

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

)
)
)

TITLE TO REAL ESTATE

WHEREAS, the Lowcountry Open Land Trust (the "Grantor") is a nonprofit corporation whose purpose is to preserve and conserve natural areas; and

WHEREAS, the Grantor is the owner in fee simple of certain real property (hereinafter referred to as the "Property" which has aesthetic, scientific, educational, and ecological value in its present state as a natural area which has not been subject to development or exploitation, which property is described more on the attached Exhibit A;

WHEREAS, the parties desire to place restrictions upon the Property for the purposes of, inter alia retaining land or water areas predominantly in their natural, scenic, open or wooded condition or as suitable habitat for fish, plants, or wildlife; and

WHEREAS, "natural, scientific, educational, aesthetic, scenic and recreational resource," as used herein shall, without limiting the generality of the terms, mean the condition of the Property at the time of this grant, evidenced by:

A) The appropriate survey maps from the United States Geological Survey, showing the property line and other contiguous or nearby protected areas;

B) An aerial photograph of the Property at an appropriate scale taken as close as possible to the date hereof; and

C) On-site photographs taken at appropriate locations on the Property;

and other documentation, which documentation shall be sufficient to establish the condition of the Property as of the date hereof which documentation shall be maintained in duplicate by both the Grantor and the Grantee hereof and made available to interested members of the public upon reasonable request for purposes of enforcing the restrictions contained herein.

KNOW ALL MEN BY THESE PRESENTS THAT the Lowcountry Open land Trust, a non-profit corporation, organized and existing under the laws of the State of South Carolina (the "Grantor"), in the state aforesaid in consideration of the sum of Ten and 00/100 (\$10.00) Dollars, and other valuable consideration, to it in hand paid at and before the sealing of these presents by the Town of Sullivan's Island, South Carolina (the "Town"/"Grantee"), in the State aforesaid the receipt whereof is hereby acknowledged, have granted, bargained, sold and released and by these Presents do grant, bargain, sell and release unto the said the Town of Sullivan's Island, South Carolina, its successors and assigns, the following described property:

FOR DESCRIPTION OF PROPERTY SEE EXHIBIT A ATTACHED HERETO
AND INCORPORATED HEREIN BY REFERENCE (THE "PROPERTY").

This conveyance is made subject to the following terms, conditions, restrictions, and covenants (hereinafter the "Restrictions"):

1. Except as otherwise provided or permitted in Paragraphs 2 and 3 hereof, the Property shall remain in its natural state, no changes shall be made to its topography or vegetation and no structures or improvements shall be erected on the Property.

2. Notwithstanding the provisions of Paragraphs 1 and 3 and subject to the limitations of Paragraph 4, the Town Council is given the unrestricted authority to trim and control the growth of vegetation for the purposes of mosquito control, scenic enhancement, public and emergency access to the Atlantic Ocean and providing views of the ocean and beaches to its citizens.

3. Notwithstanding the provisions of Paragraph 1 hereof, and subject to the limitations of this Paragraph 3 and of Paragraphs 2 and 4, the Town Council of Sullivan's Island (the "Council") shall have the right to improve, change, modify or alter the Property only if such actions are to further or effect one or more of the following enumerated public objectives or policies ("Public Policies"):

- a) Drainage
- b) Mosquito control
- c) Public walkways and emergency access to the Atlantic Ocean
- d) Beach renourishment
- e) Erosion control
- f) Vegetation management
- g) Educational programs
- h) Public safety
- i) Public health; and
- j) Scenic enhancement.

Prior to taking any action affecting the Property to further or effect a Public Policy ("Public Action"), the Council shall make specific written findings of fact;

1) that the proposed Public Action is proposed solely for the purpose of furthering or effecting one or more of the enumerated Public Policies,

2) that the proposed Public Action is necessary for the health, safety or general welfare of the Town,

3) that the benefits of the proposed Public Action outweigh the damage done to the aesthetic, ecological, scientific, or educational value of the Property in its natural state, and

4) that in making its findings of fact, the Council has given due and reasonable consideration to

i) the cumulative effect of the proposed Public Action and past Public Actions on the natural state of the Property,

ii) the alternative methods, if any, of furthering or effecting the proposed Public Policy which do not impact adversely on the natural state of the Property, and

iii) the probable results of not taking the proposed Public Action.

The above described written findings of fact must be made prior to each individual Public Action relating to the Property and shall be specific to the circumstances of the proposed Public Action and not merely conclusive in nature. In no event shall any Public Action violate the provisions of Paragraph 4 hereof.

4. In all events, the following activities, improvements and structures shall be prohibited on the Property:

- a) any building or structure with a roof
- b) Asphalt pavement, concrete pavement or pavement of a non-porous material
- c) electrical power lines, wires, conduit, stations or pads
- d) sewer lines, pipes or lift stations
- e) water lines, pipes or lift stations
- f) commercial activities in any way related to the buying or selling of things, goods or services.

Notwithstanding the provisions of Paragraph 4(c), (d) and (e) the Council may allow utility easements for electrical, sewer and water lines to cross through the Property, provided no utility services are provided as a result to any improvements on the Property.

5. These Restrictions may be enforced by the Town, any property owner within the Town, or by any voter registered within the Town. Such persons may seek any appropriate remedy for any violation, including, but not limited to, injunctive relief to force a termination of the violation or to permit restoration of the area damaged by an prohibited activity. The forbearance to

BK K 200PG499

enforce the terms and provisions thereof in the event of a breach shall not be deemed a waiver of any rights granted hereunder. The Town shall not be liable to any person for any violation of these Restrictions by any person other than itself.

6. During the term of these restrictions, the Town shall cause to remain in effect an ordinance of the Town making it a violation of law for any person to violate the provisions of these Restrictions, as such Restrictions may be modified pursuant to Paragraph 8 hereof. The Town may enact ordinances and regulations affecting the Property which are more restrictive than these Restrictions or which are not inconsistent with these Restrictions.

7. If any provision of these Restrictions shall be invalid or for any reason become unenforceable, no other provision shall thereby be affected or impaired.

8. These Restrictions may be modified or repealed only upon an affirmative vote of both (a) seventy-five (75%) percent of the registered voters of the Town who vote in the referendum held pursuant to the terms hereof, and (b) one hundred (100%) percent of the members of Town Council. For purposes of these Restrictions, a registered voter in the Town shall mean any voter eligible to vote in Town elections who is registered 30 days prior to the referendum held pursuant to the terms hereof. At least 45 days prior to any referendum held pursuant to the terms hereof, the Council shall adopt reasonable regulations concerning the manner of voting hereunder. Nothing herein shall prohibit the Council from adopting regulations which allow voting by ballot on a designated day or days or by circulation of written petitions over a period of time.

9. These Restrictions shall remain in full force and effect for a period of 50 years and shall be automatically renewed and continued in effect for additional periods of 50 years each until such time as these Restrictions are repealed in accordance with the provisions of Paragraph 8 hereof. The terms of this Paragraph may be modified in accordance with the provisions of Paragraph 8 hereof.

GRANTEE'S ADDRESS: Town of Sullivan's Island
Town Hall
P. O. Box 427
Sullivan's Island, SC 29482

TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises before mentioned unto the said Town of Sullivan's Island, South Carolina, its Successors and Assigns forever.

EXHIBIT A

All those lots, parcels and pieces of property located within the Town of Sullivan's Island, County of Charleston, State of South Carolina, being more specifically described as follows:

Parcel 1

All that real property not previously conveyed by the Board of Township Commissioners, Town Council of Sullivan's Island, the State of South Carolina or their predecessors in title, located and situated within the boundaries created by Star of the West Street, Middle Street, Station 12 Street, and the mean high water mark of the waters of the Atlantic Ocean and Charleston harbor. Said property is also shown as Parcel #1 on the below described plat attached hereto and marked Exhibit B.

