

AN ORDINANCE

APPROVING AND AUTHORIZING THE GRANT OF A UTILITY EASEMENT TO THE COMMISSIONERS OF PUBLIC WORKS OF CITY OF CHARLESTON ON A PORTION OF COUNTY PROPERTY KNOWN AS THE BEESFERRY WEST ASHLEY LIBRARY

WHEREAS, the Commissioners of Public Works of the City of Charleston ("CPW") requested the grant of a new 15 foot Easement covering approximately .23 acres or 10,004 sf in length on a portion of Charleston County's property identified by tax map number 306-00-00-972, located at Sanders Road and Wildcat Blvd., in Charleston, South Carolina ("Property"), and Charleston County Council grants this easement attached hereto and incorporated herein as Exhibit A; and

WHEREAS, CPW required the easement in order to establish CPW facilities so that they can continue to safely provide service and will pay for all costs of constructing, maintaining, and repair the easements as needed; 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 CPW having an easement across the Property owned by the County; and

WHEREAS, it was unanimously resolved that the undersigned Officer convey an 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 One and 00/100 (\$1.00) Dollar, to it in hand paid by CPW("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 Easement, which is 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. EASEMENT GRANTED; AUTHORITY TO EXECUTE DOCUMENTS

A. Charleston County Council grants an easement of new 15 foot Easement covering approximately .23 acres or 10,004 sf in length on a portion of Charleston County's property identified by tax map number 306-00-00-972, located at Sanders Road and Wildcat Blvd., in Charleston, South Carolina, for CPW to provide water and sewer utilities. CPW 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. CPW 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 A.

B. 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 8th day of September 2020.

CHARLESTON COUNTY COUNCIL

By: _____
J. Elliott Summey
Chairman of County Council

ATTEST.

By: _____
Kristen Salisbury
Clerk to County Council

First Reading: July 14, 2020
Second Reading: August 11, 2020
Third Reading: September 8, 2020
Public Hearing: September 8, 2020