

**Town of Fort Mill Town Council
Regular Meeting Minutes
June 27, 2016
7:00 pm**

Present: Mayor Savage, Councilman Huntley, Councilman Helms, Councilman Shirey, Councilman Moody, Councilwoman Heemsoth and Councilwoman McCarley, Dennis Pieper, Manager and Virginia Burgess, Town Clerk, were present.

The following press was notified of the meeting by email or fax in accordance of the Freedom of Information Act: The Herald; CN2; WRHI; Fort Mill Times and WBTV. The agenda was also posted on the board outside of the entrance to Town Hall the required length of time and on the Town website.

Mayor Guynn Savage opened the meeting, led the pledge of allegiance and gave the invocation.

MINUTES

Town Council Meeting Minutes for 6-13-2016

Councilman Huntley made a MOTION to approve the Minutes of the Town Council's June 13, 2016 meeting minutes. SECONDED by Councilman Helms. Passed 7-0.

PUBLIC COMMENT

Pursuant to Section 2-46 of the Code of Ordinances for the Town of Fort Mill, any resident may appear before council for the purpose of providing public comments on any municipal matter (except personnel matters). Those who wish to speak must sign the Public Comment sheet prior to the start of the meeting.

The following signed up to speak:

Al Rogat, 1006 Cresthaven, Fort Mill, spoke in regards to a transportation issue and his desire to see everything fair for everyone regardless of how long they have been in the Town of Fort Mill.

PRESENTATIONS

There were no Presentations

PUBLIC HEARING

Public Hearing Item #1

An ordinance authorizing the entry by the Town of Fort Mill into a Development Agreement with Kanawha Land, LLC, for property located at York County Tax Map Numbers 661-00-00-002, 708-00-00-017, 708-00-00-018 (less and except a 0.98-acre portion of York County Tax Map Number 708-00-00-018 described in deed of 1/3 interest to John M. Spratt recorded in Deed Book 1715 Page 123), 661-00-00-014, 020-06-01-050, 020-01-21-002 and 020-01-22-012, such parcels containing approximately 714 +/- acres located at or near Spratt Street (U.S. Highway 21 Business), Brickyard Road, Kanawha Street and Fort Mill Parkway; authorizing the execution and delivery of such Development Agreement; and other matters relating thereto. (*Ward 1: Shirey*) – *NOTE: This is the second of two required public hearings.*

The following people came forward to speak:

Steve McCrae, Jr., 2 Kings Mountain Street, York, SC, spoke about Mr. Spratt in the capacity of his friend and college for many years. He spoke of the contributions that Mr. Spratt has made to the Town of Fort Mill.

Al Rogat, 1006 Cresthaven Lane, Fort Mill, gave the suggestion that the Development Agreement should include monies paid by the Developer to widen roads, monies for road repairs, and a senior center. He suggested that 10 – 15% age restricted is better than 15% age related. He gave each member of Council a handout, attached as schedule A.

Pete Skidmore, 9414 Skywater Drive, Fort Mill, spoke about his support for the Development Agreement with Kanawha Land, LLC. He coaches ball teams and said that the ball fields that will come with this Development are greatly needed. He also commended the Town's public service.

Scott Cockenhower, 122 W. Oak Street, Fort Mill spoke in favor of this development agreement with some personal suggestions on changes needed.

Scott Durkee, 319 Spratt Street, Fort Mill, spoke in regard to the property within the city limits that is being rezoned to mixed use. His property backs up to this parcel of land and he doesn't want to see it used for anything other than residential.

Charles Powers, 134 Still Avenue, Fort Mill, former Mayor of Fort Mill, spoke in favor of the Development Agreement with Kanawha Land, LLC. He praised Council's efforts and stated that he was so thankful that Mr. Spratt was willing to work with the Town.

Hank Burney, developer for Kanawha Land, LLC spoke in regards to the requested annexation and development agreement for Mr. Spratt's property.

OLD BUSINESS

Old Business Item #1

Second Reading: An ordinance annexing York County Tax Map Numbers 661-00-00-002, 708-00-00-017, 708-00-00-018 (less and except a 0.98-acre portion of York County Tax Map Number 708-00-00-018 described in deed of 1/3 interest to John M. Spratt recorded in Deed Book 1715 Page 123), and 661-00-00-014, containing in the aggregate approximately 688 +/- acres located at or near Spratt Street (U.S. Highway 21 Business), Brickyard Road and Fort Mill Parkway. (*Ward 1: Shirey*)

Councilman Huntley made a MOTION to approve the Second Reading of Old Business Item #1. SECONDED by Councilwoman Heemsoth. Passed 7-0.

