

**RICHLAND COUNTY COUNCIL
DEVELOPMENT & SERVICES COMMITTEE**

**July 27, 2004
5:00 P.M.**

PRESENT: Joseph McEachern; L. Gregory Pearce, Jr.; Thelma M. Tillis, Doris M. Corley, Susan Brill

OTHERS PRESENT: Bernice G. Scott, James Tuten, Thelma M. Tillis, Kit Smith, T. Cary McSwain, Larry Smith, Amelia Linder, Michielle Cannon-Finch, Pam Davis, Ashley Bloom, Roxanne Matthews, Carrie Neal, Chief Harrell, Stephany Snowden, Kendall Johnson, Michael Criss, Marsheika Martin

CALL TO ORDER

The meeting was called to order at approximately 5:06 p.m.

APPROVAL OF MINUTES – June 22, 2004

It was moved and seconded to approve the minutes as submitted.
The vote in favor was unanimous.

ADOPTION OF AGENDA

A letter was submitted requesting the withdrawal of a Quit-Claim: Peyton Road and Pepper Street from the agenda. The Committee accepted the request.

Mr. T. Cary McSwain, County Administrator, requested for an ordinance authorizing an easement to the City of Columbia for certain water lines and conveying a deed to the water lines on Blue Cross Blue Shield's property be added to the agenda. He stated this ordinance would be approved by title only.

Mr. Pearce moved, seconded by Mr. McEachern, to adopt the agenda as amended. The vote in favor was unanimous.

ITEMS FOR ACTION

A. Crossfield Road Speed Humps

Mr. Pearce moved, seconded by Ms. Corley, to approve the installation of speed humps on Crossfield Road at no cost to the residents and declare a moratorium on future projects until the Public Works Department develops a policy for placement of speed humps and funding sources and forward the item to the Special Called Meeting. The vote in favor was unanimous.

B. Engineering Services Paving Program – North Contract (Wilbur Smith Associates - \$325,970.00)

C. Engineering Services Paving Program – South Contract (Jordan Jones & Goulding - \$316,001.00)

Mr. McEachern moved, seconded by Mr. Pearce to approve these items and forward to the Special Called meeting. The vote in favor was unanimous.

D. C&D Landfill Entrance Improvements

Mr. McEachern moved, seconded by Mr. Pearce, to approve the award of contract to the lowest responsive and responsible bidder and forward to the Special Called Meeting.

A discussion took place.

The vote in favor was unanimous.

E. Hobart Road Project

Mr. McEachern moved, seconded by Ms. Corley, to approve this item contingent on funding from the CTC and forward to the Special Called Meeting. The vote in favor was unanimous.

F. Mideast Road Paving, Aster Street Connector, and Jenkins Brothers Road Intersection Improvements

Mr. Pearce moved, seconded by Ms. Corley, to approve this item and forward to the Special Called Meeting. The vote in favor was unanimous.

G. NPDES Permit Renewal and Stormwater Management Ordinance Review

Mr. McSwain stated this would be evaluated by the Administrator based on lowest responsive bidder.

A discussion took place.

Mr. Pearce moved, seconded by Ms. Tillis, to approve the construction contracts for the upgrade of the Pond Drive Water System and forward to the Special Called Meeting. The vote in favor was unanimous.

H. Richland County Solid Waste Management Plan Update

Mr. McEachern moved, seconded by Mr. Pearce, to schedule a Work Session in September to discuss the plan. The vote in favor was unanimous.

I. Ordinance authorizing a deed to a water line

Mr. McEachern moved, seconded by Ms. Corley, to place this item on the agenda for the Special Called Meeting. The vote in favor was unanimous.

ITEMS FOR INFORMATION/DISCUSSION

A. Animal Control Ordinance Amendments

The Committee forwarded this item to the next Committee Meeting in September.

ADJOURNMENT

It was moved and seconded to adjourn the meeting at approximately 5:35 p.m.

The minutes were transcribed by Marsheika G. Martin

Richland County Council Request of Action

Subject: Ordinance to Amend Chapter 5, Animals and Fowl

A. Purpose

The purpose of this request is to amend Chapter 5, Animals and Fowl, so as to clarify and strengthen the provisions related to animal care.

B. Background / Discussion

County Council created the Citizens' Subcommittee for Animal Care Issues in 1997 to identify, study, and evaluate problems found within the animal control system and to recommend solutions to those problems.

The Subcommittee worked with Sandra Haynes, director of the county's Animal Care Department, and with the County Legal Department to draft an ordinance strengthening the current provisions related to animal care. The draft ordinance (which is attached) would specifically prohibit neglect and cruelty towards animals. It would also add a definition of "abandon" and amend the definitions of "animal shelter" and "owner." A new section has been added to give an animal care officer the authority to seize an animal that has been neglected or abused and then to petition the magistrate's court for a hearing to determine if the animal should be returned to the owner.

C. Financial Impact

There is no financial impact associated with this request.

D. Alternatives

1. Approve the request to amend the County ordinance as proposed by the Citizens' Subcommittee for Animal Care Issues.
2. Approve a modified version of the Subcommittee's proposal.
3. Do not approve.

E. Recommendation

It is recommended that County Council approve the ordinance that is attached, which would amend the provisions of Chapter 5, Animals and Fowl.

Recommended by: Sandra Haynes, Animal Care Department Date: September 9, 2004
and The Citizens' Subcommittee for Animal Care Issues

F. Reviews

Finance

Reviewed by (Finance Director): Carrie Neal Date: 9/16/2004
 Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Reviewed by (Budget Director): Daniel Driggers Date: 9/16/04
 Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Legal

Reviewed by: Amelia Linder

Date: 9/16/04

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This request is best left to the discretion of County Council.

Administration

Reviewed by: J. Milton Pope

Date: 9/16/04

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Request approval; however a delayed implementation period may be warranted to make sure that Animal Care has the necessary and required holding space to adhere to these very meritorious changes to the existing ordinance (consistent with the opening of a new shelter or appropriate contracted space).

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-04HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES,
CHAPTER 5, ANIMALS AND FOWL.

Pursuant to the authority by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, BE IT ENACTED BY RICHLAND COUNTY COUNCIL:

SECTION I. The Richland County Code of Ordinances; Chapter 5, Animals and Fowl, is hereby amended by the deletion of the language contained therein and the substitution of the following language:

CHAPTER 5: ANIMALS AND FOWL

Sec. 5-1. Definitions.

Whenever used in this chapter, unless a contrary intention is clearly evidenced, the following terms shall be interpreted as herein defined.

Abandon shall mean to desert, forsake, or intend to give up absolutely an animal without securing another owner.

