



**CITY COUNCIL**

**REGULAR AGENDA**

**OF**

**MARCH 7, 2016**

ATTACHMENT 5

ORDINANCE NO. 2016-01  
TO CHANGE THE CORPORATE LIMITS  
OF THE CITY OF NORTH AUGUSTA  
BY ANNEXING ±82.82 ACRES OF PROPERTY LOCATED  
ALONG GREGORY LAKE ROAD  
AND OWNED BY HENRY P. REESE, JR., BARBARA R.  
HERLONG, ELSIE R. MORGAN, FAYE M. SPEIGHT,  
SUSAN M. KECK, VIRGINIA ANN HODSON  
AND PRISCILLA DIANNE WITEK,  
AND BY CONTRACT PURCHASER, METRO HOMESITES, LLC

WHEREAS, Section 5-3-150(3) of the Code of Laws of the State of South Carolina provides that: "Notwithstanding the provisions of subsections (1) and (2) of this section, any area or property which is contiguous to a municipality may be annexed to the municipality by filing with the municipal governing body a petition signed by all persons owning real estate in the area requesting annexation. Upon the agreement of the governing body to accept the petition and annex the area, and the enactment of an ordinance declaring the area annexed to the municipality, the annexation is complete"; and

WHEREAS, the Mayor and City Council of the City of North Augusta, by adoption of Resolution No. 2016-01 dated January 4, 2016, accepted a Petition for Annexation and wish to annex the below described properties; and

WHEREAS, the zoning classification recommended for the properties proposed for annexation has been reviewed for consistency with the Future Land Use Classification of the properties as specified in the Land Use Element of the 2005 Comprehensive Plan;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of North Augusta, South Carolina, in meeting duly assembled and by the authority thereof that:

- I. The following described property shall be annexed into the City of North Augusta:

All that piece, parcel or lot of land, with all improvements thereon, situate, lying and being in the County of Edgefield, State of South Carolina, containing 41.21 acres, more or less, as will more fully appear by reference to a plat thereof prepared by Joe L. Grant, RLS, dated June 1968, and recorded in the Office of the Register of Deeds for Edgefield County in Plat Book 17 at page 6. Said plat is incorporated in and made a part and parcel of this description by reference thereto. Said plat is craved for a more complete and accurate description of the exact metes, bounds, distances and location. Subject to all easements and restrictions of record.

Also, all that piece, parcel or lot of land, with all improvements thereon, situate, lying and being in the County of Edgefield, State of South Carolina, containing 0.5 acres, more or less, as will more fully appear by reference to a plat thereof, prepared by Joe L. Grant, RLS, dated December 23, 1987, and recorded in the Office of the Register of Deeds for Edgefield County in Plat Book 29 at page 154. Said plat is incorporated in and made a part and parcel of this description

by reference thereto. Said plat is craved for a more complete and accurate description of the exact metes, bounds, distances and location. Subject to all easements and restrictions of record.

This being the identical lands conveyed to Henry P. Reese, Jr., Barbara R. Herlong and Elsie R. Morgan by deed recorded in the Office of the Register of Deeds for Edgefield County in Deed Book 62, page 226.

This also being the identical lands conveyed to Faye M. Speight and Susan M. Keck, reserving a Life Estate for Elsie R. Morgan by deed recorded in the Office of the Register of Deeds for Edgefield County in Deed Book 919, pages 148-150.

Tax Parcel Number 106-00-00-010

Also, all that certain piece, parcel or tract of land, situate, lying and being in Edgefield County, South Carolina, located off Martintown Road approximately five miles north of North Augusta, containing 41.108 acres, more or less, as shown by plat of Joe L. Grant, Surveyor, dated June 1968, which plat is made a part and parcel hereof and by reference thereto and is recorded in Plat Book 17 at page 6 in the Office of the Clerk of Court for Edgefield County, said lands being bounded on the northeast by lands of W.B. Capers; on the northwest by Parcel No. 4, lands of James W. Bunch; on the west by Parcel No. 6, lands of Harry G. Bunch, Jr., and Parcel No. 2, lands of Henry Reece, et al.; and on the southeast by lands of W.B. Capers.

This is the identical property conveyed to Virginia Ann Hodson and Priscilla Dianne Witek by deed recorded in the Office of the Register of Deeds for Edgefield County in Deed Book 86, page 86.

Tax Parcel Number 106-00-00-009

The property to be annexed is also shown on a map identified as "Exhibit A" titled "Map of Property Sought to be Annexed to the City of North Augusta" dated August 7, 2015 and prepared by the City of North Augusta.

- II. The zoning classification recommended for the properties to be annexed is consistent with the Future Land Use Classification of the properties as specified in the Land Use Element of the 2005 Comprehensive Plan; therefore, the properties shall be zoned R-10, Medium Lot, Single Family Residential, as shown on a map identified as "Exhibit B" titled "ANX 015-001 Zoning of Property Sought to be Annexed to the City of North Augusta" dated August 7, 2015 and prepared by the City of North Augusta.
- III. Also included herein are the rights of way of Gregory Lake Road adjoining the property to be annexed as shown on a map identified as "Exhibit C" titled "ANX 15-001 Map of Property Sought to be Annexed to the City of North Augusta" dated August 7, 2015 and prepared by the City of North Augusta.
- IV. All ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

V. This Ordinance shall become effective immediately upon its adoption on third and final reading.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

First Reading \_\_\_\_\_

\_\_\_\_\_  
Lark W. Jones, Mayor

Second Reading \_\_\_\_\_

Third Reading \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Donna B. Young, City Clerk



**ANX 15-001  
MAP OF PROPERTY  
SOUGHT TO BE ANNEXED TO  
THE CITY OF NORTH AUGUSTA**

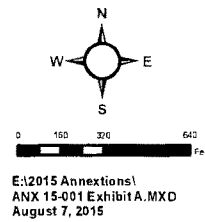
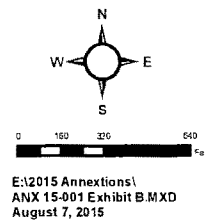


EXHIBIT B

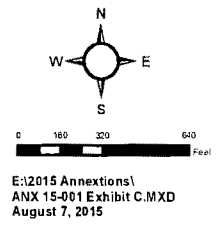


**ANX 15-001  
ZONING OF PROPERTY  
SOUGHT TO BE ANNEXED TO  
THE CITY OF NORTH AUGUSTA**





**ANX 15-001  
MAP OF PROPERTY  
SOUGHT TO BE ANNEXED TO  
THE CITY OF NORTH AUGUSTA**



ATTACHMENT 6

RESOLUTION NO. 2016-05  
A RESOLUTION TO APPROVE THE MEMORANDUM OF UNDERSTANDING FOR  
MEMBERSHIP IN THE SAVANNAH RIVER CLEAN WATER FUND

WHEREAS, the Savannah River is the sole source of drinking water for the City of North Augusta; and

WHEREAS, the protection of water quality of this water source is not only environmentally sound but also makes water purification for drinking less expensive, and

WHEREAS, the Savannah River Clean Water Fund (SRCWF) permanently protects properties within the watershed through purchase and conservation easements and funds land management practices such as vegetative buffers around agricultural fields, and

WHEREAS, the 2016 budget of the City of North Augusta already includes the membership fee in the SRCWF, and

WHEREAS, the Beaufort-Jasper Water and Sewer Authority, City of Savannah, Augusta Utilities, Columbia County, GA and other potential partners desire to partner with the fund for the protection of the Savannah River.

NOW THEREFORE, LET IT BE RESOLVED by the Mayor and City Council of the City of North Augusta, South Carolina that they hereby authorize the City Administrator to sign and execute the Memorandum of Understanding for membership in the Savannah River Clean Water Fund (SRCWF).

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS THE \_\_\_\_ DAY OF FEBRUARY, 2016.

\_\_\_\_\_  
Lark W. Jones, Mayor

ATTEST:

