--

6. The parties agree that the procurement of goods or services done for or in furtherance of these projects shall be pursuant to all Beaufort County procurement policies, Ordinances or guidelines as well as any applicable state or federal procurement requirements that may be applicable due to grant funding for these projects. All City of Beaufort expenditures related to the grant will be submitted to the County for reimbursement. The County will then submit all grant expenditures for reimbursement to the grantor. This allows the full reporting of all Boundary Street project revenues and expenditures.



7. Both parties agree that a coordinated effort is necessary to ensure that all applicable federal and state reporting requirements are completed in a timely and thorough manner. To that end, the parties agree that the follow reporting policies and procedures shall be implemented and enforced during the duration of this agreement; (1) Beaufort County Finance Department, in conjunction with the City of Beaufort Finance Department, will complete the required quarterly financial reports, as required by the grant; (2) Beaufort County Finance Department, the Beaufort County Compliance Officer, and the City of Beaufort Finance Department, are responsible for compliance reporting related to the grant; (3) Beaufort County Engineering Department, in conjunction with the City of Beaufort's Engineering Department, will complete all required traffic studies and progress narratives, as required by the grant.

8. The following documents are attached to this Agreement and are hereby incorporated by reference:

- Agreement appointing Beaufort County as an LPA with SCDOT (Exhibit "B")
- FHWA TIGER III Grant (Exhibit "C")
- IGA between Beaufort County and SCDOT (Exhibit "D")

IN WITNESS WHEREOF, we have hereunto set our hands and seals the day and year first above written.

WITNESSES:

\_\_\_\_\_  
\_\_\_\_\_

CITY OF BEAUFORT

By: \_\_\_\_\_  
Scott Dadson, City Manager

COUNTY OF BEAUFORT

\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_  
Gary Kubic, County Administrator

**EXHIBIT "A"**

**BOUNDARY STREET MAINLINE**  
**ESTIMATED PROJECT BUDGET**

<b><u>Activity</u></b>	<b><u>Estimated Cost*</u></b>	<b><u>2011TIGER Funds</u></b>	<b><u>Local Funds</u></b>
<b><i>Phase 1 Right-of-Way Acquisition</i></b>			
SC 170 Realignment	\$500,000.00	\$415,000.00	\$85,000.00
Multiuse Path	\$200,000.00	\$166,000.00	\$34,000.00
Multiway Boulevard	\$3,000,000.00	\$2,500,000.00	\$500,000.00
<i>Sub-Total R/W Acquisition</i>	<b><i>\$3,700,000.00</i></b>	<b><i>\$3,081,000.00</i></b>	<b><i>\$619,000.00</i></b>
<b><i>Phase 2 Construction</i></b>			
SC 170 Realignment			
Grading/Drainage	\$650,000.00	\$540,000.00	\$110,000.00
Base/Paving	\$550,000.00	\$457,000.00	\$93,000.00
Signals/Lighting/Landscaping/Sidewalks	\$300,000.00	\$250,000.00	\$50,000.00
<i>Sub-Total</i>	<b><i>\$1,500,000.00</i></b>	<b><i>\$1,247,000.00</i></b>	<b><i>\$253,000.00</i></b>
Multiuse Path			
Grading/Drainage	\$350,000.00	\$291,000.00	\$59,000.00
Base/Paving	\$300,000.00	\$250,000.00	\$50,000.00
Lighting/Landscaping	\$250,000.00	\$208,000.00	\$42,000.00
<i>Sub-Total</i>	<b><i>\$900,000.00</i></b>	<b><i>\$749,000.00</i></b>	<b><i>\$151,000.00</i></b>
Multiway Boulevard			
Grading/Drainage	\$3,400,000.00	\$2,822,000.00	\$578,000.00
Base/Paving	\$3,100,000.00	\$2,575,000.00	\$525,000.00
Signals/Lighting/Landscaping/Sidewalks	\$1,400,000.00	\$1,163,000.00	\$237,000.00
<i>Sub-Total</i>	<b><i>\$7,900,000.00</i></b>	<b><i>\$6,560,000.00</i></b>	<b><i>\$1,340,000.00</i></b>
Construction Engineering and Inspection	\$1,200,000.00	\$998,000.00	\$202,000.00
<i>Sub-Total Construction</i>	<b><i>\$11,500,000.00</i></b>	<b><i>\$9,554,000.00</i></b>	<b><i>\$1,946,000.00</i></b>
<b>Total Estimated Project Cost</b>	<b>\$15,200,000.00</b>	<b>\$12,635,000.00</b>	<b>\$2,565,000.00</b>

\* Estimated costs shown contain a 20% contingency for all items except Right-of-Way acquisition, which has a 40% contingency.