TMS: 523-06-00-073

Parcel 2

All that real property not previously conveyed by the Board of Township Commissioners, Town Council of Sullivan's Island, the State of South Carolina or their predecessors in title, located and situated within the boundaries created by Palmetto Street, Poe Avenue, Station 16 Street, and the mean high water mark of the waters of the Atlantic Ocean. Said property is also shown as Parcel #2 on the below described plat attached hereto and marked Exhibit B.

SPECIFICALLY SAVING AND EXCEPTING all that land now owned by the United States Government.

SPECIFICALLY SAVING AND EXCEPTING all those lots, parcels and pieces of land know as Tract A and Tract B on a plat by William Porcher, dated April 21, 1989, entitled "Plat Showing Battery Logan Owned by Sullivan's Island Board of Township Commissioners, Being Subdivided into Tract A and Tract B, Sullivan's Island, Charleston County, South Carolina" being duly recorded in the R.M.C. Office for Charleston County on the 24th day of May, 1989, in Plat Book BW, at Page 28.

TMS: 523-07-00-124

Parcel 3

All that real property not previously conveyed by the Board of Township Commissioners, Town Council of Sullivan's Island, the State of South Carolina or their predecessors in title, located and situated within the boundaries created by Station 16 Street, Atlantic Avenue, Station 18 Street and the mean high water mark of the waters of the Atlantic Ocean. Said property is also shown as Parcel #3 on the below described plat attached hereto and marked Exhibit B.

TMS: 523-12-00-077

Parcel 4

All that real property not previously conveyed by the Board of

BX K 200PC502

Township Commissioners, Town Council of Sullivan's Island, the State of South Carolina or their predecessors in title, located and situated within the boundaries created by Station 18 Street, I'on Street, Station 18-1/2 Street and the mean high water mark of the waters of the Atlantic Ocean. Said property is also shown as Parcel #4 on the below described plat attached hereto and marked Exhibit B.

SPECIFICALLY SAVING AND EXCEPTING Lots M, N, ME, NE, and property presently owned by the United States Coast Guard, along with West Atlantic Avenue as shown on plat entitled "Town of Sullivan's Island, Charleston County, South Carolina", dated May 18, 1964, attached hereto and incorporated herein as Exhibit B.
TMS: 529-09-00-112

Parcel 5

All that real property not previously conveyed by the Board of Township Commissioners, Town Council of Sullivan's Island, the State of South Carolina or their predecessors in title, located and situated within the boundaries created by Station 18-1/2 Street, Thee Street, the western boundary of the lands now leased by Charleston County School District No. 2 and the mean high water mark of the waters of the Atlantic Ocean. Said property is also shown as Parcel #5 on the below described plat attached hereto and marked Exhibit B.
TMS: 529-09-00-112

Parcel 6

All that real property not previously conveyed by the Board of Township Commissioners, Town Council of Sullivan's Island, the State of South Carolina or their predecessors in title, located and situated seaward beyond the boundaries of all that real property leased under School District No. 2 of Charleston County, State of South Carolina as more specifically shown by Grant of Lease dated the 23rd day of April, 1954, and recorded in the R.M.C. Office for Charleston County in Book N58, at Page 150. Said property is also shown as Parcel #6 on the below described plat attached hereto and marked Exhibit B.
TMS: 529-09-00-112

Parcel 7

All that real property not previously conveyed by the Board of Township Commissioners, Town Council of Sullivan's Island, the State of South Carolina or their predecessors in title, located and situated within the boundaries created by the eastern boundaries of the lands now leased by Charleston County School District No. 2, Pettigrew Street, Station 22 Street and the mean high water mark of the waters of the Atlantic Ocean. Said property is also shown as Parcel #7 on the below described plat attached hereto and marked Exhibit B.
TMS: 529-09-00-112

BK K 200P6503

Parcel 8

All that real property not previously conveyed by the Board of Township Commissioners, Town Council of Sullivan's Island, the State of South Carolina or their predecessors in title, located and situated within the boundaries created by Station 22 Street, East Atlantic Avenue and Station 22-1/2 Street and the mean high water mark of the waters of the Atlantic Ocean. Said property is also shown as Parcel #8 on the below described plat attached hereto and marked Exhibit B.

TMS: 529-09-00-112

Parcel 9

All that real property not previously conveyed by the Board of Township Commissioners, Town Council of Sullivan's Island, the State of South Carolina or their predecessors in title, located and situated within the boundaries created by Station 22-1/2 Street, Bayonne Street, Station 28 Street and the mean high water mark of the waters of the Atlantic Ocean. Said property is also shown as Parcel #9 on the below described plat attached hereto and marked Exhibit B.

TMS: 529-10-00-087

Parcel 10

All that real property not previously conveyed by the Board of Township Commissions, Town Council of Sullivan's Island, the State of South Carolina or their predecessors in title, located and situated within the boundaries created by Station 28 Street, Marshall Boulevard, Station 32 Street and the mean high water mark of the waters of the Atlantic Ocean. Said property is also shown as parcel #10 on the below described plat attached hereto and marked Exhibit B.

TMS: 529-11-00-109

Parcel 11

All that real property not previously conveyed by the Board of Township Commissioners, Town Council of Sullivan's Island, the State of South Carolina or their predecessors in title, located and situated and lying seaward of those lots known and described as Lots 1 through 5, Block 16 and Lots 1 through 7, Block 17, as more specifically shown on the below described plat which is marked Exhibit B. Said property is also shown as Parcel #11 on the below described plat attached hereto and marked Exhibit B.

The above tracts of land are more specifically shown and delineated as the colored portion of a plat entitled "Sullivan's Island, Charleston County, South Carolina", dated May 18, 1964, which is attached hereto and incorporated herein by reference and marked Exhibit B.

TMS: 529-12-00-116

BK K 200P6504

Being the same property conveyed to the Grantor herein by Deed of even date from the Town of Sullivan's Island which is recorded in the RMC Office for Charleston County prior to the recording of this deed but simultaneously herewith in Book _____, at Page _____.

Grantees address: P. O. Box 1293
456 King Street
Charleston, SC 29402

BK K 200PG500

AND it does hereby bind itself and its Successors, to warrant and forever defend, all and singular the said Premises ~~to~~ the said Town of Sullivan's Island, South Carolina, ~~its Successors and~~ Assigns, against it and its Successors, lawfully claiming, ~~and~~ to claim the same or any part thereof.

WITNESS its Hand and Seal, this 12 day of February, in the year of our Lord one thousand nine hundred and ninety-one and the two hundred and fifteenth year of the sovereignty and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

D. J. P. R. /
[Signature]

LOWCOUNTRY OPEN LAND TRUST

By: [Signature]
Its: President
By: Norman A. Kidd
Its: Vice President

STATE OF SOUTH CAROLINA)

CHARLESTON COUNTY)

PERSONALLY appeared before me the undersigned witness and made oath that (s)he saw the within named LOWCOUNTRY OPEN LAND TRUST by its authorized officer(s), sign, seal and as its act and deed, deliver the within written Deed, and that (s)he with the other witness named above witnessed the execution thereof.