Old Business Item #2

Second Reading: An ordinance amending the Zoning Map of the Town of Fort Mill so as to change the zoning designation for York County Tax Map Numbers 020-06-01-050, 020-01-21-002 and 020-01-22-012, such parcels containing approximately 23.15 +/- acres located at or near Kanawha Street and Brickyard Road, from R-10 Residential and R-15 Residential to MXU Mixed Use. (*Ward 1: Shirey*)

Mr. Chris Pettit, Assistant Planner, stated this land is already in the town limits and that this Ordinance was to change the zoning from R-15, which is single family residential to MXU Mixed use. He stated that Mixed Use would give flexibility to retail and restaurants.

Mr. Huntley asked Mr. Burney if he foresaw any other use for the arrowhead piece of property other than residential. Mr. Burney replied that he did not see it a usable property for any purpose.

Councilman Shirey made a MOTION to approve the Second Reading of Old Business Item #2. SECONDED by Mayor Savage. Passed 7-0.

Old Business Item #3

Second Reading: An ordinance authorizing the entry by the Town of Fort Mill into a Development Agreement with Kanawha Land, LLC, for property located at York County Tax Map Numbers 661-00-00-002, 708-00-00-017, 708-00-00-018 (less and except a 0.98-acre portion of York County Tax Map Number 708-00-00-018 described in deed of 1/3 interest to John M. Spratt recorded in Deed Book 1715 Page 123), 661-00-00-014, 020-06-01-050, 020-01-21-002 and 020-01-22-012, such parcels containing approximately 714 +/- acres located at or near Spratt Street (U.S. Highway 21 Business), Brickyard Road, Kanawha Street and Fort Mill Parkway; authorizing the execution and delivery of such Development Agreement; and other matters relating thereto. (*Ward 1: Shirey*)

Mr. Pettit added that this has a twenty (20) year build out plan so it will be spread out over a long period of time. He stated that this is just the first step to put the

framework and parameters in place. The official bubble plan for the MXU Development is attached as presented, as schedule B.

Councilwoman McCarley stated that there were changes made to the total number of homes and is now at 2,650 (1,575 single family homes and 1,075 multifamily homes) with 20% being age restricted. (300 single family homes and 215 multifamily homes)

Councilman Shirey made a MOTION to approve Second Reading of Old Business Item #3. SECONDED by Councilman Huntley. Passed. 7-0.

Old Business Item #4

Second Reading: An ordinance annexing York County Tax Map Number 737-00-00-073, containing approximately 3.62 +/- acres located at 1474 SC Highway 160 E. (*Ward 3: Huntley*)

Mr. Pettit stated that this is a request from the applicant to be annexed into the Town of Fort Mill with a zoning destination of Highway Commercial. He stated that this property is contiguous to the town limits at the back of the property. He also said that the Highway Commercial destination is also consistent with the Comprehensive Plan so it has approval from the Planning Commission and staff.

Councilman Shirey recused himself from the voting of this item.

Councilman Huntley made a MOTION to approve Second Reading of Old Business Item #4. SECONDED by Councilman Helms. Passed 6-0.

NEW BUSINESS

New Business Item #1

A resolution annexing York County Tax Map Number 708-00-00-021, containing approximately 1.0 +/- acre at 969 Archie Street. (*Ward 1: Shirey*)

Councilwoman McCarley made a MOTION to approve the Resolution in New Business Item #1. SECONDED by Mayor Savage. Passed 7-0.

New Business Item #2

An ordinance authorizing the execution, delivery and performance of a lease-purchase agreement and other documents relating to the lease-purchase financing of certain vehicles and equipment in an aggregate principal amount of not exceeding \$512,000, and other matters relating thereto.

Councilwoman McCarley made a MOTION to approve New Business Item #2. SECONDED by Councilman Shirey. Passed 7-0.

COMMITTEE REPORTS

There were no Committee reports.

INFORMATION/DISCUSSION ITEMS

Information/discussion item #1

Special election date for the annexation of the Huntington Place Subdivision.(August 23, 2016)

EXECUTIVE SESSION ITEMS

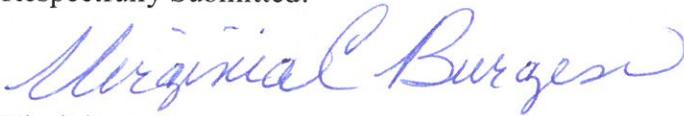
There were no Executive Session items.

ADJOURN

Councilman Huntley made a MOTION to adjourn. SECONDED by Councilman Shirey. Passed 7-0.