**PARALLEL ROAD**  
**ESTIMATED PROJECT BUDGET**

<b><u>Activity</u></b>	<b><u>Local Funds</u></b> <b><u>Estimated</u></b> <b><u>Cost*</u></b>
<b><i>Parallel Road Right-of-Way Acquisition</i></b>	
Palmetto Road Right of Way	\$1,900,000
Polk Street Right of Way	\$15,000
<hr/>	
<b><i>Sub-Total R/W Acquisition</i></b>	<b><i>\$1,930,000</i></b>
<b><i>Construction</i></b>	
<b>Parallel Road</b>	
Grading/Drainage	\$750,000.00
Base/Paving	\$650,000.00
Signals/Lighting/Landscaping/Sidewalks	\$300,000.00
<hr/>	
<b><i>Sub-Total</i></b>	<b><i>\$1,700,000.00</i></b>
<b>Palmetto</b>	
Grading/Drainage	\$150,000.00
Base/Paving	\$120,000.00
Lighting/Landscaping	\$10,000.00
<hr/>	
<b><i>Sub-Total</i></b>	<b><i>\$280,000.00</i></b>
<b>Polk Street</b>	
Grading/Drainage	\$150,000.00
Base/Paving	\$110,000.00
Signals/Lighting/Landscaping/Sidewalks	\$10,000.00
<hr/>	
<b><i>Sub-Total</i></b>	<b><i>\$270,000.00</i></b>
<b>Construction Engineering and Inspection</b>	<b>\$200,000.00</b>
<hr/>	
<b><i>Sub-Total Construction</i></b>	<b><i>\$2,450,000.00</i></b>
<hr/>	
<b>Total Estimated Project Cost</b>	<b>\$4,380,000.00</b>

Estimated costs shown contain a 20% contingency for all items except Right-of-Way acquisition, which has a 40% contingency.



**EXHIBIT "B"**

**LPA Agreement with SCDOT**

**EXHIBIT "C"**  
**FHWA TIGER III GRANT**

**EXHIBIT "D"**  
**IGA Between Beaufort County and SCDOT**



2012 /

AN ORDINANCE TO AMEND THE BEAUFORT COUNTY CODE OF ORDINANCES, CHAPTER 6, AIRPORTS AND AIRCRAFT, ARTICLE II, AIRPORTS BOARD, SECTION 6-28, MEMBERSHIP; SECTION 6-29, ELECTION OF OFFICERS AND TERMS OF OFFICE; AND SECTION 6-30, POWERS AND DUTIES.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: \_\_\_\_\_  
Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

\_\_\_\_\_  
Joshua A. Gruber, Staff Attorney

ATTEST:

\_\_\_\_\_  
Suzanne M. Rainey, Clerk to Council

First Reading: August 13, 2012

Second Reading:

Third and Final Reading:

**COUNTY COUNCIL OF BEAUFORT COUNTY  
CHARTER FOR  
AIRPORTS BOARD (BCAB)**

**SECTION 6-26 PURPOSE**

To assist the County Council of Beaufort County by providing technical, financial, business, and marketing advice that helps to ensure and promote public aviation facilities and services that are safe, economically self-sufficient, and sensitive to the needs of the community.

**SECTION 6-27 GOALS**

- (a) The operational goal of the BCAB is to ensure safe, secure airport facilities;
- (b) The administrative goal of the BCAB is to provide County Council with accurate, timely advice that has been vetted and approved at public meetings of the BCAB; and,
- (c) The financial goal of the BCAB is to operate County airports without undue subsidies from the Beaufort County General Fund.

**SECTION 6-28 MEMBERSHIP**

(a) The BCAB will consist of 11 (eleven) members who are committed to the purpose and goals of the BCAB and who have the business and professional experience to help ensure the success and the enhancement of both Beaufort County airports;

(b) In the appointment of candidates, Council will give due consideration to balancing BCAB membership by considering the *preferred qualifications* stated in paragraph (d) of this section, as well the geographical, racial, and gender characteristics of all BCAB candidates;

(c) Because of the need for diverse backgrounds and professional experience for this Board, membership thereof shall be as follows:

One member nominated by the Board of the Beaufort Chamber of Commerce;

Two members who reside ~~or who own a business~~ in *close proximity* to the Beaufort County Airport;

One member who is an active pilot and aircraft owner based at the Beaufort County (Lady's Island) Airport;

One member nominated by the Town Council of the Town of Hilton Head Island;

Two members who reside ~~or who own a business~~ in *close proximity* to the Hilton Head Island Airport;

One member who is an active pilot and aircraft owner based at the Hilton Head Island Airport;

One member who is an active or recently retired commercial airline pilot, preferably with commuter-airline experience;

Two members who also meet the qualifications stated in paragraph (d) below;

(d) Given the unique nature of the BCAB, all candidates and nominees should have documented training or professional experience in areas such as those listed below:

- Accounting or Financial Management
- Airport Management or Fixed Base Operations Management
- Business Management or Business Aviation
- General Aviation, Aviation Electronics, or Aeronautical Engineering
- Engineering, Construction Management
- Federal or State Aviation Agency Experience
- Law Enforcement, Security, or the Practice of Law
- Planning, Public Relations, Marketing, or Advertising

(e) Council will make known the need of specific vacancies and request assistance from the local media in notifying citizens of qualifications for each vacancy; and,

(f) For the purposes of this Charter, “*close proximity*” is defined as any residential unit, neighborhood, or gated community within a ~~four (4)~~ **three (3)** mile radius of the center of the airport runway(s).

