

AN ORDINANCE

APPROVING AND AUTHORIZING THE GRANT OF A UTILITY EASEMENT TO THE COMMISSIONERS OF PUBLIC WORKS OF THE CITY OF CHARLESTON, SOUTH CAROLINA, ON A PORTION OF A COUNTY PROPERTY IDENTIFIED AS TAX MAP PARCEL NUMBER 412-00-00-012 AND LOCATED AT 3765 LEEDS AVENUE, NORTH CHARLESTON, SOUTH CAROLINA

WHEREAS, Charleston County owns real property located at 3765 Leeds Avenue, North Charleston, South Carolina, further identified as Tax Map Parcel Number 412-00-00-012 (the "Property"); and

WHEREAS, the Commissioners of Public Works of the City of Charleston, South Carolina ("CPW") requested the grant of a permanent easement containing approximately 0.08 acres / 3,527 square feet and is 15 feet in width across a portion of the Property ("the Easement") to lay, construct, locate, install, operate, maintain, inspect, repair, relocate and replace an underground water line with necessary valves, valve boxes, meters, fittings, manholes, service lines, controls, devices, equipment, fire hydrants and other usual appurtenances to provide water service to the Detention Center Campus as shown in Exhibit A, and according to that specific location of the Easement and scope of work shown in Exhibit B, both exhibits attached hereto and made apart hereof by reference; and

WHEREAS, CPW will pay for all costs of constructing, installing, maintaining, and repairing the Easement, as needed, and will have the right of access to and from the Property as may be necessary for its purposes relating to the Easement; and

WHEREAS, CPW will be responsible for any damages to the Property occurring during its use, maintenance, repair or replacement of the Easement; and

WHEREAS, Charleston County Council finds that granting the Easement is an appropriate public use for this Property which will benefit the County and its citizens, and it consents to CPW having the Easement across and upon the Property.

NOW, THEREFORE, BE IT ORDAINED by Charleston County Council 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 permanent Easement containing approximately 0.08 acres / 3,527 square feet and is 15 feet in width across a portion of the Property to allow CPW to install and maintain utility lines and appurtenant facilities to provide water utilities.

B. CPW shall be responsible for any damages to County property occurring during its use of the Easement, and to all persons acting on its behalf and all property which may be in or upon the Easement and Property. All persons and property of every kind which may be in or upon the Easement and Property shall be there at the sole risk of CPW.

CPW shall pay for all costs to construct, install, maintain and repair the Easement, as needed. The location of the Easement is shown on the drawing attached as Exhibit A.

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 9th day of November 2021.

CHARLESTON COUNTY COUNCIL

By: _____

Teddie E. Pryor, Sr.
Chairman of County Council

ATTEST:

By: _____

Kristen L. Salisbury
Clerk to County Council

First Reading: October 12, 2021

Second Reading: October 26, 2021

Third Reading: November 9, 2021

Public Hearing: November 9, 2021

EXHIBIT "A"

Drawing of the Easement

EXHIBIT "B"

Specific Location of the Easement and
Scope of Work to Construct and Install Water Line