



Town of Bluffton

Annexation Policy & Procedures Manual

Effective Date November 10, 2011

www.townofbluffton.sc.gov





**TOWN OF BLUFFTON
ANNEXATION APPLICATION**

Growth Management Customer Service Center
20 Bridge Street
Bluffton, SC 29910
(843) 706-4522
www.townofbluffton.sc.gov
applicationfeedback@townofbluffton.com

Applicant		Property Owner	
Name:		Name:	
Phone:		Phone:	
Mailing Address:		Mailing Address:	
E-mail:		E-mail:	
Town Business License # (if applicable):			
Project Information			
Project Name:		Acreage:	
Project Location:			
Existing Zoning:		Proposed Zoning:	
Tax Map Number(s): R _ _ _ - _ _ _ - _ _ _ _ ; R _ _ _ - _ _ _ - _ _ _ _ R _ _ _ - _ _ _ - _ _ _ _ ; R _ _ _ - _ _ _ - _ _ _ _			
Project Description:			
Select Annexation Method (see Annexation Policy and Procedures Manual):			
<input type="checkbox"/> 100 Percent Petition and Ordinance Method		<input type="checkbox"/> 75 Percent Petition and Ordinance Method	<input type="checkbox"/> 25 Percent Elector Petition and Election Method
Minimum Requirements for Submittal			
<input type="checkbox"/> 1. Completed Annexation Petition(s) and digital files. <input type="checkbox"/> 2. Project Narrative and digital file per the attached Annexation Application Checklist. <input type="checkbox"/> 3. Parcel Information and digital file per the attached Annexation Application Checklist. <input type="checkbox"/> 4. Concurrent Applications and digital files per the attached Annexation Application Checklist. <input type="checkbox"/> 5. All information required on the attached Application Checklist. <input type="checkbox"/> 6. An Application Review Fee as determined by the Town of Bluffton Master Fee Schedule. Checks made payable to the Town of Bluffton.			
Note: A Pre-Application Meeting is required prior to Application submittal.			
Disclaimer: The Town of Bluffton assumes no legal or financial liability to the applicant or any third party whatsoever by approving the plans associated with this permit.			
I hereby acknowledge by my signature below that the foregoing application is complete and accurate and that I am the owner of the subject property. As applicable, I authorize the subject property to be posted and inspected.			
Property Owner Signature:		Date:	
Applicant Signature:		Date:	
For Office Use			
Application Number:		Date Received:	
Received By:		Date Approved:	



TOWN OF BLUFFTON ANNEXATION APPLICATION PROCESS NARRATIVE

The following Process Narrative is intended to provide Applicants with an understanding of the respective application process, procedures and applicable ordinance requirements for obtaining application approval in the Town of Bluffton. While intended to explain the process, it is not intended to repeal, eliminate or otherwise limit any requirements, regulations or provisions of the Town of Bluffton's ordinances, policies and procedures. Compliance with these procedures will minimize delays and assure expeditious application review.

Consistent with South Carolina law, the Town of Bluffton regards annexation as a voluntary process and does not initiate annexation. Annexation of privately owned property is authorized in the following methods:

1. 100 percent freeholder petition and ordinance method [§5-3-150(3)];
2. 75 percent freeholder petition and ordinance method [§5-3-150(1)]; and
3. 25 percent elector petition and election method [§5-3-300 to 5-3-315].

Step 1. Pre-Application Meeting	Applicant & Staff
Prior to the filing of an Annexation Application, the Applicant is required to consult with the UDO Administrator or their designee at a Pre-Application Meeting for comments and advice on the appropriate application process and the required procedures, specifications, and applicable standards required by Town of Bluffton applicable ordinances.	
Step 2. Application Check-In Meeting	Applicant & Staff
Upon receiving input from Staff at the Pre-Application Meeting, the Applicant shall submit the Annexation Application and required submittal materials during a mandatory Application Check-In Meeting where the UDO Administrator or designee will review the submission for completeness.	
Step 3. Review by UDO Administrator	Staff
If the UDO Administrator determines that the Annexation Application is complete, the application shall advance as prescribed in the Town of Bluffton's Annexation Policy and Procedure Manual.	



TOWN OF BLUFFTON ANNEXATION APPLICATION CHECKLIST

In accordance with the Town of Bluffton Annexation Policies & Procedures Manual, the following information shall be included as part of an Annexation application submitted for review. This checklist is intended to assist in the provision of the minimum documentation necessary to demonstrate compliance with Town of Bluffton policies and procedures. Upon review of the submitted application by Town Staff, additional information may be required. The use of this checklist by Town Staff or the Applicant shall not constitute a waiver of any requirement contained in the Annexation Policies & Procedures Manual. Applicants are encouraged to work closely with Town Staff in preparing any application prior to submittal.

Narrative.
1. Contact information for property owner(s), applicant, attorney and any other applicable consultant/firm.
2. If the applicant is not the property owner, a letter of agency from the property owner authorizing the applicant to act on behalf of the property owner.
3. Reason for annexation request and anticipated benefits.
4. Parcel numbers and acreage of each.
5. Existing structure(s).
6. Current Special Districts (overlay, tax, and/or conservation).
7. Current Beaufort County Zoning District(s) and Land Use(s).
8. Proposed Zoning District(s) and Land Use(s).
9. Current versus Proposed Zoning District and Land Use Comparison.
10. Consistency with the Town of Bluffton Comprehensive Plan, Future Annexation Area Map, and Future Land Use Map.
11. Estimate of current population of Annexation Area.
12. Current utility service providers.
Parcel Information.
1. Deed(s) recorded with the Beaufort County Register of Deeds.
2. Plat(s) recorded with the Beaufort County Register of Deeds.
3. Covenants and Restriction(s) recorded with the Beaufort County Register of Deeds.
4. Easement(s) recorded with the Beaufort County Register of Deeds.
5. Agreement(s) recorded with the Beaufort County Register of Deeds.
6. Any other Document(s) recorded with the Beaufort County Register of Deeds.
7. Location Map of proposed Annexation Area showing: <ul style="list-style-type: none"> a) Existing Structures; b) Current Beaufort County Zoning District(s); and c) Adjacent Property Owners.
8. Zoning verification letter from Beaufort County providing: <ul style="list-style-type: none"> a) Current Beaufort County Zoning; and b) Special Districts such as Overlays.
9. Parcel History letter from Beaufort County providing: <ul style="list-style-type: none"> a) Special Districts such as, but not limited to, Tax Increment Finance District, Assessment District, and Multi-County Industrial Park; b) Any application(s) submitted for the past 10 years and the current status of the application; and c) Any zoning, land development, building, or county code violation(s) for the past 10 years and the current status of the violation.
10. Photographs of: <ul style="list-style-type: none"> a) Existing Structures and Land Use; and b) Adjacent Property.



**TOWN OF BLUFFTON
ANNEXATION
APPLICATION CHECKLIST**

Concurrent Applications.

1. Zoning Map Amendment application and required submittal items.
2. Other concurrent applications, as applicable:
 - a) Comprehensive Plan Amendment application and required submittal items;
 - b) Development Agreement application and required submittal items;
 - c) Concept Plan application and required submittal items; and/or
 - d) Master Plan application and required submittal items.

**SIGN AND RETURN THIS CHECKLIST WITH THE APPLICATION SUBMITTAL
ALL SUBMITTALS MUST BE COLLATED AND FOLDED TO 8-1/2" X 11"**

By signature below I certify that I have reviewed and provided the minimum submittal requirements listed above, including any additional items requested by the Town of Bluffton Staff. Any items not provided have been listed in the project narrative with an explanation as to why the required submittal item has not been provided or is not applicable. Further, I understand that failure to provide a complete, quality application or erroneous information may result in the delay of processing my application(s).

