

Ordinance 2017 / 21

**AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN
EASEMENT ENCUMBERING PROPERTY OWNED BY BEAUFORT COUNTY,
10 PRITCHER POINT ROAD, SOUTH CAROLINA**

WHEREAS, Beaufort County owns real property ("County Parcel") known as TMS No.: R600 013 000 0061 0000 and located on SC Hwy 170 (also known as Okatie Highway) on the East side of SC Hwy 170 with Pritcher Point Road located along the southern part of the County Parcel and Huffalump Road located along the northern part of the County parcel; and

WHEREAS, due to the Beaufort County Animal Services Facility project, it is necessary for Palmetto Electric Cooperative, Inc., to locate overhead and/or underground electric and communications systems to serve the new facility; and

WHEREAS, Palmetto Electric Cooperative, Inc. has requested that Beaufort County grant it a Utility Easement for the nonexclusive right to enter the County Parcel for the purpose of erecting, operating and maintaining overhead and/or underground electric and communication systems across portions of the County's property; and

WHEREAS, County staff has worked diligently with Palmetto Electric Cooperative, to locate an appropriate easement path across the County's property that ensures a minimal impact to the property itself; and

WHEREAS, Beaufort County Council has determined that it is in its best interests to authorize the execution and delivery of the requested Easement attached hereto and incorporated by reference and shown on the attached "Exhibit A"; 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:**


- (1) The County Administrator is hereby authorized to execute the Easement referenced herein and which is shown on "Exhibit A"; and
- (2) The County Administrator is hereby authorized to take all necessary actions as may be necessary to complete the conveyance of the Easement and ensure the construction and installation of the new power line to occur as agreed upon by the County and Palmetto Electric Cooperative, Inc.

Dated this 28th day of August, 2017.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: 
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:


Thomas J. Keaveny, II, Esquire
Beaufort County Attorney

ATTEST:


Ashley Bennett, Clerk to Council

First Reading: June 26, 2017

Second Reading: July 24, 2017

Public Hearing: August 28, 2017

Third and Final Reading: August 28, 2017

Chronology

- Third and final reading approval occurred August 28, 2017 / Vote 11:0
- Public hearing occurred August 28, 2017
- Second reading approval occurred July 24, 2017 / Vote 9:0
- First reading approval occurred June 26, 2017 / Vote 7:0
- Public Facilities Committee discussion and recommendation to approve on first reading occurred June 26, 2017 / Vote 5:0



Attachment 1

Attachment 2

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

EASEMENT

KNOW ALL MEN BY THESE PRESENTS that the undersigned Beaufort County hereinafter ("**GRANTOR**"), for consideration of One (\$1.00) Dollar, the receipt and sufficiency of which is hereby acknowledged, and in further consideration of the covenants and conditions expressed herein, do hereby grant bargain and sell and by these presents have granted, bargained and sold unto **PALMETTO ELECTRIC COOPERATIVE, INC.**, its Successors and Assigns (hereinafter "**GRANTEE**") the nonexclusive right to enter the following described lands for the purpose of erecting, operating and maintaining overhead and/or underground electric and communications systems.

ALL that certain piece, parcel or lot of land described and known as:

NUMBER OF ACRES:	<u>35.721</u>		
TAX DISTRICT:	<u>R600</u>		
PLAT & PARCEL NO.:	<u>R600-013-000-0061-0000</u>		
AREA OF COUNTY:	<u>Southern Beaufort</u>		
TOWN/TOWNSHIP:	<u>Bluffton</u>		
PLANTATION/SUBDIVISION:	<u></u>		
LOCATION:	<u>10 Pritcher Point Rd.</u>		
LOT:	<u></u>		
PLAT REFERENCE:	Book: <u>116</u>	Page: <u>38</u>	
	Deed Book: <u>3194</u>	Page: <u>1874</u>	
OTHER:	<u>Previous Owner Atlas SC I SPE LLC</u>		
	<u>Deed Book: 3005 Page: 1141</u>		
	<u></u>		
	<u></u>		

Said easement being fifteen (15') feet on either side of centerline of power line or thirty (30') feet wide. More specifically described in attached Exhibit "A".

TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises belonging, or in any wise incident or appertaining. **TO HAVE AND TO HOLD**, all and singular, the said Premises before mentioned unto the **PALMETTO ELECTRIC COOPERATIVE, INC.**, its Successors and Assigns forever.

AND I (WE) do hereby bind myself (ourselves) and my (our) Heirs and Assigns, Executors and Administrators, to warrant and forever defend, all and singular, the said Premises unto the said **PALMETTO ELECTRIC COOPERATIVE, INC.**, its Successors and Assigns, against me (us) and my (our) Heirs, and all persons whomsoever lawfully claiming, or to claim the same or any part thereof.

The grant of this easement is subject to the following terms and conditions:

1. That **Grantee's** right to enter the above-described property shall be nonexclusive and solely for the purpose of, and is hereby limited to, such activities as are reasonable necessary for construction, reconstructing, operating and maintaining an overhead and/or underground electric or communications system.
2. That **Grantor** hereby reserves the right to use or convey the property which is subject of this Easement in any manner whosoever which does not interfere with the use and enjoyment of the Easement.
3. That **Grantor** hereby reserves the right to change the location of the within Easement from time to time, but solely at the expense of **Grantor**.
4. That landscaping shall not be planted within ten (10') feet of any door or opening of electrical distribution equipment, or within the boundaries of the basic easement. If landscaping is planted in violation of this provision, Grantee shall have the right to remove such landscaping and shall have no obligation to replant such landscaping.

