

ORDINANCE NO. 2015 / 5

**AN ORDINANCE AUTHORIZING THE DONATION OF APPROXIMATELY 0.39
ACRES OF COUNTY OWNED REAL ESTATE TO THE CHILD ABUSE
PREVENTION ASSOCIATION (CAPA)**

WHEREAS, Beaufort County Parks and Leisure Services owns real property located in Port Royal, South Carolina; and

WHEREAS, the Child Abuse Prevention Association, (hereinafter, "CAPA"), is a local non-profit organization that has served Beaufort County since 1978 and operated the Open Arms Shelter since 1985; and

WHEREAS, the Open Arms Shelter has operated at or near capacity in 2014 and increased programs directed at family intervention by the South Carolina Department of Social Services creates a need to expand the Open Arms Shelter; and

WHEREAS, CAPA requests County Council to donate approximately 0.39 acres of property located within Port Royal; and

WHEREAS, Beaufort County Council has determined that it is in its best interests to authorize the donation of the requested property to further the mission of CAPA; and

WHEREAS, S.C. Code Ann. § 4-9-130 requires that the transfer of any interest in real property owned by the County must be authorized by the adoption of an Ordinance by Beaufort County Council.

NOW, THEREFORE, BE IT ORDAINED BY BEAUFORT COUNTY COUNCIL AS FOLLOWS:

SECTION 1. Donation of Property:

The County Administrator is hereby authorized to take all other and further actions as may be necessary to complete the conveyance of the property.

SECTION 2. Reversion:

The property shall be held by the Child Abuse Prevention Association, its successor and assigns and for so long as the premises are used as a house for abused children. If the premises at

any time are not so used or are used for any other purpose or by any other organization, the premises shall revert to Beaufort County.

SECTION 3. CAPA Obligations:

CAPA shall have the approximately 0.39 acres surveyed and a legal description prepared for the conveyance of the Port Royal property.

SECTION 3. Severability:

If any section, phrase, sentence or portion of this Ordinance is, for any reason, held or deemed to be invalid or unconstitutional by any court of competent jurisdiction, then such section, phrase, sentence or portion shall be deemed a separate, distinct and independent provision and shall not affect the remaining portion thereof.

SECTION 4. Effective Date:

This Ordinance shall become effective upon its adoption by Beaufort County Council.

**ADOPTED BY BEAUFORT COUNTY COUNCIL, BEAUFORT, SOUTH CAROLINA,
ON THIS 9th DAY OF MARCH, 2015.**

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Joshua A. Gruber, Deputy County Administrator
Special Counsel

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading: January 26, 2015
Second Reading: February 9, 2015
Public Hearing: March 9, 2015
Third and Final Reading: March 9, 2015