Signature of Property Owner or Authorized Agent

Date

Printed Name



Town of Bluffton Annexation Policy and Procedures Manual

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TOWN OF BLUFFTON

ANNEXATION POLICY & PROCEDURES MANUAL

Foreword

In order to achieve orderly growth while developing a more cohesive and less fragmented Town boundary as well as a high quality community, the Town of Bluffton may entertain annexation petitions involving the addition of real property to the Town of Bluffton.

The primary concern of the Town of Bluffton's Town Council is whether the proposed annexation is in the best interest of the Town. While entertaining these annexation petitions, Town Council shall weigh all of the relevant factors and make an informed decision on each proposed annexation. Thus, this Town of Bluffton Annexation Policy and Procedure Manual provides guidance for the requirements, submittal, analysis, and approval of annexation petition applications.

This Annexation Policy and Procedure Manual is based upon current South Carolina State Law, Municipal Association of South Carolina Annexation Handbook, Town of Bluffton Comprehensive Plan, and Town of Bluffton Annexation Policy and Procedures adopted in 2003. This Manual is a reference tool and guide. South Carolina Law controls annexations. Any provisions of this Manual in conflict with State Law shall be automatically amended to comply with State Law.



Chapter 1: Annexation Authority and Methods

1.1 Authority

Changing the corporate limits of a municipality is authorized by S.C. Code Ann. §§ 5-3-10 through 5-3-315, as amended.

1.2 Annexation Priorities

The Town of Bluffton Comprehensive Plan (the Plan) establishes annexation priorities through goals set forth in Chapter 8 – Land Use and the Future Annexation Area Map. The Plan states that it shall be a goal to “achieve orderly growth while developing a more cohesive and less fragmented Town boundary”. In order to achieve the aforementioned goal, the Plan delineates, among others, two objectives:

- A draft schedule for new annexations may be prepared; and
- The Town may enter into discussions with landowners requesting annexation of undeveloped parcels.

To this end, the Town of Bluffton may consider petitions involving all sized parcels of land no matter whether they are developed or undeveloped.

1.3 Initiation of Petition by Municipality

Consistent with the South Carolina Code of Laws Title 5, Chapter 3, the Town of Bluffton regards annexation as a voluntary process and does not initiate annexations except for property owned by the Town.

1.4 Annexation Methods

Three methods of annexation for privately owned property are authorized:

- 100 percent property owner petition and ordinance method [S.C. Code Ann. § 5-3-150(3)]
- 75 percent freeholder petition and ordinance method [S.C. Code Ann. § 5-3-150(1)]
- 25 percent elector petition and election method [S.C. Code Ann. § 5-3-300 - 315]

Annexations of corporate, church or publicly owned property are dealt with in several statutes tailored to fit the type of property and body which holds title. Annexation of the following types of property may be accomplished by petition or consent of the owner and adoption of an ordinance:

- Property owned by the annexing municipality [S.C. Code Ann. § 5-3-100]
- Public street only [S.C. Code Ann. § 5-3-110]
- Multicounty park property owned by the State [S.C. Code Ann. § 5-3-115]
- Property owned by a corporation only [S.C. Code Ann. § 5-3-120]
- Property owned by a school district [S.C. Code Ann. § 5-3-130]
- Property owned by federal or state government [S.C. Code Ann. § 5-3-140]
- Manmade industrial peninsula [S.C. Code Ann. § 5-3-155]



- Cemeteries [S.C. Code Ann. § 5-3-250]
- Property owned by a church or religious group [S.C. Code Ann. § 5-3-260]

These annexation procedures are treated individually in detail in the following pages.

1.5 Consolidation of Municipalities

Consolidation of two or more municipalities may be accomplished by election initiated by ordinance of each municipality desiring consolidation. S.C. Code Ann. § 5-3-30. Consolidation may also be accomplished, after a public hearing, by ordinance of the municipalities involved. The ordinance must include terms of the boundary adjustment pursuant to S.C. Code Ann. § 5-3-40.

1.6 Reduction of Corporate Limits

Property owned by the Town of Bluffton or Beaufort County may be removed from the corporate limits by ordinance per S.C. Code Ann. § 5-3-285.

Any other reduction of corporate limits requires an election initiated by petition of a majority of resident freeholders. If a majority of electors voting approve the reduction, council adopts an ordinance declaring the territory no longer part of the municipality. The Town must notify the Secretary of State, the Department of Transportation and the Department of Public Safety of the new boundaries. S.C. Code Ann. § 5-3-280 and S.C. Code Ann. § 5-3-90.



Chapter 2: Annexation Assessment

2.1 Best Interest of Municipality

A primary concern of Town Council is whether the proposed annexation would be in the best interest of the citizens of the Town. Growth is generally considered to be good because it expands services in urban areas, expands the tax base, increases population and involves more citizens in the political processes which affect the level of services they receive. In some cases, the financial burden of furnishing services to a new area cannot be offset by revenues, taxes and fees derived from the area. This places an additional burden on existing Town residents for expansion of services. In many cases, the long-range benefits outweigh the short-term additional burdens. Town Council has the duty to weigh all of the relevant factors and make an informed decision on each proposed annexation.

2.2 Feasibility Study and Cost/Benefit Analysis

The purpose of a feasibility study is to objectively and rationally review and examine strengths and weaknesses of the proposed annexation. The Town requires the preparation of a Feasibility Study and Cost/Benefit Analysis ("Study") for all annexation applications. The Study may be prepared by Staff, or for complex annexation petitions, Town Council may authorize Staff to contract a consultant to complete the Study. In the event a consultant is contracted, the cost for the Study will be the responsibility of the applicant and due upon selection of a consultant. The Study will be completed prior to the first Public Hearing for presentation at that meeting. The Study should address public services the Town will assume or provide, the taxes and fees required for those services, an estimate of revenue to the Town, and a timetable for services. The Study should address the following:

- Inventory of existing outside services;
- Identification of the provider of each service, contractual obligations, including availability of service if desired after annexation;
- Identification of services to be assumed or provided by the Town;
- Identification of efficient service areas and areas which cannot be fully served;
- Determination of the level of additional services needed;
- Determination of the most cost effective way to provide services to the area;
- Projected timetable for provision of services;
- Revenues needed to support services;
- Estimated revenues from current taxes, fees and service charges;
- Projected level of taxes and fees required to support services;
- Comparison of cost to property owners before and after annexation; and
- Identification of burdens and benefits of annexation.

2.3 Guiding Principles for Assessment of Annexations

Annexation should be of mutual benefit to the annexation petitioner(s) as well as the Town of Bluffton and its citizens in terms of cost and services received. Each Annexation Petition involves many unique factors and will be reviewed based upon its own individual merits. The Town sets forth the following guiding principles and considerations for assessing annexation petition(s):



- Meets the principals, policies, and procedures set forth in this Manual;
- Annexation of the property is in the best interest of the Town and its citizens;
- Contiguity to the Town of Bluffton Municipal Boundary;
- Avoids creating new enclaves (or donut holes) in the Town of Bluffton Municipal Boundary;
- Consistency with the recommendations of the Town of Bluffton Comprehensive Plan including the Future Annexation Map;
- Appropriateness of requested zoning district(s), land use regulations, development standards and environmental regulations;
- Consideration of the costs, benefits and estimated revenues for a proposed annexation before action is taken on the petition.
- Annexation will not create a tax burden or measurably reduce the level of service(s) provided to existing citizens and property owners;
- Fiscal impact of providing municipal services;
- Consideration of the annexation area's existing condition of utilities, transportation, infrastructure and future needs for expansion improvements;
- Full impact that annexation will have on law enforcement;
- Demonstrates potential for the diversification of the economic base and job opportunities;
- Consideration and utilization of Development Agreements for the proposed annexation area when applicable;
- Petitioners understanding of all potential costs/benefits associated with annexation; and
- Input provided by the public and affected agencies during the review process.



