

ORDINANCE 2016 / 28

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF UTILITY EASEMENTS ENCUMBERING PROPERTY OWNED BY BEAUFORT COUNTY

WHEREAS, Beaufort County owns real property located on Ribaut Road, which is more particularly known as R120-003-000-0097-0000, located at the Beaufort County Government Robert Smalls Complex, 100 Ribaut Road, Beaufort, South Carolina; and

WHEREAS, South Carolina Electric and Gas (“SCE&G”) requests three (3) utility easements for Tract 64 from Beaufort County; and

WHEREAS, SCE&G seeks to place certain equipment underground at three (3) locations on the property identified as R120-003-000-0097-0000, which is part of the Boundary Street Redevelopment Project; and

WHEREAS, SCE&G has offered to pay \$950.00 for 100 square feet, 5’ x 20’, located on the property identified as R120-003-000-0097-0000; and

WHEREAS, SCE&G has offered to pay \$1,900.00 for 200 square feet, 10’ x 20’, located on the property identified as R120-003-000-0097-0000; and

WHEREAS, SCE&G has offered to pay \$240.00 for 25 square feet, 5’ x 5’, located on the property identified as R120-003-000-0097-0000; and

WHEREAS, Beaufort County Council has determined that it is in its best interest to authorize the execution and delivery of the requested three (3) utility easements attached hereto and incorporated by reference as “Exhibit A” respectively; 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, that the County Administrator is hereby authorized to execute any and all documents necessary to execute the delivery of three (3) utility easements which is attached hereto as “Exhibit A”.

ADOPTED THIS 26th DAY OF SEPTEMBER, 2016.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney

ATTEST:

Suzanne M. Rainey, Clerk to Council

First Reading: August 22, 2016

Second Reading: September 12, 2016

Public Hearing: September 26, 2016

Third and Final Reading: September 26, 2016

Chronology

- Third and final reading occurred September 26, 2016 / Vote 9:0
- Public hearing occurred September 26, 2016
- Second reading occurred September 12, 2016 / Vote 10:0
- First reading approval occurred August 22, 2016 / 11:0
- Public Facilities Committee discussion and recommendation to approve ordinance on first reading occurred August 15, 2016 / Vote 7:0

Easement # 893869

INDENTURE, made this _____ day of _____, 2016 by and between **Beaufort County** of the County of **Beaufort** and State of South Carolina, hereinafter called "Grantor" (whether singular or plural), and the **SOUTH CAROLINA ELECTRIC & GAS COMPANY**, a South Carolina corporation, having its principal office in Cayce, South Carolina, hereinafter called "Grantee".

WITNESSETH:

That, in consideration of the sum of One Dollar (\$1.00) received from Grantee, Grantor, being the owner of land situate in the County of **Beaufort**, State of South Carolina, hereby grants and conveys to Grantee, its successors and assigns, the right to construct, extend, replace, relocate, perpetually maintain and operate an underground electric line or lines consisting of any or all of the following: conductors, lightning protective wires, municipal, public or private communication lines, cables, conduits, pad mounted transformers, and other accessory apparatus and equipment deemed by Grantee to be necessary or desirable, upon, over, across, through and under land described as follows: a portion of a tract of land containing **4.45 acres**, more or less, and being the same lands conveyed to Grantor by deed of **School District #1 of the County of Beaufort**, dated or recorded **4/11/1985**, and filed in the Register of Deeds office for **Beaufort County in Deed Book 417 at Page 361**.

This property is located at the southwest corner of the intersection of Boundary Street and Ribaut Road, being bounded on the north by Boundary Street; on the east by Ribaut Road; on the south by Duke Street; and on the west by lands N/F of Sixteen Gate Cemetery, LLC, and Wetlands.

The easement is for the SCE&G facilities more fully shown on Exhibit "A" and "B", attached hereto and made a part of as reference only.

TMS: R120 003 000 0097 0000

Together with the right from time to time to install on said line such additional lines, apparatus and equipment as Grantee may deem necessary or desirable and the right to remove said line or any part thereof.

Together also with the right (but not the obligation) from time to time to trim underbrush, cut underbrush and other obstructions that are within, over, under or through a strip of land ("Easement Space") extending Five (5) feet on each side of any underground wires and within, over, under or through a section of land extending Twelve (12) feet from the door side(s) of any pad mounted transformers, elbow cabinets, switchgears or other devices as they are installed; provided, however, any damage to the property of Grantor (other than that caused by trimming, cutting or removing underbrush but not trees) caused by Grantee in maintaining or repairing said lines, shall be borne by Grantee; provided further, however, that Grantors agree for themselves, their successors and assigns, not to build or allow any structure to be placed on the premises in such a manner that any part thereof will exist within the applicable above specified Easement Space, and in case such structure is built, then Grantor, or such successors and assigns as may be in possession and control of the premises at the time, will promptly remove the same upon demand of Grantee herein. Grantor further agrees to maintain minimum ground coverage of thirty six (36) inches and maximum ground coverage of fifty four (54) inches over all underground primary electric lines. Together also with the right of entry upon said lands of Grantor for all of the purposes aforesaid.

The words "Grantor" and "Grantee" shall include their heirs, executors, administrators, successors and assigns, as the case may be.

IN WITNESS WHEREOF, Grantor has caused this indenture to be duly executed the day and year first above written.

WITNESS:

Beaufort County

1st Witness

By: _____ (SEAL)

Print: _____

2nd Witness

Title: _____

Easement # 893869

ACKNOWLEDGMENT

STATE OF SOUTH CAROLINA)
)
COUNTY OF **Beaufort**)

The foregoing instrument was acknowledged before me, the undersigned Notary, and I do hereby certify that the within named _____,
As _____ of **Beaufort County**, personally appeared before me this day
and that the above named acknowledged the due execution of the foregoing instrument.

Sworn to before me this _____ day of _____, 2016

Signature of Notary Public State of SC

My commission expires: _____

Print Notary Name _____

**EASEMENT GRANT TO
SOUTH CAROLINA ELECTRIC & GAS COMPANY**

Line: **Boundary Street Project**

County: **Beaufort**

R/W File Number: **19420**

Grantor(s): **Beaufort County**

Return to: SCE&G, C/O Right of Way Dept., 81 May River Road, Bluffton, SC 29910

EXHIBIT "A"

U.S. 21 BUSINESS - BOUNDARY STREET

455

SCE&G
Cabinet
5'x5'

64
BEAUFORT COUNTY
R120 003 000 0097
PRESENT TRANS R/W
FILE 7,484 (1984) SCDOT

460

SOUTH CAROLINA ELECTRIC & GAS
COMPANY ELECTRIC
DISTRIBUTION SYMBOLS

- UNDERGROUND SYMBOLS
- ☐ SINGLE PHASE PAD MOUNTED TRANSFORMER
 - ☐ THREE PHASE PAD MOUNTED TRANSFORMER
 - ☐ SC SWITCH GEAR
 - ☐ LOOP CABINET
 - ☐ VC SERVICE
 - SECONDARY PEDESTAL/HANDHOLE
"P" FOR PERMANENT,
"T" FOR TEMPORARY,
"M" FOR METERED.

NOTE: SEE EASEMENT DOCUMENT FOR DETAILS
ON DOOR CLEARANCE RESTRICTIONS

SCE&G EASEMENT EXHIBIT FOR TRACT 64

SCALE: 1" = 40'

EXHIBIT "B"