## **SECTION 6-29 ELECTION OF OFFICERS AND TERMS OF OFFICE**

Election of officers and committee chairpersons will be conducted annually, with elections held at the first BCAB meeting ~~of the new fiscal year; beginning July 1~~ **after April 1** of each year.

(a) Officers will be elected to one-year terms and limited to two consecutive terms;

(b) The BCAB chairperson will be elected annually, is limited to two consecutive terms, and shall rotate between members from South of the Broad and North of the Broad;

(c) Committee chairpersons will be appointed to a one-year term, with no term limits, by nomination of the BCAB chair and a confirmation vote (simple majority) of BCAB members; and,

(d) ~~Proximity members will be appointed for a term of one year;~~ **All Board members and others** will be appointed for a term of two-years, with reappointment subject to the requirements stated in Beaufort County Code of Ordinances, Chapter 2, Article V, Division 1, Section 2-193, Membership.



## SECTION 6-30 POWERS AND DUTIES

(a) The role of the BCAB is to provide advice and recommendations to County Council; in that role, the BCAB will have the assistance of the Airports Director in all matters pertaining to its Purpose and Goals as stated in Sections I and II of this Charter.

(b) **In addition, the BCAB Agenda will include develop and deliver to the Airports Director a summary report of its annual planning planned, annual activities on a quarterly basis; of suggested agenda items for future research and discovery;**

(c) Meet at the call of the Chairman or the Airports Director and will normally hold scheduled monthly meetings;

(d) Deliver to the Airports Director; within 45 calendar days of each meeting, a copy of approved meeting minutes that include the diversity of opinions expressed, and any BCAB recommendation(s);

(e) Promote aviation and public understanding of its economic value to the community, and serve as liaison to organizations designated by the County Administrator;

(f) Recommend aviation service and facilities goals for Beaufort County;

(g) Recommend preparing and updating Airport Master Plans and recommend to Council the adoption of completed plans and amendments;

(h) Recommend actions necessary to maintain adequate growth space, airspace clear zones and noise buffers around County airports;

(i) Monitor the financial operations and performance of the Airports with regards to significant aspects of the Profit and Loss statements, balance sheet, and capital plan, including revenues, expenses, credit, and performance relative to the annual budget;

(j) Recommend matters related to the planning and construction of new facilities;

(k) In cooperation with the Airports Director, maintain ongoing contact with the FAA, the South Carolina Aeronautics Commission and other appropriate agencies, to solicit their support in achieving County aviation goals, reporting the results of those activities ~~quarterly, as stated in paragraph (b) above;~~ **to County Council and/or its appropriate committee(s) in a manner prescribed by the County Administrator Council;**

(l) Report to County Council via the Airports Director the anticipation and results of discussions with the FAA, the state of South Carolina, the local municipalities, or other aviation authorities that could impact zoning, capacity, construction, or grants to County airports;

(m) Recommend rules and regulations for each County airport that promote operating safety, security of private equipment, and fair allocation of County aviation resources;

(n) Monitor the performance of fixed-base operators and other commercial entities operating at County Airports and advise the County Council, County Administrator, and Airports Director of required corrective action to enforce performance standards;

(o) Review and recommend rates and charges for the use of airport facilities, and review and recommend other charges to improve the airports financial operating performance within the guidelines of good business practices;

(p) Participate in the screening and selection of the Airport's Director at the discretion of the County Administrator and with the guidance of the Director of Personnel; and,

(q) At the request of the County Administrator, the BCAB will pursue other studies, recommendations or assistance as the need arises in the pursuit of quality service and facilities and may, if deemed necessary by the BCAB Chair, establish ad hoc committees in this regard.

(r) This revised Charter will take effect ~~as soon as practical but not later than March 31, 2009-2012.~~ **upon approval by a vote of Beaufort County Council.**

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: \_\_\_\_\_  
Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

\_\_\_\_\_  
Joshua A. Gruber, Staff Attorney

ATTEST:

\_\_\_\_\_  
Suzanne M. Rainey, Clerk to Council

First Reading: August 13, 2012

Second Reading:

Third and Final Reading:

## **POLICY FOR THE ACCEPTANCE OF PRIVATE ROADS**

Policy Statement 15 (PS-15) adopted by County Council on July 28, 2003, outlined the County's policy with regard to "...WORKING ON PRIVATE PROPERTY". As a related issue, PS-15 also touches on a general procedure for qualifying and accepting private roads into the County's road maintenance inventory.

The demands on the County to accept private roads for maintenance purposes have grown, even as resources and funding have dwindled. County Council has to recognize the necessity of treating road acceptance as a separate issue, and wishes to clarify and refine the acceptance procedure. The new policy set forth herein is intended to supersede only those portions of PS-15 that deal with the acceptance of private roads and the operational definitions of "County road", "public road", private road" and "private driveway".