Chapter 3: Annexation General Provisions

General statutory provisions applicable to annexations are described below. Each authorized annexation method is explained individually including the statutory legal and procedural requirements, a checklist of steps necessary to complete the process is provided, as are sample forms where appropriate.

3.1 Contiguity

Property annexed pursuant to S.C. Code Ann. § 5-3-150 or § 5-3-300 must be “contiguous” to the annexing municipality. “Contiguous” means property which is adjacent to a municipality and shares a continuous border. Contiguity is not established by a road, waterway, right-of-way, easement, railroad track, marshland, or utility line which connects one property to another; however, if the connecting road, waterway, easement, railroad track, marshland, or utility line intervenes between two properties, which but for the intervening connector would be adjacent and share a continuous border, the intervening connector does not destroy contiguity.

3.2 Petitions

For 75 percent and 25 percent annexations petitions, the petition must be dated before the first signature is affixed. All necessary signatures must be obtained within six months from the date of the petition. The petition and all signatures are open for public inspection at any time.

3.3 Property Owner

For 100 percent petitions, “property owner” means all persons or entities owning real property.

3.4 Freeholder

For 100 percent petition, 75 percent petition, 25 percent petition, and reduction of municipal boundaries under S.C. Code Ann. § 5-3-280, a “freeholder” is any person at least 18 years of age, and any firm or corporation, who or which owns legal title to a present possessory interest in real estate equal to a life estate or greater (expressly excluding leaseholds, easements, equitable interests, inchoate rights, and future interests) and who owns, at the date of the petition or of the referendum, at least an undivided one-tenth (1/10) interest in a single tract and whose name appears on the county tax records as an owner of real estate. S.C. Code Ann. § 5-3-240.

A property owner is counted as one (1) freeholder regardless of the number of parcels of land owned by that freeholder in the area to be annexed.

3.5 Elector

For the 25 percent elector method, an “elector” is a registered qualified voter who is a resident in the area proposed for annexation.

3.6 Zoning

Zoning of the proposed annexation is an important factor in the review and analysis of an annexation petition. Therefore, a Zoning Map Amendment application requesting the Zoning District(s) for the annexation area shall be submitted concurrently with the annexation petition.



3.7 Concurrent Applications

Depending on the requested zoning of the annexation, other applications may be required. These applications shall be submitted concurrently with the annexation and zoning map amendment applications to allow for a complete and thorough review and consideration. These applications include Development Agreement, Concept Plan, and/or Initial Master Plan as applicable.

3.8 Assessed Value of Real Property

- 25 Percent Method. The assessed value of the real property of any single freeholder, shall not at the time of a proposed annexation exceed 25 percent of the assessed value of real property of the existing area of the municipality. S.C. Code Ann. § 5-3-235. This limitation does not apply to any other methods of annexation. S.C. Code Ann. § 5-3-300(I) contains opt-out provisions for the owner of 25 percent or more of the assessed value of land in the area to be annexed and for the owner of agricultural property.
- Multicounty Park. Multicounty park property is considered to have the same assessed valuation it would have if the multicounty park did not exist. S.C. Code Ann. § 5-3-150(5). Consent of the state is required for annexation of state owned property in a multicounty park.
- Fee in Lieu of Taxes Transaction. For purposes of 75 percent petition and ordinance annexation pursuant to S.C. Code Ann. § 5-3-150, real property owned by a governmental entity and leased to any other entity pursuant to a fee in lieu of taxes transaction under S.C. Code Ann. § 4-29-67 or S.C. Code Ann. § 4-29-69 has an assessed valuation equal to the original cost of the real property as determined under S.C. Code Ann. § 4-29-67(D). The lessee is the freeholder with respect to the property. S.C. Code Ann. § 5-3-150(4).
- 75 Percent Method. Annexation pursuant to the 75 percent petition and ordinance method in S.C. Code Ann. § 5-3-150(1) requires signatures of owners of 75 percent of freeholders owning at least 75 percent of assessed value of property in the area to be annexed. When reassessment occurs after the petition is started but before it is acted upon, it appears from the definition of freeholder in S.C. Code Ann. § 5-3-240 that the assessed value as of the date of the petition should be used.

3.9 Special Purpose Districts

Special Purpose Districts such as Tax Increment Finance Districts (TIF) require that the Town work with the County to formulate a plan which balances the equities and interests of the residents and taxpayers of the area annexed and of the district, as well as bondholders of the district. If the annexing municipality and the district cannot agree on a plan within ninety (90) days following annexation, a three-member committee is appointed to formulate a plan. The plan must take into consideration factors set forth in S.C. Code Ann. § 5-3-312. Either party may object to the plan and appeal to circuit court. Failure to finalize a plan does not delay the annexation, but a district retains the right to operate its system and collect revenues and taxes until a plan is produced. See S.C. Code Ann. §§ 5-3-310 through 5-3-315 for procedures to be followed.

3.10 Agricultural Real Property

The 25 percent elector method allows certain Agricultural Real Property Owners to opt-out of the annexation upon written notification to the Town Clerk. For purposes of annexation, Agricultural Real Property means:



- Timberland. Land used to grow timber, if the size of the tract is ten (10) acres or more. Tracts of timberland of less than ten acres which are contiguous to or are under the same management system as a tract of timberland which meets the minimum acreage requirement are treated as part of the qualifying tract. For purposes of this item, tracts of timberland must be actively devoted to growing trees for commercial use;
- Agricultural Real Property – 10 or More Acres. All other agricultural real property, if the size of the tract is ten (10) acres or more. Tracts of other than timberland of less than ten (10) acres which are contiguous to a tract which meets the minimum acreage requirement are treated as part of the qualifying tract;
- Agricultural Property – Less Than 10 Acres. Tracts not meeting the acreage requirement qualify if the freeholder reported at least one thousand dollars of gross farm income on his federal income tax return for at least three of the five taxable years preceding the year of the annexation. The Town Clerk may require the freeholder:
 - To give written authorization consistent with privacy laws allowing the clerk to verify farm income from the South Carolina Department of Revenue or the Internal Revenue Service and;
 - To provide the Agriculture Stabilization and Conservation Service (ASCS) farm identification number of the tract and allow verification with the ASCS office.

3.11 Public Relations

Public notification and involvement throughout the annexation process is an important part of the annexation process. Therefore, annexation applications are subject to Public Notice requirements as follows:

- Public Notification. Upon receipt of an application for approval that requires a public hearing, the Town shall fix a reasonable time for the hearing. Public notice of the public hearing must be published at least thirty (30) days prior to the hearing date in a newspaper of general circulation in the community. In addition, public notices shall also be electronically published on the Town website and posted at Town Hall.
- Posting of Property. Where the public hearing will be for a specific site, public notice signs shall be placed on the subject property as per the following method:
 - The UDO Administrator or its designee shall post an adequate number of "notice of public hearing" signs on the property at least thirty (30) days prior to the date of the public hearing. All signs shall be removed within thirty (30) days after the public hearing.
 - Only official Town signs shall be posted and shall be placed in conspicuous locations on the subject property(s), with at least one sign placed at a location visible from a public thoroughfare.
- Certified Mailing. To assure adjacent property owners and affected public entities are provided adequate public notice of the application, no less than thirty (30) days prior to the public hearing, the Applicant shall send public notification to all owners of real property within five hundred (500) feet of the subject property as well as the Beaufort County Administrator, Bluffton Township Fire District, and Public Service providers via certified return receipt letters. A sample public hearing notification letter including a map, complete legal description of the area to be



annexed, and an official listing of adjacent property owners and other agencies shall be provided to the Applicant by Town Staff. No less than fifteen (15) days prior to the public hearing, the Applicant shall submit to the UDO Administrator or its designee, a notarized, stamped and sealed Affidavit of Compliance, as well as the certified mailing and return receipts. The Affidavit must contain a list of all property owners contacted.

