

AN ORDINANCE
APPROVING THE GRANT OF AN EASEMENT ACROSS THE COUNTY JUDICIAL
CENTER PROPERTY PARCEL ID NUMBER 457-12-02-003 TO BERLIN BROTHERS

WHEREAS, Berlin Brothers (“Berlins”) owns property adjacent to the Charleston County Judicial Center in downtown Charleston, and

WHEREAS, Berlin’s is desirous of leasing space on the second floor of its adjacent building located at 114 King Street to a tenant or tenants, and

WHEREAS, the City of Charleston’s codes require an emergency means of egress from the second floor of the building, and

WHEREAS, emergency egress can only be accomplished by access to an existing open area on the judicial center property, as shown on the attached drawing, incorporated herein as Exhibit A, and

WHEREAS, the County Council finds that allowing an easement for such access, under certain conditions, is a minor encumbrance upon the county’s property which will not interfere with the operation of the judicial center, and

WHEREAS, County Council also finds that the appraised value of the easement is a fair and reasonable fee in consideration for the grant of the easement,

NOW, THEREFORE, pursuant to the authority granted to the County Council for Charleston County under the Constitution, statutes, and laws of the State of South Carolina, BE IT ORDAINED by the Charleston County Council, in meetings duly assembled, after three readings and a public hearing, the following ordinance:

SECTION I. FINDINGS INCORPORATED

The findings above are hereby incorporated by reference a made a part of this ordinance.

SECTION II. EASEMENT GRANTED; AUTHORITY TO EXECUTE DOCUMENTS

- A. Charleston County Council hereby grants an easement across a portion of the County’s Property identified by Parcel ID Number 457-12-02-003 to Berlin Brothers, to allow Berlin Brothers (“Grantee”) and its tenants emergency egress across the judicial center property to Broad Street from the rear of Grantee’s building located at 114 King Street. Grantee may not engage in or permit any other activities on the property and may not use the property for any other purpose. Grantee is responsible for obtaining any permits required for the use of the property for this purpose, to bear all costs of same, and to indemnify the County, the Charleston Public Facilities Corporation and their employees, officers and agents from any loss, cost or liability arising from Grantee’s use of the easement. The location of the easement shall be as shown on the attached drawing, incorporated herein by reference as Exhibit A.

- B. Insofar as the Charleston Public Facilities Corporation (CPFC) holds a lease on the property pursuant to the Certificates of Participation (COPs) financing for the judicial center construction, Council requests that the CPFC approve the easement as well, and authorize its Chairman to execute any and all documents and instruments necessary or helpful to this approval.
- C. The term of the easement shall be for a period of twenty (20) years, or for so long as Grantee's property is leased to a tenant, whichever ends first. The form of the Grant of Easement shall be substantially as shown on the attached Exhibit B.
- D. The easement may be assigned by the Grantee, and the use thereof may be suspended
- E. Consideration for the easement shall be five thousand five hundred Dollars (\$5500).
- F. Use of the easement by Grantee may be suspended for brief periods from time to time, as determined by the Grantor, for the purposes of maintenance, construction or other operational issues for the judicial center.
- G. The Chairman of Council is authorized to execute and deliver all documents and instruments necessary for the grant of this easement.

SECTION III. SEVERABILITY

If, for any reason, any part of this ordinance is invalidated by a court of competent jurisdiction, the remaining portions of this ordinance shall remain in effect.

SECTION IV. EFFECTIVE DATE

This ordinance shall become effective immediately upon approval following third reading.

ADOPTED and APPROVED in meeting duly assembled this _____ day of _____, 2007.

CHARLESTON COUNTY COUNCIL

By: _____
 Timothy E. Scott
 Vice Chairman

ATTEST:

By: _____
 Beverly T. Craven
 Clerk of Council