### **Definitions:**

1. **County Road (Owned in Fee Simple):** Any road, street or other vehicular pathway, paved or unpaved, that is owned and maintained by Beaufort County and designated for public use.
2. **Public Road:** A road, street or other vehicular pathway, paved or unpaved, that is owned by a government entity, maintained by a government entity, and designated for public use; all County roads are public roads.
3. **Private Road:** A road, street or other vehicular pathway, paved or unpaved, that is owned and maintained by a non-governmental body e.g., private individual (or individuals), property owners association, developer, etc., and that has not been designated for public use.
4. **Private Driveway:** A vehicular pathway where ownership of the land abutting both sides of such pathway is the same.
5. **"Mixed" Road:** A road that is privately owned but which is open to, and used by, the general public.
6. **Dwelling Unit:** Any residential unit including detached single-family dwellings, townhouse units, condominium units, individual apartments, and mobile homes; dwellings may be owner-occupied or rental units.

### **Qualifying Requirements**

To be considered for acceptance, a road must

1. Not be a "private driveway" as defined above;
2. be directly accessible by a public road;
3. serve at least six (6) dwelling units;
4. not contain "heirs property(ies)"; and
5. property owners must submit a "Road Acceptance Application" as outlined below.

## **Road Acceptance Application**

1. **Submission of Written Application (Petition)**: Any property owner with land abutting a private road may request a “Road Acceptance Application” from the County Engineering Division as follows:
  - a. Requests will be forwarded to the County’s Right of Way Manager who will return an application form and a list of the names and mailing addresses of the abutting owners.
  - b. It will be the applicant’s responsibility to have each and every owner sign the application and then to return the completed document to the County Right of Way Manager; 100% participation on the part of the property owners is required for acceptance consideration **without Council action authorizing Prescriptive Easement action or Condemnation**.
  - c. The County Right of Way Manager will ensure that all necessary signatures have been obtained; he/she will notify the applicant of any deficiencies.
2. The completed application indicates the property owners’ willingness to:
  - a. Donate that amount of land needed to assemble a 50 foot – wide right-of-way. A lesser right-of-way may be considered if it can be demonstrated that it is not feasible to assemble a full 50 foot right-of-way.
  - b. Donate any existing or proposed drainage easements that the Public Works Department considers necessary for adequate drainage.
  - c. Have the road designated for public use.
3. The completed application also indicates the property owners’ permission for County employees to enter their property, as necessary, for the purpose of inspecting the existing roadway, assessing drainage needs, and surveying the proposed 50 foot – wide right of way.
4. In the case of Public Roads or Mixed Roads the “Road Acceptance Application “ must be made by the owner(s) of the road and copies of the deeds on file must also be included in the submittal.

## **Right-Of-Way Deeds**

When it is determined that an application has been properly executed, the County Right of Way Manager will prepare the necessary right-of-way deeds. Each deed will reference the County’s survey of the proposed 50 foot - wide right-of-way. The deeds will be mailed to all property owners at the address used by the County Treasurer for property tax mailings. All executed instruments must be submitted prior to the acceptance process moving forward.



### **Road Inspection**

The County Right of Way Manager will determine the length of the road and the number of discrete dwelling units served by the road. He/she will pass this information on to the Public

Works Director whose staff will conduct an inspection of the existing roadway for the purpose of assessing needed repairs, drainage adequacy, and the estimated cost of bringing the road up to acceptable condition. A summary of these findings, along with comments and recommendations, will be returned to the County Right of Way Manager.

### **Public Facilities Committee Agenda Item**

The County Right of Way Manager will prepare an agenda item summarizing all the data regarding the subject road. The agenda item will include the recommendations, if any, of the Engineering Division and Public Works Department. The recommendation shall include projected yearly maintenance cost as well as estimated life cycle replacement cost.

### **Public Facilities Committee and County Council**

An affirmative vote by simple majority, first by the Public Facilities Committee and then by the County Council, is required for road acceptance.

**NOW THEREFORE, BE IT RESOLVED**, the Beaufort County Council does approve the Policy for Acceptance of Private Roads.

Adopted this \_\_\_ day of \_\_\_\_\_, 2012.

**COUNTY COUNCIL OF BEAUFORT COUNTY**

By: \_\_\_\_\_  
Wm. Weston J. Newton, Chairman

ATTEST:

\_\_\_\_\_  
Suzanne M. Rainey, Clerk to Council

## **MEMORANDUM**

TO: Members of Beaufort County Council

FROM: Gary Kubic, County Administrator



DATE: September 20, 2012

SUBJ: Southern Beaufort County Median Beautification Committee

I am attaching for your review a draft copy of a proposed resolution for the creation of a Southern Beaufort County Median Beautification Committee. This Committee will address issues of maintenance and landscaping in Southern Beaufort County.

Please note that this resolution is only for informational purposes.

It will be presented to the Public Facilities Committee for discussion.

Thank you.