Animal shall mean, in addition to dog and cat, any organism of the kingdom of Animalia, other than a human being.

Animal care officer shall mean any person employed by the county to enforce the animal care program.

Animal care shelter shall mean ~~the City of Columbia animal shelter~~ any premises designated by the county for the purpose of impounding, care, adoption, or euthanasia of dogs and cats held under authority of this chapter.

At large shall mean a pet running off the premises of the owner or keeper and not under the physical control of the owner or keeper by means of a leash or other similar restraining device.

Nuisance shall mean an animal that disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with the ordinary use and enjoyment of their property.

Owner shall mean any person ~~keeping or harboring a pet~~ who:

- (1) Has a property right in an animal;
- (2) Keeps or harbors an animal or who has it in his or her care or acts as its custodian; or
- (3) Permits an animal to remain on or about any premises occupied by him or her.

Pet shall mean a domestic dog (*canis familiaris*) and/or a domestic cat (*felis catus domesticus*).

Under restraint shall mean a pet that is on the premises of its owner or keeper by means of a leash, fence or other similar restraining device, or is on the premises of its owner or keeper and accompanied by the owner/keeper, or a pet that is off the premises of its owner or keeper but is if accompanied by its owner or keeper and is under the physical control of such owner or keeper by means of a leash or other similar restraining device.

Sec. 5-2. Differential county license fees; rabies vaccination tags.

(a) It shall be unlawful for the owner of any pet to fail to provide any pet over six (6) months of age with a current county license tag. The owner of any pet over six (6) months of age must also have a current rabies vaccination tag showing that such pet has been vaccinated by a licensed veterinarian. No license will be issued unless proof of inoculation is shown. Any pet owner who moves into the county for the purpose of establishing residency shall have thirty (30) days in which to obtain the license.

(b) The county license fee for fertile pets shall be twenty dollars (\$20.00) per year. The county license fee for sterilized pets shall be four dollars (\$4.00) per year. Licenses will expire one (1) year after the date of issue, and owners will have until the end of the month of original issue to renew the licenses.

(c) The animal care department shall annually provide a sufficient number of durable tags suitable for pets numbered from one (1) upwards on which shall be stamped the year and the words "pet license." Such tags must be worn by all pets in the county at all times. Any pet owner who has their animal tattooed may register the tattoo number with the animal care department in addition to obtaining a tag.

Sec. 5-3. Exemptions from differential licensing.

(a) The following classifications of owners of pets shall be exempt from paying the higher license fee for fertile pets. These exempt persons shall be required to purchase a license for their pet but will pay only a fee of four dollars (\$4.00) for each license and will not be required to have the pet spayed/neutered:

- (1) Any owner of a pet who can furnish a statement from a licensed veterinarian that the pet, due to health reasons, could not withstand spay/neuter surgery;
- (2) Any owner of one or more purebred pets who can furnish proof of participation in nationally recognized conformation or performance events; or
- (3) Any owner of a dog that is currently being used for hunting purposes and is properly registered with the South Carolina Wildlife Department and whose owner has a valid South Carolina hunting license.

(b) Any individual who is handicapped and who owns a dog which is used for seeing, hearing, or other such assistance purposes shall be required to obtain an annual license but shall not be required to pay any license fee.

(c) The county animal care department shall obtain the name and address of each party to whom a license and tag have been issued under the provisions of this section and shall keep the same on file in the offices of the department for the purpose of identification.

Sec. 5-4. Dangerous or vicious animals.

(a) No person owning or harboring or having the care or the custody of a dangerous animal may permit the animal to go unconfined on his premises. A dangerous animal is unconfined as the term is used in this section if the animal is not securely confined indoors or confined in a securely enclosed and locked pen or "run" area upon the person's premises. The pen or run area also must have either: 1) sides six (6) feet high, or 2) a secure top. If the pen or structure has no bottom secured to the sides, the sides must be imbedded into the ground at a depth of no less than one (1) foot. However, the provisions of this section shall not apply to any animal that is owned by a licensed security company and is on patrol in a confined area.

(b) For the purposes of this section a dangerous or vicious animal shall be defined to be any one of the following:

- (1) Any animal with a propensity, tendency or disposition to attack, to cause injury to, or to otherwise endanger the safety of human beings or other domestic animals; or
- (2) Any animal which attacks a human being or other domestic animal one or more times without provocation whether or not such attack occurs on the premises of the animal's owner; or
- (3) An animal owned or harbored primarily or in part for the purpose of animal fighting or an animal trained for animal fighting.

(c) Any animal ~~which~~ that has been determined to be a dangerous or vicious animal may be impounded by the Animal Care Department. Such animals shall not be euthanized unless the owner has surrendered the animal to the animal shelter and has completed and signed a surrender form or until a hearing is held before an appropriate magistrate and the magistrate has determined that the animal should be euthanized. However, if the magistrate has determined that the owner may redeem the animal, the Animal Care Department shall release the animal upon receipt of all redemption fees as described in Section 5-14, below. If the owner does not pay the redemption fees within five (5) days of the magistrate's order, the animal shall become the property of the animal shelter and may be euthanized and may not be redeemed unless such redemption is authorized by the county animal care department.

Sec. 5-5. Running at large – restraint.

(a) All domestic animals must be kept under restraint or confinement. Any domestic animal not so restrained will be deemed unlawfully running at large in the unincorporated area of the

county. Provided, however, this subsection shall not apply to domestic cats that have been spayed or neutered.

(b) Dogs that are participating in hunting events, obedience trials, conformation shows, tracking tests, herding trials, or lure courses shall not be considered "at large."

Sec. 5-6. Removal of excrement.

The owner of every pet shall be responsible for the removal of any excretions deposited by his or her pet on public walks and ways, recreation areas, or private property other than that of the owner.

Sec. 5-7. Injured or diseased pets.

Anyone striking a pet with a motor vehicle or bicycle shall notify the county animal care department who will then take action necessary to make proper disposition of the pet. Any pet received by the animal shelter in critical condition from wounds, injuries, or disease may receive sustaining treatment by a licensed veterinarian until such time as the owner of the pet is contacted. Any such pet in critical condition, as described in this section, may be humanely destroyed if the owner cannot be contacted within five (5) hours. If the pet is in severe pain it may be destroyed immediately.

Sec. 5-8. Nuisance animals.

(a) The actions of an animal constitute a nuisance when an animal disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with the ordinary use and enjoyment of their property.