The meeting adjourned at 7:52 pm.

Respectfully Submitted:



Virginia C. Burgess
Town Clerk

Approved by Council: _____



Recommendations for changes to the development agreement, **before** it is approved.

-Adding 2900 residences, which can logically mean about 9000 residents, we will be incurring a 70% increase in our population(currently around 13000). This does not include all the other existing and soon to be approved developments in the town. This seems absurd on its face, and should be altered to include more business, and less residences.

-Either build 2 schools or give the property for 2 schools.

-Widen 2 lane roads around property to 4(as much as practical within 1/2 mile).

-Put aside money (or bonds) for repair of local roads impacted(damaged) by this development, which is definitely going to happen over 20 years.

-A senior center is needed within the town, and the need will increase even more with this many new residents. A senior center should be built by the developer, or land donated for its construction, with the town committing to build one.

-As we are losing the ASC complex on Tom Hall St. in a couple of years, it is imperative that it be replaced with gym and pool facilities. For a town this size, all we seem to have is ball fields, which only serve a portion of our population.

-Age-restricted should be for 10-15% of the new structures. Age-related is just a marketing gimmick, and has no value to getting housing for seniors... 10% age-restricted is better than 15% age-related.....

=====

Corrections/comments about specific items/pages in the current agreement.

p.15

WHEREAS, the Town finds that the program of development for this Property (as hereinafter defined) proposed by Initial Developer over the next **ten (10)** years or as extended as provided herein is consistent with the Town's comprehensive land use plan and will further the health, safety, welfare and economic wellbeing of the Town and its residents; and*(Isn't this a 20 year build out agreement?)*

WHEREAS, OWNER as the current Owner of the Property joins in this Agreement to indicate its consent that the Property shall be subject to the provisions of this Agreement provided that the conditions agreed to by both the Developer and the Town are met, it being expressly understood and acknowledged by all parties to this Agreement, including their respective successors and assigns, that, the Owner shall bear no liability or responsibility to the Town, any Developer or any other person, firm, corporation or entity for any of the obligations and responsibilities or for any actions or inactions of Developer under or in furtherance of the purposes of this Agreement.

...(What does this mean????)

p.20-21

d) Should the Owner or Developer elect to donate right-of-way to the Town or County

for the future widening of portions of Fort Mill Parkway and/or Spratt Street, any setback areas required by Sections 24(4) and 24(6) of the Zoning Ordinance shall be decreased by one foot for each one foot of right-of-way which is donated. The setback reduction area(s) shall be immediately adjacent to the section(s) of right-of-way which are donated for future widening. **(So, the 35 foot setback could end up being nothing, as most of that 35 feet would be needed for widening of any consequence)**

p. 24

A minimum of fifteen percent (15%) of the total 2,900 residential units shall be age-targeted and/or age-restricted. In the event the total number of units is less than the maximum permitted by this Agreement, then the fifteen percent (15%) requirement shall apply to the lesser number. **(This should be only AGE RESTRICTED, as age-related is nothing more than a marketing comment)**

p. 26

A. Potable Water. The Town represents that it has available through an intergovernmental agreement between it, as buyer, and the City of Rock Hill, as seller, dated May, 2012, a sufficient supply to (of?) potable water to serve the Property. Potable water will be supplied to the Property by the Town upon request of the Developer and subject to the provisions of this Section 9.A. **(“to” should be “of”)**

p. 27

Developer will construct or cause to be constructed at Developer's cost all necessary water service infrastructure to, from, and within the Property per Town specifications which will be maintained by it or the provider. The Developer shall be responsible for maintaining all related internal water infrastructure until offered to, and accepted by, the Town for public ownership and maintenance. Upon final inspection and acceptance by the Town, the Developer shall provide an eighteen (18) month warranty period for all water infrastructure constructed to serve the Project. **(Considering this is a 20 year buildout, this should be at least 60 months.) (Actually, water infrastructure should be warranted even more than 60 months, considering the expected lifespan of such systems should be in excess of 50 years.)**

p. 28

Upon final inspection and acceptance by the Town, the Developer shall provide an eighteen (18) month warranty period for all internal sewer infrastructure constructed to serve the Project. **(Considering this is a 20 year buildout, this should be at least 60 months.) (Actually, sewer infrastructure should be warranted even more than 60 months, considering the expected lifespan of such systems should be in excess of 50 years.)**

Both of these items must be increased, as backfill will most likely settle over the years, and not necessarily within the first 18 months.

p. 38

R.

Infrastructure Financing.

