

Policy and Procedure Manual for the Acquisition and Disposition of Real Property by the Town of Bluffton

Town Council Meeting of April 11, 2017





Resolution to Adopt Policy Manual

- Purpose is to formally adopt a policy manual to memorial existing procedures for real property transactions into one consolidated point of reference for Town Staff use
 - Sale of Town-Owned Property
 - Purchase of Property
 - Acceptance of Donation of Property
 - Condemnation of Property
 - Sale of Development Rights
- Authority is derived from SC Code of Laws, 1976, As Amended, § 5-7-40 and applicable Town of Bluffton Ordinances



Policy Manual Takeaways for Town Council

- No new procedures result from its creation
- Drafted by Town Attorney as a consolidated reference guide
- In Summary:
 - Council approval required to sell, buy and condemn property
 - Property sale, or sale of Development Rights, requires an Ordinance
 - Acquisition of property, either by purchase, donation or condemnation requires a Resolution



Sale of Town-Owned Property

- 1) Executive Session Discussion (Optional)
- 2) Resolution in open session authorizing Town Manager to enter into Listing Agreement (Optional)
- 3) Upon receipt of offer, Town Manager may:
 - a. Reject offer on behalf of Town; or
 - b. Negotiate with prospective buyer, contingent upon Town Council approval via Ordinance; and/or
 - c. Present a proposed Purchase and Sale Agreement to Town Council in Executive Session
- 4) If Town Council accepts offer, it must do so by Ordinance



Purchase of Property by the Town

- 1) Property identified and discussed in Executive Session
- 2) Town Manager may begin initial negotiations with periodic updates to Town Council in Executive Session
- 3) Town Manager presents Proposed Purchase and Sale Agreement to Town Council in Executive Session
- 4) Town Council considers/approves a Resolution in open session authorizing Town Manager and other Town officials, as needed, to take actions regarding the Purchase and Sale Agreement
- 5) Town Manager executes Purchase and Sale Agreement



Acceptance of Donation of Property

- 1) Landowner approaches Town regarding conveyance of property, or a property interest for purpose of furthering a Town project
- 2) Town Manager may:
 - a. Decline the Donation; or
 - b. Authorize Town Attorney and/or Staff to conduct initial due diligence to determine if accepting property is in best interest of the Town
- 3) Donation Documents are drafted, contingent upon Town Council's acceptance of property (or property interest) by Resolution
- 4) Donation is discussed in Executive Session, followed by Resolution in open session to accept the Donation



Condemnation of Property

- 1) Town informs affected property owners of possibility of property or property interest acquisitions necessary for a public project
- 2) After Final Conceptual Project Plans are completed, Town Attorney and other Staff begin Due Diligence Preparation for property interests that will need to be acquired
- 3) “Notice to Owner of Interest” delivered to affected property owners, followed by initial discussions with staff
- 4) Appraisals are ordered on all identified properties
- 5) Town Council adopts a Resolution of Just Compensation
- 6) Staff delivers an Offer Letter or Notice of Intent to Acquire to affected property owners, and begins negotiations



Condemnation of Property (cont'd)

- 7) If settlement is reached with property owner, property is conveyed to Town with written notice of Title Confirmation provided to the Project Manager
- 8) If settlement is not reached, Project Manager notifies Town Attorney identifying properties requiring condemnation
 - a. Town Attorney serves "Condemnation Notice and Tender of Payment" on property owners who have not settled with the Town
 - b. If no response or does not accept within 30 days, Town Attorney may File the Condemnation Action and deposit the Tender of Deposit with Clerk of Court giving Town the legal authority to take the property



Sale of Development Rights

- 1) Offeror completes Town of Bluffton Transfer of Development Rights Application (TDR Application)
- 2) Staff confirms availability of requested rights
- 3) Town Manager may:
 - a. Reject the offer on behalf of the Town; or
 - b. Negotiate with offeror regarding terms, contingent upon Town Council approval via Ordinance; and/or
 - c. Present a proposed Purchase and Sale Agreement to Town Council in Executive Session, with subsequent approval to execute via Ordinance
- 4) TDR Application reviewed by Planning Commission between first and second reading of Ordinance
- 5) Second and final reading of Ordinance, with findings of fact and recommendations from Planning Commission

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