

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 PORTIONS OF COUNTY PROPERTIES IDENTIFIED AS TAX MAP PARCEL NUMBER NUMBERS 469-06-00-004, 469-06-00-101, 469-06-00-102, 469-06-00-103, & 469-06-00-107 LOCATED AT THE INTERSECTION OF RIVERS AVENUE AND MCMILLAN AVENUE, NORTH CHARLESTON, SOUTH CAROLINA

WHEREAS, Charleston County owns real property located the intersection of Rivers Avenue and McMillan Avenue, North Charleston, South Carolina, further identified as Tax Map Parcel Number 469-06-00-004, 469-06-00-101, 469-06-00-102, 469-06-00-103 and 469-06-00-107 (together the "Properties"); and

WHEREAS, the Commissioners of Public Works of the City of Charleston, South Carolina ("CPW") requested the grant of a permanent easement containing approximately 0.59 acres / 25,415 square feet and is 15 feet in width across a portion the Properties ("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 Social Services Hub complex as shown in Exhibit A, and according to that specific location of the Easements 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 Properties as may be necessary for its purposes relating to the Easement; and

WHEREAS, CPW will be responsible for any damages to the Properties 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 the Properties which will benefit the County and its citizens, and it consents to CPW having the Easement across and upon the Properties.

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 0.59 acres / 25,415 square feet across a portion of the Properties 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 Easements, and to all persons acting on its behalf and all property which may be in or upon the Easement and Properties. All persons and property of every kind which may be in or upon the Easement and Properties 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 1st day of March 2022.

CHARLESTON COUNTY COUNCIL

By: _____
Teddie E. Pryor, Sr.
Chairman of County Council

ATTEST:

By: _____
Kristen L. Salisbury
Clerk to County Council

First Reading: February 1, 2022
Second Reading: February 15, 2022
Third Reading: March 1, 2022
Public Hearing: March 1, 2022