SWORN to be fore me this 12
day of February A.D. 1991

[Signature] (SEAL)
Notary Public for South Carolina
My commission expires: 4-2-96

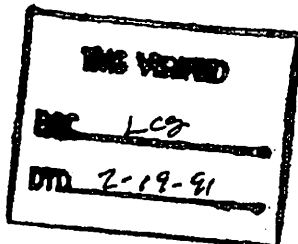
D. J. P. R. /
(Signature of Witness)

CHIEF - REPLY

SK K 200PG510

FILED

26.00



K200-496
91 FEB 14 AM 9:51u

ROBERT N. KING
REGISTER
CHARLESTON COUNTY SC

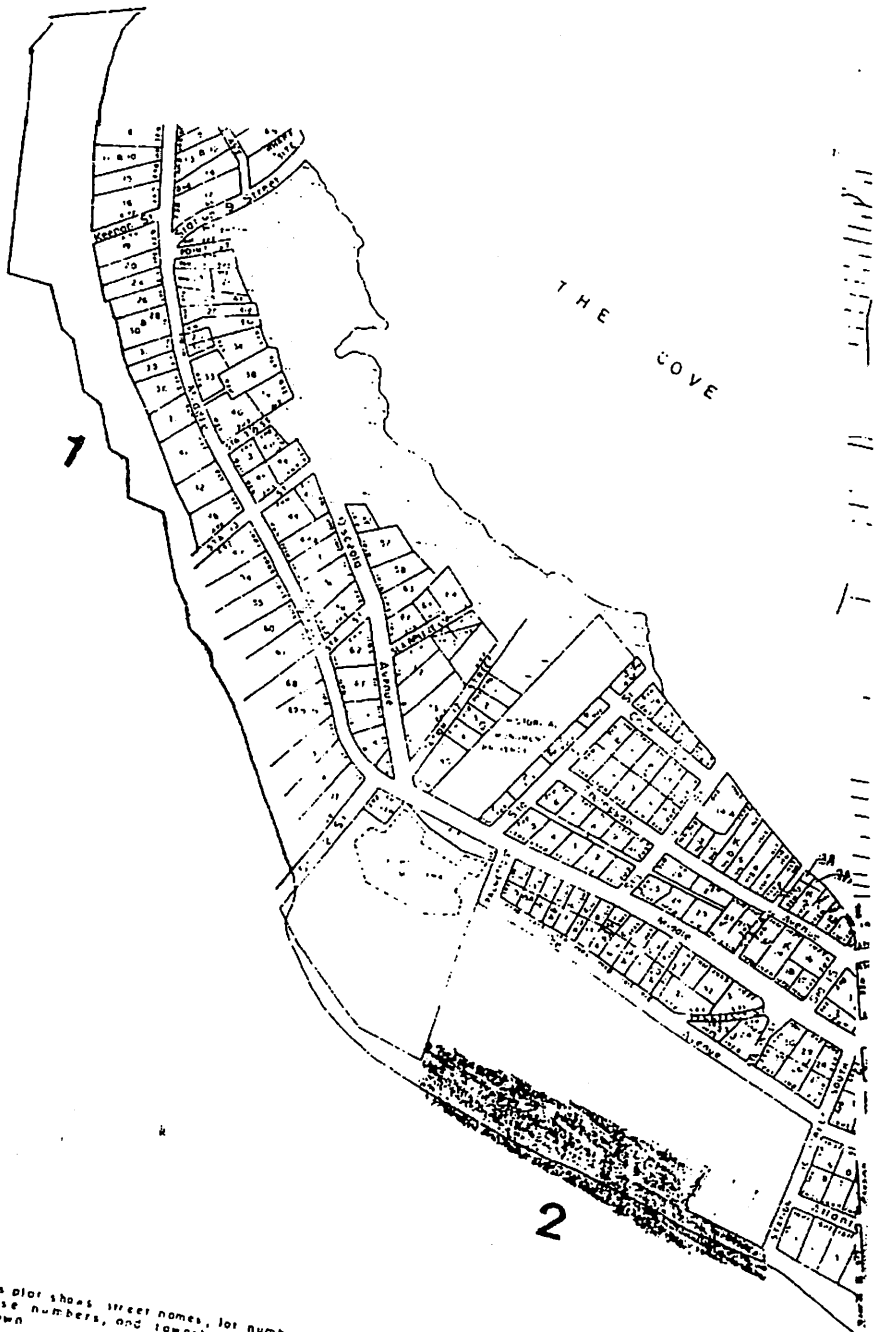
Recorded this 14 day of Feb - 1991
On Property Record Card

Pauline S. Koger

Auditor Charleston County

BK M 20084-00
511

EXHIBIT B



NOTE

This plat shows street names, lot numbers, block letters, house numbers, and township limits. No lot dimensions shown.

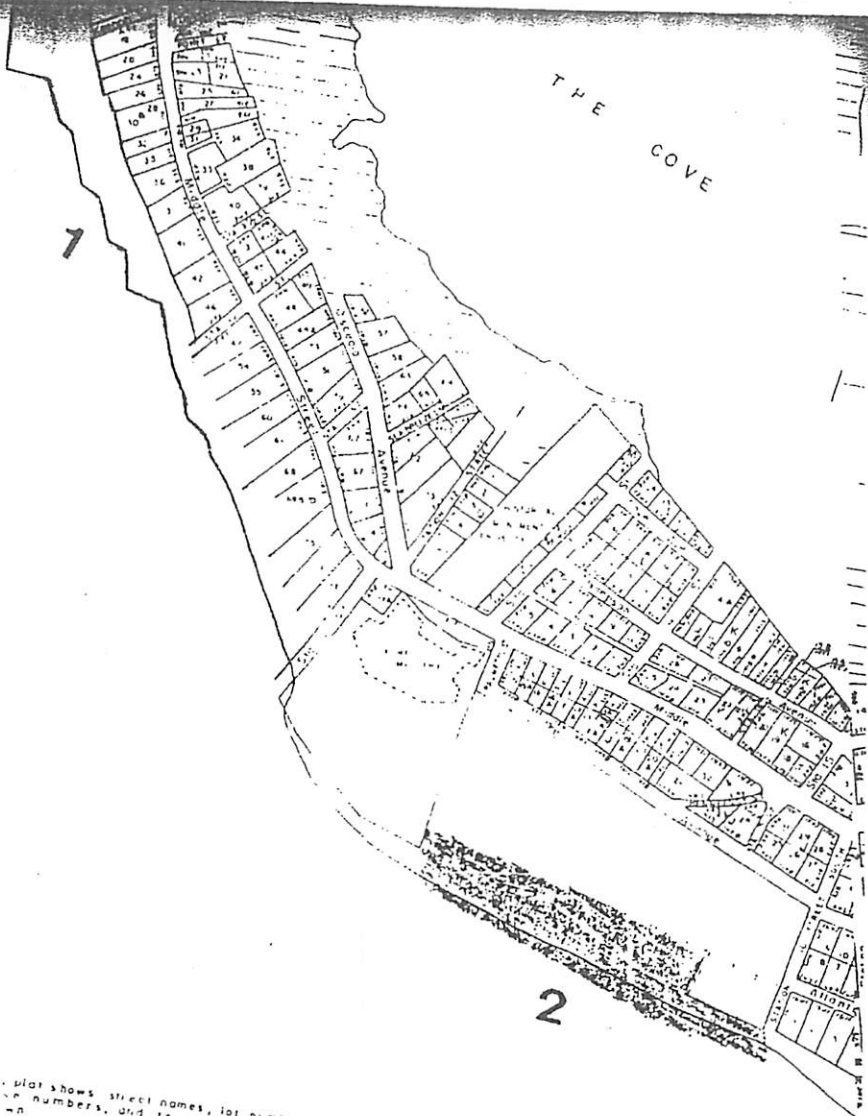
APPROVED:

George G. Durst, Jr.
George G. Durst, Jr., Chairman Board of
Township Commissioners
Agatha P. Mueller
Agatha P. Mueller, Clerk

DATE:

May 15 1965

A.T.L.



NOTE

This plat shows street names, lot numbers, block letters, and township numbers, and township limits. No lot dimensions shown.