*Donna B. Young*  
\_\_\_\_\_  
Donna B. Young, City Clerk



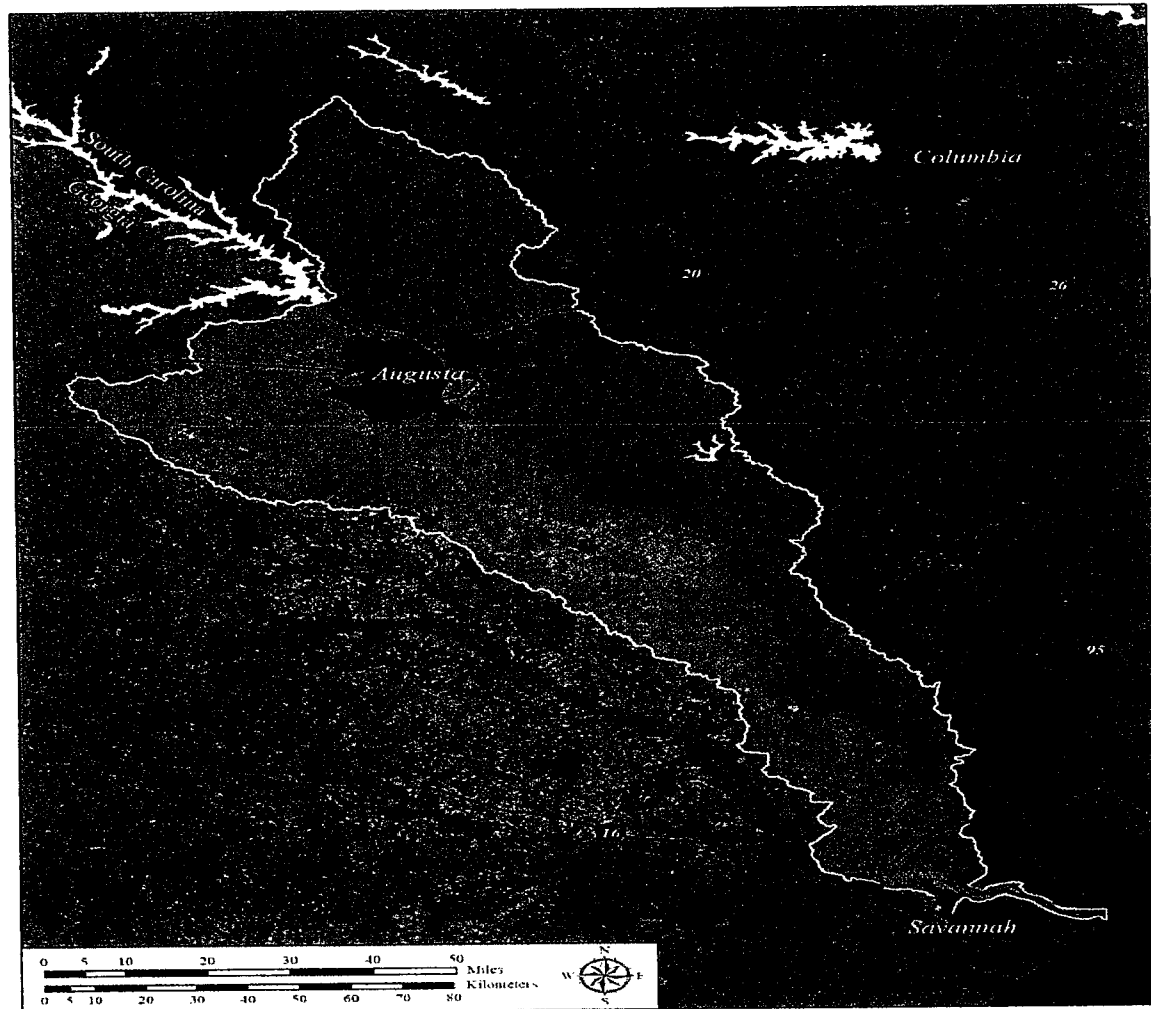


## THE SAVANNAH RIVER CLEAN WATER FUND ("FUND")

### AN EXECUTIVE SUMMARY: AS OF OCTOBER 2014

*Befitting its history as one of the original colonial trade routes, the Savannah River supports a wide variety of human and natural values, and serves as a critical water resource to the states of Georgia and South Carolina alike.*

The Watershed and its Beneficiaries. The last dam at New Savannah Bluff, just downstream of the City of Augusta, gives way to a free-flowing river, emptying 200 miles later into the Atlantic Ocean. Just upstream of New Savannah Bluff, the Clarks Hill / J. Strom Thurmond hydropower facility controls the lower river's flow. The 2.8 million acre watershed presently provides drinking water to over 550,000 people. Many more depend on the river as an outlet for wastewater discharge. Numerous businesses and major industries rely on its water for both intake and discharge use.



The Fund's Beginning. In 2009, the South Lowcountry (SOLO) Task Force of state and federal government agencies, non-profits, landowners, and business and private interests agreed to the explicit connection between the land resources of the Savannah Basin and their impact on raw water supplies. Knowing forest cover is still sufficient to assure raw water quality and development pressures have not yet risen to the point that land protection at a scale sufficient to protect water quality is cost-prohibitive, they agreed to make the protection of the river corridor and watershed a top priority. To start, the Task Force formed a special Steering Committee consisting of key Task Force members and added to it representatives from water utilities, state regulatory agencies and others. The Steering Committee's work has led to the formation of a new water protection fund which is now called the Savannah River Clean Water Fund ("Fund"). In August of 2014, Articles of Incorporation were filed to legally form the organization. 4 of the 8 board members have been selected and the Fund is now applying for non-profit, tax exempt status.

The Fund's purpose and goals. The Fund has been organized and formed to act as a central voice, a "go-to" organization for the benefit of water quality in the Savannah River. The 3 general goals to benefit water quality are:

1. Permanently Protect Land. Permanent land protection through acquisition, conservation easements, deed restrictions, and other legal forms of land use restrictions;
2. Promote Best Land Management Practices. Adoption of responsible land stewardship and land management practices;
3. Support Science and Research. Education and scientific research related to water quality.

The River's Capacity to Serve The Beneficiaries' Needs. In light of current demands for drinking water and the opinion shared by professionals that the river is already "at capacity" in terms of discharge, river water to support future growth of community or industry will be dependent on maintaining or improving current water quality standards. Those water quality standards depend in large part on the health and quality of the land surrounding the river.

The Savannah River is at a critical juncture. Forest cover within the watershed is still sufficient to assure raw water quality, but development pressures are building. From 2000 – 2006, the population of the Augusta-Aiken Metropolitan Statistical Area increased by 4.72%; Savannah grew by 9.22%. Substantial expansion is planned for the Hardeeville, SC area, prospectively creating one of the largest incorporated areas in South Carolina. Should conditions within the watershed deteriorate, water quality and quantity will suffer

Natural Land Supports Water Quality. The Natural Land Goals for The Watershed. Today the 2.8 Million acre watershed is largely rural, with 78% forest cover. The watershed is a great example of *green infrastructure* – a network of natural features that provide critical products and services, including flood flow retention, nutrient and sediment trapping, excellent recreational opportunities, clean air, fish and wildlife, recreational opportunities, property values, and natural products through commercial fishing, timbering, farming, and other resource-based activities.

Extensive watershed science and practical experience demonstrates that land use leads directly to water quality. The cleansing effect of natural land is well established in science, with the amount of natural land necessary to promote water quality varying by locale. In this watershed, keeping 60% of the watershed in some form of natural land is the goal, based on established science. A 2.8 Million acre watershed at a 60% natural land cover goal yields 1.67 Million acres. At present, about 500,000 acres are secured, leaving 1.17 Million acres remaining.

Prioritization of the Watershed. The Fund has concluded high priority lands should be permanently protected, with conservation easements as the most cost effective tool, while important but less critical lands can help water quality by adoption and use of appropriate land management practices. Recognizing it will be difficult or impossible to buy land or pay for easements for 1.17 Million acres, that not all natural and rural land areas are created equal in their contribution to raw water quality, and that priorities can be made geographically explicit, the Fund saw a clear need for the prioritization of land investment transactions. Using a tool called the Watershed Management Priority Index (WMPI), the Fund detailed land cover, soil and elevation data to identify the areas most critical to water quality maintenance. The river corridors emerged as high priority areas, an intuitively obvious conclusion, but other areas were graded as well; the results were integrated within legal tract boundaries, providing a mechanism to rank individual tracts on their relevance to raw water quality. As a result of this prioritization, it was determined that about 210,000 of the total 1.17 Million acres are most critical in terms of their contribution to water quality, with the balance of about 960,000 acres ranked important but not most critical.

The Investment Need for the Fund's 3 General Water Quality Goals. The 3 general goals are to permanently protect land, promote best land management practices and to support science and research. Each will require investment, estimated as follows:

Goal #1. Permanent Land Protection. In the watershed's recent years, conservation easement bargain purchases have approximated \$250 per acre, which for 210,000 acre high priority acres comes to a financial need of \$52 Million. Assuming a multi-decade period to meet that permanent land protection need, the Fund has determined it will need to raise on average \$2 Million per year (in present value dollars). To sustain a \$2 Million per year investment stream over an extended period is a considerable challenge. To address the challenge the Fund has elected to look to the most logical investors...those who now benefit or will benefit directly from the results of the investment, specifically, the present and future water users and dischargers to the river. Knowing the burden of maintenance of water quality in the river should not (or financially cannot) be borne exclusively by any one user group, the Fund has assumed a fair allocation of the \$2 Million annual need to one-half (\$1 Million) from major water and sewer utilities, with the balance from other sources such as small water and sewer utilities, industry, state and federal funding, local green initiatives, private and public foundation investment, NGO's and other third party sources.

Goal #2. Land Management Practices. Best land management practices are numerous in scope and definition, and may be found within state and federal standards and regulations, and by practices and procedures of professional foresters and farmers and their trade associations. The Fund anticipates it will offer landowners co-payments for existing state and federal programs, with emphasis to those water quality programs of NRCS. Typical program terms are 20 years. Some are shorter. The Fund will work to raise sufficient levels of investment to meet the demand for this need.

Goal #3. Science and Research. The Fund recognizes the need for theoretical and applied science to continually clarify the relationship of land use to water quality, and identify the conditions under which water quality is improved, maintained, or degraded. It is envisioned future science efforts will demonstrate the effect of Fund activities, and guide the evolution of the Fund towards an organization that maximizes returns on investment toward water quality protection and restoration. The Fund will also benefit from a regular practice of scientific review.

In recognition of the above, the Fund's Board of Directors will work to develop a science based program, and will work to procure appropriate third party funding, to engage internal and external

partners to build consensus on a science agenda that identifies the most immediate science needs in the Savannah basin; to provide non-financial support to science efforts relevant to its mission; to provide direct financial support to relevant science efforts arising from directives and associated funding from investor(s); and, to conduct a review of watershed science every 5 years to stay abreast of best practices in user-supported watershed conservation and management.

The Organization, Operations and the Challenge Grant. Assuming a satisfactory level of commitment to meet the expected \$1 Million permanent land protection need, the Fund will begin operations, expected on or before July 1, 2015. Current plans are to locate the Fund's headquarters in Savannah, GA, where a to-be-hired Executive Director will operate. It is anticipated the Fund's operating and overhead needs will approximate \$200,000 per year. Knobloch Family Fund has committed \$100,000/year for three years for operating expenses, if two conditions are met:

- The major water utilities contribute \$1,000,000 annually for permanent land protection;
- A match of \$100,000 for operating expenses is raised from the private sector.

Acknowledging the Fund Benefactors. The Steering Committee has performed admirably to date, while incurring costs of about \$116,000, principally to engage facilitation and financial consultants, for science research, and for marketing expenses. With many thanks to The Nature Conservancy for their tireless contributions of time, talent and mapping (and to their supporters as well), the Steering Committee has procured third party funding to date for startup expenses as follows:

• The Gaylord and Dorothy Donnelley Foundation	\$73,350
• Knobloch Family Foundation	\$25,000
• U.S. Endowment for Forestry and Communities	<u>\$25,000</u>
• Totals	\$123,350

Conclusion. The quality of life in the Savannah River depends on a reliable supply of clean, abundant, and affordable water. Implementing the Fund's mission will not only support water quality, but will also help ensure and preserve rural lifestyles, maintain and create family-supporting jobs provided by forestry and agriculture, and benefit wildlife habitat. This project is a ground-breaking, national model for how two states and multiple utilities can work cooperatively to protect water resources.

## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (hereinafter "MOU"), is made and entered into this \_\_\_\_ day of June, 2015, by, between and among Beaufort-Jasper Water and Sewer Authority (hereinafter, "BJSWA"), City of Savannah, Water Resources and Public Works (hereinafter "City of Savannah"), Augusta Utilities, Columbia County, Aiken County, City of North Augusta, hereinafter referred to individually as a "Partner" and collectively as "Partners," and the Savannah River Clean Water Fund, a Georgia non-profit corporation, hereinafter referred to as the "Fund." The Partners and the Fund are collectively known as the "Parties")

### WITNESSETH:

WHEREAS, the Partners agree that protecting the water quality of the Savannah River from increased non-point source pollution is in the best interests of all the water and wastewater utilities that rely on the River;

WHEREAS, the Fund is a Georgia non-profit corporation, whose mission is to protect, preserve and enhance the water quality in the Savannah River Basin below the Strom Thurmond/Clarks Hill Dam (hereinafter, the "Watershed");

WHEREAS, the Partners recognize that land protection thru acquisition, conservation easements, and implementation of management plans for certain land use activities are critical to maintaining the good quality of current drinking water supplies;

WHEREAS, the Partners recognize the value of using common resources effectively;

WHEREAS, the Partners recognize that the protection of water quality is best achieved through a coordination of efforts between the Partners; and

WHEREAS, the Partners wish to enter into a cooperative working agreement with each other and with the Fund through this MOU for the purpose of protecting water quality and the assimilative capacity in the Savannah River;

NOW, THEREFORE, in consideration of the mutual covenants, terms and conditions, the Partners and Fund hereby agree as follows:

#### I. Purpose

The purpose of this Memorandum of Understanding (MOU) is to formalize a mutual collaboration between the Partners and the Fund, to protect the drinking water quality and the assimilative capacity of the Savannah River.

## II. Objectives

Within the context of this MOU, the Partners intend to work collaboratively to achieve water quality protection by initiating the following three (3) objectives:

- A. The Lower Savannah River Watershed (that area of the Savannah River Basin beginning immediately below and down river from the J. Strom Thurmond Dam (a/k/a Clarks Hill Dam), including the streams, creeks, tributaries and lands adjacent thereto) is a 2.8 million acre watershed (the "Watershed") with approximately 78% forest cover. The watershed's network of natural features protects water quality by filtering sediment and assimilating nutrients. Land use directly impacts water quality and forested watersheds produce the highest water quality. Based on the recommendation of the Nature Conservancy, the Partners agree to position a minimum of 60% or 1.7 million acres of the Lower Savannah River Watershed in some form of land cover that provides protection for water quality.
- B. There are established scientific research programs focusing efforts on water quality within the Lower Savannah River Watershed. The Partners agree to support these efforts as a method of monitoring current and future conditions in the river.
- C. An important element of protecting water quality is applying best management practices for land activities such as agriculture, silviculture, and timber harvesting. The Partners agree to support outreach programs that protect water quality through improved land management.

## III. Land Protection Priorities

The Watershed Management Priority Index (WMPI) was employed to assess areas of land based on features considered to protect water quality (Appendix A). Properties totaling 210,000 acres are marked as critical for the distinction of having the most influence on water quality. The remaining 960,000 acres are categorized by proximity to the critical properties and the ability to advance performance of those properties. The Partners agree that critical properties shall be permanently protected through land acquisition and conservation easements with standards that protect water quality. Properties of importance or those influencing the performance of the critical areas shall be protected by the adoption and application of superior land management practices. Other methods such as deed restrictions may be considered as long as such methods are effective in providing drinking water quality protection.

## IV. Responsibilities of the Fund

- A. The Fund is a non-profit Georgia corporation, established to promote permanent land protection, responsible land management practices and scientific research in the Watershed. The Fund hereby agrees to act as a conduit through which the Partners can provide funding for bargain-sale easements, fee acquisition, land

management practices, and scientific study and research, as well as any other purpose which the Partners and the Fund may agree to promote, within the Watershed, as set forth in this MOU.

- B. The Fund shall only accept applications from Qualified Applicants for use of the allocated funds provided by the Partners, in accordance with their individual funding levels and restrictions. The Fund and the Partners shall develop an application process by which applicants are qualified for participation, applications from those Qualified Applicants are screened and then screened applications are submitted to the Board of the Fund for preliminary approval. All applications approved by the Fund shall be submitted to the Partners for final funding approval.
- C. Board meetings to consider approval of applications shall be open to the Partners and the public.
- D. The Fund may have up to twelve (12) directors. Presently, the Fund is governed by a four (4) member interim board of directors, which shall serve for the full three (3) years of this MOU. The Partners may each appoint two (2) individuals to serve as directors of the Fund, except that Augusta and Columbia County may each appoint only one (1) individual to serve as a director of the Fund. All appointed directors shall serve for the full three (3) years of this MOU.
- E. Board members shall not be employed by a Partner nor be elected or appointed to govern in the interest of a Partner. Furthermore, Board members shall not be employed by a Qualified Applicant nor appointed to govern in the interest of a Qualified Applicant.

**V. Responsibilities of the Partners**

- A. Each Partner agrees to allocate funds in the following amounts each year, for three (3) consecutive years, to support the goals of this MOU as set forth below:

Partner	Land Protection	Science/Land Management
1. Augusta Utilities	Augusta Utilities, Columbia Co., Aiken Co. & North Augusta (or any combination thereof) \$400,000 in aggregate, to be proportioned between them as they may agree.	Augusta Utilities, Columbia Co., Aiken Co. & North Augusta (or any combination thereof) \$200,000 in aggregate, to be proportioned and allocated as they may agree.
2. Columbia County		
3. Aiken County		
4. North Augusta		
5. BJWSA	\$300,000	
6. City of Savannah	\$300,000	

- B. Each Partner agrees to direct all applications for the allocated funds through the Fund, and not to accept nor process any application for the allocated funds outside of the process established by this MOU or any addendum hereto.
- C. Each Partner agrees to develop a process with the Fund for final approval of applications which have been preliminarily approved by the Fund, and for disbursement of the Partner's allocated funds once the Partner has given final approval for an application. No Partner shall be obligated to make any disbursement or payment under this Agreement to the Fund nor to any Qualified Applicant or any other party until such time as the Partner has obtained final approval from its respective governing body (county commission, city council or board of directors), and all of the Partner's individually established criteria for approval and funding have been fully met to the Partner's satisfaction.

#### VI. Miscellaneous

This MOU sets forth the entire understanding of the Parties with respect to this matter and supersedes all prior discussions, negotiations, understandings or agreements. The Parties shall have the authority to negotiate and execute amendments to this MOU as deemed necessary to ensure the proper execution of measures for the protection of water quality in the Savannah River Watershed. No Party shall have a cause of action against another Party with respect to this MOU or in connection with matters arising out of this MOU.

#### VII. Commencement/Duration/Termination

This MOU takes effect when signed by all Parties, but the funding commitments of the Partners shall not commence before July 1, 2015, (the funding commencement date), and will remain in effect for a period of three (3) years from the funding commencement date. This MOU may be extended at any time per the mutual written consent of the Parties. Any Partner shall have the right to withdraw its participation in this MOU upon 90 days written notice to all other Partners. If a Partner elects to withdraw its participation, the Partner will no longer be required to maintain a designated account for the Fund and the remaining balance in the Partner's Fund Account at the time of withdrawal will be released for use by the Partner at its sole discretion.

Termination by a Partner shall not cause termination of the MOU, and it shall continue in force as long as there are at least two Partners in the MOU. The Partners and the Fund agree to act in good faith to carry out the objectives of this MOU, however, no Partner shall be obligated to disburse all, or any portion, of the funds committed herein unless the projects submitted to the Partner by the Fund meet the Partner's individual requirements.

#### Appendices

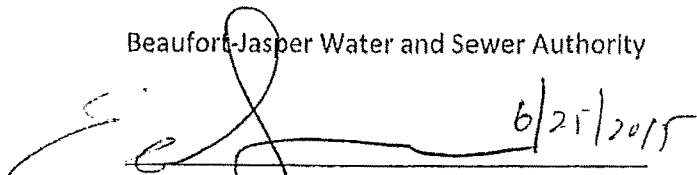
- A. Lower Savannah River Basin Watershed Management Priority Index

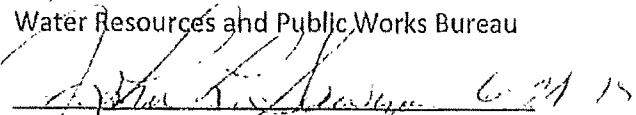


IN WITNESS WHEREOF, each Party has caused this instrument to be executed in its name by its duly authorized officials.