- Public Notice Compliance. Failure to comply with the public notice requirements shall result in the removal of the application from the public hearing agenda.

3.12 Election Pre-Clearance for 25 Percent Method

If the election(s) initiated by 25 percent petition pursuant to S.C. Code Ann. § 5-3-300 will be held on a date which has not already been cleared under § 5 of the Voting Rights Act for a county election, it may be necessary to submit the proposed date to the U.S. Attorney General and/or the Department of Justice before giving public notice of the election.

3.13 Election Time Limitation

Annexations are deemed complete upon the adoption of an ordinance. When an annexation is defeated in an election by voters within the Town or the proposed annexed territory, another annexation election in the territory cannot be initiated within twenty-four (24) months after the election. S.C. Code Ann. § 5-3-210.

3.14 Ordinances

Ordinances for the incorporation of annexed property into the Town of Bluffton corporate boundary require public hearing, regardless of annexation method. Annexation ordinance format shall follow those described in the Code of Ordinances for the Town of Bluffton, Section 2-15. Additionally, no member of the governing body who owns property or stock in a corporation owning property in the area proposed to be annexed is eligible to vote on the ordinance.

3.15 Filing Notice of Annexation

3.15.1 Notification Recipients

Upon completing an annexation through the adoption of an ordinance, the Town will send written notification of annexation to appropriate public and private entities informing them of the change of the Town Boundary. Notification will be sent via certified return receipt letter to the following:

- US Dept. of Justice, Civil Rights Division
- SC Department of Transportation
- SC Department of Public Safety
- SC Secretary of State
- United States Postal Service
- Federal Emergency Management Agency (FEMA), SC Region 4
- SC Department of Natural Resources; Land, Water, & Conservation Division
- Lowcountry Council of Governments
- Beaufort County



- County Administrator
- Assessor
- Auditor
- Building Inspection
- Business License
- Clerk of Court
- Controller
- E911 Data Manager
- Emergency Management
- Voters Registration
- GIS Division
- Planning Division
- Sheriff
- Treasurer
- Zoning Administrator
- Bluffton Township Fire District
- Beaufort County School District Superintendent
- Time Warner Cable
- Hargray Communications
- Beaufort Jasper Water and Sewer
- Palmetto Electric Cooperative
- South Carolina Electric & Gas

3.15.2 Information for Notification Mailing

The notification mailing will include the following information:

- Copy of annexation ordinance or resolution.
- Copy of any repealed or amended ordinance.
- A clear statement of the change.
- Name, title, address, telephone number of person making submission.
- Name of annexing municipality.
- State and county where municipality is located.
- Identify body making change and how change was made (petition-ordinance; petition-election).
- Statutory authority and procedure for annexation.
- Date of adoption of ordinance or resolution.
- Effective date of annexation.



3.15.3 Additional Information for US Department of Justice

The US Department of Justice mailing will include the following additional information:

- Statement that persons in annexed area have not voted in a municipal election prior to clearance.
- Explanation of scope of change in voting rights.
- Statement of reasons for annexation.
- Anticipated effect of change on minorities.
- Past or pending litigation concerning the annexation.
- Statement indicating state annexation procedure was precleared.
- Items listed in the Voting Rights Act of 1965, as amended, Section 5 28 C.F.R. Part 51 § 51.28(a)(1), (b)(1) and (c)(3).1. Total and voting age population of affected area before and after annexation by race. Reference to census publications may be sufficient.
- Number of registered voters for the affected area by precinct before and after annexation by race.
- Any estimates made of population by race.
- Maps in duplicate of area affected showing prior and new boundaries of voting units.
- Present and expected future use of annexed land.
- Estimate of expected population by race when anticipated development is completed.
- Statement that all prior annexations have been submitted for review or identification of annexations which have not been submitted.

3.16 Appeals

When the limits of a municipality are ordered extended, no contest thereabout shall be allowed unless the person interested therein files, within sixty (60) days after the result has been published or declared, with both the clerk of the municipality and the clerk of court of the county in which the municipality is located, a notice of his intention to contest the annexation, nor unless, within ninety (90) days from the time the result has been published or declared, an action is commenced in the Beaufort County Court of Common Pleas and the original summons and complaint is filed with the Beaufort County Clerk of Court. S.C. Code Ann. § 5-3-270.



Chapter 4: Annexation Petition Application

4.1 Application Minimum Submittal Requirements

Applications for all annexation petition applications are required to provide the following upon submittal:

- Completed Annexation Application.
- Completed Annexation Petition (type will depend on the annexation method chosen by the applicant).
- Copy(s) of all documents, recorded with the Beaufort County Register of Deeds, including:
 - Deed(s);
 - Plat(s);
 - Covenants and Restriction(s);
 - Easement(s); and
 - Agreement(s).
- Location Map of proposed Annexation Area showing:
 - Existing Structures;
 - Current Beaufort County Zoning District(s); and
 - Adjacent Property Owners.
- Annexation Narrative detailing:
 - Reason for annexation request and anticipated benefits;
 - Parcel numbers and acreage of each;
 - Contact information for property owner(s), applicant, attorney and any other applicable consultant/firm;
 - Existing structure(s);
 - Current Special Districts (overlay, tax, and/or conservation);
 - Current Beaufort County Zoning District(s) and Land Use(s);
 - Proposed Zoning District(s) and Land Use(s);
 - Current versus Proposed Zoning District and Land Use Comparison;
 - Consistency with Comprehensive Plan, Future Annexation Area Map, and Future Land Use Map;
 - Estimate of current population of Annexation Area; and
 - Current utility service providers.
- Photographs of:
 - Existing Structures and Land Use; and
 - Adjacent Property.
- Zoning verification letter from Beaufort County providing:
 - Current Beaufort County Zoning; and



- Special Districts such as Overlays.
- Parcel History letter from Beaufort County providing:
 - Special Districts such as Tax Increment Finance District, Assessment District, Multi-County Industrial Park;
 - Application(s) submitted for the past 10 years and their status; and
 - Any zoning, land development, building, or county code violations for the past 10 years and their status.
- Submittal of Zoning Map Amendment Application.
- Submittal of concurrent applications, as applicable, including:
 - Development Agreement;
 - Concept Plan; and/or
 - Planned Unit Development Master Plan.
- Application Fee made payable to the Town of Bluffton.



Chapter 5: Annexation Narratives

5.1 100 Percent Petition and Ordinance Method

Annexation of any area or property which is contiguous to the Town may be initiated by filing a petition signed by all persons or entities owning real estate in the area requesting annexation. Upon agreement to accept the petition and annex the area and enactment of an ordinance by Town Council declaring the area annexed, the annexation is complete. S.C. Code Ann. § 5-3-150(3).