APPROVED:

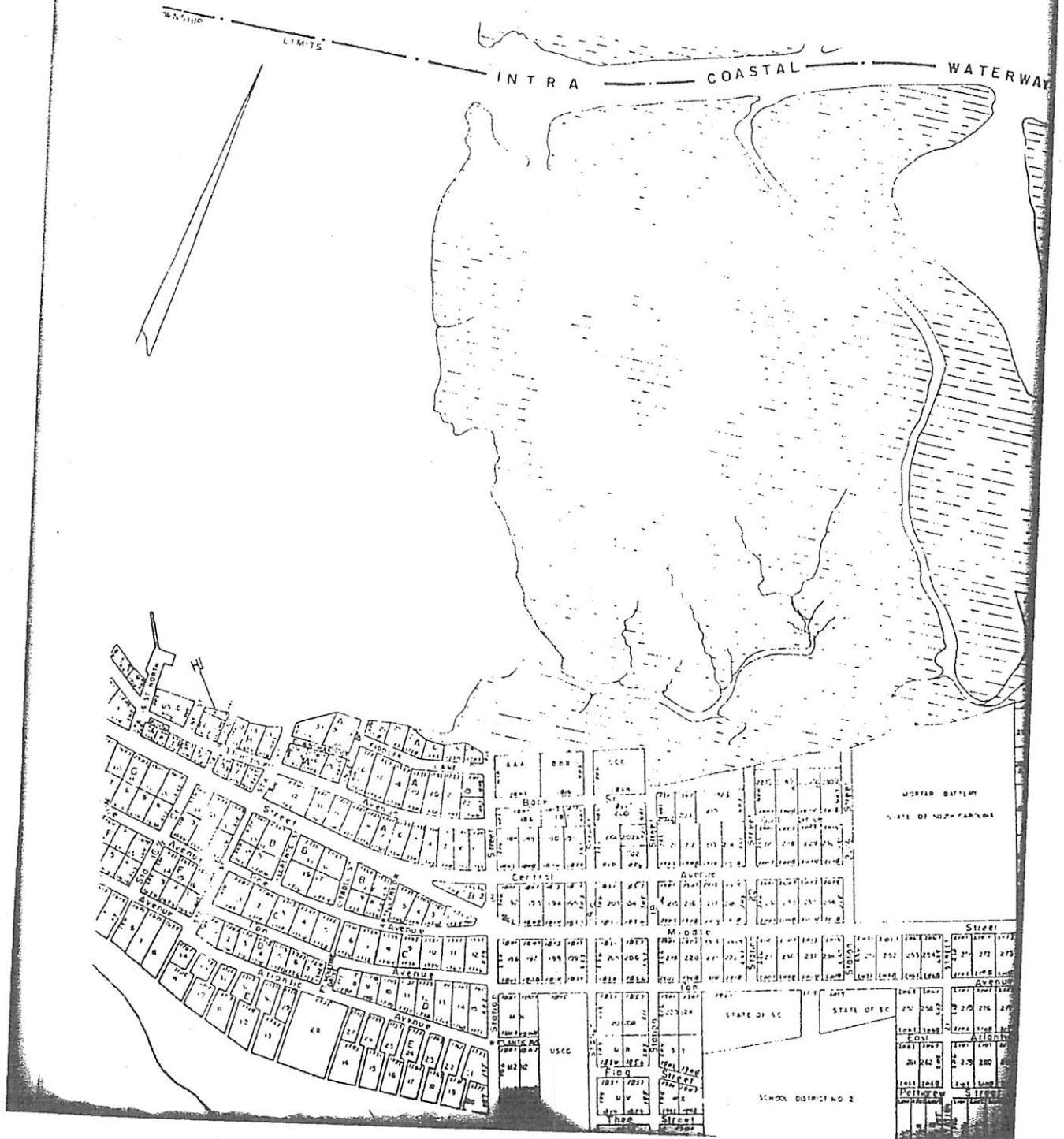
George G. Gurst
George G. Gurst, MD Chairman Board of
Township Commissioners

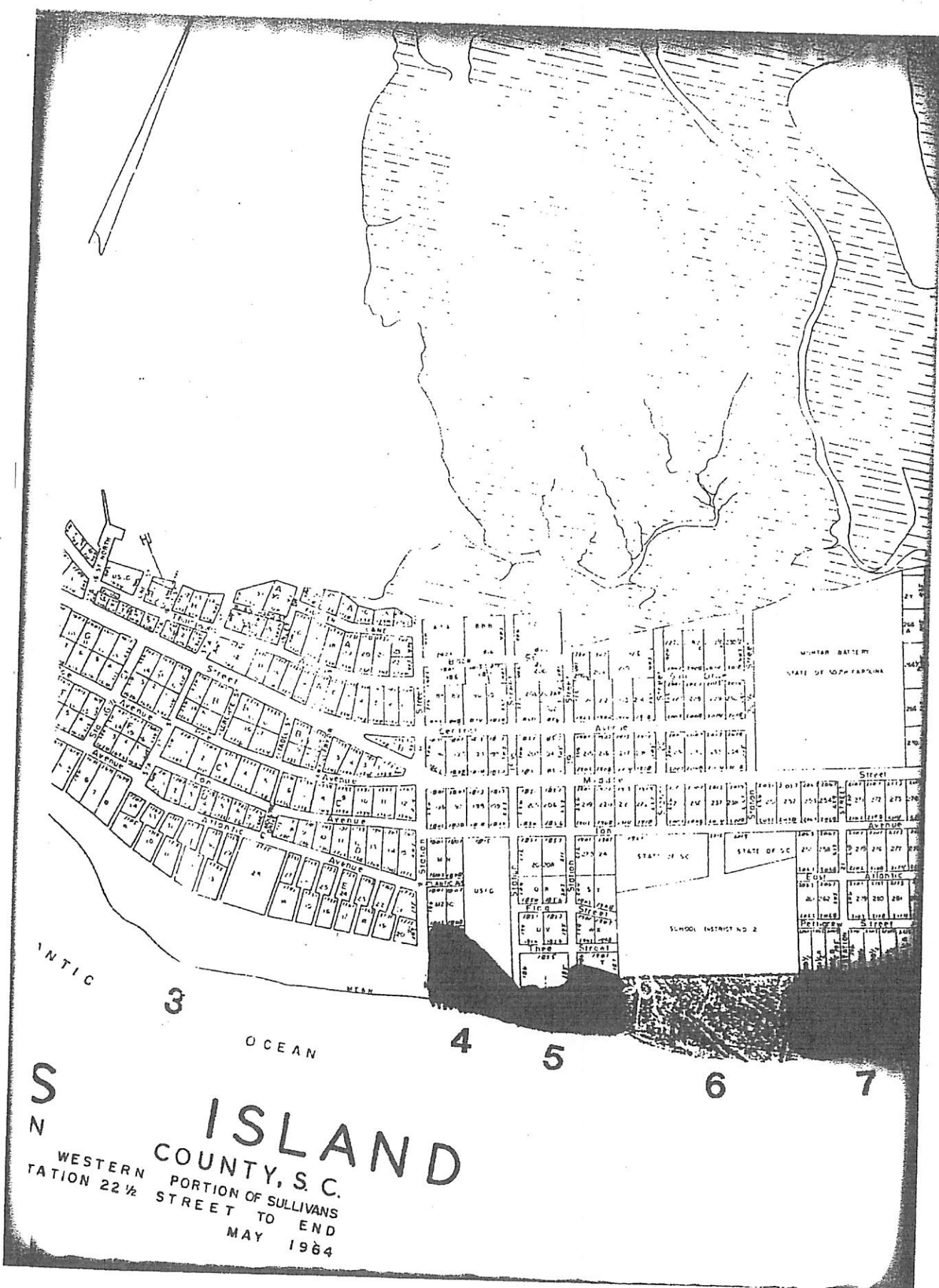
Agatha M. Mueller
Agatha M. Mueller Clerk

Dated May 11, 1925

SULLIVAN
CHARLESTON
PLAT SHOWING
ISLAND FROM S
SCALE 1" = 400'

