STATE OF SOUTH CAROLINA
COUNTY OF JASPER

ORDINANCE: 2020-_____

AN ORDINANCE
OF JASPER COUNTY COUNCIL

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A UTILITY EASEMENT ENCUMBERING PROPERTY OWNED BY JASPER COUNTY

WHEREAS, Jasper County owns real property consisting of 2.04 acres, more or less, which is more particularly known as Tax Parcel 029-39-07-044, located at 202 Stiney Road, Jasper County, South Carolina; and

WHEREAS, Jasper County is constructing a fire station on Tax Parcel 029-39-07-044, which will require electrical, cable, and other service utilities provided by Dominion; and

WHEREAS, Dominion Energy South Carolina, Inc., ("Dominion") requests a utility easement from Jasper County to service Tax Parcel 029-39-07-044; and

WHEREAS, Jasper County Council has determined that it is in its best interest to authorize the execution and delivery of the requested utility easement attached hereto and incorporated by reference as "Exhibit 1" respectively; and

WHEREAS, S.C. Code Ann. § 4-9-130 requires that the transfer of any interest in real property owned by the County must be authorized by the adoption of an ordinance by Jasper County Council.

NOW, THEREFORE, BE IT ORDAINED BY JASPER COUNTY COUNCIL, that the Jasper County Administrator is hereby authorized to execute any and all documents necessary to execute the delivery of the utility easement which is attached hereto as "Exhibit 1", with leave granted to make such

typographical and grammatical changes as may be suggested by the County Attorney.

1. This ordinance shall take effect upon approval by Council.

Henry Etheridge
Chairman

ATTEST:

Tisha Williams
Acting Clerk to Council

ORDINANCE: # 2020 -__

First Reading: May 4th, 2020
Second Reading: _____
Property Posted: _____
Public Hearing: _____
Adopted: _____

Reviewed for form and draftsmanship by the Jasper County Attorney.

David Tedder **Date**

Easement # 900366

INDENTURE, made this _____ day of _____, **2020** by and between **Jasper County** of the State of South Carolina, hereinafter called "Grantor" (whether singular or plural), and the DOMINION ENERGY SOUTH CAROLINA, INC., a South Carolina corporation, having its principal office in Cayce, 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 **Jasper,** 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 overhead or underground electric line or lines consisting of any or all of the following: poles, conductors, lightning protective wires, municipal, public or private communication lines, cables, conduits, pad mounted transformers, guys, push braces and other accessory apparatus and equipment deemed by Grantee to be necessary or desirable, upon, over, across, through and under land described as follows: a portion of a tract or lot of land containing **2.04 acres,** more or less, and being the same lands conveyed to Grantor by deed of **Rodney Stiney and Valarie E. Mills,** dated or recorded **3/25/2019,** and filed in the Register of Deeds office for **Jasper** County in **Deed Book 1001 at Page 0008.**

All that certain piece, parcel or lot of land, lying and being situate in the Hardeeville area, and being shown on that certain Plat dated November 1, 2018 and recorded in Plat Book 36 at Page 230. The easement is for the Grantee's facilities entering property at the northwest corner, thence proceeding approximately 200ft. in an easterly direction. See Exhibit "A", attached hereto and made a part hereof, as reference only.

TMS: 029-39-07-044

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 ("Easement Space") extending Fifteen (15) feet on each side of any pole lines and Five (5) feet on each side of any underground wires and within, over, under or through a section of land extending Twelve (12) feet from the door side(s) of any pad mounted transformers, elbow cabinets, switchgears or other devices as they are installed; 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 applicable above specified Easement Space, 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 said lands of Grantor 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:

For: Jasper County

_____

1st Witness

By:_____

Andrew P. Fulghum, County Administrator

_____

2nd Witness

Easement # 900366

ACKNOWLEDGMENT

STATE OF SOUTH CAROLINA)
)
COUNTY OF **Jasper**)

The foregoing instrument was acknowledged before me, the undersigned Notary, and I do hereby certify that the within named **Andrew P. Fulghum, County Administrator**, of **Jasper County**, personally appeared before me this day and that the above named acknowledged the due execution of the foregoing instrument.

