

AN ORDINANCE TO PROVIDE FOR A PERPETUAL EASEMENT AND TEMPORARY  
CONSTRUCTION EASEMENT BY THE CITY OF ROCK HILL TO SOUTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

BE IT ORDAINED by the Governing Body of the City of Rock Hill, in Council assembled:

SECTION 1. That this Ordinance is being adopted in order to effect proper compliance with the provisions of the Home Rule Act of 1975, now South Carolina Code of Laws for 1976, Section 5-7-30, Section 5-7-40 and Section 5-7-260, and Section 2-48 and Section 2-96 of the Code of the City of Rock Hill.

SECTION 2. That the City of Rock Hill, South Carolina, is the owner of a portion of the public road known as Paragon Way in York County, South Carolina, as described in Exhibit A of the attached Right of Way Easement Agreement; and that South Carolina Department of Transportation ("SCDOT") has requested that the City grant it a certain perpetual easement or right of way and a certain temporary construction easement as set forth and described in the Right of Way Easement Agreement attached hereto, upon and across the land which the City owns, in whole or in part, and described above, for and in consideration of, among other things, for the construction, improvement, operation and maintenance of a traffic circle on a portion of the public road known as Paragon Way.

SECTION 3. That grant of the abovementioned easement to SCDOT, its successors and assigns, for the consideration set forth above, all as is more fully set forth in the Right of Way Easement Agreement attached hereto, is hereby approved, authorized, directed, ratified and confirmed in all respects.

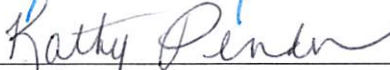
SECTION 5. That all ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. That this Ordinance shall be and become finally binding immediately after same shall have received first and second readings, given in the manner required by law.

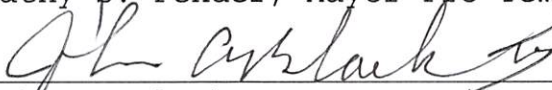
DONE AND RATIFIED in Council assembled on this the 28<sup>TH</sup> day  
of FEBRUARY, 2022.



John Pressly Gettys, Jr., Mayor



Kathy S. Pender, Mayor Pro Tempore



John A. Black, III, Councilmember

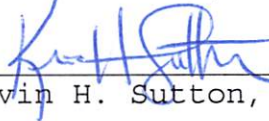
Nikita L. Jackson, Councilmember



Derrick L. Lindsay, Councilmember

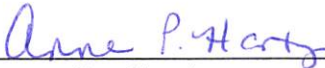


James C. Reno, Jr., Councilmember



Kevin H. Sutton, Councilmember

ATTEST:



Anne P. Harty  
Municipal Clerk

**THE STATE OF SOUTH CAROLINA**

**COUNTY OF YORK**

Road/Route **Paragon Way**  
 Project ID No. **P038652**  
 Tract

**RIGHT OF WAY EASEMENT**

Approximate Survey Stations

<u>34+75.00</u>	To	<u>38+61.71</u>
_____	To	_____
_____	To	_____

**KNOW ALL MEN BY THESE PRESENTS**, that the City of Rock Hill, P. O. Box 11706, Rock Hill, South Carolina 29731 ("Grantor"), in consideration of the sum of One and NO/100 Dollar (\$1.00), to it in hand paid, and other valuable consideration at and before the sealing and delivering thereof, by the South Carolina Department of Transportation ("Grantee"), receipt of which is hereby acknowledged, have granted, bargained, sold and released, and by these presents do by quitclaim grant, give, bargain, sell and release, unto Grantee, its successors and assigns, a perpetual easement or right of way of 34,412 square feet, more or less, for the construction, improvement, operation and maintenance of a traffic circle on a portion of the public road known as Paragon Way, State and County aforesaid, as shown on plans prepared by the South Carolina Department of Transportation, upon and across the land which it may own, in whole or in part, between the survey stations referenced above and as depicted and described on the above referenced plans together with, all and singular, the rights, members, hereditaments, and appurtenances thereunto belonging, or in any way incident or appertaining. Grantor expressly recognizes the possibility that the property herein may be used in the future by public utility or others granted the statutory right to use the right of way subject to the Special Provisions set forth below.