BK K 200PG 491
512





SULLIVAN'S ISLAND

WESTERN PORTION OF SULLIVANS
COUNTY, S.C.
STREET TO END
MAY 1964

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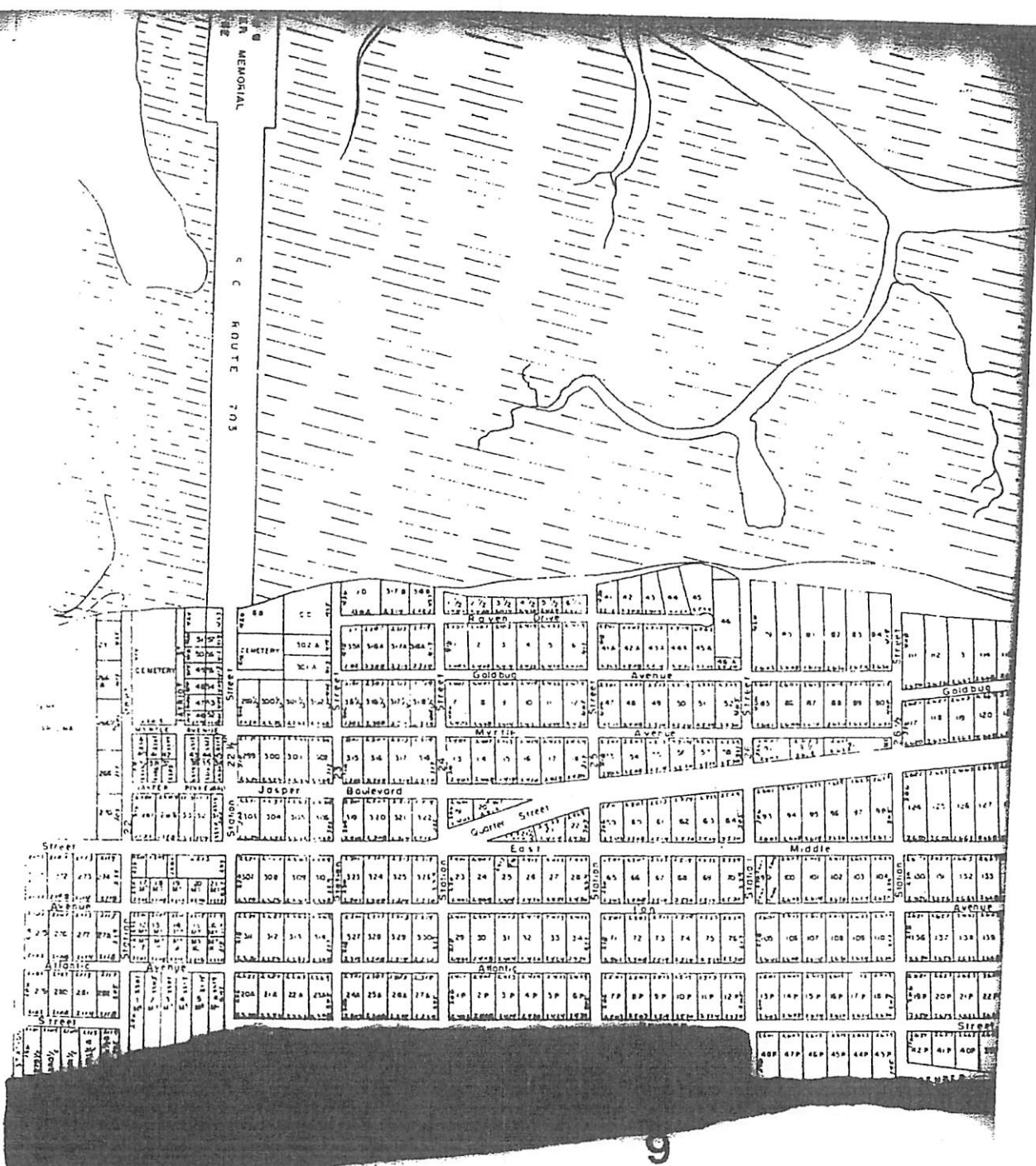
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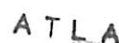