Sworn to before me this _____ day of _____, 2020

_____
Signature of Notary Public State of SC

My commission expires: _____

_____
Print Name of Notary Public

RIGHT OF WAY GRANT TO
DOMINION ENERGY SOUTH CAROLINA, INC

Line: **STINEY RD FIRE DEPT- NEW SVC**

County: **Jasper**

R/W File Number: **23915**

Grantor(s): **Jasper County**

Return to: DESC, C/O Right of Way Dept., 81 May River Road, Bluffton, SC 29910
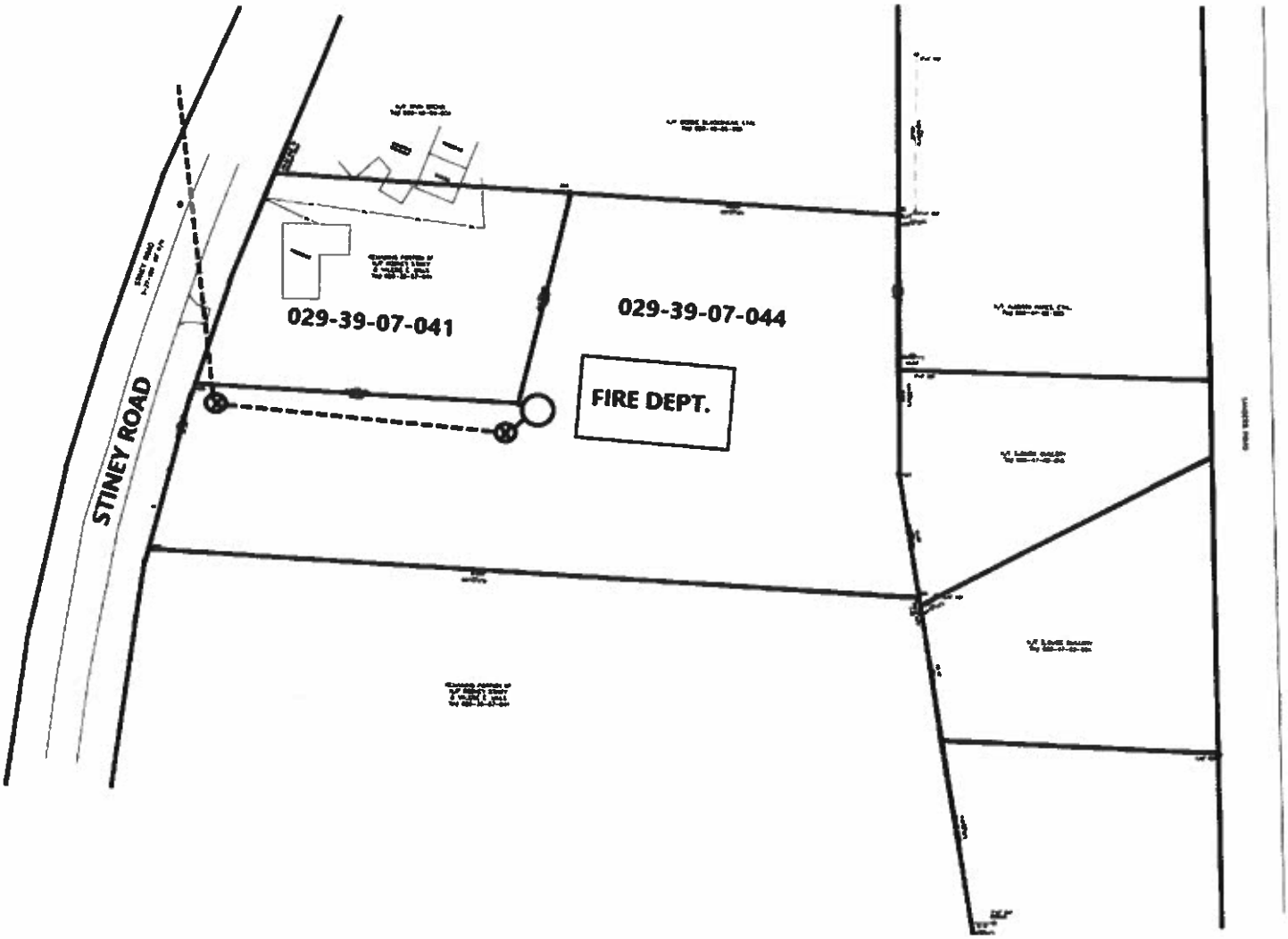
EXHIBIT "A"