

ORDINANCE NO. 2018 / 55

**AN ORDINANCE AUTHORIZING THE RELINQUISHMENT OF AN EASEMENT
ENCUMBERING PROPERTY IDENTIFIED AS TMS NO. R600 039 00C 153A 0000**

WHEREAS, on or about April 7, 2009, Stiles Harper, Jr, agreed to deed Beaufort County a thirty-foot (30') drainage easement located across the middle of real property identified as TMS No. R600 039 00C 153A 0000 in connection with the construction of a ditch; and

WHEREAS, a thirty-foot (30') drainage easement was recorded with the Beaufort County Register of Deeds on April 13, 2009 at Book 2831 / Pages 1939-1941; and

WHEREAS, the easement referred to above is located in the middle of the property owner's parcel and is obstructed by structures and an asphalt driveway; and

WHEREAS, Beaufort County was unable to construct or maintain the ditch due to the obstructions; and

WHEREAS, Beaufort County has determined that a newly requested easement recorded on August 23, 2018 with the Beaufort County Register of Deeds at Book 3694 / Pages 1939-1941 shall replace the previously recorded easement on the property identified as TMS No. R600 039 00C 153A 0000; and

WHEREAS, the property owner has granted to Beaufort County a thirty-foot (30') drainage easement on the West border of the property identified as TMS No. R600 039 00C 153A 0000 recorded on August 23, 2018 with the Beaufort County Register of Deeds at Book 3694 / Pages 1939-1941 in exchange for relinquishment of the previous thirty-foot (30') drainage easement recorded on April 13, 2009 with the Beaufort County Register of Deeds at Book 2831 / Pages 1939-1941; and

WHEREAS, Beaufort County Council has determined it is in the County's best interest to relinquish the thirty-foot (30') easement which is attached hereto as 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,
that the County Administrator is hereby authorized to take all actions as may be necessary to
relinquish the easement herein described and, with particularity, identified on Exhibit “A”.

Adopted this 10th day of December, 2018.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, Esquire
Beaufort County Attorney

ATTEST:

Connie L. Schroyer, Clerk to Council

First Reading: October 22, 2018
Second Reading: November 5, 2018
Public Hearing: December 10, 2018
Third and Final Reading: December 10, 2018

Chronology

- Third and final reading approved on December 10, 2018 / Vote 10:0
- Second reading approved on November 5, 2018 / Vote 11:0
- First reading approved on October 22, 2018 / Vote 9:0
- Natural Resources Committee discussed and recommended on October 15, 2018 / Vote 6:0