Beaufort-Jasper Water and Sewer Authority

City of Savannah  
Water Resources and Public Works Bureau

  
By: Ed Saxon General Manager Date 6/21/2015

  
By: John L. Sawyer, Bureau Chief Date 6/21/15

August Utilities

Columbia County

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

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

Aiken County

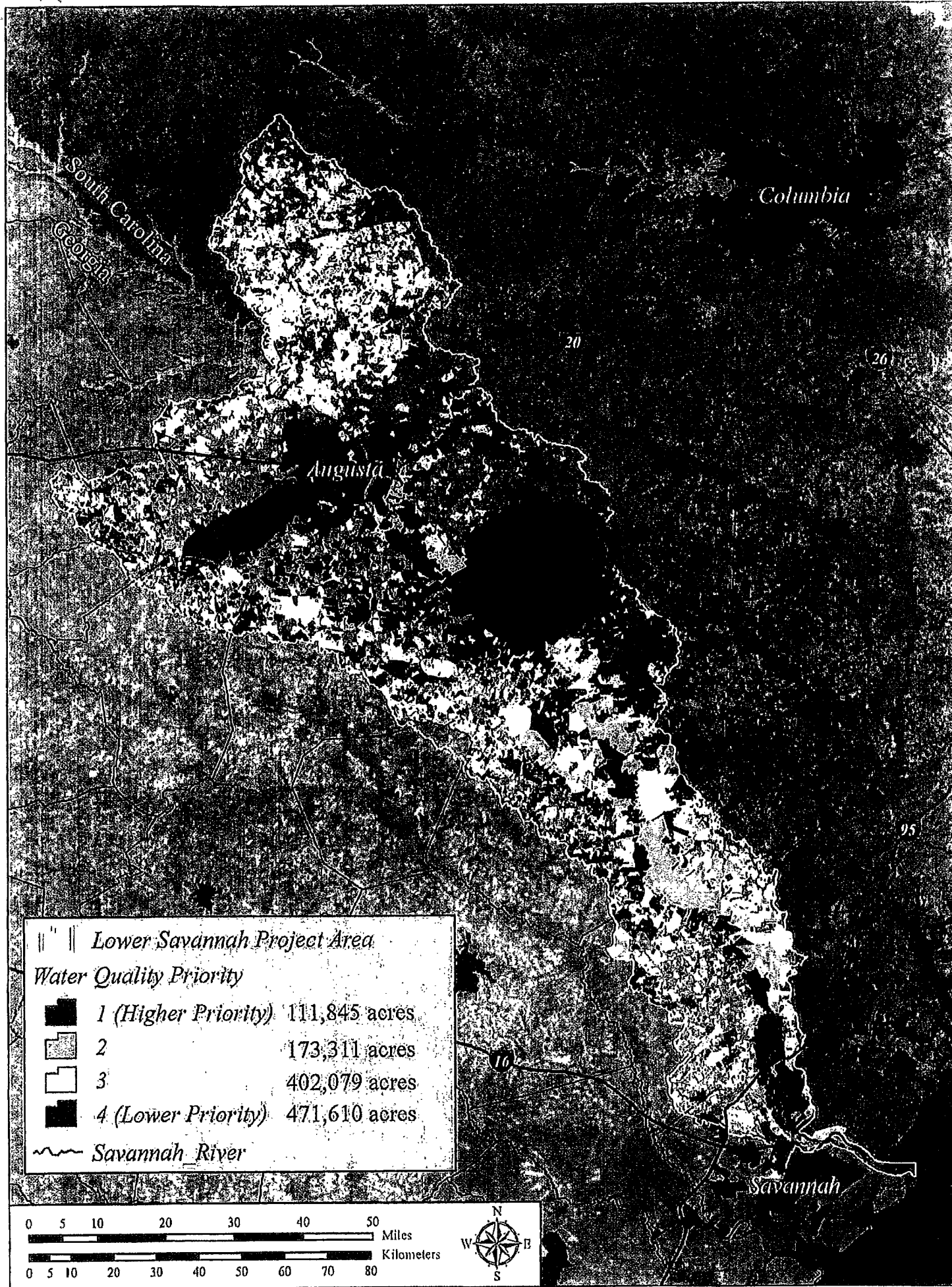
City of North Augusta

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

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

Savannah River Clean Water Fund

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



ATTACHMENT 7

RESOLUTION NO. 2016-06  
ACCEPTING A DEED OF DEDICATION FOR THE STREETS,  
OPEN SPACE, WATER, SANITARY SEWER, STORMWATER COLLECTION  
AND FIRE SUPPRESSION SYSTEMS, AND ASSOCIATED EASEMENTS  
AND RIGHTS OF WAY ALONG WITH A MAINTENANCE GUARANTEE AND  
LETTER OF CREDIT, FOR OVERLOOK AT THE RAPIDS, SECTION IV, PHASE 2

WHEREAS, Porterfield Investments, LLC developed Overlook at the Rapids, Section IV, Phase 2, subdivision according to the requirements of the North Augusta Planning Commission and the City, and owns the streets, utilities and easements; and

WHEREAS, pursuant to §5.8.4.3 of the North Augusta Development Code, the Director of Planning and Development and the City Engineer approved the final subdivision plat for recording on February 17, 2016; and

WHEREAS, it is the policy of the City that, upon approval of a final subdivision plat, the City will, following inspection by the City's Engineering department, accept a deed of dedication for the streets, utilities, etc. for the purpose of ownership and maintenance when said deed is accompanied by a maintenance guarantee; and

WHEREAS, a maintenance guarantee and supporting letter of credit accompany the deed; and

WHEREAS, the City Engineer has made final inspection of the subject improvements and these improvements meet City standards.

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of North Augusta, South Carolina, in meeting duly assembled and by the authority thereof, do hereby accept a deed of dedication for:

All those certain pieces, parcels or lots of land, with improvements thereon, situate, lying and being in the City of North Augusta, County of Aiken, State of South Carolina, being shown and designated as "Eron Court 50' R/W", "Seton Circle 50' R/W", "Walsh Way 50' R/W" "0.03 AC. Tract to be deeded to the City of North Augusta" on a plat of Section IV – Phase 2, Overlook at the Rapids recorded in the Office of the RMC for Aiken County, South Carolina, in Plat Book 59 at pages 87-89; reference being hereby made to said plat for a more complete and accurate description of said property as to its metes, bounds and location.

This being a portion of the same property conveyed to Porterfield Investments, LLC by Title to Real Estate from Retreat Development Company, Inc., dated September 29, 2005, recorded in the Office of the RMC for Aiken County, South Carolina in Record Book 4021, at Page 1273.

Tax Map and Parcel No.: Portion of 002-11-02-034; 002-12-01-033

TOGETHER with all and singular, the rights, members, hereditaments and any and all portion of said property containing and encompassing all of the water lines, sanitary sewer lines, stormwater collection systems, valves, connections and related infrastructure and appurtenances to the said premises belonging, or in any wise, incident or appertaining to.

TOGETHER with all curbs, gutters and sidewalks located within the aforesaid right of way of the streets and roadways; all sanitary sewerage collection systems and stormwater collection systems located on the property shown on the aforesaid plat; and a perpetual and non-exclusive easement and right of way for streets, sidewalks, water lines, sanitary sewerage and stormwater collection systems located on the property shown on the aforesaid plat, as well as necessary ingress and egress to reach and enter the aforesaid.

BE IT FURTHER RESOLVED that a Maintenance Guarantee and Letter of Credit in the amount of \$85,000 are hereby accepted.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

\_\_\_\_\_  
Lark W. Jones, Mayor

ATTEST:


\_\_\_\_\_  
Donna B. Young, City Clerk

# Department of Planning and Development



**Memorandum # 16-08**

City of North Augusta

**To:** B. Todd Glover, City Administrator  
**From:** Scott Sterling, AICP, Director   
**Subject:** Application FP 16-001 – Deed of Dedication for Subdivision  
Improvements – Overlook at the Rapids, Section IV, Phase 2  
**Date:** February 24, 2016

The final subdivision plat for Overlook at the Rapids, Section IV, Phase 2 was approved on February 17, 2016. The developer, Porterfield Investments, LLC, has completed all required improvements and requests that the City accept them along with associated easements and rights of way. The improvements to be dedicated to the City have been approved by the City Engineer. The attached dedication documents have been approved by the City Attorney.

The City may accept the streets, designated open space, water, sanitary sewer, stormwater collection and fire suppression systems, and associated easements and rights of way for this subdivision. A draft resolution for the acceptance of the dedication is attached and a digital copy has been forwarded to the City Clerk.

Originals of the following documents are attached:

1. Deed of Dedication for the streets, designated open space, water, sanitary sewer, stormwater collection and fire suppression systems, and associated easements and rights of way;
2. Maintenance Guarantee signed February 17, 2016 and valid for a period of 24 months;
3. Irrevocable Letter of Credit #5500897 in the amount of \$85,000 and dated February 17, 2016.
4. Title Certificate dated February 10, 2016; and
5. Final recorded plat approved by the City Engineer and the Director of Planning and Development and recorded by the Aiken County RMC.

Additionally, a reduced copy of the final plat is attached for agenda reproduction.

Please schedule the resolution accepting the Overlook at the Rapids, Section IV, Phase 2 deed of dedication for City Council consideration at the next available City Council meeting.



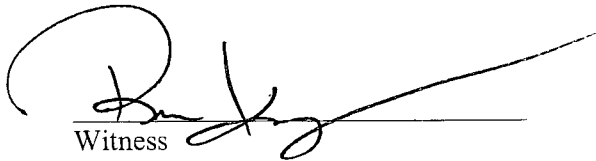
**TOGETHER** with all and singular, the rights, members, hereditaments and any and all portion of said property containing and encompassing all of the water lines, sanitary sewer lines, storm water collection systems, valves, connections and related infrastructure and appurtenances to the said premises belonging, or in any wise incident or appertaining to.

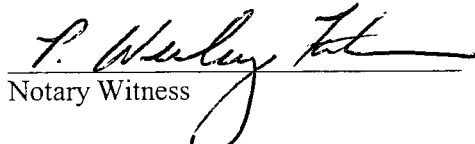
**TOGETHER** with all curbs, gutters and sidewalks located within the aforesaid right of way of the streets and roadways; all sanitary sewerage collection systems and storm water collection systems located on the property shown on the aforesaid plat; and a perpetual and non-exclusive easement and right of way for streets, sidewalks, water lines, sanitary sewage and storm water collection systems located on the property shown on the aforesaid plat, as well as the necessary ingress and egress to reach and enter the aforesaid.

**TO HAVE AND TO HOLD**, all and singular the said premises before mentioned unto the said Grantee, **THE CITY OF NORTH AUGUSTA, a body politic and a municipal corporation of the State of South Carolina**, its heirs and assigns forever in fee simple.

WITNESS My Hand and Seal effective the 11<sup>th</sup> day of February, 2016.

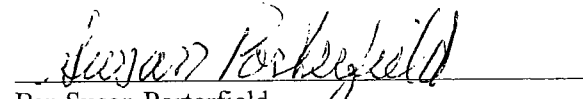
**SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:**

  
Witness

  
Notary Witness

THE STATE OF SOUTH CAROLINA )  
COUNTY OF AIKEN )

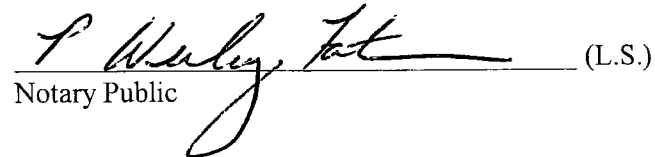
**PORTERFIELD INVESTMENTS, LLC**

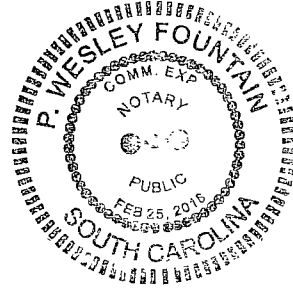
  
By: Susan Porterfield  
As Its: Managing Member / President

**ACKNOWLEDGMENT**

I, P. WESLEY FOUNTAIN, Notary Public, do hereby certify that **Susan Porterfield as Managing Member of Porterfield Investments, LLC**, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand seal this 11<sup>th</sup> day of February, 2016.

