

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: September 20, 2021

Agenda Item: 7F	Prepared by: Chris Noury, City Attorney
Agenda Section: New Business: Ordinance. First Reading	Date: August 23, 2021
Subject: To approve the amendment to the Barefoot Resort & Golf Development Agreement regarding Sea Glass II and to authorize the City Manager to sign the document on behalf of the City	Division: Legal

Background:

The following summarizes the major aspects of the Amendment to the Barefoot Resort & Golf Development Agreement (Sea Glass II) as follows:

Term: The initial term of the Development Agreement shall be for a period of five (5) years. The term will automatically renew at the end of five years for two (2) more terms of five (5) years each if the developer is not in default and the project has not been completed.

Density: The project shall consist of not less than 86 residential units and not more than 92 residential units as approved under the PDD and Master Site Plan.

Prohibition Against Conservation Easement: The developer agrees not to subject any portion of the property to a conservation easement or other restrictive covenant regarding any of the property shown as single family homes or amenities on the master site plan.

Minimum Term of Any Rental Agreement: The minimum term of any rental agreement for the residential units constructed on the Subject Property shall be for 6 months, provided that following any such 6 month period, residential leases may be extended for periods of less than 6 months to the same tenant, provided such extensions are for successive periods of not less than 30 days. No sub-lease or assignment shall be permitted which would result in a party occupying a residential unit for a period of less than 6 months.

Beach Access Fee: The developer shall pay to the City a beach access fee of \$1,100 per residential unit. This fee shall be due at the time of issuance of the building permit. At a minimum, the City shall receive \$94,600 (86 units x 1,100) which amount could increase *if* the site plan is amended to allow additional units up to the cap of 92 units.

Park Enhancement Fee: The developer shall pay a Park Enhancement fee of \$200 for each separate residential unit at the time of issuance of a building permit for a residential unit. The City will receive at least \$17,200 (86 x 200) which amount could increase *if* the site plan is amended to allow additional units up to the cap of 92.

Other Fees: The developer shall pay a Police /Fire Substation Fee in the amount of \$450 per residential unit, a water extension fee in the amount of \$500 per unit and a sewer extension fee in the amount of \$175 per residential unit.

Amenities: The developer shall provide a completed swimming pool accessible by the project residents on or before the date on which building permits have been issued for 60 residential units to be constructed on the property.

Traffic Signal: The developer shall install a traffic signal on Barefoot Resort Bridge Road at an estimated cost of \$350,000. The City will contribute \$150,000 towards the cost. The developer agrees that the traffic signal will either be complete on or before the date on which building permits have been issued for 60 of the residential units to be constructed on the property or, the developer shall provide a bond in favor of the City for the remaining cost of the traffic signal.

Conversion of Commercial Boulevard from a public ROW to a private ROW: The developer shall have two years to convert Commercial Boulevard from a public ROW to a private ROW. In the event the conversion does not occur within two years, the City may withhold approval of any future subdivision plats within the PDD and may withhold the issuance of any future building permits until the conversion is completed.

Recommended Action:

Approve the ordinance on first reading

Reviewed by City Manager

Reviewed by City Attorney

Council Action:

Motion By _____ 2nd By _____ To _____

AN ORDINANCE

AN ORDINANCE TO APPROVE THE AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR BAREFOOT RESORT & GOLF PDD REGARDING SEA GLASS II AND TO AUTHORIZE THE CITY MANAGER TO SIGN THE DOCUMENT ON BEHALF OF THE CITY OF NORTH MYRTLE BEACH

WHEREAS, the City of North Myrtle Beach and Cottage Holdings, LLC desire to enter into an amendment to the Barefoot Development Agreement regarding Sea Glass II; and

WHEREAS, that certain document identified as the Amendment to the Development Agreement for Barefoot Resort & Golf PDD (Sea Glass II), as agreed upon by the Parties, has been prepared and is presented to City Council for approval; and

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

Section 1: The document identified as the Amendment to the Development Agreement for Barefoot Resort & Golf (Sea Glass II) is hereby approved.

Section 2: The City Manager is authorized to sign the above referenced document on behalf of the City of North Myrtle Beach.

Section 3: This ordinance shall become effective upon the date of passage.

DONE, RATIFIED AND PASSED, THIS _____ DAY OF _____, 2021.

ATTEST:

Mayor Marilyn Hatley

City Clerk

APPROVED AS TO FORM:

City Attorney

FIRST READING: 9.20.2021

SECOND READING: _____

REVIEWED:

City Manager

ORDINANCE: 21-37