**SPECIAL PROVISIONS:**

The above consideration is for a perpetual easement or right of way of 34,412 square feet, more or less, to a portion of Paragon Way between the areas marked "End 2" Milling and Overlay Begin Profile" at Station 34+75.00 and "End Profile Begin 2" Milling and Overlay" at Station 38+61.71 as shown and marked on Exhibit A attached hereto and made a part hereof.

For a period of one year from the date of recordation of this right of way, the South Carolina Department of Transportation shall have a temporary construction easement to repair areas of Paragon Way to better transition the existing roadway into the traffic circle for the areas from Station 32+54.35 to "Begin Construction Begin 2" Milling and Overlay" at Station 34+75.00 and from "End Profile Begin 2" Milling and Overlay" at Station 38+61.71 to Station 41+35.00.

It is agreed that the said easement or right of way and the rights herein granted unto South Carolina Department of Transportation and its successors and assigns shall be limited to such purposes as access, construction, improvement, inspection, maintenance and operation of transportation facilities which shall not unreasonably interfere with existing utility services, with Grantor retaining prior rights for utilities to the underlying real property. Grantee South Carolina Department of Transportation shall maintain the easement area, including the roadway, traffic circle and related asphalt pavement, striping, concrete islands, curb and gutter, storm drainage, sidewalk, traffic signage, pedestrian signage, and grassing in accordance with and as part of the State highway system.

**GRANTEE'S ADDRESS (Return Address):** SCDOT, Director, Rights of Way, P. O. Box 191, Columbia, SC 29202-0191

Date Checked _____	By _____
Project ID No. _____	Tract _____

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It is agreed that buildings, fences, signs or other obstructions will not be erected by Grantor, its successors, assigns or administrators within the limits of the right of way herein conveyed.

It is further agreed that this instrument will be recorded with the office of the Register of Deeds for York County, South Carolina.

**TO HAVE AND TO HOLD**, all and singular, the said easement or right of way and the rights hereinabove granted, unto the said South Carolina Department of Transportation, its successors and assigns forever.

**IN WITNESS WHEREOF**, I (or we) have hereunto set my (or our) hand(s) and seal(s) this \_\_\_\_\_ day of \_\_\_\_\_, Two Thousand and \_\_\_\_\_.

Signed, sealed and delivered in the presence of:

_____ 1 <sup>st</sup> Witness	_____ <b>By and For City of Rock Hill, South Carolina</b> Grantor (L.S.)  By: David B. Vebaun, Rock Hill City Manager
_____ 2 <sup>nd</sup> Witness	_____ Grantor (L.S.)

**NOTE:** All right of way agreements must be in writing and are subject to rejection by the South Carolina Department of Transportation.

THE STATE OF <u>SOUTH CAROLINA</u>	)	
	)	
COUNTY OF <u>YORK</u>	)	<b>ACKNOWLEDGEMENT</b>

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2021, by David B. Vebaun, as City Manager of the City of Rock Hill, a South Carolina municipal corporation, on behalf of the City.

NOTARY

	_____ Signature of Notary Public
	_____ Printed Name of Notary Public
<b>NOTARY PUBLIC FOR THE STATE OF <u>SOUTH CAROLINA</u></b>	
My Commission Expires: _____ (Affix seal if outside SC)	

Project ID No. Error! Reference source not found.

Tract \_\_\_\_\_

**EXHIBIT "A"** IN DIRECT REFERENCE TO ENGINEERING PLANS, A COPY OF WHICH CAN BE OBTAINED FROM SCDOT HEADQUARTERS, 955 PARK STREET, COLUMBIA, SC 29201. ADDITIONALLY, UPON COMPLETION OF CONSTRUCTION, A RECORDABLE RIGHT OF WAY PLAT SHALL BE SUBMITTED TO THE REGISTER OF DEEDS IN COMPLIANCE WITH SCDOT STANDARD DRAWING 809-105.00.

THIS EXHIBIT IS A GRAPHIC REPRESENTATION OF THE "AREA OF ACQUISITION" AND IS IN DIRECT REFERENCE TO ENGINEERING PLANS, A COPY OF WHICH CAN BE OBTAINED FROM SCDOT HEADQUARTERS; 955 PARK STREET, COLUMBIA, SC 29201. ADDITIONALLY, UPON COMPLETION OF CONSTRUCTION, A RECORDABLE RIGHT OF WAY PLAT SHALL BE SUBMITTED TO THE REGISTER OF DEEDS IN COMPLIANCE WITH SCDOT STANDARD DRAWING 809-105.00.

