

Conveyance Policy

This policy shall set forth the manner in which KICA accepts or rejects common property conveyance requests from any developer or entity on Kiawah Island. This conveyance policy does not apply to the property commonly referred to as Captain Sam's Spit.

INFRASTRUCTURE:

When a developer or other entity wishes to convey roads, bridges, drainage, docks, leisure trails, and other non-landscaping related infrastructure intended to be owned as common property shall provide written notification to KICA, along with documents necessary for KICA to conduct a thorough inspection. Documents include but are not limited to the following:

- As built surveys
- Videos of drainage infrastructure
- Construction documents/plans and specifications
- Operating manuals, warranty information, etc.
- Letter from Town, or other regulatory authority indicating that the infrastructure has built built in accordance with regulatory requirements

Within 30 days, KICA shall inspect the infrastructure and related documents and proceed with one of the following three actions:

- If KICA staff determines that the infrastructure is in satisfactory condition, it shall prepare a recommendation for acceptance at the next regularly scheduled meeting of the KICA Board of Directors.
- If KICA staff determines additional information is needed to evaluate the request, it will notify the developer, and upon receipt of additional information, shall have an additional 30 days to complete its inspection.
- If construction deficiencies are discovered, KICA staff shall outline to the developer the nature of the deficiencies and the required corrective action. Once repairs have been completed, the developer may seek a reinspection.

If for any reason staff renders an opinion that KICA should not accept the infrastructure, it will notify the applicant and the KICA board in writing. The board has the sole authority to accept or reject the staff recommendation.

Once the board votes to accept infrastructure, staff shall work with the developer to execute all necessary documents as soon as possible and incorporate the new infrastructure into KICA's long term Major Repair and Replacement Plan.

LANDSCAPING:

When a developer or other entity wishes to landscaping intended to be owned as common property shall provide written notification to KICA, along with documents necessary for KICA to conduct a thorough inspection. Documents include but are not limited to the following:

- Surveys, plans and specifications/construction documents
- Operating manuals, warranty information, etc.
- Existing maintenance schedule, cost information, etc.

If it is determined by staff that the landscaping is consistent with KICA's typical neighborhood standard (as defined by KICA), it shall prepare a recommendation for the board to accept the conveyance at its next regularly scheduled meeting, with the condition that KICA's ownership and financial responsibility for maintenance shall commence in January of the next year.

If it is determined that the landscaping is beyond the normal standard (including but not limited to irrigation, elaborate plantings, special fencing or features, etc.), the developer and KICA shall agree prior to conveyance on a mechanism for funding the added costs of this special landscaping by working with KICA to implement a segment assessment, or by forming a regime to absorb these additional costs. Developer shall prepare or amend any legal documents necessary to enact the required funding. Furthermore, the developer shall ensure that irrigation infrastructure shall include rain sensors and other technology to manage water usage efficiently and, in a cost, effective manner.

Once funding of the special landscaping is determined, KICA the process shall be followed as outlined above.

Facts and Rationale that form the basis for the Policy

- Prior to December 31st of 2015, KICA could not reject conveyance requests from the island's master developer.
- The expiration of the developer's right to unilaterally convey property does not change KICA's responsibility to the community. It simply provides KICA a say in how it evaluates the condition of infrastructure and the manner in which its maintenance is funded, prior to conveyance.
 - Owning and maintaining infrastructure is a primary responsibility of KICA
 - Providing a standard level of maintenance is a primary responsibility of KICA
 - In neighborhoods where landscape costs exceed the typical KICA standard, an additional fee is paid by those living in that neighborhood. Currently, there are 31 neighborhoods on Kiawah that pay the basic KICA fee, and pay an additional fee either to KICA via a segment assessment, or more commonly to a sub-regime.
 - All KICA members share in the cost of standard landscaping, but should not subsidize a higher standard in other neighborhoods
 - In 2013, KICA's Board determined that the Kiawah Island Parkway, Governor's Drive, Ocean Course Drive, and Flyway Drive shall be deemed high priority landscape areas benefitting all property owners, and the cost of enhanced landscaping on these roadways shall be shared by all members.

- Captain Sam's spit is excluded from the rationale for this policy. The developer has already agreed that it will form a sub regime for any future development there, and will not seek to convey infrastructure to KICA.

The Conveyance Policy was reviewed and discussed. Lynn Morgenstern motioned to approve the Policy as amended. Mike Feldmann seconded the motion. The motion passed with 5 yeas and 1 abstain. Board of Directors Meeting 3/4/2019.