Procedure

Step 1. Pre-Application Meeting	Applicant/Petitioner & Staff
Prior to the filing of an Annexation Application, the Applicant is required to consult with the UDO Administrator or its designee at a Pre-Application Meeting for comments and advice on the appropriate application process and the required procedures, specifications, and applicable standards required by Town of Bluffton applicable ordinances.	
Step 2. Application Check-In Meeting	Applicant/Petitioner & Staff
Upon receiving input from Staff at the Pre-Application Meeting, the Applicant shall submit the Annexation Application and required submittal materials during a mandatory Application Check-In Meeting where the UDO Administrator or its designee will review the submission for completeness.	
Step 3. Review by UDO Administrator	Staff
If the UDO Administrator determines that the Annexation Application is complete, the application shall advance as prescribed in the Town of Bluffton's Annexation Policy and Procedure Manual.	
Step 4. Drafting of Annexation Map	Staff
Staff will assist the Petitioner in the drafting of the final annexation map.	
Step 5. Town Council 1st Reading	Applicant/Petitioner, Staff & Town Council
Town Council will hold First Reading "intent to annex" for the annexation petition for an initial briefing or "intent to annex". Town Council discussion items for the initial meeting include development agreement (if applicable) and recommended zoning. This initial meeting allows Town Council to review the "intent to annex" and determine if the annexation of property into the Town would be mutually beneficial to all. Town Council may also refer the annexation request to the Negotiating Committee, if applicable.	
Step 6. Planning Commission Public Workshop	Applicant/Petitioner, Staff & Planning Commission
In order to inform the public of the steps, preliminary costs and benefits, as well as a tentative timetable, Planning Commission will hold a public workshop. This will be a forum for the voicing of any concerns or comments. Staff will also address the Comprehensive Plan, Future Land Use Map and Zoning Districts.	
Step 7. Drafting of Feasibility Study	Staff
Dependent on the size and scope of the annexation, the Town Manager will initiate a formal cost/benefit analysis or outline the scope of the study, request that bids be submitted for its completion, and a consultant selected.	
Step 8. Negotiating Committee	Applicant/Petitioner, Staff & Negotiating Committee
If applicable, per Town Council direction, the Negotiating Committee shall conduct meetings until the terms of the development agreement or other negotiations are complete. The application(s) then proceed to Planning Commission for Public Hearing and recommendation.	
Step 9. Public Notification	Applicant/Petitioner & Staff
The Applicant sends notification letters to each adjacent property owner and submits the registered mail receipts to the Town no later than thirty (30) days prior to the Planning Commission meeting.	



Step 10. Planning Commission Public Hearing and Recommendation	Applicant/Petitioner, Staff & Planning Commission
The Planning Commission hold a public hearing, and make recommendations to Town Council which will be forwarded to Town Council for second and final reading.	
Step 11. Town Council Public Hearing, 2nd and Final Reading	Applicant/Petitioner, Staff & Town Council
Town Council will hold a Public Hearing and 2 nd and Final Reading of the Annexation as well as Zoning Map Amendment and any concurrent applications.	
Step 12. Annexation Notifications	Staff
Upon adoption of the annexation petition by ordinance, the Town shall file written notice in accordance with this Manual.	



5.2 75 Percent Petition and Ordinance Method

Annexation of any area or property which is contiguous to the Town may be initiated by filing a petition signed by 75 percent or more of the freeholders owning at least 75 percent of the assessed value of property in the area to be annexed. The petition must be dated before the first signature is affixed and all necessary signatures must be obtained within six months from the date of the petition. The petition and all signatures are open for public inspection at any time. Upon agreement to accept the petition and annex the area, compliance with required procedures, and enactment of an ordinance by the governing body declaring the area annexed, the annexation is complete. S.C. Code Ann. § 5-3-150(3) & S.C. Code Ann. § 5-3-150(1).

Procedure

Step 1. Pre-Application Meeting	Applicant/Petitioner & Staff
Prior to the filing of an Annexation Application, the Applicant is required to consult with the UDO Administrator or its designee at a Pre-Application Meeting for comments and advice on the appropriate application process and the required procedures, specifications, and applicable standards required by Town of Bluffton applicable ordinances.	
Step 2. Application Check-In Meeting	Applicant/Petitioner & Staff
Upon receiving input from Staff at the Pre-Application Meeting, the Applicant shall submit the Annexation Application and required submittal materials during a mandatory Application Check-In Meeting where the UDO Administrator or its designee will review the submission for completeness.	
Step 3. Review by UDO Administrator	Staff
If the UDO Administrator determines that the Annexation Application is complete, the application shall advance as prescribed in the Town of Bluffton’s Annexation Policy and Procedure Manual.	
Step 4. Drafting of the Preliminary Annexation Map	Applicant/Petitioner & Staff
With input and assistance of the interested parties, staff will assist in the preparation of the first draft of the annexation map detailing the parcel(s) under consideration.	
Step 5. Town Council Notification of Annexation Application	Applicant/Petitioner, Staff & Town Council
Staff will notify Town Council of the Annexation Application at the next available Town Council meeting. This notification serves to provide a basic overview of the Application such as Annexation Area, current Zoning, and as well as proposed Zoning. Additionally, Staff will outline the next steps leading to the Petition submittal as well as the subsequent adoption process.	
Step 6. Planning Commission 1st Public Workshop	Applicant/Petitioner, Staff & Planning Commission
In order to inform the public of the steps, preliminary costs and benefits, as well as a tentative timetable, the first in a series of public workshops will be held. This will be the first forum for the voicing of any concerns or comments and to insure that all applicable parcels have been included in the subject area. Staff will also address the Comprehensive Plan, Future Land Use Map and Zoning Districts.	
Step 7. Drafting of Final Annexation Map and Petition	Applicant/Petitioner & Staff
Staff will assist the Petitioner in the drafting of the final annexation map and petition. The documents will be given to those initiating the annexation with copies posted at Town Hall.	
Step 8. Submission of Petition	Applicant/Petitioner & Staff
Once the initiating party has obtained the requisite number of signatures, the completed petition will be submitted to the Town for verification.	



Step 9. Challenge to Annexation	Applicant/Petitioner & Staff
A suit to challenge the annexation may be filed by the municipality, any resident of the municipality, or any resident or owner of property in the area to be annexed.	
Step 10. Planning Commission 2nd Public Workshop	Applicant/Petitioner, Staff & Planning Commission
Once the petition is certified and all property owners eligible for opt-out have been notified, a public workshop will be held to discuss the remainder of the process. Any changes to the annexation map that may have occurred due to the opt-out provision will be detailed, and the public will be informed of the impending feasibility study and the timetable for completion.	
Step 11. Updated Timetable	Staff
The Town, in conjunction with the initiating party, will recommend a new timetable for action on the petition based on the scheduled completion and analysis of the feasibility study and Staff's completion of a land-use survey and recommended zoning of the subject area.	
Step 12. Town Council 1st Reading	Applicant/Petitioner, Staff & Town Council
Town Council will hold First Reading "intent to annex" for the annexation petition for an initial briefing or "intent to annex". Town Council discussion items for the initial meeting include development agreement (if applicable) and recommended zoning. This initial meeting allows Town Council to review the "intent to annex" and determine if the annexation of property into the Town would be mutually beneficial to all. Town Council may also refer the annexation request to the Negotiating Committee, if applicable.	
Step 13. Drafting of Feasibility Study Scope and Bids	Staff
Dependent on the size and scope of the annexation, the Town Manager will initiate a formal cost/benefit analysis or outline the scope of the study and request that bids be submitted for its completion, as applicable.	
Step 14. Contract for the Completion of Feasibility Study	Staff
Once the petition is certified by a resolution of Town Council or the Beaufort County Election Commission, a contract for the completion of the feasibility study may be enacted.	
Step 15. Negotiating Committee	Applicant/Petitioner, Staff & Negotiating Committee
If applicable, per Town Council direction, the Negotiating Committee shall conduct meetings until the terms of the development agreement or other negotiations are complete. The application(s) then proceed to Planning Commission for Public Hearing and recommendation.	
Step 16. Public Notification	Applicant/Petitioner & Staff
The Applicant sends notification letters to each adjacent property owner and submits the registered mail receipts to the Town no later than thirty (30) days prior to the Planning Commission meeting.	
Step 17. Planning Commission Public Hearing and Recommendation	Applicant/Petitioner, Staff & Planning Commission
The Planning Commission hold a public hearing and make recommendations to Town Council for each of the applicable application(s) including zoning, land use, and Planned Unit Development Concept Plan and/or Initial Master Plan approval, as appropriate. The Zoning Map Amendment and applicable concurrent applications will be forwarded to Town Council for second and final reading.	