(b) It shall be unlawful for any person to own, keep, possess, or maintain an animal in such a manner so as to constitute a public nuisance. By way of example, and not of limitation, the following acts or actions by an owner or possessor of any animal are hereby declared to be a public nuisance and are, therefore, unlawful:

- (1) Failure to exercise sufficient restraint necessary to control an animal as required by section 5-5.
- (2) Allowing or permitting an animal to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging gardens, flowers, or vegetables.
- (3) Failure to maintain a dangerous animal in a manner other than that which is described in section 5-4.
- (4) Maintaining animals in an environment of unsanitary conditions which results in offensive odors or is dangerous to the animal or to the public health, welfare or safety.

- (5) Maintaining his or her property in a manner that is offensive, annoying, or dangerous to the public health, safety, or welfare of the community because of the number, type, variety, density, or location of the animals on the property.
- (6) Allowing or permitting an animal to bark, whine, or howl in an excessive, unwarranted, and continuous or untimely fashion, or make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises.
- (7) Maintaining an animal that is diseased and dangerous to the public health.
- (8) Maintaining an animal that habitually or repeatedly chases, snaps at, attacks, or barks at pedestrians, bicycles, or vehicles.

(c) An animal that has been determined to be a habitual nuisance by the animal care department may be impounded and may not be returned to the owner until said owner can produce evidence to demonstrate that the situation creating the nuisance has been abated.

(d) Every female animal in heat shall be kept confined in a building or secure enclosure in such manner as will not create a nuisance by attracting other animals.

Sec. 5-9. Abandonment Animal care, generally.

(a) It shall be unlawful for an owner to fail to provide his or her animal(s) with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.

(b) It shall be unlawful for a person to beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight or other combat between animals or between animals and humans.

(c) It shall be unlawful for a person to dye or color artificially any animal or fowl, including but not limited to rabbits, baby chickens, and ducklings, or to bring any dyed or colored animal or fowl into the County.

(d) It shall be unlawful for any owner to abandon ~~or otherwise fail to provide for the care or humane disposal of~~ an animal in the unincorporated area of the county.

Sec. 5-10. Sale of pets.

(a) No person shall sell, trade, barter, auction, lease, rent, give away, or display for commercial purpose, any live pet, on any roadside, public right-of-way, public property, commercial parking lot or sidewalk, or at any flea market, fair or carnival.

(b) No person shall offer a pet as an inducement to purchase a product, commodity or service.

(c) No person shall sell, offer for sale or give away any pet under ~~seven~~ eight (7) (8) weeks of age, except as surrender to a municipal and/or county animal shelter or to a licensed pet rescue organization.

(d) Licensed pet shops, commercial kennels, municipal and/or county animal shelters, and licensed pet rescue organizations are exempt from the requirements of this section.

Sec. 5-11. Care of animals during transport.

(a) During transportation, an animal must be provided adequate space and ventilation, and must not be confined in one area for more than thirty-six consecutive hours without being adequately exercised, rested, fed, and watered.

(b) A dog or cat under eight (8) weeks of age must not be imported or exported without being accompanied by its dam.

Sec. 5-12. Seizure and right of entry to protect abandoned, neglected, or cruelly treated animals.

(a) If the owner does not give permission, the animal control officer may obtain a search warrant to enter any premises upon which it is suspected a violation of this chapter exists. Once upon the premises, the officer may examine such animal and may take immediate custody of the animal when, in his or her opinion, it requires removal from the premises. The animal control officer shall thereafter petition the appropriate magistrate for a hearing, which shall be a civil proceeding. The hearing shall be set not more than ten days from the date of the seizure of the animal to determine whether the owner, if known, is able to adequately provide for the animal and is a fit person to own the animal. The animal control officer shall cause to be served upon the owner, if known and residing within the jurisdiction wherein the animal is found, written notice at least five (5) days prior to the hearing of the time and place of the hearing. If the owner is not known or cannot be found within the jurisdiction wherein the animal was found, the animal control officer shall post a copy of the notice at the property where the animal was seized. The pet or animal shall remain in the custody and care of the animal shelter until such matter is heard before the magistrate. The magistrate shall make the final determination as to whether the animal is returned to the owner or whether title is transferred to the animal shelter whereby the animal may be put up for adoption or humanely destroyed. If the magistrate orders the return of the animal to its owner, the animal control officer shall release the animal upon receipt from the owner of all redemption fees as described in Section 5-14, below. If the owner does not pay the redemption fees within five (5) days of the magistrate's order, the animal shall become the property of the animal control shelter and may be placed for adoption or euthanized. The court, in determining whether the owner is able to adequately provide for the animal or is a fit person to own the animal, may take into consideration, among other things, the owner's past record of convictions under this chapter, or one similar thereto, and the owner's mental and physical condition.

(b) Nothing in this section shall be construed to prohibit the euthanization of a critically injured or ill animal for humane purposes.

Sec. 5-13. Impounding.

(a) Any animal found within the unincorporated area of the county in violation of the provisions of this chapter may be caught and impounded by county authorities. If an animal cannot be caught in a safe, efficient manner, animal care personnel may tranquilize the animal by use of a tranquilizer gun. The animal care department may, thereafter, make available for adoption or humanely destroy impounded animals not redeemed within five (5) days.

(b) When a person arrested is, at the time of the arrest, in charge of an animal, the county animal care department may take charge of the animal and deposit the animal in a safe place of custody or impound the animal at its animal shelter.

(c) The county may transfer title of all animals held at its animal shelter after the legal detention period has expired and its owner has not claimed the animal.

(d) Immediately after impounding a pet that is wearing a rabies tag, ~~or~~ a county license tag, or another identification tag, or a pet that has an implanted identification microchip or an obvious identification tattoo, a reasonable effort will be made to locate the owner and to inform him or her of the circumstances under which he or she may regain custody of the pet impounded by the county reflecting its disposition.

(e) Any animal found "at large" may be impounded by the animal care officer and may not be redeemed by its owner unless such redemption is authorized by the county animal care department, with assurance from the owner that proper care and custody will be maintained.

(f) Any animal surrendered to the animal shelter may be adopted or euthanized at any time provided there is a completed and signed surrender form on file for the animal concerned.

Sec. 5-14. Redemption.

(a) The owner or keeper of any pet that has been impounded under the provisions of this chapter, and which has not been found to be dangerous or vicious, shall have the right to redeem such pet at any time within five (5) days upon payment of a fee as follows:

- (1) For a pet which has been properly inoculated, licensed, and neutered or spayed, the fee shall be \$10.00.
- (2) For other pets the fee shall be \$10.00 plus the appropriate license fee, the charge for rabies inoculation and the cost of spaying or neutering the pet. No fertile pet shall be redeemed or adopted, and no pet will be released, without proof of inoculation. The requirement of spaying or neutering may be waived if the owner meets the criteria under the exceptions provisions in subsections 5-3 (a) (1) – (3).

