

**CHARLESTON COUNTY ORDINANCE**  
**APPROVING AND AUTHORIZING THE SALE OF PERPETUAL RIGHT OF WAY AND EASEMENT**  
**RIGHTS VARYING IN WIDTH TO THE SOUTH CAROLINA PUBLIC SERVICE AUTHORITY, ON A**  
**PORTION OF COUNTY PROPERTY KNOWN AS THE PUBLIC WORKS KINSEY BORROW PIT SITE**

**WHEREAS**, South Carolina Public Service Authority ("Santee Cooper") requested a Perpetual Right of Way and Easement of approximately 1.396 acres (60,828 S.F.) of varying width to be located over, under and across a portion of land situated along the Western edge of the Charleston County's property identified by tax map number 280-00-00-013, located at 1227 Michelle Lane in Johns Island, South Carolina ("Property"), and Charleston County Council grants this perpetual right of way and easement attached hereto and incorporated herein as Exhibit A; and

**WHEREAS**, South Carolina Public Service Authority requests the perpetual right of way and easement in order to serve the increasing electric load demands on Johns Island, so they can continue to safely provide service and will pay for all costs of constructing, maintaining, and repairing the easements as needed; and

**WHEREAS**, Charleston County Council finds that granting the perpetual right of way and 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 residents and businesses in the area, and it consents to South Carolina Public Service Authority, having a perpetual right of way and easement across the Property owned by the County; and

**WHEREAS**, it was unanimously resolved that the undersigned Officer convey the Right of Way and Easement as hereinafter described to the Grantee named below for the consideration expressed herein.

**KNOW ALL MEN BY THESE PRESENTS**, that the County of Charleston, ("Grantor") in the State aforesaid, for and in consideration of the sum of Fifty- Nine Thousand Eight Hundred Fifty Dollars and 00/100 (\$59,850.00) Dollars, to it in hand paid by South Carolina Public Service Administration ("Grantee"), receipt of which is hereby acknowledged, has granted, bargained, sold and released, and by these presents does grant, bargain, sell, and release unto Grantee, its heirs and assigns forever, the Right of Way and Easement rights, which are more fully described in Exhibit A, which is attached hereto.

**SECTION I. FINDINGS INCORPORATED**

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

**SECTION II. PERPETUAL RIGHT OF WAY AND EASEMENT RIGHTS GRANTED; AUTHORITY TO EXECUTE DOCUMENTS**

- A. Charleston County Council grants perpetual right of way and easement rights of varying width to be located over, under or across a section of land along with Western edge of the Charleston County's real property identified by parcel identification number 280-00-00-013, located at 1227 Michelle Lane on Johns Island, for Santee Cooper to provide electric utilities. South Carolina Public Services Authority (Santee Cooper) 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. South Carolina Public Service Authority will pay for all costs of constructing, maintaining, and repairing the right of way and easement, as needed. The location of the easement is shown on the attached drawing, which is incorporated by reference as Exhibit A.

B. The Chairman of Council is authorized to execute and deliver all documents and instruments necessary for the grant of the perpetual right of way and easement rights.

**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 14<sup>th</sup> day of July 2020.

CHARLESTON COUNTY COUNCIL

By: \_\_\_\_\_  
J. Elliott Summey  
Chairman of County Council

ATTEST.

By: \_\_\_\_\_  
Kristen Salisbury  
Clerk to County Council

First Reading: February 4, 2020  
Second Reading: February 25, 2020  
Third Reading: July 14, 2020  
Public Hearing: July 14, 2020