Step 18. Town Council Public Hearing, Second and Final Reading	Applicant/Petitioner, Staff & Town Council
<p>Not less than thirty days before acting on an annexation petition, the Town must give notice of a public hearing by publication in a newspaper of general circulation in the community, by posting the notice of the public hearing on the municipal bulletin board, and by written notification to the taxpayer of record of all properties within the area proposed to be annexed, written notification to the taxpayer of record of all properties within a radius of five hundred (500) feet, to the chief administrative officer of the county, to all public service or special purpose districts, and all fire departments, whether volunteer or full time. This public hearing must include a map of the proposed annexation area, a complete legal description of the proposed annexation area, a statement as to what public services are to be assumed or provided by the municipality, and the taxes and fees required for these services. The notice must include a projected timetable for the provision or assumption of these services. Town Council will hold Public Hearing and 2nd and Final Reading of the Annexation as well as Zoning Map Amendment and any concurrent applications.</p>	
Step 19. Annexation Notification	Staff
<p>Upon adoption of the annexation petition by ordinance, the Town shall file written notice in accordance with this Manual.</p>	



5.3 Annexation by Elector Petition and Election 25 Percent Petition and Election Method

The 25 percent petition and election method of annexation authorized by S.C. Code Ann. § 5-3300 adopted in 1988 was not constitutional prior to the 2000 amendment because the election was initiated by a freeholder petition. The amendment changed this provision to a petition of 25 percent of qualified electors residing in the area to be annexed and makes a third method of annexation of private property available. The procedure for this method is specified in detail in the statute and must be carefully followed.

It should be noted that the election in the area to be annexed is conducted by the Beaufort County Election Commission, but the election within the Town is initiated pursuant to S.C. Code Ann. § 5-3-300(F), (G), and (H) by petition of 5 percent of municipal electors is a municipal election conducted by the Beaufort County Election Commission per Town of Bluffton Ordinance 2006-16.

Procedure

Step 1. Pre-Application Meeting	Applicant/Petitioner & Staff
Prior to the filing of an Annexation Application, the Applicant is required to consult with the UDO Administrator or its designee at a Pre-Application Meeting for comments and advice on the appropriate application process and the required procedures, specifications, and applicable standards required by Town of Bluffton applicable ordinances.	
Step 2. Application Check-In Meeting	Applicant/Petitioner & Staff
Upon receiving input from Staff at the Pre-Application Meeting, the Applicant shall submit the Annexation Application and required submittal materials during a mandatory Application Check-In Meeting where the UDO Administrator or its designee will review the submission for completeness.	
Step 3. Review by UDO Administrator	Staff
If the UDO Administrator determines that the Annexation Application is complete, the application shall advance as prescribed in the Town of Bluffton’s Annexation Policy and Procedure Manual.	
Step 4. Drafting of the Preliminary Annexation Map	Applicant/Petitioner & Staff
With input and assistance of the interested parties, Staff will assist in the preparation of the first draft of the annexation map detailing the parcel(s) under consideration.	
Step 5. Town Council Notification of Annexation Application	Applicant/Petitioner, Staff & Town Council
Staff will notify Town Council of the Annexation Application at the next available Town Council meeting. This notification serves to provide a basic overview of the Application such as Annexation Area, current Zoning, and as well as proposed Zoning. Additionally, Staff will outline the next steps leading to the Petition submittal as well as the subsequent adoption process.	
Step 6. Planning Commission 1st Public Workshop	Applicant/Petitioner, Staff & Planning Commission
In order to inform the public of the steps, preliminary costs and benefits, as well as a tentative timetable the first in a series of public workshops will be held. This will be the first forum for the voicing of any concerns or comments and to insure that all applicable parcels have been included in the subject area. Staff will also address the Comprehensive Plan, Future Land Use Map and Zoning Districts.	
Step 7. Drafting of Final Annexation Map and Petition	Applicant/Petitioner & Staff
Staff will assist the Petitioner in the drafting of the final annexation map and petition. The documents will be given to those initiating the annexation with copies posted at Town Hall. Also, during this step staff will collect and organize the necessary parcel-based information and determine if any one-landholder meets the 25 percent of assessed property value opt out provision.	



Step 8. Submission of Petition	Applicant/Petitioner & Staff
Once the initiating party has obtained the requisite number of signatures, the completed petition will be submitted to Town Council for verification. The petition must contain a description of the area to be annexed, the signature of the qualified elector, the address of residence and the act or code section pursuant to which the proposed annexation is to be accomplished - § 5-3-300.	
Step 9. Town Council Petition Certification Resolution	Staff & Town Council
If council finds the petition has been signed by 25 percent or more of qualified resident electors, it will certify that fact to the Beaufort County Election Commission by resolution.	
Step 10. Notification of Opt-Out Freeholders	Staff
If applicable, the Town will send written notification via certified return receipt letter to any property owners that are eligible for the opt-out provision. Those eligible are freeholders owning 25 percent of assessed value of property to be annexed or freeholders owning 10 acres or more of agricultural real property. If the freeholder files a written notice with the municipal clerk objecting to the annexation, the freeholder's property must be excluded from the area to be annexed. If the freeholder does not reply at least ten days before the election, the area is included in the area to be annexed.	
Step 11. Planning Commission 2nd Public Workshop	Applicant/Petitioner, Staff & Planning Commission
Once the petition is certified and all property owners eligible for opt-out have been notified, a public workshop will be held to discuss the remainder of the process. Any changes to the annexation map that may have occurred due to the opt-out provision will be detailed, and the public will be informed of the impending feasibility study and the timetable for completion.	
Step 12. Updated Timetable	Staff
The Town, in conjunction with the initiating party, will recommend a new timetable for action on the petition based on the scheduled completion and analysis of the feasibility study and Staff's completion of a land-use survey and recommended zoning of the subject area.	
Step 13. Town Council Public Hearing and 1st Reading	Applicant/Petitioner, Staff & Town Council
A public hearing will be conducted as required for the 25 percent annexation method. The results of the feasibility study will be published and evaluated as well as all costs, taxes, and public service changes that will be made as a result of the annexation. Town Council will hold First Reading "intent to annex" for the annexation petition for an initial briefing or "intent to annex". Town Council discussion items for the initial meeting include development agreement (if applicable) and recommended zoning. This initial meeting allows Town Council to review the "intent to annex" and determine if the annexation of property into the Town of Bluffton would be mutually beneficial to all. Town Council may also refer the annexation request to the Negotiating Committee, if applicable.	
Step 14. Drafting of Feasibility Study Scope and Bids	Staff
Dependent on the size and scope of the annexation, the Town Manager will initiate a formal cost/benefit analysis or outline the scope of the study and request that bids be submitted for its completion, as applicable.	
Step 15. Contract for the Completion of Feasibility Study	Staff
Once the petition is certified by a resolution of Town Council or the Beaufort County Election Commission, a contract for the completion of the feasibility study may be enacted.	