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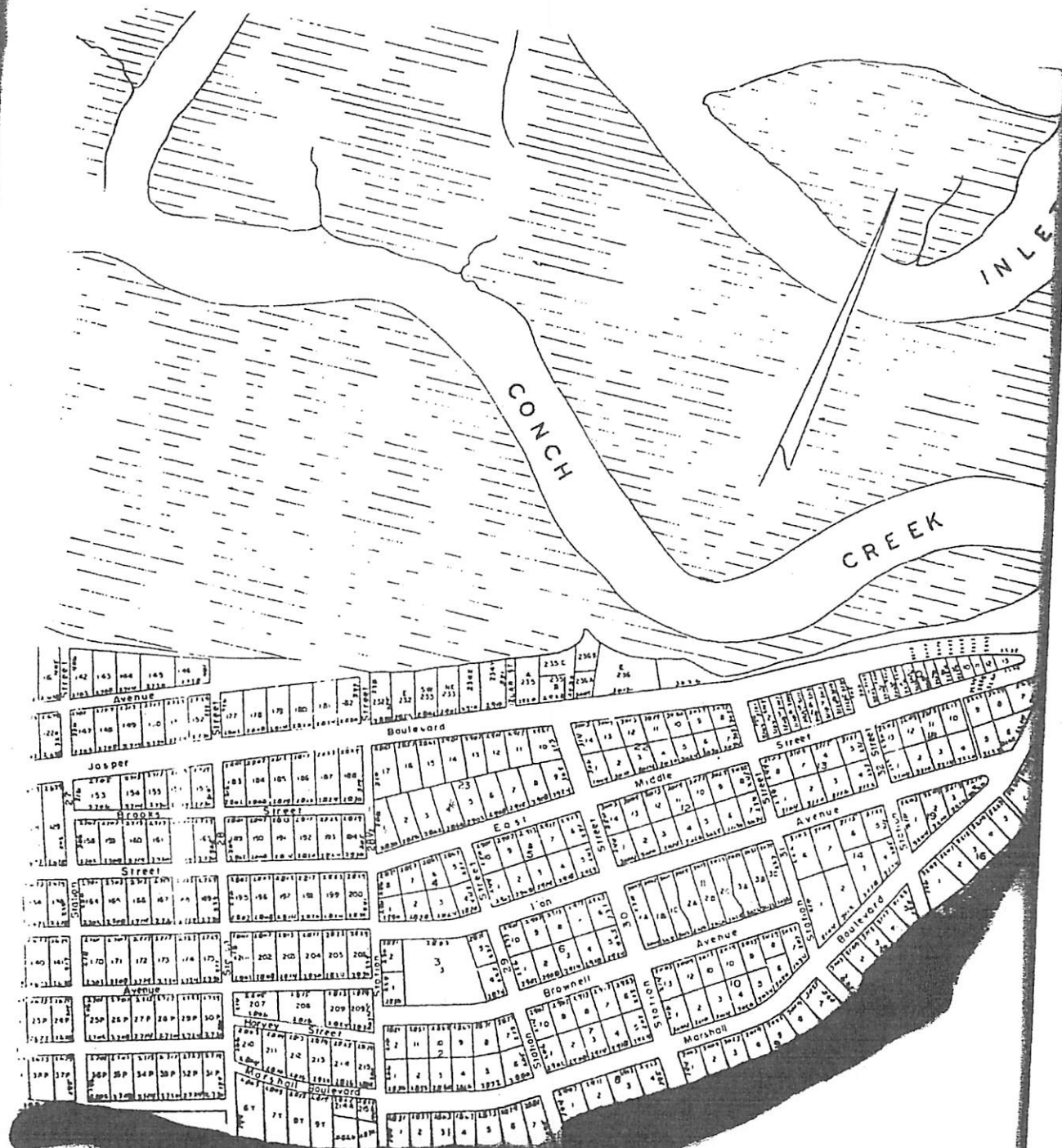
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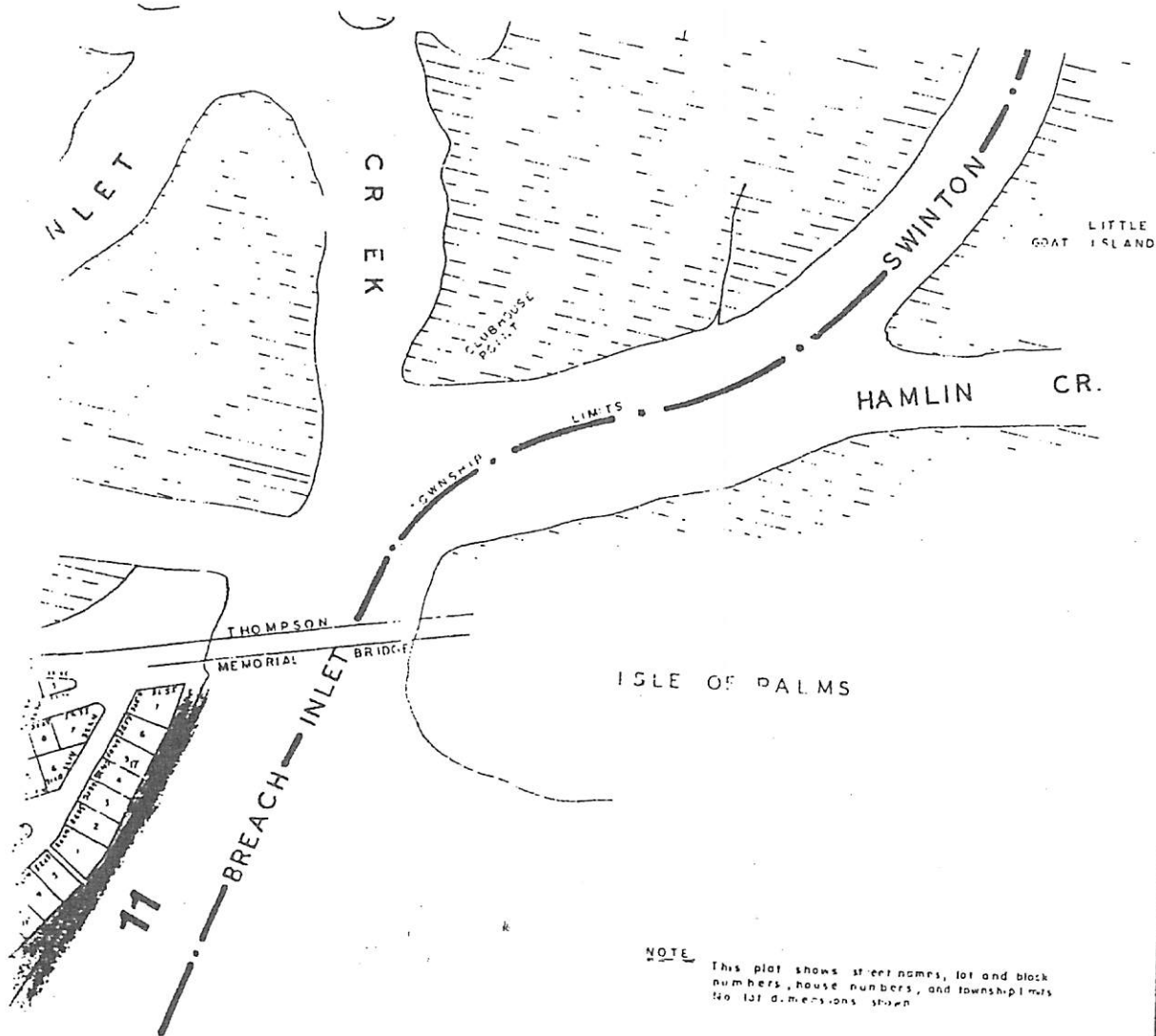
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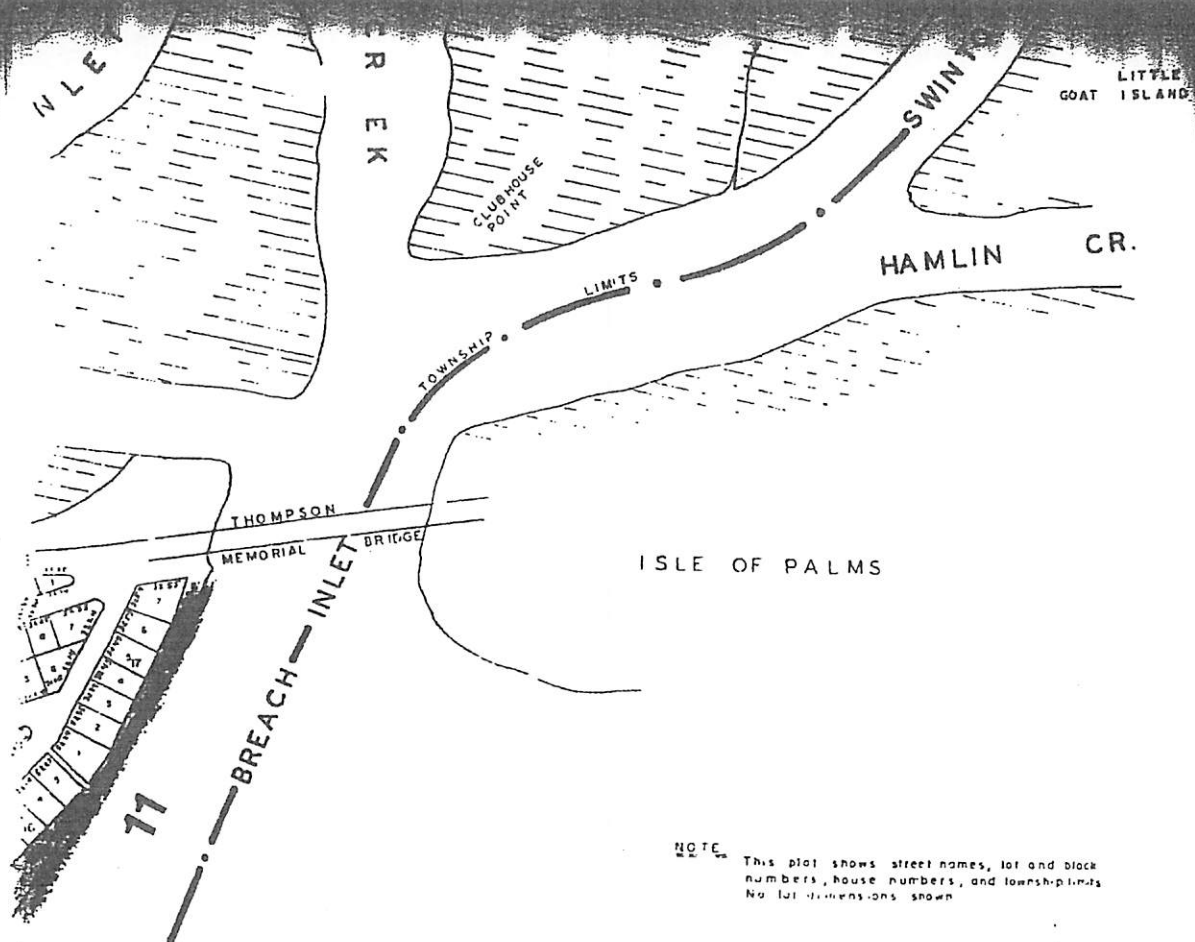


APPROVED

George A. Dursi
George A. Dursi, MD, Chairman Board of
Township Commissioners

Agatha P. Mueller
Agatha P. Mueller, Clerk

DATE: May 18, 1964



NOTE: This plat shows street names, lot and block numbers, house numbers, and township limits. No lot dimensions shown.

