

**ORDINANCE NO. 2016 - 11**

**TOWN OF BLUFFTON, SOUTH CAROLINA**

**AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY OWNED BY THE TOWN OF BLUFFTON TO DOLNIK PROPERTIES, LLC, CONSISTING OF TWO PARCELS OF APPROXIMATELY 0.603 COMBINED ACRES LOCATED IN BLUFFTON VILLAGE IN THE TOWN OF BLUFFTON, SOUTH CAROLINA, SUCH PARCELS BEING ASSIGNED TAX MAP NO. R610-039-000-0716-0000 AND TAX MAP NO. R610-039-000-0722-0000, ALONG WITH THE TRANSFER OF DEVELOPMENT RIGHTS AND THE TRANSFER OR TERMINATION OF AN INFRASTRUCTURE EASEMENT AS PART OF THE SALE OF THE ABOVE-DESCRIBED REAL PROPERTY AND THE ESTABLISHMENT OF A RESTRICTIVE COVENANT AGAINST THE ABOVE-DESCRIBED REAL PROPERTY PROHIBITING THE SALE OF BEER, WINE, LIQUOR OR ANY OTHER AND ALL OTHER ALCOHOLIC BEVERAGES ON THE PROPERTY**

WHEREAS, the Town of Bluffton, South Carolina, (the "*Town*") presently owns two parcels of approximately 0.603 combined acres located in Bluffton Village in the Town of Bluffton, Beaufort County, South Carolina, identified as Parcel "A" containing 0.300 acres and Parcel "B" containing 0.303 acres as shown on a plat prepared by Terry G. Hatchell, SCRLS No. 11059, Surveying Consultants, dated July 23, 2013, bearing the legend, "*A Boundary Consolidation Survey of Parcels 'A' & 'B' State Street Formerly Lots 1 Thru 11 A Section of Phase II A Bluffton Village,*" which plat was recorded in the Office of the Register of Deeds for Beaufort County, South Carolina, in Plat Book 137 at Page 62 (the "*Property*"), a copy of which plat is attached hereto as Exhibit "A" and fully incorporated herein by reference; and,

WHEREAS, on May 16, 2016, South Carolina Realty Advisors, on behalf of Dolnik Properties, LLC ("*Dolnik*") submitted a Letter of Intent to the Town outlining its proposed purchase of the Property for the total purchase price of Five Hundred Eighty-Two Thousand and No/100 (\$582,000.00) Dollars; and,

WHEREAS, on June 8, 2016, the Town of Bluffton Town Council (the "*Town Council*"), by majority vote, authorized the Town Manager to enter into negotiations for the sale of the Property to Dolnik conditioned on the Property being conveyed subject to a restrictive covenant that prohibits the sale of beer, wine, liquor and any and all other alcoholic beverages on the Property, and that such restriction will run with the land and may only be released with the express written consent of Town Council; and,

WHEREAS, following negotiations with Town Staff, Dolnik agreed to the imposition of the restriction on the sale of alcoholic beverages against the Property and offered an increased proposed Purchase Price of Five Hundred Ninety-One Thousand and No/100 (\$591,000.00) Dollars; and,

**WHEREAS**, in accordance with the Bluffton Village Development Agreement, the Bluffton Village Town Center Declaration and the State Street Commons Declaration, the sale of the Property will transfer 16,675 heated square feet of development rights for Parcel A and 18,615 heated square feet of development rights for Parcel B for a total combined sum of 35,290 heated square feet of development rights for the Property to Dolnik; and,

**WHEREAS**, a part of the sale of the Property, the Town desires to either terminate the existing Infrastructure Easement between Bluffton Village Center Property Owners Association, Inc., and the Town of Bluffton, recorded in Record Book 3267 at Page 3038, or assign the same to Dolnik; 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, ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF BLUFFTON, SOUTH CAROLINA**, in accordance with the foregoing, as follows:

SECTION 1. SALE OF TOWN-OWNED PROPERTY. The Town of Bluffton hereby approves of the sale of those two parcels of approximately 0.603 combined acres located in Bluffton Village in the Town of Bluffton, Beaufort County, South Carolina, identified as Parcel "A" containing 0.300 acres and Parcel "B" containing 0.303 acres, as detailed in the *Legal Description and Plat* attached hereto as Exhibit "A", to Dolnik Properties, LLC, for the purchase price of Five Hundred Ninety-One Thousand and No/100 (\$591,000.00) Dollars and, in conjunction with the sale, the transfer of 35,290 heated square feet of development rights for the Property to Dolnik.

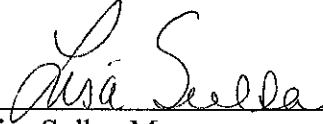
SECTION 2. ADOPTION OF RESTRICTIVE COVENANT LIMITING SALE OF ALCOHOLIC BEVERAGES. The Town of Bluffton hereby approves of the establishment of a restrictive covenant prohibiting the sale of beer, wine, liquor and any and all other alcoholic beverages on the Property, and that such restriction will run with the land and may only be released with the express written consent of Town Council.

SECTION 3. TERMINATION OR ASSIGNMENT OF INFRASTRUCTURE EASEMENT. The Town of Bluffton hereby approves either the termination of the existing Infrastructure Easement between Bluffton Village Center Property Owners Association, Inc., and the Town of Bluffton, recorded in Record Book 3267 at Page 3038, or the blanket assignment of the same to Dolnik.

SECTION 4. ORDINANCE IN FULL FORCE AND EFFECT. This entire Ordinance shall take full force and effect upon its final adoption.

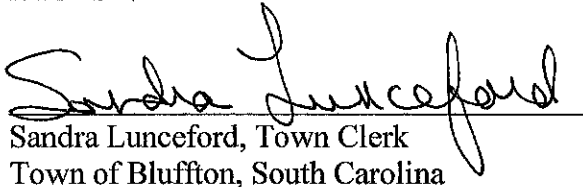
**DONE, RATIFIED AND ENACTED this Thirteenth Day of September, 2016.**

This Ordinance was read and passed at first reading on July 12, 2016.



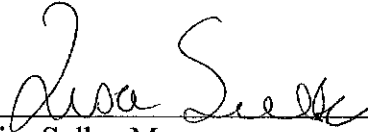
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Lisa Sulka, Mayor  
Town of Bluffton, South Carolina

ATTEST:



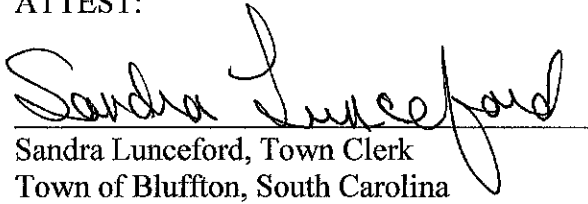
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Sandra Lunceford, Town Clerk  
Town of Bluffton, South Carolina

This Ordinance was read and passed at final reading on September 13, 2016, 2016.



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Lisa Sulka, Mayor  
Town of Bluffton, South Carolina

ATTEST:



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Sandra Lunceford, Town Clerk  
Town of Bluffton, South Carolina