

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: May 6, 2024

Agenda Item: 7A	Prepared by: Chris Noury, City Attorney
Agenda Section: New Business: Ordinance. First Reading	Date: April 18, 2024
Subject: First Amendment to the Bahama Island Phase II Master Development Agreement and to authorize the City Manager to sign the document on behalf of the City	Division: Legal

NOTE:
Petitioner has requested to withdraw

Background:

The City and the Developers for Bahama Island Phase II entered into a Development Agreement on August 31, 2023, which contained obligations by the Developer regarding certain off-site road improvements for roads that are located within the jurisdiction of Horry County which improvements therefore required the consent and approval of Horry County. However, the County has indicated that it will not consent to the off-site road improvements required in the Development Agreement.

Because the County has not consented to/approved of the off-site road improvements, the Developers have proposed an amendment to the Development Agreement as follows:

Exhibit D-1 of the proposed amendment contains three pages which depict modified off-site road improvements to:

- (i) The intersection of Sandridge Road and Old Crane Road
- (ii) The intersection of Old Crane Road and Bowline Avenue; and
- (iii) Provide a left turn pocket (taper and storage) on Bowline Avenue for left turns into the Project.

The proposed amendment to the Development Agreement also contains language that the parties recognize that the off-site road improvements require the approval and consent of Horry County and that in the event that the County does not provide its approval and consent to any of one of the above listed off-site improvements then the Developer will no long be obligated to provide the off-site road improvements for which consent and approval from the County is not granted.

Recommended Action:

Petitioner has withdrawn

Reviewed by Department Head	Reviewed by City Manager	Reviewed by City Attorney
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Council Action:
Motion By _____ 2nd By _____ To _____