APPROVED.

George S. Durst, MD
George S. Durst, MD, Chairman Board of
Township Commissioners

Agatha P. Mueller
Agatha P. Mueller, Clerk

DATE: May 15, 1964

SULLIVANS ISLAND

CHARLESTON COUNTY, S.C.
PLAT SHOWING EASTERN PORTION OF
SULLIVANS ISLAND FROM STATION 22 1/2
STREET TO BREACH INLET.
SCALE: 1" = 400'

MAY, 1964

ORDINANCE

SECTION 4-4.3. THE CONVEYANCE OF CERTAIN REAL PROPERTY BORDERING THE ATLANTIC OCEAN TO THE LOWCOUNTRY OPEN LAND TRUST FOR THE PURPOSES OF PRESERVING AND CONSERVING THE NATURAL AREA LOCATED THEREIN.

WHEREAS, the Town of Sullivan's Island is the owner of certain real property, which is more specifically described on Exhibit A attached hereto and incorporated herein, which real property generally borders the Atlantic Ocean, and

WHEREAS, said real property has certain aesthetic, scientific, educational, ecological, and environmental value in its present state as a natural area which has not been subject to development or exploitation, and

WHEREAS, the Town Council of Sullivan's Island desires to maintain and preserve the aesthetic, scientific, educational, ecological, and environmental value of said properties, and seeks to do so by conveying the property to the Lowcountry Open Land Trust, which is a non-profit corporation whose main purpose is to preserve and conserve natural areas, and

WHEREAS, the Open Land Trust intends and has agreed that upon the conveyance of said property to the Lowcountry Open Land Trust it will place certain restrictions thereon, and convey the real property back to the Town of Sullivan's Island, giving the Town of Sullivan's Island the right to revoke or remove such restrictions upon a unanimous vote of Council, and a referendum duly passed by seventy-five (75%) percent of the votes by Town of Sullivan's Island citizens. A copy of the Deed with the Deed Restrictions thereon which will convey the property from the

Lowcountry Open Land Trust to the Town of Sullivan's Island has been marked Exhibit B and is attached hereto and incorporated herein by reference, and

WHEREAS, the Town Council referred this matter to the Planning and Zoning Committee, who held Public Hearings on the ____ day of _____, 19____, and the _____ day of _____, 19____, and made their recommendations to the Town Council. Town Council in essence accepted the recommendations of the Planning and Zoning Committee with certain modifications and are now mindful of so preserving and conserving the natural areas of the above referenced real property.

NOW, THEREFORE

BE IT ORDAINED by the Town Council of Sullivan's Island in meeting duly assembled, that the Town of Sullivan's Island convey to the Lowcountry Open Land Trust all that real property hereinbefore described on Exhibit A for and in consideration of the sum of Ten thousand and 00/100 (\$10,000.00) Dollars, and the agreement to convey said real property back to the Town of Sullivan's Island by Deed heretofore referred to as Exhibit B.

BE IT FURTHER ORDAINED that the Mayor of the Town of Sullivan's Island and the Town Clerk are hereby directed and authorized to execute the Deed of Conveyance to the Lowcountry Open Land Trust upon receipt of the sum of Ten thousand and 00/100 (\$10,000.00) Dollars, and to execute any and all other documents necessary for said conveyance.

WHEREAS, if any part of parts of this Ordinance shall be held to be unconstitutional such unconstitutionalties shall not

effect the validity of the remaining parts of this Ordinance.

WHEREAS, this Ordinance shall take effect immediately upon its ratification.

RATIFIED this ____ day of _____, 1991.

TOWN COUNCIL OF SULLIVAN'S
ISLAND, SOUTH CAROLINA

BY: _____ Mayor

ATTEST:

CLERK _____

FIRST READING _____

SECOND READING _____

THIRD READING _____

ORDINANCE

Section 21-39. Area RC-1 Restrictions

WHEREAS, the Town of Sullivan's Island is the owner of that certain real property which is more specifically described in Exhibit A to Section 4-4.3 of the Ordinances of the Town of Sullivan's Island, and

WHEREAS, said lands are subject to certain covenants and restrictions set forth in the Title to Real Estate dated February 12, 1991 conveying said land to the Town of Sullivan's Island, and

WHEREAS, citizens and landowners within the Town of Sullivan's Island living adjacent to the aforesaid real property have enjoyed the benefits of the island environment, primarily a view of the ocean, a view of the beach front, and the breezes therefrom. Furthermore, citizens and landowners who appreciate the natural environment of the island seek to preserve the natural growth and condition of the RC1 Public Land.

WHEREAS, in an effort to resolve this controversy, to continue to comply with the spirit and letter of the aforesaid covenants and restrictions created by the aforesaid Title to Real Estate, and to accommodate to the extent reasonably possible the diverse wishes and desires of all of the citizens and landowners of the Town of Sullivan's Island, the Town Council appointed a committee representing the aforesaid diverse views and interests and said committee has issued its report to the Town Council in the form of a proposed ordinance, and

WHEREAS, the Sullivan's Island Planning and Zoning Commission held a public hearing on November 16, 1994 and December 7, 1994 to consider the issue and as a result of same issued its report to the Town Council in the form of a proposed Ordinance, and

WHEREAS, the Town of Sullivan's Island, in conformity with terms of the aforesaid Title to Real Estate, wishes to provide for scenic enhancement, mosquito control, public walkways and emergency access to the Atlantic Ocean, and

WHEREAS, to accomplish these purposes the Town Council wishes to provide for a method of controlling the growth of vegetation in said area by trimming and pruning certain shrubs and trees within certain portions of the RC1 area and towards that end has created further subdivisions of that area so as to allow trimming and pruning in certain areas and to prohibit same in other areas; towards that end, the RC1 area shall be subdivided into areas RC1A, RC1B, RC1C, RC1D [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] all as set forth on the zoning map of the Town of Sullivan's Island, and

WHEREAS, the Town wishes to provide for the method of trimming and pruning said trees and shrubs, the extent of same and the frequency thereof, the timing of said pruning, the protection of certain trees and shrubs even in areas where trimming and pruning is allowed, public notice, oversight and monitoring, and penalties

for any violation hereof.

NOW, THEREFORE, be it ordained by the Town Council of the Town of Sullivan's Island in meeting duly assembled as follows:

1. Section 21-39 A-C of the Ordinances of the Town of Sullivan's Island shall be and is hereby revoked. A new section 21-39.1A-R is hereby created by this Ordinance and shall be substituted therefore and read as follows:

21-39.1A

~~The RC1 as depicted upon the official zoning map for the Town of Sullivan's Island is hereby subdivided into areas RC1A, RC1B, RC1C and RC1D.~~

21-39.1B There shall be no construction of any type, no

destruction or removal of vegetation by any means except trimming and pruning of shrubs and trees as provided in this ordinance, and no manmade changes of topography in an RC1 area, except as is provided in the Title to Real Estate dated February 12, 1991, conveying said land to the Town of Sullivan's Island.

21-39.1C Any landowner living immediately adjacent to the RC1A, RC1C ~~area~~ area shall upon application to the Zoning Administrator be issued a permit, subject to the other terms and conditions of this Ordinance, to prune and trim the shrubs and trees enumerated herein in an area from the applicant's lot line towards the ocean within the extension of the landowner's side lot lines projected towards the ocean.

21-39.1D The trimming and pruning allowed herein shall only be permitted between November 1st and the following February 28th; provided, that in 1995 only, trimming and pruning shall be permitted through March 31, 1995.