(b) In addition to the redemption fee, an impound fee of \$20.00 and a board fee of seven dollars (\$7.00) per day per pet shall be paid by the owner or keeper when a pet is redeemed.

(c) The fees set out in this section shall be doubled for any pet impounded twice or more within the same 12-month period

Sec. 5-15. Adoption.

(a) Any animal impounded under the provisions of this ~~article~~ chapter may at the end of the legal detention period be adopted provided the new owner will agree to comply with the provisions contained herein.

(b) All adult pets adopted from the animal shelter shall be spayed or neutered, and inoculated against rabies.

(c) Those individuals adopting puppies or kittens too young to be neutered or spayed or receive rabies inoculations will pay the cost of these procedures at the time of adoption and be given an appointment for a later time to have these procedures accomplished. In the event the animal is deceased prior to the appointment date, the applicable portion of the adoption fee will be returned.

Sec. 5-16. Interference with animal care officers.

It shall be unlawful for any person to interfere with, hinder, or molest an animal care officer in the performance of his or her duty or seek to release any pet in his/her custody without his/her consent.

Sec. 5-17. Complainant's identification to remain confidential.

The identity, or information tending to reveal the identity, of any individual who in good faith makes a complaint or otherwise discloses information, which alleges a violation of this chapter, shall remain confidential to the agency receiving the report unless the complainant authorizes the release of his or her identity.

Sec. 5-18. Penalties.

(a) Any person who violates the provisions of this Chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both. Each day's continuing violation shall constitute a separate and distinct offense.

(b) The owner or person having charge or custody of an animal cruelly used who is convicted of any violation of this chapter forfeits ownership, charge, or custody of the animal and at the discretion of the court, the person who is charged with or convicted of a violation of this chapter must be ordered to pay costs incurred to care for the animal and related expenses.

SECTION II. Severability. If any section, subsection, or clause of this ordinance shall be deemed unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION III. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV. Effective Date. This ordinance shall be effective from and after _____, 2004.

RICHLAND COUNTY COUNCIL

BY: _____
Bernice G. Scott, Chair

ATTEST THIS THE _____ DAY
OF _____, 2004.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Approved As To LEGAL Form Only
No Opinion Rendered As To Content

First Reading:
Second Reading:
Public Hearing:
Third Reading:

Richland County Council Request of Action

Subject: Arthurtown Community Redevelopment Project Right-of-Way Condemnations

A. Purpose

County Council is requested to approve the condemnations of twenty-nine (29) properties within the Arthurtown Community, if the property owners refuse the fair market value of the property needed for right-of-way.

B. Background / Discussion

The Department of Public Works, in conjunction with the Grants Department, is working on infrastructure improvements within the Arthurtown Community. The improvements include paving existing dirt roads, installation of sidewalks, and piping several open ditches.

Appraisal reviews are currently being performed on the recently obtained appraisals for each of the twenty-nine (29) properties. After all appraisal reviews are complete, each property owner will be offered the fair market value of the property, as determined by the appraisals, in exchange for the amount of property needed for right-of-way.

If a property owner refuses to accept the offer, the next step is to condemn the property needed for right-of-way. In order to save time, it is requested that County Council approve the condemnations of all twenty-nine (29) properties.

Approving all condemnations will eliminate multiple requests to County Council and will speed up the process once a property owner declines the offer. Property owners that accept the fair market value of the property needed will not be condemned.

C. Financial Impact

Funding for the fair market property value offers and the condemnation process will come from a Community Development Block Grant (CDBG) managed by the Grants Department. The total cost for property needed is \$43,495.

D. Alternatives

1. Approve the condemnation for the twenty-nine (29) properties if the property owners decline the fair market value offers for the property needed for right-of-way.
2. Do not approve the condemnation of the twenty-nine (29) properties at this time.

E. Recommendation

It is recommended that County Council approve the condemnations of twenty-nine (29) properties within the Arthurtown Community, if the property owners refuse the fair market value of the property needed for right-of-way.

Recommended by: Christopher S. Eversmann, PE Dept: Public Works Date: 09/14/04

F. Reviews

Finance

Reviewed by (Finance Director): Carrie Neal

Date: 9/15/2004

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Reviewed by (Budget Director): Daniel Driggers

Date: 9/15/04

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Grants

Reviewed by: Dawn Darby

Date: 9/20/04

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Amelia Linder

Date: 9/20/04

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This request is at the discretion of County Council.

Administration

Reviewed by: Tony McDonald

Date: 9/20/04

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Condemnation will be pursued only as a last resort, i.e., only if the property owners refuse to grant the necessary easements for fair market value.

Potential Condemnations

Property Owner	Tax Map Number	Fair Market Value
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Sugar Hill Lane

Evelyn Tillman 4116 Boxwood Drive Columbia, SC 29205	11111-01-19	\$1,275
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Rebecca Washington Heirs 116 Ives Street Waterbury, CT 06704	11111-01-49	\$220
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Henry Davis Estate 50 Gouverneur Street New York, NY 10002-5767	11111-01-44 11111-01-45	\$1,125
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Sugar Hill Point

Jennie Bulter 3222 Poplar Ridge Drive Rex, Ga. 30273	11115-08-11	\$1,000
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Linda Weeks 109 Sugar Hill Lane Columbia, SC 29201	11115-08-15	\$525
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George & Belton Knox 4516 Sheraton Road Columbia, SC 29209	11115-08-16	\$2,875
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Riley Street along with Riley Street/Child Street Connector

Charles Jenkins 1454 Dahila Street Columbia, SC 29205	11115-08-41	\$1,575
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Carrie Lorraine J. Kimble 509 Newburg Drive Columbia, SC 29203	11115-08-46	\$1,550
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Heyward Blakley 738 Child Street Columbia, SC 29201	11115-08-51 11115-08-52	\$2,300
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Mr. King B.L. Jeffcoat 4101 Grand Street Columbia, SC 29206	11115-08-61 11115-08-64	\$4,200
Marion Wright & Heyward Blakley, Jr. 1037 Bates Street Columbia, SC 29201	11111-01-40	\$575
Annie Belle Benefield 1124 Abbott Street Columbia, SC 29201	11111-01-41	\$1,050
Joseph & Johnnie Mae Brown 516 Riley Street Columbia, SC 29201	11110-01-04	\$2,400
Jennifer Brown 516 Riley Street Columbia, SC 29201	11110-01-08	\$1,250
Lucy Cockran 612 Child Street Columbia, SC 29201	11111-01-38	\$950
Senora Simmons 20 Haley Street SE Washington, DC 20032-2329	11110-01-03	\$1,675
Frazier Street South		
Nancy Jackson Perry 1723 Bluff Road Columbia, SC 29201	11115-02-03	\$1,950
Doretha Woodard 1123 Abbott Street Columbia, SC 29201	11115-03-10	\$50
Louise Manigault 1720 Bluff Road Columbia, SC 29201	11115-03-15	\$750
Simpson Tolliver Heirs 1749 Andrews Road Columbia, SC 29201	11115-03-11	\$3,400