On July 14, 2008, the Town adopted a revised Policy Statement relating to Municipal Improvement Districts (the "MID Policy Statement") to finance certain in infrastructure improvements, such as the Kanawha Farms Infrastructure Improvements, within the Town limits. *(the word "in", above, seems unnecessary).*

Respectfully submitted by:

Al Rogat

1006 Cresthaven Lane

Fort Mill, SC 29715

704-248-7885

I would also like to offer my services as a Notary Public for the State of South Carolina, to notarize the signing of this agreement.

Owner:
Kanawha Farms, LLC

The Dodd Studio, LLC
Landscape Architects
314 Tom Hall Bl.
Fort Mill, SC 29715
www.thedoddstudio.com

Kanawha Land LLC



VICINITY MAP

DEVELOPMENT DATA

PROJECT: Kanawha Land LLC, Developer

EXISTING ZONING: Light Industrial (L) (York County)

PROPOSED ZONING: Mixed Use (MU) (Per Map)

USES:

SF: Single Family	417.08 AC
MF: Multi-Family	96.52 AC
MFC: Multi-Family/Comm.	33.38 AC
C: Commercial	35.03 AC
U: Town Utility	3.0 AC
P: Park Land	63.65 AC
OS: Open Space	63.81 AC
TOTAL	714.4 AC

*58.06 AC of land is currently inside Town limits.
23.15 AC of land currently inside the Town limits to be rezoned MU.

TAX MAP/PARCEL ID

Parcel Number: 10000019 (Contains Line Area Parcel Permit)
Parcel Number: 700000077
Parcel Number: 010000002
Parcel Number: 010000014
Parcel Number: 020000002
Parcel Number: 020000002
Parcel Number: 020000002

REFER TO DEVELOPER AGREEMENT FOR FORMAL PARCEL DESCRIPTIONS

NOTES

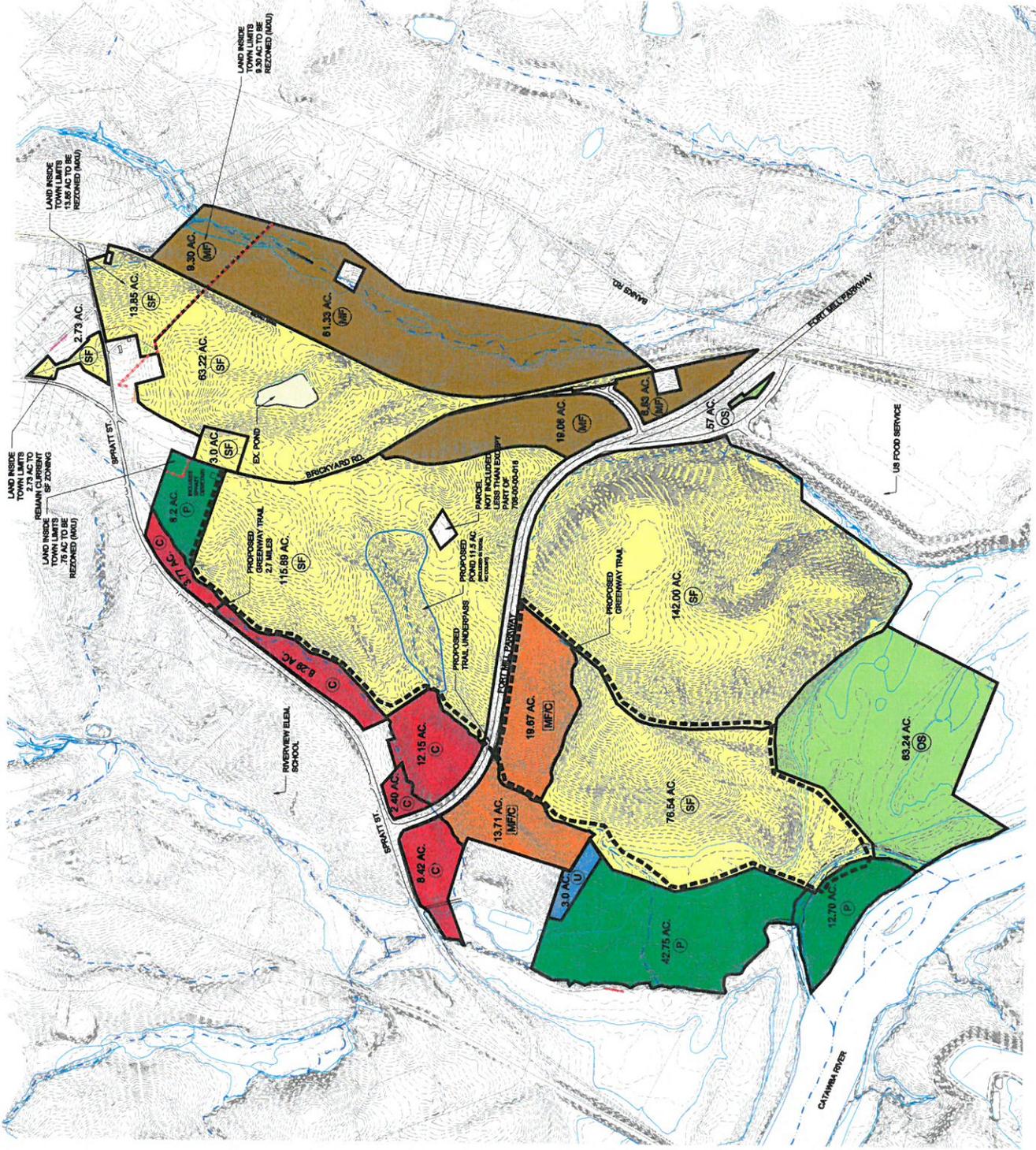
1. THE UNIMPROVED LOTS INCLUDED IN TABLE ABOVE.
2. THIS PLAN IS NOT A PRELIMINARY PLANNING PLAN AND IS BASED ON YORK COUNTY GIS INFORMATION.
3. THIS PLAN IS CONCEPTUAL IN NATURE AND IS TO BE USED FOR PLANNING PURPOSES ONLY.
4. LAND DATA PROVIDED BY YORK COUNTY GIS AND THAT PROFESSIONAL LAND SURVEYING.