 (L.S.)  
Notary Public



STATE OF SOUTH CAROLINA        )  
  )    **MAINTENANCE GUARANTEE**  
COUNTY OF AIKEN                    )

**NAME OF SUBDIVISION:**        **Overlook at the Rapids Section IV, Phase 2**

**DEVELOPER/OWNER:**           **Porterfield Investments, LLC**

**DATE OF FINAL SUBDIVISION PLAT APPROVAL:** **February 17, 2016**

**MAINTENANCE GUARANTEE AMOUNT:** **\$85,000**

**WHEREAS**, Porterfield Investments, LLC has submitted a final plat for Overlook at the Rapids Section IV, Phase 2, prepared by Cranston Engineering Group, PC, dated December 8, 2015, final revision February 11, 2016, for 34 fee simple single-family lots situated in the City of North Augusta, County and State aforesaid; and

**WHEREAS**, the North Augusta Planning Commission, meeting on February 15, 2007, did grant major subdivision plan (preliminary plat) approval for Overlook at the Rapids IV and the Director of Planning and Development and the City Engineer signed the major subdivision plan (preliminary plat) on May 31, 2007; and

**WHEREAS**, the City Engineer has inspected the infrastructure improvements for Overlook at the Rapids Section IV, Phase 2 and has duly certified that said improvements are, to the best of his knowledge based upon such inspection, built to City of North Augusta design standards; and

**WHEREAS**, pursuant to §5.8.4 of the North Augusta Development Code, the Director of Planning and Development and the City Engineer approved the final subdivision plat for recording on February 17, 2016; and

**WHEREAS**, the Director of Planning and Development and the City Engineer recommend that the City accept from the developer a Maintenance Guarantee to insure that proper workmanship and materials were in fact used in regard to infrastructure improvements and to insure that, in the event of failure in regard to said improvements for any reason except force majeure, the City would have adequate funds necessary to return such improvements to an acceptable condition.



**NOW, THEREFORE**, as security for the maintenance by the developer of the infrastructure improvements as shown on the final subdivision plat for Overlook at the Rapids Section IV, Phase 2, as well as for any other improvements provided and proposed to be granted to the City by deed of dedication in accordance with §5.8.5 of the North Augusta Development Code, the developer does hereby guarantee the maintenance of the infrastructure improvements under and pursuant to the following terms.

INFRASTRUCTURE IMPROVEMENTS SUBJECT TO THIS GUARANTEE

This Maintenance Guarantee shall extend to all infrastructure improvements proposed to be deeded to, dedicated to, transferred or otherwise assigned to the City of North Augusta by the developer. Such improvements shall include, where applicable, the following but not be limited to such specified improvements:

- A. Streets;
- B. Water distribution system;
- C. Fire suppression elements of the water distribution system;
- D. Sanitary sewerage collection system;
- E. Stormwater collection system; and
- F. Easements and rights of way for streets, sidewalks and potable water, sanitary sewage and stormwater collection systems.

REPRESENTATIONS BY THE DEVELOPER

The Developer represents to the City of North Augusta that:

- A. For a period of twenty-four (24) months from the approval of the final plat, the improvements will not fail, for any reason, with the exception of force majeure;
- B. The Developer has submitted a Deed of Dedication and an Irrevocable Letter of Credit in the amount of \$85,000.00 in support of this Maintenance Guarantee in accordance with §§5.8.4 and 5.8.5 of the North Augusta Development Code within the specified time period;
- C. The City Engineer for the City of North Augusta shall have full and absolute discretion and authority in determining whether or not a failure has occurred in regard to the infrastructure subject to this Maintenance Guarantee.

REMEDIES IN THE EVENT OF DEFAULT

In the event that the City Engineer for the City of North Augusta, in his sole discretion, determines that a failure has occurred, he shall provide written notice of such failure to the developer with a request for the immediate correction of said failure. In the event of failure by the developer to make such repairs as necessary within sixty (60) days of such written notice or within ten (10) days, in the event of such notice being received during the last sixty (60) days covered by this Maintenance Guarantee and Letter of Credit, the following conditions shall prevail:

- A. This Maintenance Guarantee shall be considered violated and in default with the City having full right and authority to make claims on the Letter of Credit provided for herein.
- B. The City may make claim against the full amount of the Letter of Credit, until such time as the City is able to make the necessary repairs to the infrastructure.
- C. Following the completion of the repairs to the infrastructure to the satisfaction of the City Engineer, any funds remaining from the Letter of Credit shall be refunded to the developer.
- D. The City is entitled to compensation, at a reasonable rate, for any in-house services provided by the City for the purpose of correcting failures or deficiencies to the infrastructure.
- E. The City shall have full and absolute authority in regard to a determination as to party or parties contracted with for the purpose of making repairs as required.

(Signature pages follow)

IN WITNESS WHEREOF, Porterfield Investments, LLC has caused these presents to be executed in its name by its duly authorized Managing Manager/President this 17 day of February, 2016.

Christine DeCamp  
WITNESS

[Signature]  
WITNESS

BY: Susan Porterfield  
SUSAN PORTERFIELD  
ITS: MANAGING MANAGER/  
PRESIDENT

ACCEPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

City of North Augusta

\_\_\_\_\_  
WITNESS

BY: \_\_\_\_\_  
B. TODD GLOVER  
ITS: CITY ADMINISTRATOR

\_\_\_\_\_  
WITNESS



**February 17, 2016**  
**IRREVOCABLE LETTER OF CREDIT NUMBER 5500897**  
**\$85,000.00 U.S. Dollars**

City of North Augusta  
100 Georgia Avenue  
North Augusta, SC 29841

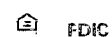
Re: Public Improvements  
Overlook at the Rapids IV, Phase 2

City of North Augusta:

We hereby establish our Irrevocable Letter of Credit number 5500897 in your favor for Porterfield Investments, LLC, 714 Michaels Creek Drive, Evans, GA 30809, and thereby undertake to honor your drafts at sight on us after February 17, 2016 not exceeding in the aggregate \$85,000.00. Each such draft must be accompanied by the following documents:

1. A written certificate executed by the appropriate and authorized City of North Augusta government staff stating that Porterfield Investments, LLC, Inc. has failed to make the required improvements within the term of the attached Maintenance Guarantee and that the amount of said draft represents the actual amount of funds due you as a result of his failure to perform as contracted.
2. All drafts drawn under this credit must be marked "Drawn under Porterfield Investments, LLC's Letter of Credit number 5500897, dated February 17, 2016."

This credit is valid for 24 months until February 17, 2018. Drafts drawn hereunder, if accompanied by documents as specified above, will be honored if presented to Queensborough National Bank and Trust Company on or before said date at 205 East Broad Street, Louisville, GA 30434, attention Edith W. Pundt.



It is further understood and agreed that when the required improvements have been approved for conformity by the City of North Augusta, this Letter of Credit shall be released and returned after its expiry date of February 17, 2018.

Except as otherwise expressly stated herein, this credit is subject to The Uniform Customs and Practice for Documentary Credits, 2006 Revision, International Chamber of Commerce Publication No. 600 (UCP), or any later version or amendment. The laws of Georgia shall also govern this Letter of Credit as long as such laws are not inconsistent with the UCP or ISP, as applicable.

Queensborough National Bank and Trust Company



Robert S. Thurman  
Vice President/Branch Manager

PLAT  
OF  
**Section IV - Phase 2**  
AT  
**Overlook at the Rapids**

2016003756  
PLAT  
RECORDING FEES \$10.00  
02-22-2016 10:38 AM  
JUDITH WARNER  
REGISTERED PROFESSIONAL  
SURVEYOR AND ENGINEER  
BY: DENNIS REATHS DEPUTY  
BK: PL 59  
PG: 87 - 87

SHOWING PROPERTY KNOWN AS OVERLOOK AT THE RAPIDS SECTION IV - PHASE 2  
NORTH AUGUSTA, AIKEN COUNTY, SOUTH CAROLINA  
OWNER/DEVELOPER  
**Porterfield Investments, LLC**

714 MICHAELS CREEK ROAD - 706-860-8234 - EVANS, GEORGIA 30809

SCALE : 1" = 60' December 8, 2015  
REV: 12/22/2015  
REV: 01/05/2016  
REV: 02/11/2016



**Cranston Engineering Group, P.C.**  
ENGINEERS - PLANNERS - SURVEYORS

452 ELLIS STREET, AUGUSTA, GEORGIA 30901  
POST OFFICE BOX 2546, AUGUSTA, GEORGIA 30903  
TELEPHONE 706-722-1588  
FACSIMILE 706-722-8379  
mail@cranstonengineering.com

**LEGEND**

CO	CLEAN OUT	FRONT	- 25'
PH	FIRE HYDRANT	SIDE	- 8'
WM	WATER METER	REAR	- 20'
WV	WATER VALVE		
SWT	SINGLE WING TRAP		
DWT	DOUBLE WING TRAP		
RCP	REINFORCED CONCRETE PIPE		
SMH	STORM SEWER MANHOLE		
SSMH	SANITARY SEWER MANHOLE		
-W-	UNDERGROUND WATER LINE		

**PROJECT DATA:**  
PROJECT AREA = 22.35 AC.  
ZONING: R-14, LARGE LOT, SINGLE-FAMILY RESIDENTIAL  
TOTAL NUMBER OF LOTS = 34  
AVERAGE LOT SIZE = 0.58 ACRE  
MINIMUM LOT SIZE = 14,500 OR 0.33 AC.  
TAX MAP & PARCEL NO. = 002-11-02-034  
002-12-01-033

**ENGINEER'S CERTIFICATION:**  
I HEREBY CERTIFY THAT ALL ENGINEERING AND CONSTRUCTION REQUIREMENTS OF THE NORTH AUGUSTA DEVELOPMENT CODE HAVE BEEN FULLY COMPLIED WITH IN THE DESIGN AND CONSTRUCTION OF THIS SUBDIVISION.

*James P. Dean*  
JAMES P. DEAN S.C.P.E. #27380

**OWNER'S CERTIFICATION**  
I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND CONVEY ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER SITES AND EASEMENTS TO PUBLIC OR PRIVATE USE AND OWNERSHIP AS NOTED. FURTHERMORE, I DEDICATE ALL WATER, SEWER AND STORM SEWER LINES TO THE CITY OF NORTH AUGUSTA.