Willie Jefferson c/o Betty Hassell 1242 Tolliver Columbia, SC 29201	11116-05-07	\$1,300
Paul L. Deneal Etal 19 Guernsey Drive Columbia, SC 29203	11115-02-02	\$2,400
Margaret Grimsley 10121 Garners Ferry Road Eastover, SC 29044	11116-05-08	\$750
Ruth R. & Wesley Williams 1720 Bluff Road Columbia, SC 29201	11115-03-14	\$300
Nancy Jackson Perry & John Jackson, Life Estate 1723 Bluff Road Columbia, SC 29201	11115-03-01	\$3,850
Heyward Blakely 638 Child Street Columbia, SC 29201	11115-03-12	\$4,200

Richland County Council Request of Action

Subject: Ordinance to Authorize Easement to SCE&G at 5 Medical Park Drive-Palmetto Richland Hospital Heart Wing

A. Purpose

County Council is requested to approve a utilities easement to SCE&G on County owned property located at 5 Medical Park Drive.

B. Background / Discussion

This easement is for underground primary service to include a pad-mounted transformer to serve the new Heart Wing at Palmetto Richland Hospital.

C. Financial Impact

There is no financial impact associated with this request.

D. Alternatives

1. Approve the ordinance authorizing the granting of a utility easement to SCE&G on County owned property located at 5 Medical Park Drive.
2. Deny the ordinance authorizing the granting of a utility easement to SCE&G on County owned property located at 5 Medical Park Drive.

E. Recommendation

It is recommended that County Council approve the ordinance authorizing the granting of a utility easement to SCE&G on County owned property at 5 Medical Park Drive.

Recommended by: Staff Department: Public Works Date:

F. Reviews

Finance

Reviewed by (Finance Director): Carrie Neal Date: 9/15/2004
✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Reviewed by (Budget Director): Daniel Driggers Date: 9/15/04
✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Public Works

Reviewed by: Chris Eversmann Date: 9/15/04
✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Legal

Reviewed by: Amelia Linder

Date: 9/15/04

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This request is best left to the discretion of Council.

Administration

Reviewed by: Tony McDonald

Date: 9/15/04

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-04HR

AN ORDINANCE AUTHORIZING A UTILITY EASEMENT TO SOUTH CAROLINA ELECTRIC & GAS COMPANY ON PROPERTY IDENTIFIED AS TMS NUMBER 11503-01-04A (ALSO KNOWN AS 5 MEDICAL PARK DRIVE, COLUMBIA, SOUTH CAROLINA).

Pursuant to the authority by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, BE IT ENACTED BY RICHLAND COUNTY COUNCIL:

SECTION I. The County of Richland and its employees and agents are hereby authorized to grant a utility easement right-of-way to South Carolina Electric & Gas Company, upon land identified as TMS Number 11503-01-04A (also known as 5 Medical Park Drive, Columbia, South Carolina), and as described in the Easement Indenture, a copy of which is attached hereto and incorporated herein.

SECTION II. Severability. If any section, subsection, or clause of this ordinance shall be deemed unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION III. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV. Effective Date. This ordinance shall be effective from and after _____, 2004.

RICHLAND COUNTY COUNCIL

By: _____
Bernice G. Scott, Chair

Attest this _____ day of
_____, 2004.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Approved As To LEGAL Form Only
No Opinion Rendered As To Content

First Reading:
Second Reading:
Public Hearing:
Third Reading:

INDENTURE, made this _____ day of _____, 2004 by and between **Richland County**, State of South Carolina, hereinafter called "Grantor" (whether singular or plural), and the SOUTH CAROLINA ELECTRIC & GAS COMPANY, a South Carolina corporation, having its principal office in Columbia, South Carolina, hereinafter called "Grantee".
WITNESSETH:

That, in consideration of the sum of One Dollar (\$1.00) received from Grantee, Grantor, being the owner of land situate in the County of **Richland**, State of South Carolina, hereby grants and conveys to Grantee, its successors and assigns, the right to construct, extend, replace, relocate, perpetually maintain and operate an electric line or lines consisting of any or all of the following: poles, conductors, overhead and underground lightning protective wires, municipal, public, or private communication wires, underground cables, conduits, transformer pads, guys, push braces and other accessory apparatus and equipment deemed by Grantee to be necessary therefore, upon, over, across, through, and under a tract of land, more or less.

Right of Way granted to SCE&G for underground service as requested by Grantors and more fully shown on SCE&G Drawing 3982. Right of Way to be a total of Five (5) feet only on the south side of building. Standard right of way to apply in all other areas as described below.

TMS: 11503-01-04A

Together with the right from time to time to install on said line such additional lines, apparatus and equipment as Grantee may deem necessary or desirable and the right to remove said line or any part thereof.

Together also with the right (but not the obligation) from time to time to trim, cut or remove trees, underbrush and other obstructions that are within, over, under or through a strip of land extending **Five (5) for Underground and Ten (10) for Overhead** feet on each side of the center of any wires, cables, conduits, or pipes and within, over, under or through a strip of land extending **Twelve (12)** feet on each side of any transformers, elbow cabinets, handholes, switchgears, or other devices as they may be located now or in the future; provided, however, any damage to the property of Grantor (other than that caused by trimming, cutting, or removing) caused by Grantee in maintaining or repairing said lines, shall be borne by Grantee; provided further, however that Grantors agree for themselves, their successors and assigns, not to build or allow any structure to be placed on the premises in such a manner that any part thereof will exist within the above specified number of feet of any wire strung on the said lines or over any such cables, conduits, pipes, or other associated facilities, and in case such structure is built, then Grantor, or such successors and assigns as may be in possession and control of the premises at the time, will promptly remove the same upon demand of Grantee herein. Grantor further agrees to maintain minimum ground coverage of thirty six (36) inches and maximum ground coverage of fifty four (54) inches over all underground primary electric lines. Together also with the right of entry upon Grantor's said lands for all of the purposes aforesaid.