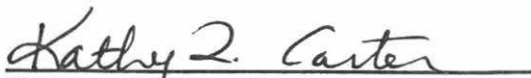
WITNESS my (our) Hand(s) and Seal(s), this 15th day of September, in the year of our Lord Two Thousand Seventeen.

**SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:**



(Witness #1 Signature)

Print Name: Christopher Inglese



(Witness #2 Signature)

Print Name: Kathy L. Carter

Beaufort County



(Grantor's Signature)

By: Joshua A. Greber (L.S.)
(Print Grantor's Name)

Its: Deputy County Administrator

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

PROBATE

PERSONALLY appeared before me the undersigned witness and made oath that he/she saw the within named **Grantor** sign, seal, and as his/her act and deed, deliver the within written Easement, and that he/she with the other witness whose signature appears above witnessed the execution thereof.



(Witness #1 or #2)

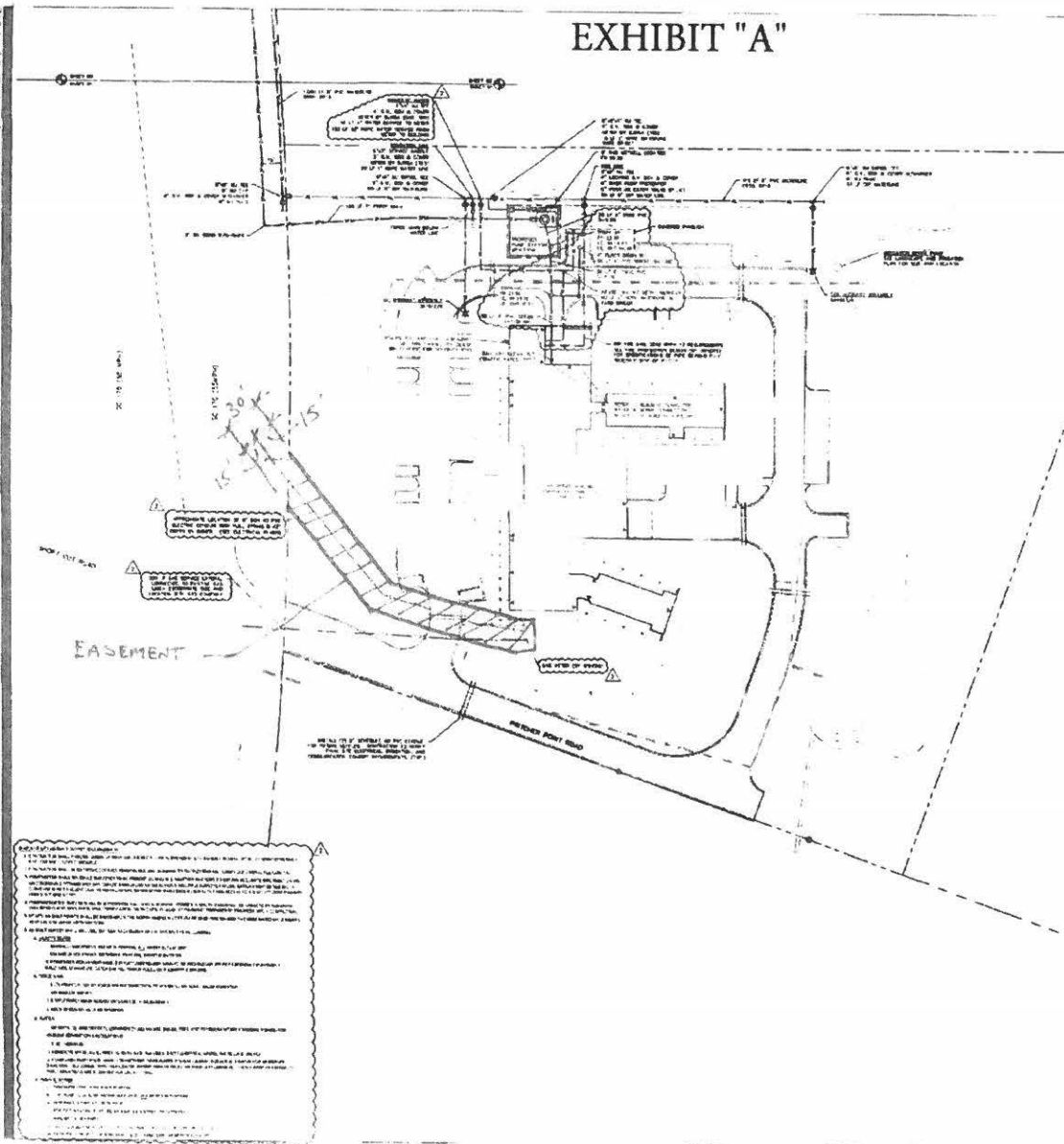
SWORN to before me, this 1st
day of September, A.D., 2017

Kathy L. Carter (SEAL)

Notary Public for SC

My Commission Expires: ~~My Commission Expires~~
March 3rd, 2027

EXHIBIT "A"



NOTES:

1. THE SITE IS LOCATED ON THE EAST SIDE OF THE ROAD, BETWEEN THE ROAD AND THE RAILROAD TRACKS.
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SHEET DATA	
DATE	10/1/00
BY	J. L. BROWN
CHECKED BY	J. L. BROWN
APPROVED BY	J. L. BROWN
SCALE	1" = 40'
PROJECT NO.	00-0000
SHEET NO.	1

CBA
CITY OF BEAUFORT

Ward Edwards
ARCHITECTS

Seal of the County of Beaufort

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