*Susan Porterfield* 2/12/16  
PORTERFIELD INVESTMENTS, LLC DATE

**CITY ENGINEER'S CERTIFICATION**  
I HEREBY CERTIFY THAT THE WATER SUPPLY SYSTEM, SEWAGE DISPOSAL SYSTEM AND DRAINAGE IMPROVEMENTS REQUIRED BY THE NORTH AUGUSTA DEVELOPMENT CODE HAVE BEEN PROPERLY INSTALLED AND CONSTRUCTED IN ACCORDANCE WITH THE APPLICABLE STANDARDS.

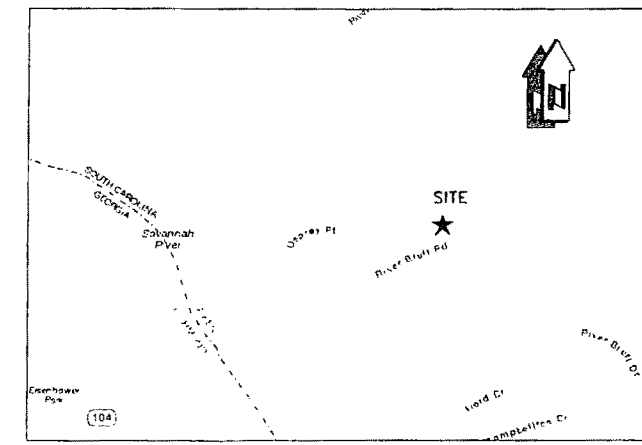
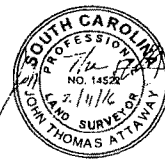
*Sharon C. Jones* 2/17/16  
NORTH AUGUSTA CITY ENGINEER DATE

**PLANNING COMMISSION APPROVAL**  
I HEREBY CERTIFY THAT THIS PLAN CONFORMS TO THE MAJOR SUBDIVISION PLAN (PRELIMINARY PLAT) APPROVED BY THE NORTH AUGUSTA PLANNING COMMISSION PURSUANT TO THE NORTH AUGUSTA DEVELOPMENT CODE ON:

*Ann H. [Signature]* FEB. 15, 2016  
DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT

**SURVEYOR'S CERTIFICATION:**  
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 MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "B" SURVEY AS SPECIFIED THEREIN. ALSO, THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

*John Thomas Ataway*  
JOHN THOMAS ATAWAY S.C.P.L.S. #14522



LOCATION MAP:

**SHEET INDEX:**  
SHEET 1 - COVER SHEET  
SHEET 2 & 3 - SUBDIVISION PLAT

**RESIDENTIAL FOUNDATION PLANTING:**  
THE PERIMETER OF THE BUILDING FOOTPRINT SHALL BE PLANTED WITH SHRUBS NOT LESS THAN EIGHTEEN (18) INCHES IN HEIGHT OR VEGETATIVE GROUNDCOVER, OR BOTH. NOT LESS THAN ONE (1) SHRUB SHALL BE PLANTED FOR EACH TEN (10) FEET OF PERIMETER OF THE PRINCIPAL STRUCTURE. PROVIDE A SAMPLE RESIDENTIAL FOUNDATION PLANTING PLAN WITH THE LANDSCAPE PLAN.

- UTILITY NOTE:**  
THE EXISTENCE, ABSENCE, LOCATIONS, AND DEPTHS OF UTILITIES AND UNDERGROUND ITEMS HAVE BEEN DETERMINED BY ORDINARY SURVEYING METHODS FROM FIELD OBSERVATIONS AND FROM INFORMATION FURNISHED BY THE UTILITY COMPANIES, AND ARE NOT GUARANTEED.
- NOTE:**
1. ALL CORNERS ARE #4 REBAR SET UNLESS OTHERWISE NOTED.
  2. Δ DENOTES PK NAIL SET IN SIDEWALK.
  3. SANITARY LINES ARE 8" PVC UNLESS OTHERWISE NOTED ON PLAT.
  4. ACCORDING TO THE FEMA FIRM PANEL 450030313E DATED JUNE 19, 2012, THIS DEVELOPMENT IS NOT LOCATED IN THE 100 YEAR FLOOD PLAIN.
  5. ALL LOT AREAS ARE MEASURED IN SQUARE FEET.
  6. FINISH FLOOR ELEVATIONS OF ALL STRUCTURES MUST BE FIVE FEET ABOVE SANITARY SEWER LATERAL INVERT AT THE RIGHT-OF-WAY OR PROPERTY LINE.
  7. A 10 FOOT UTILITY EASEMENT IS TO BE RESERVED ON THE REAR LOT LINES AND A 5 FOOT UTILITY EASEMENT IS TO BE RESERVED ON SIDE LOT LINES UNLESS OTHERWISE NOTED.
  8. THE MAXIMUM WIDTH ALLOWED FOR A RESIDENTIAL DRIVEWAY IS EIGHTEEN (18) FEET.
  9. SIDEWALKS ARE REQUIRED TO BE INSTALLED AT THE TIME OF INDIVIDUAL LOT DEVELOPMENT WHERE THE REVISED PRELIMINARY PLAT PROVIDES SIDEWALKS. BUILDING CONSTRUCTION WILL NOT RECEIVE FINAL APPROVAL (CERTIFICATE OF OCCUPANCY) WITHOUT SATISFACTORY INSTALLATION OF THE REQUIRED SIDEWALK.
  10. BEARING AND DIMENSIONS ALONG LOTS 21 B TO 30 B ARE TO BE TAKEN FROM PLAT OF SECTION IV PHASE 1 OVERLOOK AT THE RAPIDS RECORDED IN PLAT BOOK 55, PAGE 500.
- REFERENCES:**
1. DEVELOPMENT PLAN OF OVERLOOK AT THE RAPIDS SECTION IV BY CRANSTON ENGINEERING GROUP, P.C., DATED DECEMBER 12, 2005 LAST REVISED 5-12-2010.
  2. PLAT OF SECTION IV PHASE 1 AT OVERLOOK AT THE RAPIDS BY CRANSTON ENGINEERING GROUP, P.C., DATED JULY 12, 2010 LAST REVISED SEPTEMBER 2, 2010 AND RECORDED IN PLAT BOOK 55, PAGE 500.

Road CenterLine				
Tag #	Length	Direction/Delta	Radius	Chord
Q1	103.82'	N07°51'45"W	500.00'	103.64'
Q2	37.28'	S71°11'29"W	213.68'	37.23'
Q3	161.57'	S01°07'13"W	310.00'	159.75'
Q4	105.26'	N47°36'16"W	114.47'	101.59'
Q5	80.91'	N10°15'26"E	400.00'	80.77'
Q6	252.49'	N16°12'15"W	350.00'	247.05'
Q7	115.29'	N53°23'07"W	200.00'	113.70'
Q8	291.83'	S76°39'33"W	250.00'	275.54'
L1	114.58'	N1°54'50"W		
L2	75.50'	N76°11'20"E		
L3	109.55'	N66°11'37"E		
L4	170.39'	N13°46'40"W		
L5	136.39'	N16°03'07"E		
L6	75.50'	S73°56'53"E		
L7	251.68'	S21°15'36"E		
L8	26.00'	N68°44'22"E		
L9	72.20'	N4°27'45"E		
L10	218.88'	N36°52'16"W		
L11	96.54'	N69°53'57"W		
L12	78.59'	S43°13'04"W		





PLAT  
Section IV - Phase 2  
AT  
**Overlook at the Rapids**

SHOWING PROPERTY KNOWN AS OVERLOOK AT THE RAPIDS SECTION IV - PHASE 2  
NORTH AUGUSTA, AIKEN COUNTY, SOUTH CAROLINA  
SCALE: 1" = 60'

REV: 12/22/2015  
REV: 01/05/2016  
REV: 02/11/2016



**Cranston Engineering Group, P.C.**  
ENGINEERS - PLANNERS - SURVEYORS

452 ELLIS STREET, AUGUSTA, GEORGIA 30901  
POST OFFICE BOX 2646, AUGUSTA, GEORGIA 30903  
TEL: 706.725.1744  
FAX: 706.725.8374  
MAIL@CRANSTONENGINEERS.COM

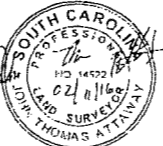
Curve #	Length	Radius	Bearing	Chord
C1	82.48'	475.00'	N66°31'18"W	82.31'
C2	32.10'	20.00'	N87°50'13"W	28.76'
C3	32.92'	188.68'	N71°11'28"W	32.47'
C4	17.45'	20.00'	N41°31'46"E	18.50'
C5	89.24'	50.00'	N87°19'41"W	77.85'
C6	62.34'	50.00'	N25°49'38"W	55.20'
C7	92.76'	50.00'	N61°02'18"E	80.02'
C8	11.62'	20.00'	N87°25'59"W	11.45'
C9	5.84'	20.00'	N74°33'11"E	5.87'
C10	41.64'	238.68'	N71°11'28"E	41.59'
C11	31.42'	20.00'	N31°11'29"E	28.28'
C12	28.92'	335.00'	N11°29'17"W	28.91'
C13	107.74'	335.00'	N00°20'53"E	107.27'
C14	37.95'	335.00'	N17°48'23"E	37.93'
C15	27.57'	375.00'	N13°58'42"E	27.56'
C16	48.28'	375.00'	N02°09'05"E	48.25'
C17	116.42'	325.00'	N05°41'57"W	117.79'
C18	118.04'	325.00'	N26°27'57"W	117.39'
C19	100.89'	175.00'	N53°23'07"E	99.45'
C20	63.74'	225.00'	N75°00'53"W	63.53'
C21	147.17'	225.00'	N70°07'54"E	144.56'
C22	51.74'	225.00'	N49°48'27"E	51.63'
C23	16.94'	275.00'	N44°58'56"E	16.93'
C24	87.39'	275.00'	N7°55'01"E	87.02'
C25	83.31'	275.00'	N73°37'58"E	82.89'

