

Also part of the infrastructure, as stated in the 2005 Town of Kiawah Island's Development Agreement (DA) with KDP, and as Walker stated in his letter: The improvements (except for a few beach access boardwalks (as are ultimately permitted) and minimal signage) will be constructed landward of the setback line and a significant distance away from the first dune adjacent to the ocean. . . Property Owner (KRA/KDP) may construct up to 2 community docks (with OCRM permitting approval) serving parcel 12B with flexibility for placement per Exhibit 16.2. The Key Location Ordinance shall be amended by the Town to accommodate same as and when the dock(s) are ready to be Developed by Property Owner." [Ed. Note: *The Key Location Ordinance maps every dock that has been and will be permitted on the Island.*]

Included also in the infrastructure would be: roads, rights of way, utilities, beach access easements, paths, trails, green space, community recreation, dock access, parking—all to be conveyed by KRA/KDP to the Community Association, upon completion. If this were accomplished, all property owners would be responsible for the cost of maintenance and of rebuilding the infrastructure should there be a catastrophic event.

This potential transfer of responsibility, while allowed under the 2005 DA, caused a concerned property owner to ask at the May and July KICA Board meetings if the Board had a strategy for development on Captain Sam's, were it to occur.

Finally, on July 24, the property owner received a letter from Chief Operating Officer Joe Bunting stating: "While KICA cannot address the development rights of the Town, we can say that the covenants stipulate that the infrastructure when conveyed to KICA must be functionally complete as defined under the covenants. KICA has asked, but cannot require, that the future repair and replacement of extraordinary infrastructure at Captain Sam's be funded by a separate Captain Sam's Association rather than by the Kiawah Island Community Association."

KDP's response to KICA's question, as underlined in the preceding quote, did not appear in Bunting's letter.

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