GK:ch

Enclosure

RESOLUTION NO. \_\_\_\_\_

AN RESOLUTION TO CREATE THE SOUTHERN BEAUFORT COUNTY MEDIAN BEAUTIFICATION COMMITTEE TO ASSIST BEAUFORT COUNTY COUNCIL IN DESIGN, IMPLEMENTATION, FUNDRAISING AND PROMOTION OF MEDIAN BEAUTIFICATION ALONG HIGH VOLUME TRAFFIC CORRIDORS IN THE SOUTHERN AREAS OF BEAUFORT COUNTY

WHEREAS, Beaufort County desires to promote and enhance the aesthetic values of high volume traffic corridors in southern Beaufort County by the creation of the Southern Beaufort County Median Beautification Committee (the "Committee"); and

WHEREAS, the Committee will assist Beaufort County Council in the planning, design, implementation, fundraising and promotion of median beautification along certain county and state roads located in southern Beaufort county; and

WHEREAS, the Committee shall create such technical subcommittees as may be necessary to adequately assist the Committee in carry out its functions; and

WHEREAS, it is understood that in order for the Committee to maximize its fundraising potential, it is necessary for the Committee to file articles of incorporation and other such documentation as may be necessary to obtain tax exempt status with the Internal Revenue Service; and

WHEREAS, the Committee shall present a yearly operational budget to Beaufort County Council for review and adoption at the same time that the County's operation budget is presented for review and adoption.

NOW, THEREFORE, BE IT RESOLVED, by Beaufort County Council that there is hereby created a Southern Beaufort County Median Beautification Committee that shall be organized and operated as follows:

- Section 1. The Committee shall be comprised of the following membership:
- a) One member from County Council District 5
  - b) One member from County Council District 6
  - c) One member from County Council District 7
  - d) One member from County Council District 8
  - e) One member from County Council District 9
  - f) One member from County Council District 10
  - g) One member from County Council District 11
  - h) One member nominated for appointment by the Town of Bluffton
  - i) One member nominated for appointment by the Town of Hilton Head Island

- Section 2.** Any vacancy on the board will be filled in the same manner as provided for under Section 2-191 through 2-198 of the Beaufort County Code of Ordinances upon nomination of the respective member of County Council, the Town of Bluffton, or Town of Hilton Head Island depending upon the seat that is vacated.
- Section 3.** The members shall elect a Chairperson from its membership.
- Section 4.** The Committee shall meet at the call of the Chairperson, at least quarterly, and shall be conducted in compliance with the South Carolina Freedom of Information Act. Minutes shall be kept of any meetings and the Committee shall forward a copy of said minutes to the Beaufort County Council within thirty (30) days of their completion and adoption by the Committee. A majority of the number of members on the board shall constitute a quorum for transaction of business at any meeting. A majority of those present and voting shall be required to decide any issue after a quorum has been established.
- Section 5.** The name of the organization shall be known as the Southern Beaufort County Median Beautification Committee.
- Section 6.** The purpose of the Committee will be to promote the design, enhancement, implementation, maintenance and funding of aesthetic median spaces along certain roadways located in Southern Beaufort County.
- Section 7.** The Committee shall have the authority to take any and all lawful actions as may be necessary or appropriate to carry out the aforementioned purpose of the Committee, *provided however*, that in carrying out its purpose and exercising its powers, the Committee shall not engage in any activities which would cause it to fail to qualify for exemption from Federal income taxation purposes under the United States Internal Revenue Code as amended from time to time, or successor provisions thereto.
- Section 8.** The Committee shall submit an annual budget to Beaufort County Council for review and adoption indicating all anticipated sources of revenue, all anticipated expenditures, and any remaining funds that have been carried over from previous years.
- Section 9.** The Committee may appoint such other standing, special, or advisory committees from time to time as it deems appropriate. Members of such committees may include Committee members, as well as individuals representing specialized interests in areas that would be beneficial to the Committee carrying out its purpose.



Section 10. The Committee shall adhere to all conflict of interest prohibitions and disclosure requirements provided in South Carolina Code of Laws § 8-13-700 et seq.

Section 11. These by-laws may be amended by a two-thirds majority of the voting members of the Committee, provided written notice of such proposed amendment, including a copy of any proposed amendment, is mailed to each Committee member at least two weeks prior to such meeting. All by-law amendments are conditioned upon approval and ratification of Beaufort County Council.

DONE, this \_\_\_\_ day of \_\_\_\_\_, 2012.

BEAUFORT COUNTY COUNCIL

\_\_\_\_\_  
Wm. Weston J. Newton, Chairman

ATTEST:

\_\_\_\_\_  
Suzanne M. Rainey, Clerk to Council

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF BEAUFORT )

**DRAINAGE EASEMENT**

For and in consideration of One Dollar (\$1.00) and improvement of drainage on Grantor's land, the receipt whereof is hereby acknowledged, **James F Love and Pamela B Love (JTROS), 17 Shipyard Road, Darien, CT, 06820** ("Grantor"). Grantor, does hereby grant and convey unto **Beaufort County** ("Grantee"), its successors and assigns, a non-exclusive easement, as shown on the drawing attached hereto as **Exhibit "A"**, in, over, and upon the property owned by Grantor known as **R100 012 000 0083 0000** and **R100 013 000 013B 0000** and situated on Port Royal Island, County of Beaufort, State of South Carolina.

For or in connection with the construction of a ditch and berm to improve the drainage on the above described lands, such construction to include excavation, widening, deepening, or straightening, etc for or in connection with the operation, maintenance, and inspection of such a ditch and berm.