The words "Grantor" and "Grantee" shall include their heirs, executors, administrators, successors and assigns, as the case may be.

IN WITNESS WHEREOF, Grantor has caused this indenture to be duly executed the day and year first above written.
WITNESS:

Richland County

By: **Bernice G. Scott**
Title: **County Council Chairperson**

(SEAL)

(SEAL)

STATE OF SOUTH CAROLINA)
)
County of Richland)

Personally appeared before me the undersigned witness, and made oath that (s)he saw the within named **Richland County** by the hand of **Bernice G. Scott** sign, seal and as its act and deed deliver the within easement for the uses and purposes therein mentioned, and that (s)he with the other subscribing witness, witnessed the due execution thereof.

(Witness)

Sworn to before me this _____ day of
_____ A.D., 2004.

(L.S.)
Notary Public for South Carolina

My Commission Expires _____

**RIGHT-OF-WAY GRANT TO
SOUTH CAROLINA ELECTRIC & GAS COMPANY**

Line: **Palmetto Richland Hospital**

County: **Richland**

R/W File Number: **10699**

Grantor(s): **Richland County**

Return to: SCE&G
Palmetto Center
Paulette T. Ritter-149
Columbia, SC 29218

I hereby certify that the within easement has been this
_____ day of _____ A.D., 20_____,
at _____ o'clock in the _____ M. recorded in
Book _____ of Deeds/Records, Page _____.

(Register of Deeds or Clerk of Court)

Richland County Council Request of Action

Subject: Quit-Claim / Peyton Road and Pepper Street

A. Purpose

The purpose of this report is to request County Council’s consideration of a quit-claim deed by which the rights-of-way for un-opened / un-constructed sections of Peyton Road and Pepper Street are conveyed to the heirs of Gertrude H. Barringer.

B. Background / Discussion

In 1950, the rights-of-way for Pringle Road, Pennington Road, Peyton Road, and Pepper Street were dedicated to the County by deed of Gertrude H. Barringer recorded in the Richland County ROD in deed book 61 at page 585. Some of those rights-of-way, which are located near the intersection of I-77 and Leesburg Road, were ultimately used for construction of roads and are now publicly maintained streets. Peyton Road and Pepper Street east of Pennington Road, however, were never opened or constructed.

The heirs of Gertrude Barringer have requested that Richland County quit-claim to them the County’s interest in the un-opened rights-of-way. It is their intent to sell their property holdings to a developer who plans to use it for residential development. With the exception of two parcels of commercial property that have their primary frontage on Leesburg Road and Pennington Road, they own all of the property adjacent to the rights-of-way in question. The disposition of the property adjacent to those parcels is being negotiated with the property owners. A location map depicting the un-opened sections of Peyton Road and Pepper Street and the adjacent property is attached for reference.

The Department of Public Works (DPW) has no interest in opening roads on any of this right-of-way.

C. Financial Impact

Under section 21-14(c) of the *Richland County Code of Ordinances*, the County Council “may require the grantee(s) to pay up to the fair market value, as determined by the County Assessor’s Office, in exchange for the conveyance of the right-of-way.” The right-of-way involved in this action contains approximately 2.08 acres. The adjacent undeveloped property, which is owned by the grantee(s), is currently on the tax rolls at an average of \$54,206 per acre. The value of the right-of-way is, therefore, approximately \$112,748.

D. Alternatives

1. Approve the quit-claim with no compensation. The County would then receive no compensation from this transaction.
2. Approve the quit-claim with compensation. The County would receive \$112,748 from this transaction.
3. Reject the quit-claim altogether, and retain the rights-of-way to these roads.

E. Recommendation

In view of the precedent set on past quit-claim requests, alternative 1, approve the quit-claim with no compensation, is recommended.

Recommended by: Ralph B. Pearson, P.E Department: Public Works Date: 7/12/04

F. Reviews

Finance

Reviewed by (Finance Director): Carrie Neal Date:
 Recommend Council approval Recommend Council denial
Comments regarding recommendation:

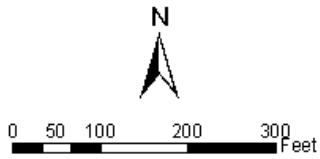
Reviewed by (Budget Director): Daniel Driggers Date: 7/19/04
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: Left to council discretion




Legal

Reviewed by: Amelia Linder Date: 7-19-04
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: This request is best left to the discretion of Council.

Administration

Reviewed by: Tony McDonald Date: 7/21/04
 Recommend Council approval Recommend Council denial
Comments regarding recommendation:



Legend	
	R/W in Question
	Parcels
	Buildings

Nelson Mullins

Nelson Mullins Riley & Scarborough LLP
Attorneys and Counselors at Law
1320 Main Street / 17th Floor / Columbia, South Carolina 29201
Tel: 803.799.2000 Fax: 803.256.7500
www.nelsonmullins.com

Ralston B. Vanzant, II
803.255.9408
Fax: 803.255.5559
pete.vanzant@nelsonmullins.com

July 12, 2004

Via Hand Delivery

Mr. Ralph Pearson
Richland County Engineer
400 Powell Road
Columbia, SC

RE: Tax Map Numbers 16411-1-20, 16411-10-1, and 16411-9-4
Our File No. 7790/9004

Dear Mr. Pearson:

Pursuant to my various conversations with you during the past few weeks, I represent the owners of several tracts of land generally lying between Pennington Road and Leesburg Road, these parcels lying East of Pennington Road and North of Leesburg Road and having Tax Map Numbers 16411-1-20, 16411-10-1, and 16411-9-4 ("Subject Property").

The present owners are the children and grandchildren of Gertrude H. Barringer who, in July 1950, did deed an easement and right-of-way for streets and roads to Richland County over and across a large tract of land owned by her by instrument recorded in the Richland County ROD Office in Book 61, Page 585. A copy of that deed is attached hereto. The Subject Property is the portion of this tract lying to the East of Pennington Road and to the North of Leesburg Road.

NO roads or streets were ever constructed or in use across the Subject Property pursuant to this conveyance, and the easements all lie within the lands formerly owned by Mrs. Barringer. The lots at the northeastern corner of the intersection of Pennington and Leesburg Roads all have their sole access onto those roads and have never used the Subject Property for ingress or egress to their lots.

On behalf of the owners of the Subject Property, I request that Richland County release and quitclaim its interest in the easement and rights-of-way created across the Subject Property by the instrument recorded in Book 61, Page 585. No other interest of Richland County in streets and roads constructed pursuant to this deed would be affected by this release. I have prepared the release and quitclaim deed for your consideration.