Step 16. Negotiating Committee	Applicant/Petitioner, Staff & Negotiating Committee
If applicable, per Town Council direction, the Negotiating Committee shall conduct meetings until the terms of the development agreement or other negotiations are complete. The application(s) then proceed to Planning Commission for Public Hearing and recommendation.	
Step 17. Planning Commission Public Hearing and Recommendation	Applicant/Petitioner, Staff & Planning Commission
The Planning Commission hold a public hearing and make recommendations to Town Council for each of the applicable application(s) including zoning, land use, and Planned Unit Development Concept Plan and/or Initial Master Plan approval, as appropriate. The Zoning Map Amendment and applicable concurrent applications will be forwarded to Town Council for second and final reading.	
Step 18. Call for Election	Beaufort County Election Commission
Once the petition is certified, the Beaufort County Election Commission will call for a special election to be held within the proposed annexation area under S.C. Code Ann. Title 7 Chap. 13 & 17. The election is for registered qualified electors residing in the proposed annexation area. Furthermore, the election must take place within the subject area. Preclearance under § 5 of the Voting Rights Act may be necessary for a date which has not been cleared for a county election. The Commission shall give 30 days newspaper notice in area to be annexed. Registered qualified electors residing within area to be annexed vote in election. Election box or boxes shall be in the area proposed to be annexed. The election commission shall certify the election result to Town Council.	
Step 19. Publishing of Results	Staff
Town Council must publish the results of the election if a majority of the qualified electors vote in favor of the petition to annex. If a majority of all eligible and qualified voters do not vote in favor of the ordinance then the motion dies, and may not be initiated for a period of twenty-four (24) months from the day of the election.	
Step 20. Publishing of Fact	Staff
After the results of the election are made public, Town Council must publish in newspaper of general circulation a notice containing: <ul style="list-style-type: none"> a. A description of the area being annexed; b. The code section under which the proposed area is being annexed; c. A statement that qualified electors in the area voted to be annexed; and d. A statement that Town Council may approve the petition unless a petition signed by five percent or more of the electors within the municipality is presented to the Town Council within (30) days from the date of the notice requesting an election to be held within the municipality on the question of the annexation. 	
Step 21. Municipal Election	Beaufort County Election Commission
If a five percent petition is received and certified, a municipal election of all qualified voters in the Town of Bluffton (not including those in the annexation subject area) must be called pursuant to SC Code Ann. Title Chap. 13 & 17. Town Council must give at least thirty (30) days notice. If a 5 percent petition is presented to Town Council, the council must delay final reading of the annexation ordinance and certify the petition to the Beaufort County Election Commission. <ul style="list-style-type: none"> a. The municipal election must be conducted under S.C. Code Ann. Title 7 Chap. 13 and 17. b. The commission shall give at least 30 days' newspaper notice of the election. c. If a majority of electors of the municipality vote in favor of the annexation, council shall give final reading to the ordinance declaring the area annexed. d. If a majority of votes are oppose the annexation, council shall publish the results and table the proposed annexation ordinance. Another annexation election may not be initiated within the territory for 24 months from the date of the vote. S.C. Code Ann. § 5-3-210. If no 5 percent petition is presented to council, the annexation may be completed by enacting the ordinance 30 days after publication of the notice.	



Step 22. Town Council Public Hearing, Second and Final Reading	Applicant/Petitioner, Staff & Town Council
Town Council will hold Public Hearing and 2 nd and Final Reading of the Annexation as well as Zoning Map Amendment and any concurrent applications.	
Step 23. Annexation Notification	Staff
Upon adoption of the annexation petition by ordinance, the Town shall file written notice in accordance with this Manual.	



Chapter 6: Annexation of Public Property

6.1 Municipal Property

When an entire area is owned by a municipality and is adjacent thereto, the territory may be annexed by resolution of the Town Council and passage of an ordinance to that effect. S.C. Code Ann. § 5-3-100.

6.2 Consolidation of Municipalities

Two or more municipal corporations may be consolidated by election in each municipality, initiated by ordinance of each municipal council. S.C. Code Ann. § 5-3-30.

Agreed terms of consolidation may be adopted by ordinance of the governing bodies after public hearing. The consolidation or adjustment of boundaries shall be effective on the date of adoption of the final ordinance. S.C. Code Ann. § 5-3-40.

6.3 County Property

When the territory belongs entirely to the county in which the municipality is located, it may be annexed by passage of an ordinance adopted by both the Town Council and County Councils. No election is required under this procedure. S.C. Code Ann. § 5-3-100.

6.4 School Property

If the area to be annexed is owned by a school district, it may be annexed upon the petition of the School District's Board of Education to the council. Upon agreement of the Town Council to accept the petition and the passage of an ordinance to that effect, the annexation is complete. No election is required. S.C. Code Ann. § 5-3-130.

6.5 State Property

If the territory to be annexed is owned by the State and is adjacent to the Town, it may be annexed upon petition executed by the State Budget and Control Board. Upon agreement of the Town Council to accept the petition and the passage of an ordinance to that effect, the annexation is complete. No election is required. S.C. Code Ann. § 5-3-140.

6.6 Federal Property

Territory owned entirely by the federal government may be annexed upon petition of the federal government and passage of an ordinance by the Town Council. S.C. Code Ann. § 5-3-140.

6.7 Highways and Streets

Whenever the whole or any part of a street, roadway or highway has been accepted for and is under permanent public maintenance by a municipality, a county or the State Department of Transportation, that portion of any right-of-way not exceeding the width thereof lying beyond but abutting on the corporate limits of the Town may be annexed to the Town by adoption of an ordinance, without an election, upon prior consent in writing of any public agency other than the Town, engaged in maintenance of the right-of-way area to be annexed. The director may give consent on behalf of the Department of Transportation. County Council gives consent on behalf of any county. S.C. Code Ann. § 5-3-110.



Roads within an area to be annexed or a road which separates the annexed area from the municipal limits may be included in the description of the area and annexed without consent. The consent requirement applies when an adjacent road right-of-way is the only area being annexed. The director of SCDOT follows this interpretation of S.C. Code Ann. § 5-3-110.

6.8 Multicounty Park

Property in a multicounty park under S.C. Code Ann. § 4-1-170 owned by the State may be annexed only with prior written consent of the state. If it is owned by a political subdivision of the State, it may be annexed only with prior written consent of the governing body of the political subdivision holding title. S.C. Code Ann. § 5-3-150(5).

6.9 Cemeteries

By ordinance, the Town may extend its corporate limits to include any cemetery adjoining the municipality, for the purposes of police and sanitary measures only. The Town cannot tax the cemeteries in any manner. S.C. Code Ann. § 5-3-250.

6.10 Church Property

Any area owned by an established church or religious group which is contiguous to the Town may be annexed to the Town upon petition by the church or religious group. Upon agreement of the Town Council to accept the petition and passage of an ordinance, the annexation is complete. No election is required. S.C. Code Ann. § 5-3-260.

6.11 Corporate Property

If a corporation owns the entire area to be annexed, the property may be annexed on the petition of the stockholders. Upon agreement by the Town Council to accept the petition and the passage of an ordinance to that effect, the annexation is complete. No election is required. S.C. Code Ann. § 5-3-120.

Corporate property may be annexed by those methods upon petition of an authorized corporate officer, as well as by the 25 percent petition and election method.

6.12 Manmade Industrial Peninsula

A manmade industrial peninsula located more than twelve miles from the Atlantic Ocean may be annexed only by the 100 percent or 75 percent petition and ordinance methods. S.C. Code Ann. § 5-3-155.

6.13 Airport Districts

No property owned by an airport district composed of more than one county may be annexed without prior written approval of the district governing body. S.C. Code Ann. § 5-3-15.



100 Percent Petition Form

TO THE MAYOR AND COUNCIL OF THE TOWN OF BLUFFTON:

The undersigned, being 100 percent of the freeholders owning 100 percent of the assessed value of the property in the contiguous territory described below and shown on the attached plat or map, hereby petition for annexation of said territory into the Town by ordinance effective as soon hereafter as possible, pursuant to S.C. Code Ann. § 5-3-150(3).

The territory to be annexed is described as follows:

The property is designated as follows on the County tax maps: _____

It is requested that the property be zoned as follows: _____

Signature

Date

Print Name

Street Address, City, Zip

=====
FOR MUNICIPAL USE:

Petition received by _____, Date _____

Description and Ownership verified by _____, Date _____

Recommendation: _____

By: _____, Date _____



75 Percent Petition Form

TO THE MAYOR AND COUNCIL OF THE TOWN OF BLUFFTON:

The undersigned, being at least 75 percent of the freeholders owning at least 75 percent of the assessed value of the property in the contiguous territory described below and shown on the attached plat, hereby petition for annexation of said territory to the Town by ordinance effective as soon hereafter as possible, pursuant to S.C. Code Ann. § 5-3-150(1).