1. This easement includes the right of ingress and egress at any time over and upon the above described land, for the purpose of construction, inspection, and maintenance of ditches as referred to above.
2. There is reserved to the Grantee, Beaufort County, the right and privilege to use the above described land of the Grantor for the purposes of maintaining the drainage ditch system.
3. The Grantee is responsible for operating and maintaining the work of improvement herein described.
4. Special Provisions
  - a. The Grantee shall have the right to clear and remove all brush and trees to a width necessary to excavate and/or improve the above drainage ditches. Provided, however, if the Grantor desires to salvage merchantable timber from the area to be cleared, he will do so prior to the time the contractor begins work. It is understood that the Grantee will advise the Grantor at least 10 days in advance of construction.
  - b. Proposed drainage ditches will follow natural draws or present drainage ways as near as practical.
  - c. Whereas, the granting of this easement, as displayed on Exhibit "A" attached hereto and as depicted on a plat recorded in Plat Book 133 Page 145, is intended to take the place of the existing easement previously given to Beaufort County recorded in Deed Book 706 Page 394.

It is agreed that buildings, fences, signs or other obstructions will not be erected by Grantor or Grantee, their successors, assigns, or administrators within the limits of the easement herein conveyed.

TO HAVE AND TO HOLD the aforesaid easement in, over and upon the above described land of the Grantor, with all the rights, privileges and appurtenances thereto belonging or in any wise appertaining, unto the Grantee, its successors and assigns, forever.

IN WITNESS WHEREOF, the Grantor has executed this instrument on the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**WITNESSES:**

(2) \_\_\_\_\_  
(Witness #1)

(1)Sign: \_\_\_\_\_  
James F Love

(1)Sign: \_\_\_\_\_  
Pamela B Love

(3) \_\_\_\_\_  
(Witness #2)

STATE OF \_\_\_\_\_ )  
 )  
COUNTY OF \_\_\_\_\_ )

**ACKNOWLEDGEMENT**

I, the undersigned, a Notary Public for South Carolina, do hereby certify that **James F Love and Pamela B Love (JTROS)** personally appeared before me this day and, in the presence of the two witnesses above named, acknowledged the due execution of the foregoing instrument.

Witness my hand and seal this (4) \_\_\_\_ day of \_\_\_\_\_, 2011.

(5) \_\_\_\_\_  
Notary Public for \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

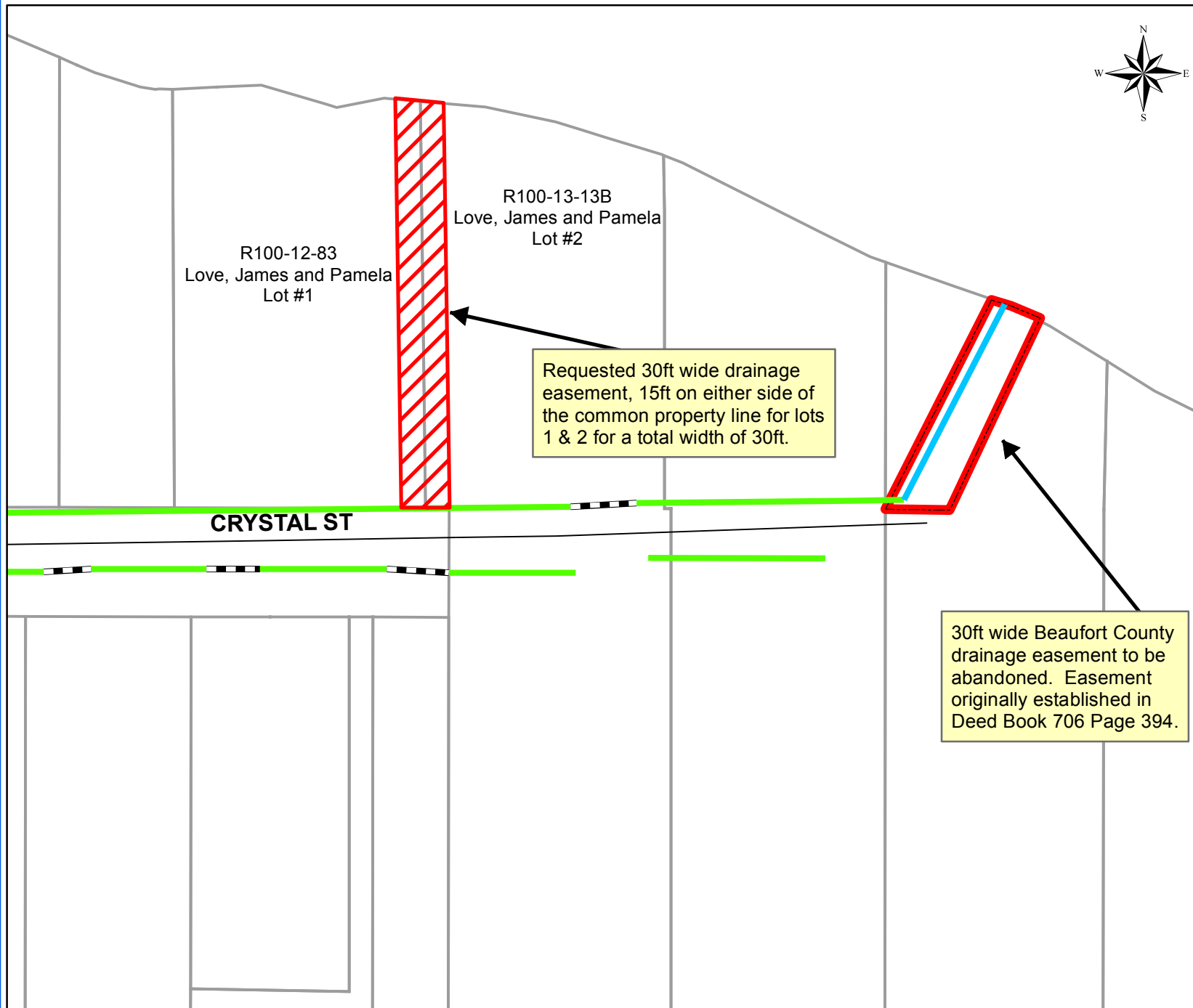
County Use Only:

