



August 14, 2017

Fellow members of the Kiawah Island Community Association,

KICA has an opportunity to secure land for daily operations as well as preservation of our natural environment, in exchange for a property that has very little value to us. This proposed land trade requires a vote of the membership, and we ask for your support in making this happen for the operational and environmental benefit of the Kiawah community.

In December 1995, Kiawah Partners (KP) deeded a [4.6-acre property \(A\)](#) (of which 2.9 acres is seaward of the state determined baseline, and not developable) near Beachwalker Park to the Kiawah Island Community Association (KICA). Years after the conveyance, KP informed KICA that it had transferred the property in error, as it was a small part of a much larger conveyance that included the majority of the dune system along Kiawah's 10 miles of beach. KP requested that KICA issue a corrective deed and transfer the property back to KP. The KICA board concluded that regardless of whether it had been conveyed in error, the property had been properly conveyed as common property. By covenant, common property cannot be sold or transferred without the affirmative vote of 75% of the votes cast by association members. KP sought judicial reformation of the deed; to date, the courts have ruled in favor of KICA's position. The Appeals Court recently heard the case again and a decision is pending.

KICA and KP have been discussing the possibility of a land trade to settle this issue for close to a decade but have never agreed on a deal that seemed fair to both parties and one that would likely garner sufficient support among the community to achieve the 75% affirmative vote required. We have recently come to an agreement on a proposal that we feel very good about and are asking for your support.

Pursuant to our governing documents, the board of the Kiawah Island Community Association (KICA) has scheduled a vote of our membership to ratify a land-trade agreement between KICA and Kiawah Partners (KP). We believe that a successful outcome of this vote is very good for Kiawah Island and all of our members – and I'd like to take a brief moment to outline the deal, explain its benefits to KICA members and some of the risks if we are unsuccessful in garnering sufficient member support to approve the trade.

The deal:

(1) KP will transfer several parcels of land to KICA in exchange for the 4.6 acres near Beachwalker Park. These properties include:

- Additional land for parking at its 23 Beachwalker Drive Administration Building [\(B\)](#)
- Maintenance parcel currently used for equipment and other storage as well as a greenhouse for landscaping [\(C\)](#)
- Additional land for future expansion of the Ocean Course Drive Beach parking [\(I\)](#)
- Equipment storage rights in Ocean Park [\(J\)](#)

The maintenance parcel is currently made available through a nominal lease of \$1/year to KICA by KP and provides valuable operational support. In the event that KP's development plans resulted in KICA losing access to this property, our operating costs would increase significantly as we would need to house and transport people and maintenance equipment from somewhere off the island each day.

- (2) In addition to these operational properties which KP will transfer, they have agreed to place conservation easements on two other parcels ([D and E](#)) that will ensure the beautiful entrance to the island is preserved in perpetuity. These two parcels are on the left side of Kiawah Island Parkway, between the bridge and the main gate. Currently KP has development rights and zoning to build up to 25 units on these two parcels.
- (3) KP has also agreed to place conservation easements on more than 700 acres (+/-) of marshland stretching from the bridge all the way to approximately Rhett's Bluff ([F](#)), as well as the transfer of a 7.7-acre island off of Bass Creek to the Kiawah Conservancy ([G](#)).
- (4) If the KICA vote is successful, KP has agreed to several other items with the conservancy that will provide long-term benefits to the island and KICA members. While the conservancy will share additional details itself, I wanted to highlight two points in particular:
 - KP will grant the conservancy a favorable purchase option on a 6.2-acre parcel directly across from Kiawah Island Real Estate that has zoning and development rights for 19 units ([H](#)).
 - KP will not relocate sand from the west end development to the beach, an act some members are uncomfortable with.

Combined, these efforts will permanently protect 18.87 acres of developable parcels which are zoned for a combined 44 units.

In exchange for all of the above, KICA will deed back to KP a 4.6-gross-acre property (of which approximately 2.9 acres is not developable) that was initially transferred to us in 1995. As part of this transfer, KICA will place a deed restriction on the property that's designed to prevent any portion of the 4.6 acres being used for an access road for the development of Captain Sam's Spit.

We, along with the conservancy, believe this is a very good deal for the community and your board is unanimous in encouraging you to vote "yes." By approving this transaction we protect the entrance to the island, conserve hundreds of acres of marshland, acquire property that provides day-to-day benefit to the community and KICA's operations, and eliminates future expenses by ensuring all maintenance operations remain on the island.

Additional information regarding the details of the agreement is available on our website at www.kica.us/parceltrade, and should you have any questions, please send them to justask@kica.us or call us at 843-768-9194. We'll also hold a community Q&A session at the Sandcastle on Thursday, Aug. 24 at 2 p.m. Further, a large map highlighting the various parcels is posted in KICA's administrative offices and available for members to review during business hours

Thank you for your time, and we hope your support.

Sincerely,

David V. Singer
Chairman