21-39.1E There shall be no trimming, cutting or pruning of any vegetation of any sort in the RC1B and RC1D areas. In the RC1A, RC1C ~~areas~~ areas, the only vegetation that may be trimmed and pruned is limited to the following: Southern Waxmyrtle (*Myrica Ceroxifera*), Eastern Baccharis (*Baccharis halimifolia*), Carolina Laurelcherry (*Prunus caroliniana*), and Popcorn-tree (Tallowtree, *Sapium sebiferum*). This vegetation may be trimmed and pruned so as to have a maximum height of no less than seven feet (7') above the ground.

21-39.1F All trimming and pruning shall be accomplished only

~~may~~ a commercial contractor licensed by the Town of Sullivan's Island specifically for such purpose. To qualify, the contractor must file a certificate of insurance with the Town evidencing workers' compensation coverage, public liability coverage of at least \$1,000,000 Dollars and a performance bond as set forth herein. Additionally, the principal of each contractor shall agree to be personally liable for compliance with the terms of this Ordinance. The Town shall make a list of qualified licensed commercial contractors available to those who apply for a permit pursuant to the terms of this Ordinance. The Town shall engage a qualified consultant to monitor said work. The consultant must agree to visit each site during the trimming and pruning permitted hereunder to insure that work is being done according to the specifics taught in said course. The cost of the consultant's site visits shall be included in the permit fee which shall be paid by each applicant for a permit upon its issuance.

21-39.1G The trimming and pruning allowed and all work performed shall be accomplished without the use of any heavy machinery, vehicles or other such machinery being brought into the RC1 area or onto the beach front. All cuttings must be removed from the RC1 area by said commercial contractor upon the completion of said work and hauled off of the island to an appropriate recycling dump by said contractor.

21-39.1H All work performed pursuant to this permit, and all methods of trimming and pruning shall be performed in accordance with the highest professional standards and shall be monitored by

and subject to the approval of the Town of Sullivan's Island and its consultant. The Town and its consultant shall have the right to immediately stop any work being performed in a manner not allowed, permitted or approved by removing and revoking the permit posted pursuant to Paragraph 21-39.1K hereinafter.

21-39.1I Each commercial contractor licensed by the Town of Sullivan's Island to perform the work allowed by this Ordinance shall prior to the issuance of a permit be required to sign an agreement to perform all work in a manner consistent with the provisions and restrictions of the ordinance and guidelines set forth by the Town and the consultant. Before issuance of a permit, each commercial contractor shall be required to post a performance bond in the amount of \$5,000.00 Dollars wherein he guarantees faithful performance of his duties and obligations hereunder in a manner consistent with this Ordinance and instruction by the Town's consultant. Any person not complying with the terms of this Ordinance shall immediately forfeit said bond and shall be subject to all other terms and provisions of this Ordinance relating to fines and penalties in addition to the forfeiting of said bond.

21-39.1J Landowners living immediately adjacent to the RC1 area may maintain existing paths through the RC1 area to the beach, provided those paths are no wider than eight (8') feet through the vegetation and follow the natural contours of the land and dunes. No fill may be brought in for said paths, nor any manmade or artificial (non-wood) material.

21-39.1K A fee of Two Hundred Fifty and 00/100 (\$250.00)

Dollars shall be paid by the applicant to the Town of Sullivan's Island for the granting of a permit to perform the work allowed hereunder. The permit shall be posted on the property facing the street in plain view of the street at all times that any work is undertaken pursuant to said permit. Said permit shall be valid for the duration of the annual cutting period. Only one permit shall be granted for each lot each year to any applicant.

21-39.1L The violation of the terms of this Ordinance shall constitute a criminal offense and shall be punishable by the Municipal Court of the Town of Sullivan's Island or other Court of competent jurisdiction. Each tree or shrub which is trimmed or pruned in violation hereof, or poisoned or destroyed in any manner, shall subject the person so violating this Ordinance to a fine of One Hundred and 00/100 (\$100.00) Dollars and/or thirty (30) days in jail. Each other violation of this Ordinance shall subject the person so violating to a fine of One Hundred and 00/100 (\$100.00) Dollars and/or thirty (30) days in jail. Penalties prescribed herein shall be in addition to the forfeiture of the bond specified above. In addition, the violator must pay for the replacement of vegetation in like species and volume as determined to be appropriate by the Town upon the professional recommendation of its consultant.

21-39.1M If any violation of the provisions and restrictions of the ordinance and the guidelines for trimming and cutting occurs, wherein the perpetrator is not known, the Town shall undertake mitigation to replace the vegetation with like species

and volume upon the recommendation of the consultant [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Fines and fees generated shall be used by the Town to replant vegetation in the specific area where any such loss occurred. It is the intent of this ordinance to replace any vegetation so damaged or destroyed with like kind and volume.

21-39.1M The fees generated by the permit application and fines from any violations of this Ordinance, as well as forfeiture of any bonds for violations hereof shall be set aside by the Town in a dedicated fund and used to pay its consultant and for such matters as appropriate studies and surveys of the land, its vegetation, wildlife and natural processes, mapping and photographing, also information and education programs and materials, as well as mitigation described in Paragraph 21-39.1M.

21-39.1O The Town may seek the assistance of the Sullivan's Island Tree Commission to support the activities of this ordinance as they pertain to the gathering, organizing and dissemination of information about the RCI area, and to the replacement of vegetation under mitigation. The Tree Commission is hereby given the following responsibilities in addition to those it already has:

- a. to study and monitor the impact of the pruning and trimming allowed under Section 21-39 with

regard to the flora and fauna located within in the RC1 area;

- b. to study and monitor the impact of the pruning and trimming allowed under Section 21-39 as to the integrity of the RC1 public land as it relates to erosion control and beach rejuvenishment; drainage; mosquito control; and the public welfare, safety, and health of the town; and
- c. to study and make recommendations to the Town as to the management of all RC1 public land so as to preserve and maintain RC1 public land in accordance with the public welfare, safety, and health of the Town and the covenants and restrictions set forth in the Title to Real Estate dated February 12, 1991, conveying said land to the Town of Sullivan's Island.

The Committee in the discharge of its duties may seek the advice of the consultant retained by the Town as set forth in this Ordinance.

21-39.1P The provisions of this Ordinance are applicable only to the RC1 land area of the Town, and the Town of Sullivan's Island retains full authority over RC1 land, subject to the conditions, restrictions, and covenants set forth in the Title to Real Estate dated February 12, 1991, conveying said land to the Town of Sullivan's Island. The permits allowed in this Ordinance for the trimming and pruning of vegetation upon application of private landowners as set forth herein are not intended by the Town, and the provisions of this Ordinance shall not be construed, as granting to any private landowner the unrestricted right to trim and prune vegetation in the RC1 land. The trimming and pruning allowed in this Ordinance is granted as an accommodation to landowners living immediately adjacent to RC1A, RC1C ~~RC1C~~ areas,

and the Town retains full authority to amend and/or revoke any portion of this Ordinance.

21-39.1Q The permits allowed under this Ordinance do not obviate the need or requirement of any landowner obtaining a permit under this Ordinance from obtaining any other required permit or authorization from any governmental or regulatory body that may have jurisdiction over the ECI public land. Any landowner obtaining a permit shall agree to indemnify the Town for any action taken pursuant to said permit in derogation of any State, Federal or County law or regulation, including costs, fines and attorney's fees.

21-39.1R Any part or parts of this Ordinance which shall be held to be unconstitutional shall not affect in any way the validity of the remaining parts of this Ordinance.

WHEREAS, this Ordinance shall take effect immediately upon its ratification.

RATIFIED this _____ day of _____, 199__.

TOWN COUNCIL OF SULLIVAN'S ISLAND

By _____
MARSHALL STITH, Mayor

ATTEST:

Clerk, Town of Sullivan's Island

FIRST READING: _____

SECOND READING: _____

THIRD READING: _____

F:\WORK\PERSONAL\TRES.S\ORDINANCES - JANUARY 6, 1995