The territory to be annexed is described as follows:

A plat of the area must be attached.

The property is designated as follows on the County tax maps: _____

It is requested that the property be zoned as follows: _____

The Petition must be dated before the first signature is affixed, and all signatures must be obtained within six months of that date. The first signature was affixed on this Petition on _____.

Signature

Date

Print Name

Street Address, City, Zip

=====
FOR MUNICIPAL USE:

Petition received by _____, Date _____

Description and Ownership verified by _____, Date _____

Recommendation: _____

By: _____, Date _____



Notice of Public Hearing on Annexation

The Mayor and Council of the Town of Bluffton will conduct a public hearing at Town Hall _____ on _____, 20____, at _____ o'clock __m pursuant to S.C. Code Ann. § 5-3-150(1) on a petition for annexation of the following property:

The following services for the area will be assumed or provided by the City/Town on the following timetable:

The taxes and fees required for these services are:

The petition requests that the property be zoned _____.

The petition is available for public inspection at the Town Clerk's office in Town Hall during normal business hours.

PUBLICATION CHECKLIST - 30 DAYS PRIOR TO HEARING:

- Publish in a newspaper of general circulation in the community.
- Post on the municipal bulletin board.
- Mail copy of notice to taxpayers of record of properties in area to be annexed.
- Mail to the chief administrative officer of the county.
- Mail to all public service or special purpose districts in the area to be annexed.
- Mail to all fire departments, whether volunteer or full time, in the area to be annexed.



25 Percent Petition Form

TO THE MAYOR AND COUNCIL OF THE TOWN OF BLUFFTON:

The undersigned qualified electors resident within the territory described below hereby petition for an election in said territory pursuant to S.C. Code Ann. § 5-3-300, et seq., on the question of extension of the corporate limits of the municipality by annexation of the described territory.

The territory to be annexed is described as follows:

The property is designated as follows on the County tax maps: _____

It is requested that the property be zoned as follows: _____

The Petition must be dated before the first signature is affixed, and all signatures must be obtained within six months of that date. The first signature was affixed on this Petition on _____.

Signature

Date

Print Name

Street Address, City, Zip

=====

FOR MUNICIPAL USE:

Petition received by _____, Date _____

Description and Ownership verified by _____, Date _____

Recommendation: _____

By: _____, Date _____



Resolution Certifying 25 Percent Annexation Petition

BE IT RESOLVED by the Mayor and Council of the Town of Bluffton, South Carolina, this _____ day of _____, 20____, as follows:

It is hereby certified that the Town of Bluffton has received petitions signed by 25 percent or more of the qualified electors resident within the area described below which is proposed to be annexed into the Town pursuant to S.C. Code Ann. § 5-3-300, et seq., and the Beaufort County Election Commission is hereby requested to conduct an election to be held on _____, 20____, within the area proposed to be annexed on the question of extension of the corporate limits of the municipality by annexation of the following described area:

The Beaufort County Election Commission is requested to certify the results of the election to Town Council.

MAYOR:

Attest:

_____ TOWN CLERK

=====

[NOTE: If the election is to be held on a date which has not already been precleared under § 5 of the Voting Rights Act for a county election, it may be necessary to submit the proposed date to the U.S. Attorney General before giving public notice of the election. The attorney general has 60 days in which to respond to a complete submission.]



Letter to County Election Commission Requesting Annexation Election

To: Beaufort County Commissioners of Election

Ladies and Gentlemen:

We enclose a copy of the Resolution adopted by the Town Council of the Town of Bluffton on _____, 20____, certifying that a proper petition has been received asking for annexation of the area described in the resolution generally known as _____ and requesting a special election in the described area on _____, 20____, pursuant to S.C. Code Ann. § 5-3-300, et seq., on the question of the annexation.

The election is not a municipal election, but it is a special county election which must be conducted pursuant to S.C. Code Title 7, Chapters 13 and 17, as provided by S.C. Code Ann. § 5-3-300(D).

We also enclose a Notice of Election for your convenience in giving the necessary notice by newspaper at least 30 days prior to the date set for the election in accordance with S.C. Code Ann. § 5-3-300(D), and a form which you may use to report the results of the election.

Because the proposed election date is not a date already precleared by the U.S. Attorney General under § 5 of the Voting Rights Act for a county election, it was set to allow enough time for a § 5 submission and response.

Yours very truly,

Town Clerk

cc: Municipal Attorney
County Attorney



Notice to Owners of Property Eligible for Exclusion

To: Owners of 25 percent of assessed value of property to be annexed and owners of agricultural property in area to be annexed

Pursuant to S.C. Code Ann. § 5-3-300(I), please take notice that the area described in the enclosed Resolution of the Town Council of the Town of Bluffton has been proposed for annexation to the municipality upon favorable vote of electors in the area in an election to be held on _____, 20____.

You may be a freeholder of property eligible for exclusion from the annexation. Written notice of your objection to the annexation of your property must be filed with the undersigned Town Clerk at least ten (10) days prior to the election.

Please refer to S.C. Code Ann. § 5-3-300(I) to determine eligibility for exclusion. A copy is enclosed.

Date mailed _____

Sincerely,

Town Clerk

CERTIFIED MAIL
RETURN RECEIPT REQUESTED



Notice of Annexation Election

Date: _____

In accordance with the certificate of the Town Council of the Town of Bluffton, South Carolina, and pursuant to S.C. Code Ann. § 5-3-300, a special election will be held in the territory described below on _____, 20 ____, for the purpose of determining whether said territory shall be annexed to the Town of Bluffton, South Carolina.

The territory proposed to be annexed is described as follows:

Polling places where registered voters residing in the described area may vote are located at:
The polls will be open from 7:00 AM to 7:00 PM.

Sincerely,

_____, Chairman,

Beaufort County Election Commission



Certification of Election Results by County Election Commission

To: Mayor and Council, Town of Bluffton
Re: Annexation Election
Area: _____

Pursuant to S.C. Code Ann. § 5-3-300(D), the results of the annexation election conducted this date in the above area described in the Resolution Certifying the 25 percent Annexation Petition are certified to be as follows:

In favor of annexation _____ votes

Opposed to annexation _____ votes

Contested ballots _____

TOTAL BALLOTS _____

BEAUFORT COUNTY ELECTION COMMISSION

Date: _____

By: _____



Resolution Publishing Election Results

BE IT RESOLVED by the Mayor and Council of the Town of Bluffton this _____ day of _____, 20____, as follows:

Pursuant to S.C. Code Ann. § 5-3-300, et seq., an annexation election was held in the area described in the attached notice by the Beaufort County Election Commission which has reported the attached results of election which are hereby published.

The Town Clerk is hereby directed to publish the newspaper notice of intent to annex attached hereto as required by S.C. Code Ann. § 5-3-300(E).

MAYOR

Attest:

_____ CITY/TOWN CLERK



Notice of Intent to Annex

Pursuant to S.C. Code Ann. § 5-3-300, et seq., the qualified electors of the area described below voted in an election on _____, 20____, to be annexed to the Town of Bluffton. Town Council intends to approve the annexation by ordinance 30 days hereafter unless a petition signed by five percent or more of the electors within the Town of Bluffton is presented to Town Council within 30 days from the date of publication of this notice requesting an election within the Town of Bluffton on the question of annexation of the following area:

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[NOTE: This notice must be run in a newspaper of general circulation within the city after the results of the annexation election are published by written resolution of city council. If a petition is received, an election within the city must be held pursuant to S.C. Code Ann. § 5-3-300(G), and annexation must be approved by majority vote.]