Curve #	Length	Radius	Bearing	Chord
C26	80.08'	275.00'	N55°20'46"W	79.80'
C27	62.90'	275.00'	N75°27'05"W	63.21'
C28	62.82'	225.00'	N15°40'27"W	62.82'
C29	66.80'	225.00'	N45°23'11"W	66.63'
C30	192.87'	375.00'	N22°38'27"W	190.70'
C31	77.71'	375.00'	N01°42'26"W	77.57'
C32	47.95'	425.00'	N07°41'16"E	47.92'
C33	14.60'	425.00'	N11°01'24"E	14.60'
C34	20.28'	25.00'	N37°44'26"W	27.47'
C35	26.18'	139.40'	N54°31'31"W	26.28'
C36	32.07'	139.40'	N27°40'54"W	32.00'
C37	25.84'	27.00'	N57°42'35"W	23.90'
C38	56.07'	30.00'	N42°32'07"W	53.18'
C39	54.29'	75.00'	N01°19'15"E	55.50'
C40	44.87'	75.00'	N58°43'49"E	43.34'
C41	48.80'	75.00'	N67°37'20"W	48.89'
C42	15.00'	75.00'	N20°27'56"W	15.93'
C43	82.27'	29.40'	N47°36'16"W	79.40'
C44	31.42'	70.00'	N61°03'07"E	28.26'
C45	117.69'	285.00'	N04°11'32"E	117.14'
C46	30.55'	285.00'	N10°44'21"W	30.55'
C47	171.52'	525.00'	N08°15'57"W	171.46'
C48	7.30'	225.00'	N02°19'02"W	7.39'

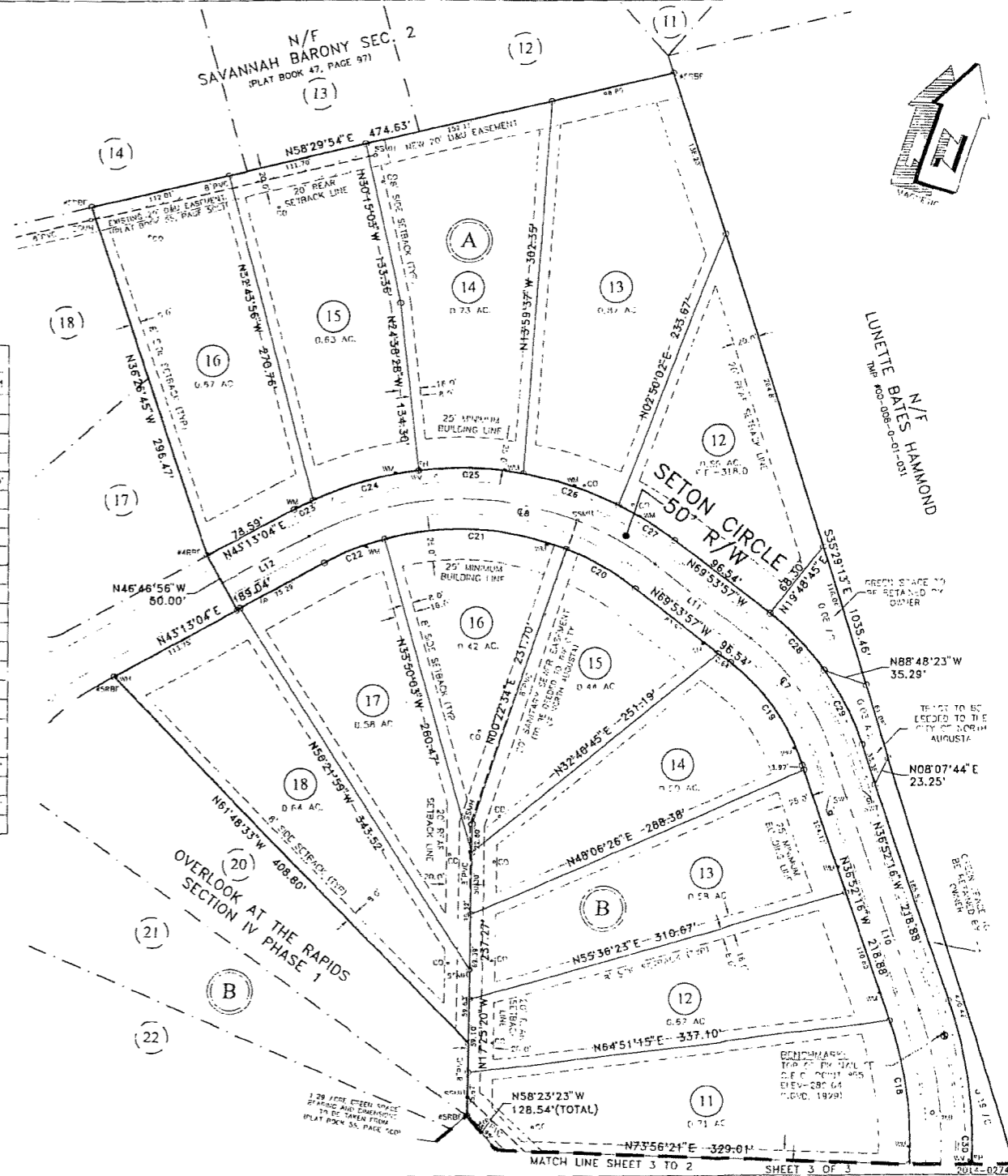
**SURVEYOR'S CERTIFICATION:**

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 MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "B" SURVEY AS SPECIFIED THEREIN. ALSO, THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

*Thomas A. Attaway*  
THOMAS A. ATTAWAY, S.C. L.S. # 11952



2016003758  
PLAT RECORDING FEES \$100.00  
02-22-2016 10:38 AM  
JUDITH VORNEP  
DEPUTY COUNTY CLERK  
BY: JENNIFER MATHEIS DEPUTY  
BK: PL 59  
PG: 89 - 89



3. 44. 2016 JOB FILE: 2016-02-22-16-10-38 AM - PHASE 2: 2016-02-22-16-10-38 AM - 2016-02-22-16-10-38 AM

ATTACHMENT 8

ORDINANCE NO. 2016-05  
TO AMEND THE ZONING MAP OF THE CITY OF NORTH AUGUSTA,  
SOUTH CAROLINA BY REZONING ±0.51 ACRES OF LAND OWNED BY  
VINTSON CONSTRUCTION COMPANY AND LOCATED AT 495 PONCE DE LEON  
AVENUE, TAX PARCEL NUMBER 007-14-17-003, FROM PD, PLANNED  
DEVELOPMENT TO R-7, SMALL LOT SINGLE-FAMILY RESIDENTIAL

WHEREAS, on December 17, 2007, by Ordinance 2007-22, the North Augusta City Council adopted the North Augusta Development Code and a citywide Zoning Map which is consistent with the City's 2005 Comprehensive Plan; and

WHEREAS, pursuant to Section 5.3, North Augusta Development Code, the North Augusta Planning Commission may recommend amendments to the Zoning Map, provided such amendments are consistent with the City's 2005 Comprehensive Plan; and

WHEREAS, the North Augusta Planning Commission, following a February 18, 2016 public hearing, reviewed, considered and approved the amendment to the Zoning Map and recommended said amendment to the City Council for approval.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED AND BY THE AUTHORITY THEREOF, THAT:

- I. The property owned by Vintson Construction Company, located at 495 Ponce De Leon Avenue, containing ±0.51 acres, and shown on the map prepared by the City of North Augusta dated January 20, 2016 and attached hereto as Exhibit A, is hereby rezoned from PD, Planned Development to R-7, Small Lot Single-Family Residential. The subject property is identified by the following Aiken County Tax Map Block and Parcel Number:  

007-14-17-003
- II. Said property being officially rezoned to the classification R-7, Small Lot Single-Family Residential in accordance with the map attached hereto as Exhibit A, the official Zoning Map of the City of North Augusta is to be so amended.
- III. All ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.
- IV. This Ordinance shall become effective immediately upon its adoption on third and final reading.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

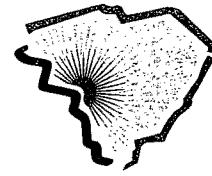
Third and Final Reading \_\_\_\_\_

\_\_\_\_\_  
Lark W. Jones, Mayor

ATTEST:

\_\_\_\_\_  
Donna B. Young, City Clerk

# Department of Planning and Development



Memorandum # 16-05

City of North Augusta

**To:** B. Todd Glover, City Administrator

**From:** Scott Sterling, AICP, Director *Scott*

**Subject:** Application Number RZM 16-001 – A request by John P.R. Green, representing Vintson Construction Company, to rezone ±0.51 acres of land located at 495 Ponce De Leon Avenue, Tax Parcel Number 007-14-17-003, from PD, Planned Development, to R-7, Small Lot Single-Family Residential.

**Date:** February 19, 2016

## Summary

Applicant	Vintson Construction Company
Project Name	495 Ponce De Leon Avenue Rezoning
General Location	495 Ponce De Leon Avenue
Parcel Number	007-14-17-003
Existing Zoning	PD, Planned Development
Proposed Zoning	R-7, Small Lot Single-Family Residential
Future Land Use	Mixed Use
Proposed Use	Residential Development

## Planning Commission Recommendation

On February 18, 2016, after a duly advertised and convened public hearing, the Planning Commission considered a request to rezone the ±0.51 acre property located at 495 Ponce De Leon Avenue from PD, Planned Development to R-7, Small Lot Single-Family Residential. **The Planning Commission recommended, on a 6-0 vote, that City Council rezone the property as proposed.**

Please schedule this application for City Council consideration and action. A draft ordinance approving the Zoning Map amendment is attached and a digital copy has been provided to the City Clerk.

## History

The site is currently vacant. There was a single-family dwelling that was recently razed. Recent redevelopment efforts in the area include new single-family developments on Ponce De Leon over the past two years resulting from other rezoning from PD, Planned Development to a residential zoning classification. Additional properties in the immediate area have been razed or are underway with renovations.

**Site Conditions**

	<b><u>Existing Land Use</u></b>	<b><u>Future Land Use</u></b>	<b><u>Existing Zoning</u></b>
Subject Parcel	Vacant	Mixed Use	PD, Planned Development
North	Single-Family Units	Mixed Use	PD, Planned Development/R-7, Small Lot Single-Family Residential
South	Single-Family Units	Mixed Use	R-7, Small Lot Single-Family Residential
East	Multifamily Units	Mixed Use	R-5, Mixed Residential
West	Vacant	Public	P, Public

**Access** – The site currently has access from Ponce De Leon and Sikes Avenues.

**Topography** – The property has some sloping topography and generally slopes from the north to the south. The property has little vegetation remaining.

**Utilities** - Potable water is available through a six inch line in Sikes Avenue. There is an eight inch sanitary sewer line within Sikes Avenue.

**Floodplain and Environmental Conditions** - The site is not within federally designated floodplain or wetlands.

**Drainage Basin** – This project is located within Waterworks Drainage Basin. Stormwater Management has conducted a baseline assessment of the basin streams within the basin and rated it as fair with water quality impairments and channel degradation (mainly along the stream leading into the River Golf Club).