LEGEND

- EL. CONTOUR (5 FT)
- POD BOUNDARY
- TOWN/COUNTY LINE
- FEMA FLOOD LINE
- STREAM
- PROPOSED GREENWAY TRAIL



SHEET:
CP-1
DATE: 4.21.18



LAND INSIDE TOWN LIMITS TO REMAIN CURRENT SF ZONING

LAND INSIDE TOWN LIMITS TO BE REZONED (MU)

PROPOSED GREENWAY TRAIL 2.71 AC (SF)

PROPOSED GREENWAY TRAIL 115.89 AC (SF)

PROPOSED TRAIL UNDERPASS

PROPOSED POND 11.5 AC

PROPOSED GREENWAY TRAIL 142.00 AC (SF)

PROPOSED GREENWAY TRAIL

PROPOSED GREENWAY TRAIL 8.2 AC (P)

PROPOSED GREENWAY TRAIL 12.15 AC (C)

PROPOSED GREENWAY TRAIL 13.71 AC (MFC)

PROPOSED GREENWAY TRAIL 19.87 AC (MFC)

PROPOSED GREENWAY TRAIL 76.54 AC (SF)

PROPOSED GREENWAY TRAIL 42.75 AC (P)

PROPOSED GREENWAY TRAIL 12.70 AC (P)

PROPOSED GREENWAY TRAIL 83.24 AC (OS)

PROPOSED GREENWAY TRAIL 19.06 AC (MF)

PROPOSED GREENWAY TRAIL 57 AC (OS)

PROPOSED GREENWAY TRAIL 81.33 AC (MF)

PROPOSED GREENWAY TRAIL 83.22 AC (SF)

PROPOSED GREENWAY TRAIL 13.85 AC (SF)

PROPOSED GREENWAY TRAIL 9.30 AC (MF)

PROPOSED GREENWAY TRAIL 2.73 AC (SF)

PROPOSED GREENWAY TRAIL 3.0 AC (SF)

PROPOSED GREENWAY TRAIL 8.42 AC (C)

PROPOSED GREENWAY TRAIL 2.40 AC (C)

PROPOSED GREENWAY TRAIL 8.42 AC (C)

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PROPOSED GREENWAY TRAIL 57 AC (OS)

PROPOSED GREENWAY TRAIL 81.33 AC (MF)

PROPOSED GREENWAY TRAIL 83.22 AC (SF)

PARCEL NOT INCLUDED LESS THAN EXCEPT 700-00-00-016

US FOOD SERVICE

RIVERVIEW ELEM. SCHOOL

DE SWANS

PORT WELLSWAY

BUCKYARD RD.

SPRATT ST.

PROPOSED GREENWAY TRAIL 2.40 AC (C)

PROPOSED GREENWAY TRAIL 8.42 AC (C)

PROPOSED GREENWAY TRAIL 12.15 AC (C)

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