Location: Beaufort County  
Township: Port Royal Island  
Tax Map No. 12 Parcel No. 83 &  
Tax Map No. 13 Parcel No. 13B

(Exhibit "A")  
 R100-12 & 13  
 Love, James & Pamela  
 Crystal Street

Activity: Drainage  
 Easement

Township:  
 Port Royal Island



**Legend**

- Requested Esmt
- Drainage**
- River
- Stream
- Outfall
- Lateral
- Lateral Pipe
- Roadside
- Roadside Pipe
- Road Pipe
- Crossline
- DW
- Access
- Piped
- Bleeder
- Parcels



Prepared By: Beaufort Co, Stormwater Management Utility

Print Date: 9/17/12

File - C:\sethdata\lease\requests\2012\Love James Pam Crystal St







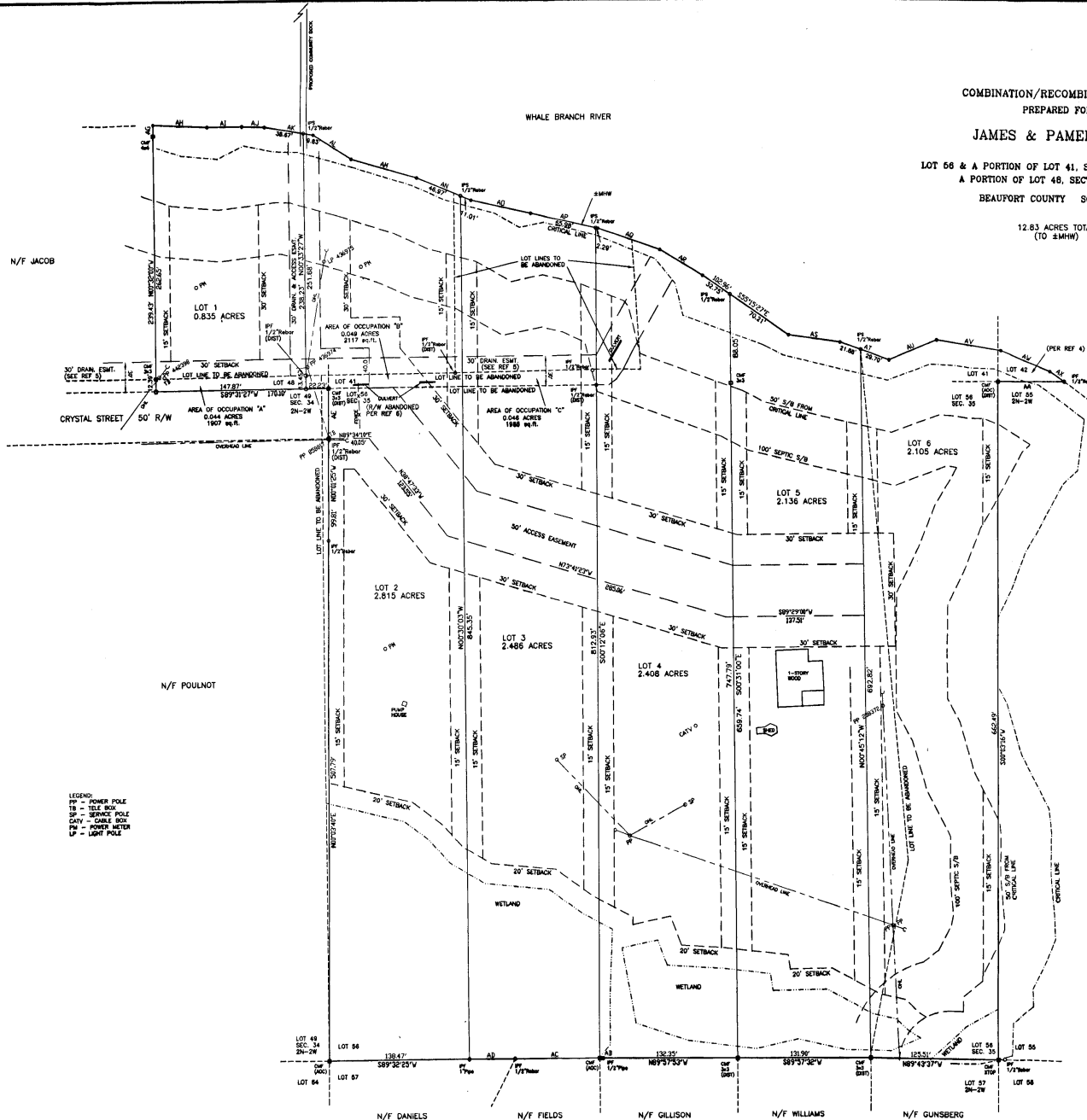
BEAUFORT COUNTY SC - ROD  
BK 00133 PG 0145  
FILE NUM 2011062558  
12/09/2011 04:37:54 PM  
REC'D BY P. BARKLEY RCPY 663190  
RECORDING FEE: 18.00

