

**REQUEST FOR CITY COUNCIL CONSIDERATION**

Meeting Date: March 15, 2021

Agenda Item: 5B	Prepared By: Chris Noury, City Attorney
Agenda Section: Consent: Resolution	Date: March 11, 2021
Subject: A Resolution to accept the conversion of Leah Jayne Lane from a private ROW to a public ROW.	Division: Legal

**Background:**

Richard Harris, the President and Chair of the Board of Directors for the Bungalows on 9<sup>th</sup> Property Owners Association has requested (Bungalows POA), on behalf of the Bungalows POA, to convert Leah Jayne Lane (LJL) from a private right-of-way to a public right-of-way. The recorded covenants, conditions and restrictions along with the bylaws for the Bungalows POA allow the POA to dedicate LJL as a public ROW.

The Director of Public Works has examined the existing conditions of LJL and has determined that the ROW meets current city standards and has further determined that the prorated cost for future paving is \$6,000.

In addition, if Council adopts the Resolution, the Bungalows POA will be required to pay the legal expenses of \$2,000 and the surveying cost of \$2,200 for a total of \$10,200. Procedurally, the plat indicating that LJL is a public ROW will then be presented to the Planning Commission after the Bungalows POA has provided the above referenced funds to the City along with the necessary documentation to complete the conversion to a public ROW.

**Recommended Action:**

Adoption of the Resolution

	Reviewed by City Manager	Reviewed by City Attorney
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Council Action:  
Motion By \_\_\_\_\_ 2<sup>nd</sup> By \_\_\_\_\_ To \_\_\_\_\_

**RESOLUTION**

**A RESOLUTION REGARDING THE CONVERSION OF LEAH JAYNE LANE FROM A PRIVATE RIGHT-OF-WAY TO A PUBLIC RIGHT-OF-WAY PURSUANT TO SECTION 20-45 OF THE NORTH MYRTLE BEACH CODE OF ORDINANCES.**

**Whereas**, Leah Jayne Lane is a private right-of-way within the City; and

**Whereas**, Richard Harris, President and Chair of the Board of Directors for the Bungalows on 9<sup>th</sup> Property Owners Association (Bungalows POA) has requested on behalf of the Bungalows POA to convert Leah Jayne Lane from a private right-of-way to a public right-of-way; and

**Whereas**, Section 20-45 of the NMB Code of Ordinances provides that if private streets are owned/maintained by a homeowner's association or property owner's association, sufficient documentation would need to be provided indicating satisfactory legal standing exists in order for that entity to make the request and to convey the street/drainage right-of-way to the City; and

**Whereas**, the Bungalows HOA has provided the documentation necessary that it has standing to make the request on behalf of its residents and to convey the private ROW to the City on behalf of its residents; and

**Whereas**, the covenants, conditions and restrictions and the bylaws for the Bungalows POA allow the POA to dedicate the ROW to the public; and

**Whereas**, Section 20-45 provides the Director of Public Works shall examine the existing conditions of the subject street and drainage systems to make recommendations as to any potential upgrades that may be needed to improve street/drainage systems to current city standards prior to acceptance; and

**Whereas**, Section 20-45 also provides the Director of Public Works shall then determine the useful lifespan of the subject street/drainage system and make recommendations for any up-front maintenance payments, based on the average typical lifespan/maintenance cycle of a street in the city; and

**Whereas**, the Director of Public Works has determined that an up-front payment in the amount of \$6,000 is required which represents the prorated payment for future paving costs; and

**Whereas**, the Bungalows POA shall be required to pay for the legal expense (\$2,000) and the expense of the survey (\$2,200); and

**Whereas**, the monies referenced above shall be paid to the City from the Bungalows POA at or before the closing.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL FOR THE CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA:**

**Section 1:** City Council hereby approves the conversion of Leah Jayne Lane from a private right-of-way to a public right-of-way contingent upon payment of the above referenced monies to the City.

**Section 2:** The City Manager is authorized to sign the documents necessary to convert the status of Leah Jayne Lane from a private right-of-way to a public right-of-way contingent upon payment of the above referenced monies to the City.

**Section 3:** The Resolution shall become effective after the Planning Commission's approval of the conversion of Leah Jayne Lane from a private ROW to a public ROW and upon payment of the required expenses in the amount of \$10,200 along with all documents necessary to convert Leah Jayne Lane from a private right-of-way to a public right-of-way.

**RESOLVED THIS 15<sup>th</sup> DAY OF MARCH 2021**

\_\_\_\_\_  
Mayor Hatley

Attest:

Resolution: RES 21-04

\_\_\_\_\_  
City Clerk