

AN ORDINANCE

AUTHORIZING THE GRANT OF AN EASEMENT TO SOUTH CAROLINA ELECTRIC AND GAS COMPANY ON A PORTION OF COUNTY PROPERTY, LOCATED AT 1344 BEES FERRY ROAD, CHARLESTON, SOUTH CAROLINA, IDENTIFIED AS TAX MAP PARCEL NUMBER 301-00-00-026, AND ABANDON A DIFFERENT EASEMENT GRANTED TO SCE&G LOCATED ON THE SAME PROPERTY.

WHEREAS, South Carolina Electric and Gas (“SCE&G”) requested the grant of an easement twenty (20) feet wide across a portion of Charleston County’s real property identified by tax map parcel identification number 301-00-00-026, located at 1344 Bees Ferry Road, in Charleston, South Carolina (“Property”), and Charleston County Council granted this easement on January 7, 2016, in Ordinance Number 1886 which is attached hereto and incorporated herein as Exhibit A; and

WHEREAS, SCE&G required the easement to provide electrical work associated with the construction of a new sewer line on the Property and has paid and will continue to pay for all costs of constructing, maintaining, and repairing the easement, as needed; and

WHEREAS, after the electrical work was completed SCE&G determined that the easement was located in a different area than that depicted in and granted by Exhibit A; and

WHEREAS, SCE&G requests that a new easement of twenty (20) feet wide be granted on the same Property in a location depicted in Exhibit B; and

WHEREAS, Charleston County Council finds that granting the easement is an appropriate public use for this property; and

WHEREAS, Charleston County Council also finds that the easement will be a benefit to the County and other businesses in the area, and it consents to SCE&G having an easement across the property owned by the County; and

WHEREAS, SCE&G will abandon the easement granted by the County in Exhibit A; and

WHEREAS, Charleston County Council also finds that abandoning the easement depicted on Exhibit A is appropriate and acknowledges said abandonment; and

NOW, THEREFORE, BE IT ORDAINED by County Council of Charleston County, South Carolina in meeting duly assembled finds as follows:

SECTION I. FINDINGS INCORPORATED

The above recitals and findings are incorporated herein by reference and made a part of this Ordinance.

SECTION II. EASEMENT GRANTED; AUTHORITY TO EXECUTE DOCUMENTS

A. Charleston County Council grants a twenty (20) feet wide easement across a portion of Charleston County’s real property identified by parcel identification number 301-00-00-

026, located at 1344 Bees Ferry Road, in Charleston, South Carolina, to perform electrical work associated with a new sewer line on the Property. SCE&G will be responsible for any damages to County property occurring during its use of the easement, or anyone on its behalf to include its invitees. SCE&G will pay for all costs of constructing, maintaining, and repairing the easement, as needed. The location of the easement is shown on the attached drawing, which is incorporated by reference as Exhibit B.

B. Charleston County Council also acknowledges that SCE&G will abandon the easement depicted in Exhibit A and recorded in the Charleston County Register of Mesne Conveyance on January 14, 2016, in Book 529, page 103. SCE&G will record said abandonment within forty-five (45) days of Third (3rd) reading of this Ordinance.

C. 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 full force and 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 ____, 2017.

CHARLESTON COUNTY COUNCIL

By: _____
A. Victor Rawl
Chairman of County Council

ATTEST:

By: _____
Beverly T. Craven
Clerk to County Council

First Reading: April 25, 2017
Second Reading: May 9, 2017
Public Hearing: June 1, 2017
Third Reading: June 1, 2017