**Public Notice**

A notice of the rezoning request and scheduled date of the Planning Commission public hearing was mailed to the owners of property within 200 feet of the subject property on February 2, 2016. The property was posted with the required public notice on February 3, 2016. A public notice of the rezoning request and scheduled date of the Planning Commission public hearing was published in *The Star* and on the City's website on February 3, 2016. The Planning Commission convened the public hearing and considered the application on February 18, 2016.

### **Findings and Analysis**

Section 5.3.6 of the North Augusta Development Code (NADC) provides the minimum approval criteria to be used in determining a recommendation to City Council. The Planning Commission shall consider all of the factors specified in this section, at a minimum, in reviewing an application for a rezoning.

**1. The size of the tract in question (§5.3.6.1).**

The subject property is approximately 0.51 acres in total area. The property does not meet the minimum area of ten acres for a Planned Development under the requirements of the Development Code. Rezoning the property to a residential district is appropriate for purposes of redevelopment of this site.

**2. Whether the proposal conforms with and furthers the goals of the Comprehensive Plan, other adopted plans, and the goals, objectives, and policies of this Chapter. Specifically, the Planning Commission shall consider the goals stated in §1.2 (§5.3.6.2).**

The proposed rezoning would provide an opportunity to provide additional residential zoned property within the downtown area. The 2005 Comprehensive Plan has goals and objectives about encouraging and attracting new residential uses into the downtown area. This property is of sufficient size to develop a small, single-family development. The proposed rezoning would conform and further the goals of the Comprehensive Plan.

**3. The relationship of the uses envisioned under the new zoning and the uses currently present in adjacent tracts. In particular, the Planning Commission shall consider whether (§5.3.6.3):**

**a. The proposed rezoning is compatible with the surrounding area (§5.3.6.3.a);**

The proposed rezoning would provide additional residential uses to be permitted by right. Access would be provided from existing local roadways, rather than the arterial, in the transportation network; a desired goal of the City. The existing site constraint of overall acreage limits much of the market for a more dense development. Single-family residential uses on the subject property appear to be compatible with the adjacent developments (existing and under construction). It would appear that the proposed rezoning is compatible with the surrounding area.

**b. There will be any adverse effects on the capacity or safety of the portion of street network influenced by the rezoning (§5.3.6.3.b);**

The street network will be evaluated again as part of a site plan review process for any necessary upgrades to the existing transportation network. Given the existing access options to the subject property, it is not anticipated that the

development potential for the site and corresponding trip generation will warrant significant street network upgrades.

**c. There will be any adverse effects on existing or planned public utility services in the area (§5.3.6.3.c);**

The existing utility networks appear to be able to accommodate the anticipated development potential of the subject property based on the sizes of the sanitary sewer line located near the site and availability of potable water and sanitary sewer from the City of North Augusta. As part of the site plan approval process, the existing utility systems will be reviewed to the extent necessary to ensure that development of the subject property is not creating any adverse effects on the overall utility service to the area.

**d. Parking problems (§5.3.6.3.d);**

The proposed rezoning will not impact or create any additional parking problems as the site is vacant currently. The development plan will be reviewed against the current Development Code parking standards for the proposed use.

**e. Environmental impacts that the new use will generate such as excessive stormwater runoff, water, air, or noise pollution, excessive nighttime lighting or other nuisances (§5.3.6.3.e).**

The proposed rezoning does not appear to create any additional environmental impacts. The site plan must comply with all applicable development standards in the Development Code, including the state and federal standards associated with stormwater management, water and air pollution. City design standards are already in place to address noise pollution and excessive nighttime lighting.

**4. Any recent change of character in the area due to installation of public facilities, other zone changes, new growth trends, deterioration and development (§5.3.6.4).**

The proposed rezoning is appropriate to consider based on the existing land uses in the immediate area as well as recent rezonings on Ponce De Leon to remove Planned Development zoning classifications from properties in order to facilitate single family redevelopment. Based on the site constraints of the subject property alone, the applicant may not have a market for commercial uses and certainly not an opportunity for a mix of residential and commercial uses as required under the Planned Development zoning classification. The proximity of the subject property to the existing (re)development of residential properties in the area has renewed interest in this (and other remaining) properties in the Ponce De Leon Avenue area.

**5. The zoning districts and existing land uses of the surrounding properties (§5.3.6.5).**

The proposed zoning classification of R-7, Small Lot, Single-Family Residential would allow single family detached residential uses. The low intensity type of

commercial uses anticipated for the subject properties should not adversely impact the current viability of the surrounding area. A future development plan must comply with all applicable development standards as specified in the Development Code.

**6. Whether the subject property is suitable for the uses to which it has been restricted under the existing zoning classification (§5.3.6.6).**

The existing zoning classification realistically prohibits the applicant from pursuing a development plan and the uses required to be provided under a Planned Development do not make the subject property likely to be developed. Rezoning the property to a traditional residential zoning district allows a variety of uses to be possible within the confines of the standards of the Development Code.

**7. Whether the rezoning is compatible with the adjacent neighborhood, especially residential neighborhood stability and character (§5.3.6.7).**

The proposed rezoning does not appear to impact the compatibility of the adjacent uses. Appropriate buffers and screening must be provided as part of any development plan and should serve to mitigate any impacts and enhance the area.

**8. The length of time the subject property has remained vacant as zoned, if applicable (§5.3.6.8).**

The subject property has been vacant for a short time in anticipation of a redevelopment plan. The current zoning does not realistically allow the development of the subject property until a rezoning to a traditional zoning district occurs.

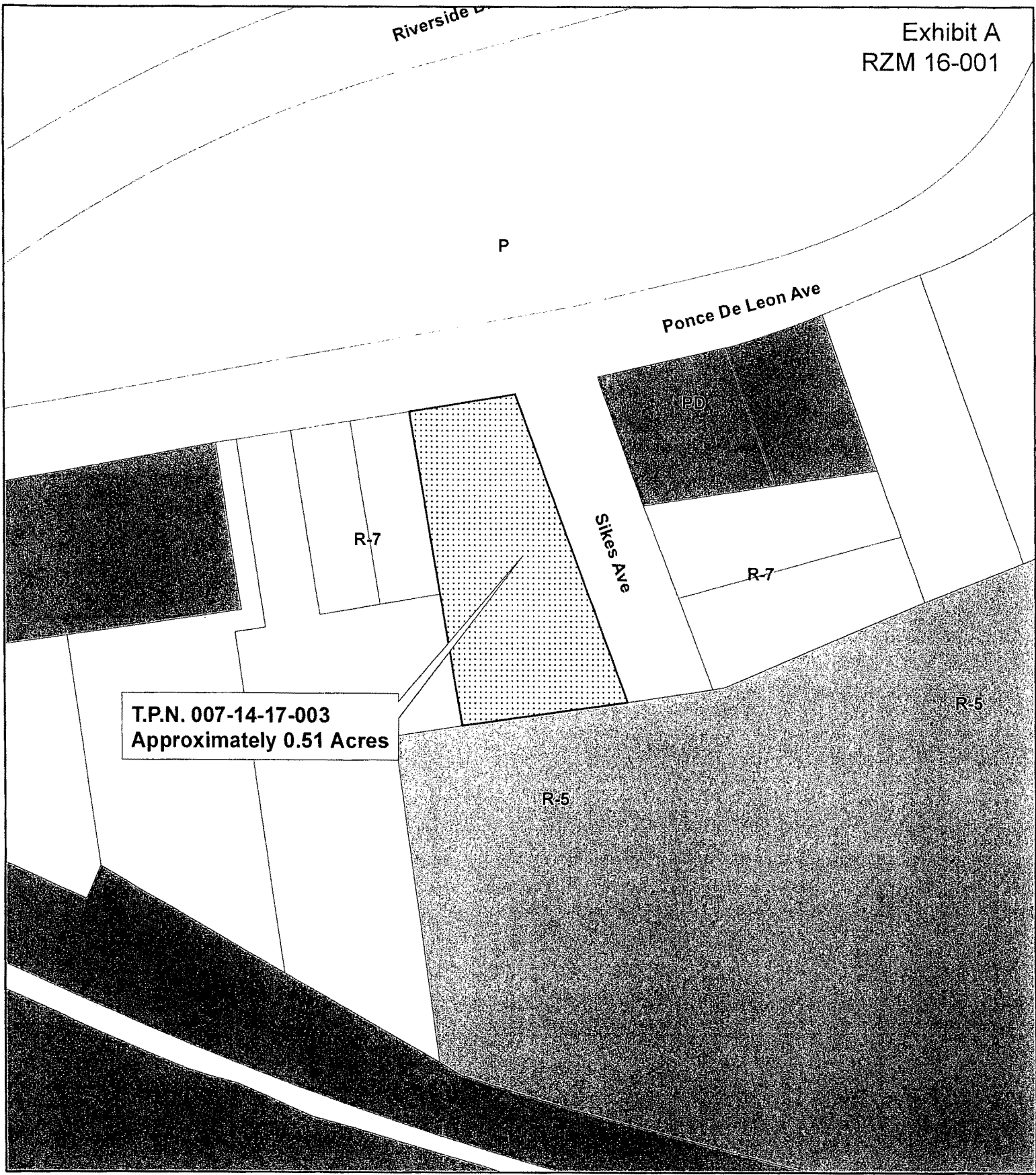
**9. Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs including, but not limited to, affordable housing and economic development (§5.3.6.9).**

The properties in the surrounding area are largely built out as residential uses. This rezoning request would allow the subject property to create a small-scale residential development on underutilized property within the downtown area.

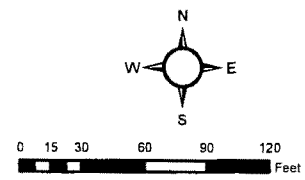
**10. Whether the existing zoning was in error at the time of adoption (§5.3.6.10).**

The existing zoning of PD, Planned Development has been in place for a long time. It does not appear that the existing zoning was made in error during the adoption of the zoning for the subject property.





**Application Number RZM 16-001**  
**Tax Parcel Number**  
**007-14-17-003**  
**A Request to Rezone from**  
**PD, Planned Development to**  
**R-7, Small Lot, Single Family Residential**



E:\2016 ReZone\RZM16-001.MXD  
January 20, 2016