COMBINATION/RECOMBINATION PLAT  
PREPARED FOR

JAMES & PAMELA LOVE

LOT 56 & A PORTION OF LOT 41, SECTION 35, 2N-2W AND  
A PORTION OF LOT 48, SECTION 34, 2N-2W  
BEAUFORT COUNTY SOUTH CAROLINA

12.83 ACRES TOTAL  
(TO ±14HW)



MDL	BEARING	DISTANCE
AA	S89°24'43\"W	65.25'
AB	N67°12'00\"E	44.50'
AC	S89°45'38\"W	83.66'
AD	S88°42'54\"W	44.50'
AE	N00°14'25\"E	50.07'
AF	S89°25'00\"W	80.87'
AG	S89°25'00\"W	23.50'
AH	S89°34'30\"W	22.80'
AI	S89°34'30\"W	22.80'
AJ	S89°34'30\"W	22.80'
AK	S89°34'30\"W	22.80'
AL	S89°34'30\"W	22.80'
AM	S89°34'30\"W	22.80'
AN	S89°34'30\"W	22.80'
AO	S89°34'30\"W	22.80'
AP	S89°34'30\"W	22.80'
AQ	S89°34'30\"W	22.80'
AR	S89°34'30\"W	22.80'
AS	S89°34'30\"W	22.80'
AT	S89°34'30\"W	22.80'
AU	S89°34'30\"W	22.80'
AV	S89°34'30\"W	22.80'
AW	S89°34'30\"W	22.80'
AX	S89°34'30\"W	22.80'
AY	S89°34'30\"W	22.80'
AZ	S89°34'30\"W	22.80'

- REFERENCES:
- REF 1 PLAT BY ZYAD KHALIL DATED OCT. 20, 2002, REVISED JUNE 25, 2003 AND RECORDED IN PLAT BOOK 96, PAGE 104.
  - REF 2 PLAT BY R.D. TROGDON, JR. DATED AUG. 27, 1971, REVISED JUNE 10, 1974 AND RECORDED IN PLAT BOOK 28, PAGE 112.
  - REF 3 PLAT BY R.D. TROGDON, SR. DATED DEC. 27, 1984 AND RECORDED IN PLAT BOOK 36, PAGE 204.
  - REF 4 PLAT BY NIELS CHRISTENSEN IV DATED FEB. 8, 1994 AND FIELD IN JUDGEMENT ROLL 97093.
  - REF 5 DRAINAGE EASEMENT TO BEAUFORT COUNTY DATED FEB. 24, 1994 AND RECORDED IN DEED BOOK 706, PAGE 394.
  - REF 6 ROAD ABANDONMENT RECORDED IN CIVIL ACTION NO. 08-CF-07-3588.

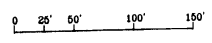
WETLANDS PER PLAT BY ZYAD KHALIL DATED NOV. 4, 2005, REVISED MAY 10, 2007.

LEGEND:

- PP - POWER POLE
- TB - TIE BOX
- SP - SERVICE POLE
- CAV - CABLE BOX
- PM - POWER METER
- LP - LIGHT POLE

THIS PROPERTY IS LOCATED IN ZONE A-11 (EL 13.0) AS DETERMINED BY FEMA, FIRM COMMUNITY-PANEL NUMBER 450025 0040 D, DATED 9-23-96.

- R100-013-000-0013-0000
- R100-013-000-013A-0000
- R100-013-000-013B-0000
- R100-013-000-013C-0000
- R100-013-000-0014-0000
- R100-012-000-0083-0000
- R100-012-000-0106-0000
- R100-012-000-0107-0000



SCALE 1" = 50'  
NOVEMBER 14, 2011

P1440362/AMA

EXEMPT  
This plat of property is exempt from having to obtain a subdivision approval under the provisions of the Beaufort County Development Standards Ordinance as provided for in Article 1 of the Ordinance.  
Certified by: *[Signature]*  
Date: 12-09-2011

N/F WASHINGTON ISLAND DEVELOPMENT, LLC

THE AREA SHOWN ON THIS PLAT IS A RECOMBINATION OF SURVEYS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MODERN STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS 1 SURVEY AS SPECIFIED THEREIN.  
ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MODERN STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS 1 SURVEY AS SPECIFIED THEREIN.  
ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.



DAVID S. YOUNMAN, RLS 9786  
BEAUFORT SURVEYING, INC.  
1013 PARIS AVENUE  
PORT ROYAL, S.C. 29935  
PHONE (843) 924-3281