Thank you for your consideration of this request and please call me with any questions.

Very truly yours,



Ralston B. Vanzant, II

RBVII:mlivings
Enclosure

61 585

FILED

THE STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

8th 30 12 23 1950 AND RIGHT OF WAY DEED

C. E. HINNANT
C. C. P. & C. S.
RICHLAND COUNTY, S. C.
day of JULY

THIS INDENTURE made this the _____ day of _____, 19 50..

by and between Gertrude H. Barringer _____ of the county and state aforesaid, Party of the First Part, and the Supervisor and County Board of Commissioners of Richland County, of the County and State aforesaid, Parties of the Second Part, WITNESSETH:

That the said Parties hereto, for and in consideration of the sum of one (\$1.00) dollar each to the other paid, the receipt whereof is hereby acknowledged, and in the further consideration of the agreements and conditions hereinafter contained do mutually agree as follows:

That the Party of the First Part does hereby grant, bargain, sell, release and convey to the Parties of the Second Part, his and its successors in office, easements and rights-of-way, fifty (50') feet in width over and across the lands hereinafter described for the purpose of constructing and maintaining streets or roads thereon, said rights-of-way for the construction of such streets or roads being more particularly described as follows:

The streets layed out on suggested sub-divisions, property of Mrs. Gertrude H. Barringer near eastern limits of Columbia, South Carolina as shown on plat prepared by Wingfield & Rudisill, Registered Surveyors, dated April 25, 1950, which plat has been or will be recorded in the office of the Clerk of Court for Richland County, and which streets are more particularly described as will be seen by reference to said plat. A strip of land fifty (50') feet in width designated as and named Pringle Road, commencing on the northern side of Leesburg Road as will be seen by reference to the aforesaid plat and running thence in a northerly direction for a distance of eight hundred fifty (850') feet, more or less, to where it intersects with street designated as and named Pennington Road commencing at a point on the north side of Leesburg Road eight hundred fifty (850') feet, more or less, east of Pringle Road and running thence in a northerly direction for a distance of eleven hundred twenty five (1125') feet, more or less, to property now or formerly of Devereaux, thence turning and running in a more or less elliptic fashion in a westerly direction to the right-of-way of the Atlantic Coast Line Railway Company; that certain street designated as Peyton Drive commencing at a point on the north side of Leesburg Road eight hundred seventy (870') feet, more or less, east of Pennington Road running thence in a northerly direction for a distance of approximately two hundred twenty five (225') feet, thence turning and running in a north-westerly direction to Pennington Road which it intersects in an irregular fashion and from whence it runs in a westerly direction and in north-westerly direction to Pennington Road; that certain fifty (50') foot strip designated as and named Pepper Street which commences at a point on the eastern side of Pringle Road four hundred (400') feet, more or less, north of Leesburg Road and runs therefrom in an easterly direction for a distance of fifteen hundred twenty five (1525') feet, more or less, to Peyton Drive.

It is understood and agreed that the rights of way herein granted shall conform to the plat above referred to and reference to said plat is prayed for the exact courses and distances of said streets which constitute the rights of way herein granted.

61/585

Vol. 61 Page 585 1/2

It is understood and agreed that the width of the above described rights-of-way may exceed fifty feet if made necessary by cuts and fills or by drainage ditches.

Together with, all and singular the rights, members hereditaments and appurtenances thereunto belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD the said easements and rights-of-way unto the said Parties of the Second Part, his and its successors and assigns, upon the following conditions:

Party of the First Part understands that said streets or roads are located by the Party of the First Part; that the construction and maintenance of said streets or roads will tend to collect surface waters into artificial channels and cast same on the lands adjoining said rights-of-way in concentrated form, through interference with the natural flow of such surface waters; that the Parties of the Second Part do not hold themselves out to perform, nor do they have and ditch the lands adjoining, said rights-of-way (the contemplated road beds) for the purpose of removing the surface equipment and material or appropriations of money to purchase equipment and material necessary to adequately pipe waters or to provide means so that the natural flow of water shall not be impounded or interfered with to the damage of adjoining lands; and it is, therefore agreed as one of the material considerations and inducements for constructing and maintaining said streets or roads by the Parties of the Second Part, that the Party of the first part does hereby release the Parties of the Second Part, and his and their successors in office and Richland County, in the State aforesaid, from, and does hereby assume, all risks of loss, damage, destruction or claims, of every kind or description, present or future, caused to, or suffered by, Party of the First Part, herself, heirs, assigns or successors in title to property adjoining said rights-of-way resulting from the collection of, or interference with, the natural flow of surface water due to the construction and maintenance, including future construction, maintenance and repair, of said streets or roads creating or resulting in a nuisance or of the taking of property without due process of law.

And the said Party of the First Part for herself, heirs and assigns does hereby further agree to save and hold harmless the Parties of the Second Part, his and their successors in office, and Richland County, from all such losses, damages, destruction and claims hereinabove specified.

It being understood and agreed by and between the parties hereto that the Party of the First Part shall furnish, at no cost to the Party of the Second Part, all necessary drain pipe to be used in construction of the roads or streets over the rights-of-way hereinabove described and the Party of the Second Part shall furnish at no cost to the Party of the First Part all necessary pipe for opening driveways from said rights-of-way to the adjoining property.

And the Parties of the Second Part, his and their successors in office agree to construct and maintain said streets or roads in a good and reasonably workmanlike manner.

IN WITNESS WHEREOF the Parties hereto have hereunto set their hands and seals the day and year first hereinabove written.

Arthur D. Barris (SEAL)
PARTY OF THE FIRST PART

SUPERVISOR AND COUNTY BOARD OF COMMISSIONERS OF RICHLAND COUNTY
By John S. Patton (SEAL)
Supervisor and Chairman of the Board
Attest: W. C. L. ...
Clerk of the Board
PARTY OF THE SECOND PART

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

Betty B. Lee
John D. Lee, Jr.
As to Party of the First Part
O. H. Joyner
As to Party of the Second Part

THE STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

PROBATE NO. 1
As to Party of the First Part

PERSONALLY appeared before me Betty B. Lee
who being duly sworn says that she saw the within named Gertrude H. Barringer
Party of the First Part, sign, seal and as her act and deed deliver the within written instrument for the
uses and purposes therein mentioned, and that she with John D. Lee, Jr.
witnessed the execution thereof.

SWORN to before me this 28th Betty B. Lee
day of July 1950

John D. Lee, Jr. (L. S.)
Notary Public for South Carolina.

NOTARIAL SEAL

THE STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

PROBATE NO. 2
As to Party of the Second Part

PERSONALLY appeared before me O. H. Joyner
who being duly sworn says that he saw the within named Supervisor and County Board of Commissioners of Rich-
land County by the Supervisor and Chairman of the Board, attested to by the Clerk of the Board, sign, seal, and as its
act and deed deliver the within written instrument for the uses and purposes therein mentioned, and that he with
John D. Lee, Jr. witnessed the execution thereof.

SWORN to before me this 5th O. H. Joyner
day of July 1950

John W. Howell (L. S.)
Notary Public for South Carolina.

THE STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

RENUNCIATION OF DOWER

I, John D. Lee, Jr. Party of the first part is a female
do hereby certify unto all whom it may concern that Mrs. Gertrude H. Barringer Notary Public for S. C.,
the wife of the within named John D. Lee, Sr. did this day appear
before me, and upon being privately and separately examined by me did declare that she does, freely, voluntarily, and
without any compulsion, dread, fear of any person or persons whatsoever, renounce, release, and forever relinquish
unto the within named Supervisor and Board of Commissioners of Richland County, S. C., his and their successors, and
assigns, all her interest and estate, and also her right and claim of dower of, in and to, all and singular, the premises
mentioned and released.

Given under my hand and seal, this 5th day of July
Anno Domini, 1950

Sworn to before me this 5th day of July A. D. 1950
John W. Howell (L. S.)
Notary Public for S. C.

-----Save space above this line for recording data-----

STATE OF SOUTH CAROLINA)
) QUIT-CLAIM DEED
COUNTY OF RICHLAND)

TO ALL WHOM THESE PRESENTS MAY COME:

WHEREAS, Gertrude H. Barringer owned various tracts and parcels of land generally, lying on the eastern and western sides of Pennington Road in Richland County, South Carolina, and

WHEREAS, Gertrude H. Barringer conveyed to Richland County an easement and right of way across various of these tracts of land for streets and road by deed dated July, 1950 and recorded in the Richland County Register of Deeds Office in Book 61 at page 585, and

WHEREAS, a portion of the roads and streets contemplated under this deed were never, and are not now, in use or operation, and are completely within the boundaries of the lands formerly owned by Gertrude H. Barringer.

WHEREAS, the heirs of Gertrude H. Barringer, who are the present owners of this affected property, have requested the release and quitclaim back to them by Richland County of the portion of the easements and rights of way which were not ever built, constructed or used for streets, roads or for any other purposes, and

WHEREAS, Richland County has no interest in the easements and rights of way for the streets and roads which were never built, constructed or used,

NOW, KNOW ALL MEN BY THESE PRESENTS, That **RICHLAND COUNTY** (the "GRANTOR" hereinafter) in consideration of the aforesaid premises and recitals, and also in consideration of the sum of Ten and no (\$10.00) Dollars to it in hand paid at and before the sealing and delivery of these presents by **SEA PINES LIMITED PARTNERSHIP, VICTOR CLAY YOUNT FAMILY TRUST, BARTON KYLE YOUNT FAMILY TRUST, L. HERRICK HIGGINS, JR, JONATHAN E. HIGGINS, EUGENIA B. HIGGINS, AND LUCY HIGGINS, AS TRUSTEES OF THE EUGENIA BARRINGER HIGGINS IRREVOCABLE TRUST AGREEMENT DATED OCTOBER 20, 1990** (the "GRANTEE" hereinafter), the receipt of which consideration is hereby acknowledged, has remised, released and forever quit-claimed, and by these presents does remise, release and forever quit-claim unto the said Grantee, its heirs, successors and assigns, all its right, title, and interest in and to the following:

All Grantor's right, title and interest in and to the easements and rights of way for streets and roads located East of Pennington Road and North of Leesburg Road which are a portion of the easements and rights of way conveyed to it by Gertrude H. Barringer by deed recorded in the Richland County Register of Deeds Office in Book 61, page 585. The adjoining lands of Grantees are Tax Map Parcels 16411-1-20, 16411-10-1 and 16411-9-4.

Grantee's Address: _____

TOGETHER with all and singular the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining:

TO HAVE AND TO HOLD all and singular the said premises before mentioned unto the said GRANTEE, its heirs and assigns, forever, so that neither the said GRANTOR nor its heirs or assigns, nor any other person or persons, claiming under it, shall at any time hereafter, by any way or means, have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part or parcel thereof, forever.

WITNESS THE HAND AND SEAL of the Grantor's duly authorized signatory authority
this _____ day of October, 2004.

Signed, sealed and delivered
in the presence of:

Richland County

By: _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

PERSONALLY appeared before me the undersigned witness and made oath that (s)he saw the within-named Grantor sign, seal and as its and deed, deliver the within-written deed; and that (s)he with the other witness subscribing above witnessed the execution thereof.

SWORN to before me this _____
____ day of _____, 2004.

NOTARY PUBLIC FOR
My Commission Expires: _____

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-04HR

AN ORDINANCE AUTHORIZING QUIT CLAIM DEED TO SEA PINES LIMITED PARTNERSHIP, VICTOR CLAY YOUNT FAMILY TRUST, BARTON KYLE YOUNT FAMILY TRUST, L. HERRICK HIGGINS, JR., JONATHAN E. HIGGINS, EUGENIA B. HIGGINS, AND LUCY HIGGINS, AS TRUSTEES OF THE EUGENIA BARRINGER HIGGINS IRREVOCABLE TRUST AGREEMENT DATED OCTOBER 20, 1990.

Pursuant to the authority by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, BE IT ENACTED BY RICHLAND COUNTY COUNCIL:

SECTION I. The County of Richland and its employees and agents are hereby authorized to grant a quit claim deed to Sea Pines Limited Partnership, Victor Clay Yount Family Trust, Barton Kyle Yount Family Trust, L. Herrick Higgins, Jr., Jonathan E. Higgins, Eugenia B. Higgins, and Lucy Higgins, as Trustees of the Eugenia Barringer Higgins Irrevocable Trust Agreement dated October 20, 1990, for certain easements and rights-of-way, as specifically described in the “Quitclaim Deed”, which is attached hereto and incorporated herein.

SECTION II. Severability. If any section, subsection, or clause of this ordinance shall be deemed unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION III. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV. Effective Date. This ordinance shall be enforced from and after _____, 2004.

RICHLAND COUNTY COUNCIL

By: _____
Bernice G. Scott, Chair

Attest this _____ day of
_____, 2004.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Approved As To LEGAL Form Only
No Opinion Rendered As To Content

First Reading: October 5, 2004 (tentative)
Second Reading:
Public Hearing:
Third reading: