

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA

TRANSPORTATION AD HOC COMMITTEE

October 2, 2017.-12:30.PM

Legal. Conference Room

1. Call to Order
2. Approval of Minutes (Pages 2-6)
3. Adoption of the Agenda
4. Farrow/Pisgah Church Road Intersection Project (Pages 7-38):
 - a. Proposed Resolution for acquisition of 1.19 acres from South Carolina DDSN^{1,2}
 - b. Proposed Ordinance Granting of permanent easement to SCE&G^{1,2}
5. Bluff Road Widening Phase I: Proposed Ordinance for quitclaim of property^{1,2} (Pages 39-50)
6. Program Status Update (Pages 51)
7. Other Business
8. Adjournment

¹Items that require Action

²Items with outside legal counsel



Committee Members

Jim Manning, Chair
District Eight

Bill Malinowski
District One

Yvonne McBride
District Three

Paul Livingston
District Four

Norman Jackson
District Eleven



Richland County Council

TRANSPORTATION AD HOC COMMITTEE
September 6, 2017 – 11:45 AM
4th Floor Conference Room
2020 Hampton Street, Columbia, SC 29201

COMMITTEE MEMBERS PRESENT: Jim Manning, Chair; Bill Malinowski, Norman Jackson, Yvonne McBride, and Paul Livingston

OTHERS PRESENT: Calvin “Chip” Jackson, Dalhi Myers, Shawn Salley, Tony Edwards, Roger Sears, Michelle Onley, Gerald Seals, Larry Smith, Sandra Yudice, and Stacey Hamm

1. **CALL TO ORDER** – Mr. Manning called the meeting to order at approximately 11:46 a.m.
2. **APPROVAL OF MINUTES**
 - a. June 20, 2017 – Mr. Livingston moved, seconded by Mr. N. Jackson, to approve the minutes as distributed. The vote in favor was unanimous.
3. **ADOPTION OF AGENDA** – Mr. Malinowski moved, seconded by Mr. Livingston, to adopt the agenda as published. The vote in favor was unanimous.

Mr. Malinowski stated there were typographical errors on Items #5 and #8.

Item #5 should read: In 2012, Richland County voters approved a referendum establishing the Penny Sales Tax Program. In addition, voters also approved the ability for the County to bond up to \$450 million for the program. Bond counsel has been invited to the ad hoc meeting to discuss the required readings prior to the issuance of bonds.

Item #8 should read:Due to substandard performance and delivery, the options for years 3 and 4 were not exercised. Administration has approved the Transportation Program’s request to move forward with the five On-Call Consulting Teams completing years 3 and 4 of the dirt road program.

4. **ATLAS ROAD WIDENING PROJECT: RIGHT-OF-WAY ACQUISITION** – Mr. Edwards stated Ms. Myers had requested the following tracts be deferred, so that she could meet with the property owners in an effort to prevent having to go through the condemnation process.
 - a. Tract 94
 - b. Tract 141
 - c. Tract 142
 - d. Tract 181
 - e. Tract 185
 - f. Tract 204
 - g. Tract 213
 - h. Tract 216
 - i. Tract 174
 - j. Tract 176

Mr. Livingston moved, seconded by Mr. N. Jackson, to approve staff's recommendation to proceed with condemnation.

Mr. Malinowski requested an explanation of the "Miscellaneous Notes" for the various tracts, especially the "To clear Title heirs".

Mr. Edwards stated a title opinion is requested for each property before contact is made to ensure who the true owner is. The title opinion lists the liens and judgments. The reason they are not waited on is because there is an indefinite timeframe on when the liens and judgments will be cleared.

Ms. Myers stated she will be meeting with the community in the near future and will be sure all possibilities have been exhausted.

Mr. Edwards stated even though we are going through condemnation there are still opportunities for it to go through the estate or heirs process and be cleared up prior to condemnation being completed.

The vote in favor was unanimous.

5. **FIRST READING FOR THE TRANSPORTATION BOND ISSUANCE** – Mr. Manning stated he requested this item be placed on the agenda due to the pending timeframe for issuing bonds.

Mr. Livingston moved, seconded by Mr. N. Jackson, to forward this to Council with a recommendation for approval by title only. The vote in favor was unanimous.

6. **BROAD RIVER NIP: SCDOT SUPPLEMENTAL AGREEMENT** – Mr. Malinowski moved, seconded by Mr. N. Jackson, to forward to Council with a recommendation for approval. The vote in favor was unanimous.

7. **MONTHLY PDT UPDATE AT COUNCIL MEETINGS** – Mr. Manning suggested having the PDT do a brief monthly update to Council.

Mr. Livingston moved, seconded by Mr. Malinowski, to have the PDT to make a presentation to full Council.

Mr. Livingston suggested having a report by the PDT at every committee meeting and Council bi-monthly or quarterly.

Mr. C. Jackson stated he would suggest giving the PDT longer than the standard 5-minutes to make a presentation.

Mr. N. Jackson inquired if there is a weekly or monthly update in the Administrator's Report.

Mr. Edwards stated that is a weekly report.

Mr. Livingston moved, seconded by Mr. Malinowski, to direct the PDT to give an update at every committee meeting. The vote in favor was unanimous.

Mr. Livingston moved, seconded by Mr. Malinowski, to direct the PDT to give an update bi-monthly to full Council beginning in October. The vote in favor was unanimous.

Mr. C. Jackson requested to ensure that the presentation will be up to 10 minutes.

Mr. Livingston accepted that as a friendly amendment to his motion.

8. **DIRT ROAD PROGRAM STATUS UPDATE** – Mr. Manning stated the Dirt Road Paving program is currently in the third year of development. To date, 31 dirt roads have been paved. Of those 31 roads, 30 were designed by CECS, Inc. to begin the program. Subsequently, the county procured Dennis Corp. to design and secure right-of-way under a 2-year contract with optional extensions for years 3 and 4. Due to substandard performance and delivery, the option for years 3 and 4 were not exercised. Administration has approved the Transportation Program’s request to move forward with the five On-Call Consulting Teams completing years 3 and 4 of the dirt road program.

Mr. Malinowski requested a breakdown of how the roads will be divided up by the On-Call Consulting Teams.

Mr. Edwards stated each On-Call team has been given 10 roads. When the 10 roads are done, then they are eligible to receive additional roads. Of the 5 primes, 4 are SLBEs.

Ms. Myers inquired if the On-Call teams will be working in a roughly contiguous area of the County.

Mr. Edwards stated it is the Transportation Program’s intent to break up the roads geographically.

Ms. McBride inquired if there is a process to add additional roads to the list.

Mr. Edwards stated at this time we are using the roads that have been determined. Anything was not approved on the referendum cannot be added.

Ms. Myers inquired since many of the residents have not agreed to paving of their roads if substitute roads could be proposed.

Mr. Manning stated not at this time. He stated there were actually 3 tiers of roads. Once everything in tier 1 has been paved, then the Transportation Ad Hoc Committee and the TPAC will review the other tiers.

Mr. Livingston stated he would like to see staff apply the criteria to the proposed roads in the event funding becomes available.

Mr. C. Jackson stated his comment has to do with quality control and accountability to prevent a replication of what happened before. He inquired if there was going to be a process to make more immediate adjustments put into place to monitor and determine if the On-Call teams are delivering on time.

Mr. Edwards stated they are in the process of developing the process.

9. **GILLS CREEK GREENWAY PROJECT: FUNDING TRANSFER** – Mr. Manning stated staff recommends funding from Gills Creek Greenway Section B be reallocated to Gills Creek Greenway Section A, thus removing Section B from the Penny Program.

Mr. Malinowski requested additional information on this item. (i.e. Where is Section A? Section B? What amount of funding is needed for Section A?)

Mr. Malinowski moved, seconded by Ms. McBride, to defer this item until the next Transportation Ad Hoc Committee meeting.

Mr. Livingston made a substitute motion, seconded by Mr. N. Jackson, to refer this item to Council without a recommendation.

Mr. Edwards stated Section B is the area of the greenway that goes through the King's Grant subdivision and they expressed interest to not have a greenway go through the subdivision. The HOA letter included in the agenda packet states as such. In order to build the greenway the County would have needed property from the HOA.

Mr. Manning stated if they do not want it in their neighborhood where is the funding going.

Mr. Malinowski stated the funding would be reallocated to Section A.

Mr. Beaty stated the referendum identified \$2.24 million for Section A. There were 2 public input meetings held and the residents of King's Grant attended those public input meeting and stated they did not want the greenway in Section B. The beginning termini for Section A has been modified and based upon the current cost estimates the \$2.2 million will only go 1/3 of the way desired in the referendum. Therefore, the recommendation is to take the \$2.785 million set aside for Section B and reallocate it to Section A.

Mr. Malinowski would like the cost estimates of the original Section A greenway vs. the modified Section A greenway before he can decide if he'll support the reallocation of funding.

Mr. N. Jackson expressed concern the residents of King's Grant do not want the greenway now that the referendum has passed. He also expressed concern with the cost estimate for Section A.

Mr. Smith stated Council has had over a period of time questions regarding adding projects to the list that were not a part of the approved referendum. This issue of reallocating funding to another project from a particular project that was approved was something that was recently brought to the Legal Department for review. It was not clear if the request was coming from Council or exactly what the nature of the request was; therefore, the Legal Department has not begun to look into the matter. Because the projects are tied to the referendum, there may be some issues with what kind of discretion Council has to not do a project and then reallocate those funds.

Mr. Livingston withdrew his substitute motion.

The vote in favor was unanimous of deferring this item until the next Transportation Ad Hoc Committee meeting.

10. **PROGRAM STATUS UPDATE** – Mr. Beaty provided the Transportation Penny Program's monthly report to the committee members and stated this report is also available on the website.

- To date the program has executed construction contracts of about \$150 million.
- Currently procuring and putting the bid packages together for 3 sidewalk projects, a resurfacing package and additional dirt road packages.
- To date \$24 million has been committed to the resurfacing program.
- Projects that are currently experiencing or could potentially experience delays due to utility issues with the City of Columbia;
 - a. Clemson Widening
 - b. Magnolia School House Sidewalk Project
 - c. Greene Street – Phase II Right-of-Way Acquisition

Transportation Ad Hoc Committee
September 6, 2017

Mr. C. Jackson stated he specifically inquired at a previous Council meeting about the status of Clemson Road widening and was told there was no delay, but yet they were mentioned today as one of the ones that could be delayed. Why is there a difference of opinion?

Mr. Beaty stated the right-of-way is almost done, and all of the utilities are done with the exception of the waterline with the City of Columbia. The design will take approximately 10 weeks after a firm has been selected, negotiated and a notice to proceed is issued. The only needed from the SCDOT is for them to approve the construction plans. There is one minor issue with a signal, but they won't approve the construction plans until the utility line is done.

Mr. C. Jackson inquired as to who makes the determination about moving forward on the waterlines.

Mr. Beaty stated as he understands it that is a question about the County or City paying for that.

Mr. C. Jackson inquired if the City is not going to pay and we are not going to pay are we at a stalemate.

Mr. Manning stated this is an agenda item for the joint County/City meeting.

Mr. C. Jackson stated he would like to have some clarity before the joint meeting.

Mr. Livingston inquired if there was enough money allocated from the Penny to complete Clemson Road include the utility relocation.

Mr. Beaty responded in the affirmative.

Mr. Livingston stated he would rather pay for the relocation of the utilities and deal with the City later, but not hold up the projects.

Mr. N. Jackson inquired if the County had not questioned the costs if the County would have been paying for something the City is responsible for.

Mr. Beaty responded in the affirmative.

Ms. Myers stated when we looked at the costs of these projects that none of them have come in under budget. She is surprised with this project there is enough funding to complete the project and funding for relocation of the waterline.

Mr. Beaty stated the referendum amounts were estimated at the time of the referendum. The estimate for Clemson Road is approximately \$20 million. Clemson Road is one of the simplest widening projects because there is plenty of right-of-way, no bridges, and only 2 culverts that need to be extended. Therefore, the cost estimate appears to be coming under the referendum amount. The current estimate for the Atlas Road Widening is greater than the referendum amount.

Ms. Myers inquired about how much under the Clemson Road estimate than the referendum amount.

Mr. Beaty stated he does not recall off the top of his head, but he does not believe it is much.

11. **ADJOURNMENT** – The meeting adjourned at approximately at 12:58 p.m.

4. Farrow/Pisgah Church Road Intersection Project

Discussion Point:

Negotiations have been finalized between Richland County and the South Carolina Department of Disabilities and Special Needs for the purchase of property needed to construct the Farrow/Pisgah Church Road intersection project. The purchase requires a resolution by Council with 3 readings and a public hearing.

In addition, to construct the project SCE&G is required to relocate their utility lines. Due to SCE&G's prior rights, the County is required to pay for this relocation outside of the right of way. A portion of the property purchased from SC DDSN is proposed to be conveyed to SCE&G by easement, requiring an ordinance by Council.

Recommendation:

Staff respectfully requests the Committee to concur with the proposed resolution and ordinance and to forward to full Council for consideration.

1 **WHEREAS**, in response to the service of the pre-filed Condemnation Notice and
2 Tender of Payment on behalf of Richland County and pursuant to S.C. Code Ann. §28-2-
3 470, DDSN and DOA (collectively “State Agencies”) commenced a challenge action
4 against the County in the South Carolina Circuit Court for the Fifth Judicial Circuit. (See
5 Civil Action No. 2016-CP-40-4560.)
6

7 **WHEREAS**, after settlement negotiations, Richland County and the State
8 Agencies, through counsel, have tentatively agreed, subject to approval of Richland County
9 Council, that all property sought to be acquired, whether in fee simple or permanent
10 easement, shall be acquired in fee simple absolute for the total sum paid of Ninety-Seven
11 Thousand Five Hundred and 00/100 Dollars (\$97,500.00) in full, complete, and final
12 settlement of the Challenge Action and underlying pre-filed Condemnation Notice and
13 Tender of Payment.
14

15 **WHEREAS**, South Carolina Electric & Gas (“SCE&G”) provides electrical utility
16 services in the area, and, given the design of the project, will be required to remove certain
17 of its facilities in the vicinity of the Project, and relocate, replace, and rebuild its electrical
18 facilities within the approximate 0.32 acre originally designated in the Condemnation
19 Notice and Tender of Payment to be acquired as a permanent easement. Because SCE&G
20 has prior rights in and to the location of certain of its current facilities that will be displaced
21 by the Project, Richland County is required to provide SCE&G, without charge, with a
22 permanent easement in and to the approximately 0.32 acre for its use in relocating its
23 electrical facilities.
24

25 **WHEREAS**, Richland County declares that acquiring the entire 1.19 acres in fee
26 is in the best interest of Richland County as it fosters a settlement in lieu of Richland
27 County having to fully prosecute a condemnation action to acquire the real property for
28 purposes of the Project and thereby avoids the costs, uncertainty and risks of litigation.
29

30 **WHEREAS**, Richland County further declares that improving the transportation
31 infrastructure in Richland County, including, without limitation, those improvements to be
32 constructed as part of the Project, is essential to improving roadway safety for drivers and
33 passengers and other members of the public using public roadways and traversing in or
34 through Richland County, as well as enhancing both present and future economic
35 development and prosperity for the citizens of Richland County.
36

37
38 **NOW, THEREFORE BE IT RESOLVED BY RICHLAND COUNTY**
39 **COUNCIL DULY ASSEMBLED IN A PUBLIC MEETING, AS FOLLOWS:**
40

- 41 1. Richland County Council hereby approves the acquisition by Richland County in
42 fee simple absolute of 1.19 acres further described as follows:
43

44 All that parcel or strip of land, in fee simple, containing 0.87 acre
45 (37,759.16 square feet), more or less, damages, and all improvement
46 thereon, if any, owned by the South Carolina Department of
47 Disabilities and Special Needs shown as the "Obtain" on Exhibit A,
48 attached hereto and made a part hereof, between approximate survey

1 stations 10+00.00 and 21 +00, on the left of the Farrow Road survey
2 centerline, and between approximate survey stations 15+37.94 and
3 19+94.44 on the right of the Pisgah Church Road Reloc. survey
4 centerline, and between survey stations 18+00 and 19+94.44 on the
5 left of the Pisgah Church Road Reloc. centerline. Tax Map Number
6 144400-01-04,

7 AND

8
9 All that parcel or strip of land, with improvements thereon, if any,
10 containing 0.32 acre (13,937.56 square feet), shown as the "Obtain"
11 on Exhibit B, attached hereto and made a part hereof, between
12 approximate survey stations 7+75.58 and 16+75.33 on the left of the
13 Farrow Road centerline. Tax Map Number R14400-01-04.

14
15 In consideration of the total sum of Ninety-Seven Thousand Five Hundred and
16 00/100 Dollars (\$97,500.00) to be paid by Richland County to the State Agencies.
17

- 18 2. S.C. Code Ann. § 4-9-120 authorizes Richland County Council to adopt an
19 ordinance after reading said ordinance at three (3) public meetings of the Richland
20 County Council on three separate days with an interval of not less than seven (7)
21 days between the second and third readings.
22
- 23 3. Upon the due enactment of the attached proposed ordinance (attached hereto as
24 Exhibit C), Richland County is authorized to grant, without charge, to South
25 Carolina Electric and Gas Company a permanent easement in certain real property
26 near the intersection of Farrow and Pisgah Church Roads in Richland County, being
27 approximately 0.32 acre after, and only after, such property has been acquired by
28 Richland County from the South Carolina Department of Disabilities and Special
29 Needs and the South Carolina Department of Administration for the purpose of
30 relocating, constructing, maintaining, providing and otherwise operating electrical
31 utility facilities necessary and useful in providing electrical utility services, all in
32 furtherance of a transportation improvement project for the Transportation Penny
33 Program.
34
- 35 4. The Richland County Administrator, or his delegee, is hereby empowered to
36 execute and deliver, with the advice of counsel, all documents necessary, required,
37 or useful to complete the transactions authorized and approved by this Resolution
38 or as may otherwise be necessary or useful to give effect to the intent of this
39 Resolution. Closing of the transaction with the State Agencies shall be completed
40 prior to granting the permanent easement to SCE&G, and the granting of the
41 permanent easement to SCE&G shall be completed only after the ordinance
42 authorized by this Resolution shall have been enacted by Richland County Council
43 after the required three (3) readings and the conduct of the required public hearing.
44

45
46 [SIGNATURE PAGE FOLLOWS]
47
48

1
2
3 Adopted this _____ day of _____, 2017.
4
5

6 COUNTY COUNCIL OF RICHLAND COUNTY
7

8
9 By: _____
10

11 Honorable Joyce Dickerson, Chair
12
13

14
15 Attest this _____ Day of _____ 2017
16
17

18 _____
19 Clerk of Council
20
21

22
23
24
25 RICHLAND COUNTY ATTORNEY'S OFFICE
26
27

28
29 _____
30 Attorney for Richland County
31 [APPROVED AS TO FORM ONLY]
32
33

34
35
36
37 First Reading: _____, 2017
38

39 Second Reading: _____, 2017
40

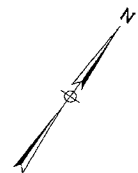
41 Public Hearing: _____, 2017
42

43 Third and Final Reading: _____, 2017

EXHIBIT A

EXHIBIT "A"

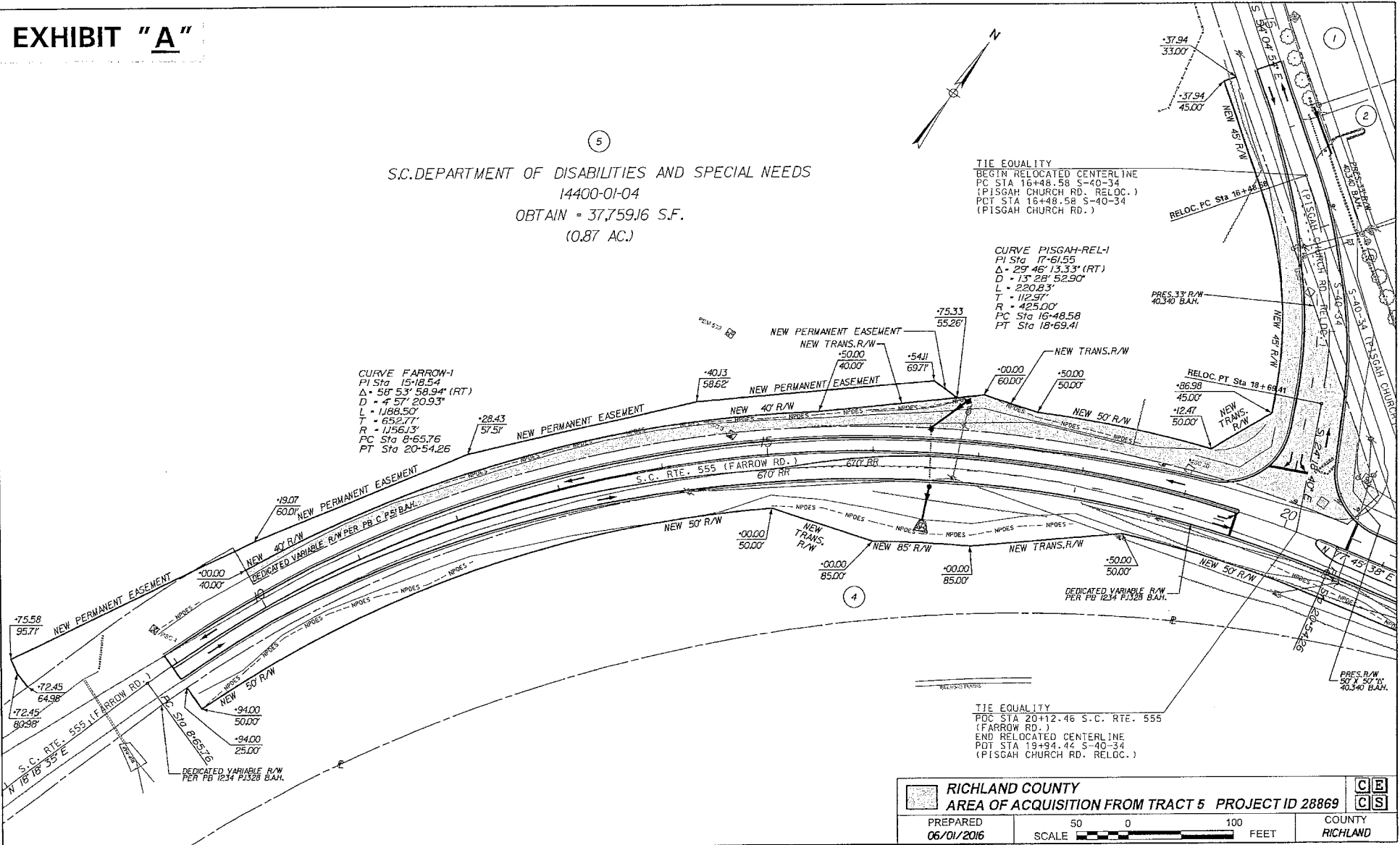
5
 S.C. DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS
 14400-01-04
 OBTAIN = 37,75916 S.F.
 (0.87 AC.)



TIE EQUALITY
 BEGIN RELOCATED CENTERLINE
 PC STA 16+48.58 S-40-34
 (PISGAH CHURCH RD. RELOC.)
 PCT STA 16+48.58 S-40-34
 (PISGAH CHURCH RD.)

CURVE PISGAH-REL-1
 PI Sta 17+61.55
 $\Delta = 29^{\circ} 46' 13.33''$ (RT)
 $D = 13^{\circ} 28' 52.90''$
 $L = 220.83'$
 $T = 112.51'$
 $R = 425.00'$
 PC Sta 16+48.58
 PT Sta 18+69.41

CURVE FARROW-1
 PI Sta 15+18.54
 $\Delta = 58^{\circ} 53' 58.94''$ (RT)
 $D = 4^{\circ} 57' 20.93''$
 $L = 1188.50'$
 $T = 652.77'$
 $R = 115613'$
 PC Sta 8+65.76
 PT Sta 20+54.26



TIE EQUALITY
 POC STA 20+12.46 S.C. RTE. 555
 (FARROW RD.)
 END RELOCATED CENTERLINE
 PCT STA 19+94.44 S-40-34
 (PISGAH CHURCH RD. RELOC.)

RICHLAND COUNTY AREA OF ACQUISITION FROM TRACT 5 PROJECT ID 28869		
PREPARED 06/01/2016	SCALE 50 0 100 FEET	COUNTY RICHLAND

EXHIBIT B

EXHIBIT C

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY

ORDINANCE NO. _____

AN ORDINANCE

AN ORDINANCE AUTHORIZING RICHLAND COUNTY TO GRANT, WITHOUT CHARGE, TO SOUTH CAROLINA ELECTRIC AND GAS COMPANY (“SCE&G”) A PERMANENT EASEMENT IN CERTAIN REAL PROPERTY NEAR THE INTERSECTION OF FARROW AND PISGAH CHURCH ROADS IN RICHLAND COUNTY, BEING APPROXIMATELY 0.32 ACRE TO BE ACQUIRED BY RICHLAND COUNTY FROM THE SOUTH CAROLINA DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS (“DDSN”) AND THE SOUTH CAROLINA DEPARTMENT OF ADMINISTRATION (“DOA”) FOR THE PURPOSE OF RELOCATING, CONSTRUCTING, MAINTAINING, PROVIDING AND OTHERWISE OPERATING ELECTRICAL UTILITY FACILITIES NECESSARY AND USEFUL IN PROVIDING ELECTRICAL UTILITY SERVICES, ALL IN FURTHERANCE OF A TRANSPORTATION IMPROVEMENT PROJECT FOR THE TRANSPORTATION PENNY PROGRAM

WHEREAS, Richland County, South Carolina (“Richland County”) is a political subdivision of the State of South Carolina.

WHEREAS, for the benefit of the citizens of Richland County and in furtherance of the purposes of the Transportation Penny Program, Richland County desires and plans to execute an intersection improvement project at the intersection of Farrow Road (S.C. 555) and Pisgah Church Road (S-34), SCDOT ID No. 28869, RPP Project No. 296, in the County of Richland, South Carolina (the “Project”).

WHEREAS, the Project necessitates acquisition of part of the Midlands Center Property which is located adjacent to the Project, and, as a result thereof, the County sought to acquire by condemnation part of DDSN’s property in fee simple absolute and certain other property in permanent easement for purposes of completing the Project.

WHEREAS, after settlement negotiations, Richland County and the State Agencies, through counsel, have tentatively agreed, subject to approval of Richland County Council, that all property sought to be acquired, whether in fee simple or permanent easement, will be acquired in fee simple absolute for the total sum paid of Ninety-Seven Thousand Five Hundred and 00/100 Dollars (\$97,500.00) in full, complete, and final settlement of the Challenge Action and underlying pre-filed Condemnation Notice and Tender of Payment.

WHEREAS, S.C. Code Ann. § 4-9-120 authorizes Richland County Council to adopt an ordinance after reading said ordinance at three (3) public meetings of the Richland County Council on three separate days with an interval of not less than seven (7) days between the second and third readings.

WHEREAS, S.C. Code Ann. § 4-9-130 requires notice and a public hearing whenever Richland County sells, leases, or contracts to sell or lease real property owned by Richland County.

WHEREAS, because Richland County intends to acquire in fee simple absolute title to the approximately 0.32 acre of real property that is designed by the Project engineers to be used by SCE&G to relocate and rebuild its electrical utility facilities, it therefore will be necessary for Richland County, after it acquires title in and to a portion of the Midlands Center Property, to convey the necessary permanent easement to SCE&G pursuant to a duly approved ordinance adopted and approved by Richland County Council authorizing and permitting such transfer.

WHEREAS, Richland County declares that the tentative settlement is in the best interest of Richland County because it fosters a settlement in lieu of Richland County prosecuting a condemnation action to acquire the real property for purposes of completing the Project and thereby avoids the costs, uncertainty and risks of litigation.

WHEREAS, Richland County further declares that improving the transportation infrastructure in Richland County, including, without limitation, those improvements to be constructed as part of the Project, is essential to improving roadway safety for drivers and passengers and other members of the public using public roadways and traversing in or through Richland County, as well as enhancing both present and future economic development and prosperity for the citizens of Richland County.

NOW, THEREFORE, BE IT RESOLVED BY RICHLAND COUNTY COUNCIL IN A DULY ASSEMBLED PUBLIC MEETING AS FOLLOWS:

SECTION 1. Based upon the foregoing findings, Richland County Council finds it appropriate and in the best interest of Richland County to enact this ordinance for the purpose of authorizing Richland County to grant, without charge, to South Carolina Electric and Gas Company a permanent easement in certain real property near the intersection of Farrow and Pisgah Church Roads in Richland County, being approximately 0.32 acre to be acquired by Richland County from the South Carolina Department of Disabilities and Special Needs and the South Carolina Department of Administration for the purpose of relocating, constructing, maintaining, providing and otherwise operating electrical utility facilities necessary and useful in providing electrical utility services, all in furtherance of a transportation improvement project for the Transportation Penny Program.

SECTION 2. This ordinance was introduced and read at (3) public meetings of the Richland County Council on three (3) separate days with an interval of not less than seven (7) days.

SECTION 3. This Ordinance becomes effective and is duly enacted upon third and final reading of the Richland County Council.

SECTION 4. The Richland County Administrator, or his delegee, is hereby authorized to execute and deliver, with the advice of counsel, all necessary and useful

documents that may be required to complete the transaction authorized by this Ordinance and to give effect to the intent hereof not earlier than the third and final reading of this Ordinance by the Richland County Council.

SECTION 5. If any section, phrase, sentence, or portion of the Ordinance or is, for any reason, held, deemed, or considered to be invalid, illegal, unenforceable, then such section, phrase, sentence, or portion thereof shall be deemed separate, distinct, and an independent provision and shall not affect the remaining portion or portions thereof.

SECTION 6. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Adopted this _____ day of _____, 2017.

COUNTY COUNCIL OF RICHLAND COUNTY

By: _____

Honorable Joyce Dickerson, Chair

Attest this _____ Day of _____ 2017

Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Attorney for Richland County
[APPROVED AS TO FORM ONLY]

First Reading: _____, 2017

Second Reading: _____, 2017

Public Hearing: _____, 2017

Third and Final Reading: _____, 2017

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY

ORDINANCE NO. _____

AN ORDINANCE

AN ORDINANCE AUTHORIZING RICHLAND COUNTY TO GRANT, WITHOUT CHARGE, TO SOUTH CAROLINA ELECTRIC AND GAS COMPANY (“SCE&G”) A PERMANENT EASEMENT IN CERTAIN REAL PROPERTY NEAR THE INTERSECTION OF FARROW AND PISGAH CHURCH ROADS IN RICHLAND COUNTY, BEING APPROXIMATELY 0.32 ACRE TO BE ACQUIRED BY RICHLAND COUNTY FROM THE SOUTH CAROLINA DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS (“DDSN”) AND THE SOUTH CAROLINA DEPARTMENT OF ADMINISTRATION (“DOA”) FOR THE PURPOSE OF RELOCATING, CONSTRUCTING, MAINTAINING, PROVIDING AND OTHERWISE OPERATING ELECTRICAL UTILITY FACILITIES NECESSARY AND USEFUL IN PROVIDING ELECTRICAL UTILITY SERVICES, ALL IN FURTHERANCE OF A TRANSPORTATION IMPROVEMENT PROJECT FOR THE TRANSPORTATION PENNY PROGRAM

WHEREAS, Richland County, South Carolina (“Richland County”) is a political subdivision of the State of South Carolina.

WHEREAS, for the benefit of the citizens of Richland County and in furtherance of the purposes of the Transportation Penny Program, Richland County desires and plans to execute an intersection improvement project at the intersection of Farrow Road (S.C. 555) and Pisgah Church Road (S-34), SCDOT ID No. 28869, RPP Project No. 296, in the County of Richland, South Carolina (the “Project”).

WHEREAS, the Project necessitates acquisition of part of the Midlands Center Property which is located adjacent to the Project, and, as a result thereof, the County sought to acquire by condemnation part of DDSN’s property in fee simple absolute and certain other property in permanent easement for purposes of completing the Project.

WHEREAS, after settlement negotiations, Richland County and the State Agencies, through counsel, have tentatively agreed, subject to approval of Richland County Council, that all property sought to be acquired, whether in fee simple or permanent easement, will be acquired in fee simple absolute for the total sum paid of Ninety-Seven Thousand Five Hundred and 00/100 Dollars (\$97,500.00) in full, complete, and final settlement of the Challenge Action and underlying pre-filed Condemnation Notice and Tender of Payment.

WHEREAS, S.C. Code Ann. § 4-9-120 authorizes Richland County Council to adopt an ordinance after reading said ordinance at three (3) public meetings of the Richland County Council on three separate days with an interval of not less than seven (7) days between the second and third readings.

WHEREAS, S.C. Code Ann. § 4-9-130 requires notice and a public hearing whenever Richland County sells, leases, or contracts to sell or lease real property owned by Richland County.

WHEREAS, because Richland County intends to acquire in fee simple absolute title to the approximately 0.32 acre of real property that is designed by the Project engineers to be used by SCE&G to relocate and rebuild its electrical utility facilities, it therefore will be necessary for Richland County, after it acquires title in and to a portion of the Midlands Center Property, to convey the necessary permanent easement to SCE&G pursuant to a duly approved ordinance adopted and approved by Richland County Council authorizing and permitting such transfer.

WHEREAS, Richland County declares that the tentative settlement is in the best interest of Richland County because it fosters a settlement in lieu of Richland County prosecuting a condemnation action to acquire the real property for purposes of completing the Project and thereby avoids the costs, uncertainty and risks of litigation.

WHEREAS, Richland County further declares that improving the transportation infrastructure in Richland County, including, without limitation, those improvements to be constructed as part of the Project, is essential to improving roadway safety for drivers and passengers and other members of the public using public roadways and traversing in or through Richland County, as well as enhancing both present and future economic development and prosperity for the citizens of Richland County.

NOW, THEREFORE, BE IT RESOLVED BY RICHLAND COUNTY COUNCIL IN A DULY ASSEMBLED PUBLIC MEETING AS FOLLOWS:

SECTION 1. Based upon the foregoing findings, Richland County Council finds it appropriate and in the best interest of Richland County to enact this ordinance for the purpose of authorizing Richland County to grant, without charge, to South Carolina Electric and Gas Company a permanent easement in certain real property near the intersection of Farrow and Pisgah Church Roads in Richland County, being approximately 0.32 acre to be acquired by Richland County from the South Carolina Department of Disabilities and Special Needs and the South Carolina Department of Administration for the purpose of relocating, constructing, maintaining, providing and otherwise operating electrical utility facilities necessary and useful in providing electrical utility services, all in furtherance of a transportation improvement project for the Transportation Penny Program.

SECTION 2. This ordinance was introduced and read at (3) public meetings of the Richland County Council on three (3) separate days with an interval of not less than seven (7) days.

SECTION 3. This Ordinance becomes effective and is duly enacted upon third and final reading of the Richland County Council.

SECTION 4. The Richland County Administrator, or his delegee, is hereby authorized to execute and deliver, with the advice of counsel, all necessary and useful

documents that may be required to complete the transaction authorized by this Ordinance and to give effect to the intent hereof not earlier than the third and final reading of this Ordinance by the Richland County Council.

SECTION 5. If any section, phrase, sentence, or portion of the Ordinance or is, for any reason, held, deemed, or considered to be invalid, illegal, unenforceable, then such section, phrase, sentence, or portion thereof shall be deemed separate, distinct, and an independent provision and shall not affect the remaining portion or portions thereof.

SECTION 6. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Adopted this _____ day of _____, 2017.

COUNTY COUNCIL OF RICHLAND COUNTY

By: _____

Honorable Joyce Dickerson, Chair

Attest this _____ Day of _____ 2017

Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Attorney for Richland County
[APPROVED AS TO FORM ONLY]

First Reading: _____, 2017

Second Reading: _____, 2017

Public Hearing: _____, 2017

Third and Final Reading: _____, 2017

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**STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
TRANSPORTATION AD HOC COMMITTEE**

10
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18

A RESOLUTION

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**BE IT RESOLVED BY RICHLAND COUNTY TRANSPORTATION AD HOC
COMMITTEE DULY ASSEMBLED IN A PUBLIC MEETING, AS FOLLOWS:**

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1. The attached resolution [*Approving The Acquisition Of 1.19 Acres, More Or Less, In Fee Simple Absolute For \$97,500.00 from the South Carolina Department Of Disabilities and Special Needs And the South Carolina Department Of Administration and Authorizing the Introduction and Readings of an Ordinance Granting, Without Charge, to South Carolina Electric And Gas Company ("SCE&G"), Its Successors and Assigns, a Permanent Easement In and To Approximately 0.32 Acre of Said Property Once Acquired by Richland County for the Purpose of SCE&G Relocating, Constructing, Maintaining, Providing And Otherwise Operating Electrical Utility Facilities Necessary and Useful in Providing Electrical Utility Services To Its Customers*] is recommended to Richland County Council for adoption.

 2. The attached proposed ordinance [*An Ordinance Authorizing Richland County to Grant, Without Charge, to South Carolina Electric And Gas Company ("SCE&G") a Permanent Easement In Certain Real Property Near the Intersection of Farrow and Pisgah Church Roads in Richland County, Being Approximately 0.32 Acre to be Acquired by Richland County from the South Carolina Department of Disabilities and Special Needs ("DDSN") and the South Carolina Department of Administration ("DOA") for the Purpose of Relocating, Constructing, Maintaining, Providing and Otherwise Operating Electrical Utility Facilities Necessary and Useful in Providing Electrical Utility Services, All in Furtherance of a Transportation Improvement Project For The Transportation Penny Program*] is recommended to Richland County Council for enactment after the required three (3) readings and the required public hearing.

Resolved this _____ day of _____, 2017.

TRANSPORTATION AD HOC COMMITTEE

By: _____
Honorable James Manning, Chair

Attest this _____ day of _____ 2017

Secretary

1 **WHEREAS**, in response to the service of the pre-filed Condemnation Notice and
2 Tender of Payment on behalf of Richland County and pursuant to S.C. Code Ann. §28-2-
3 470, DDSN and DOA (collectively “State Agencies”) commenced a challenge action
4 against the County in the South Carolina Circuit Court for the Fifth Judicial Circuit. (See
5 Civil Action No. 2016-CP-40-4560.)
6

7 **WHEREAS**, after settlement negotiations, Richland County and the State
8 Agencies, through counsel, have tentatively agreed, subject to approval of Richland County
9 Council, that all property sought to be acquired, whether in fee simple or permanent
10 easement, shall be acquired in fee simple absolute for the total sum paid of Ninety-Seven
11 Thousand Five Hundred and 00/100 Dollars (\$97,500.00) in full, complete, and final
12 settlement of the Challenge Action and underlying pre-filed Condemnation Notice and
13 Tender of Payment.
14

15 **WHEREAS**, South Carolina Electric & Gas (“SCE&G”) provides electrical utility
16 services in the area, and, given the design of the project, will be required to remove certain
17 of its facilities in the vicinity of the Project, and relocate, replace, and rebuild its electrical
18 facilities within the approximate 0.32 acre originally designated in the Condemnation
19 Notice and Tender of Payment to be acquired as a permanent easement. Because SCE&G
20 has prior rights in and to the location of certain of its current facilities that will be displaced
21 by the Project, Richland County is required to provide SCE&G, without charge, with a
22 permanent easement in and to the approximately 0.32 acre for its use in relocating its
23 electrical facilities.
24

25 **WHEREAS**, Richland County declares that acquiring the entire 1.19 acres in fee
26 is in the best interest of Richland County as it fosters a settlement in lieu of Richland
27 County having to fully prosecute a condemnation action to acquire the real property for
28 purposes of the Project and thereby avoids the costs, uncertainty and risks of litigation.
29

30 **WHEREAS**, Richland County further declares that improving the transportation
31 infrastructure in Richland County, including, without limitation, those improvements to be
32 constructed as part of the Project, is essential to improving roadway safety for drivers and
33 passengers and other members of the public using public roadways and traversing in or
34 through Richland County, as well as enhancing both present and future economic
35 development and prosperity for the citizens of Richland County.
36

37
38 **NOW, THEREFORE BE IT RESOLVED BY RICHLAND COUNTY**
39 **COUNCIL DULY ASSEMBLED IN A PUBLIC MEETING, AS FOLLOWS:**
40

- 41 1. Richland County Council hereby approves the acquisition by Richland County in
42 fee simple absolute of 1.19 acres further described as follows:
43

44 All that parcel or strip of land, in fee simple, containing 0.87 acre
45 (37,759.16 square feet), more or less, damages, and all improvement
46 thereon, if any, owned by the South Carolina Department of
47 Disabilities and Special Needs shown as the "Obtain" on Exhibit A,
48 attached hereto and made a part hereof, between approximate survey

1 stations 10+00.00 and 21 +00, on the left of the Farrow Road survey
2 centerline, and between approximate survey stations 15+37.94 and
3 19+94.44 on the right of the Pisgah Church Road Reloc. survey
4 centerline, and between survey stations 18+00 and 19+94.44 on the
5 left of the Pisgah Church Road Reloc. centerline. Tax Map Number
6 144400-01-04,

7 AND

8
9 All that parcel or strip of land, with improvements thereon, if any,
10 containing 0.32 acre (13,937.56 square feet), shown as the "Obtain"
11 on Exhibit B, attached hereto and made a part hereof, between
12 approximate survey stations 7+75.58 and 16+75.33 on the left of the
13 Farrow Road centerline. Tax Map Number R14400-01-04.

14
15 In consideration of the total sum of Ninety-Seven Thousand Five Hundred and
16 00/100 Dollars (\$97,500.00) to be paid by Richland County to the State Agencies.
17

- 18 2. S.C. Code Ann. § 4-9-120 authorizes Richland County Council to adopt an
19 ordinance after reading said ordinance at three (3) public meetings of the Richland
20 County Council on three separate days with an interval of not less than seven (7)
21 days between the second and third readings.
22
- 23 3. Upon the due enactment of the attached proposed ordinance (attached hereto as
24 Exhibit C), Richland County is authorized to grant, without charge, to South
25 Carolina Electric and Gas Company a permanent easement in certain real property
26 near the intersection of Farrow and Pisgah Church Roads in Richland County, being
27 approximately 0.32 acre after, and only after, such property has been acquired by
28 Richland County from the South Carolina Department of Disabilities and Special
29 Needs and the South Carolina Department of Administration for the purpose of
30 relocating, constructing, maintaining, providing and otherwise operating electrical
31 utility facilities necessary and useful in providing electrical utility services, all in
32 furtherance of a transportation improvement project for the Transportation Penny
33 Program.
34
- 35 4. The Richland County Administrator, or his delegee, is hereby empowered to
36 execute and deliver, with the advice of counsel, all documents necessary, required,
37 or useful to complete the transactions authorized and approved by this Resolution
38 or as may otherwise be necessary or useful to give effect to the intent of this
39 Resolution. Closing of the transaction with the State Agencies shall be completed
40 prior to granting the permanent easement to SCE&G, and the granting of the
41 permanent easement to SCE&G shall be completed only after the ordinance
42 authorized by this Resolution shall have been enacted by Richland County Council
43 after the required three (3) readings and the conduct of the required public hearing.
44

45
46 [SIGNATURE PAGE FOLLOWS]
47
48

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3 Adopted this _____ day of _____, 2017.
4
5

6 COUNTY COUNCIL OF RICHLAND COUNTY
7

8
9 By: _____
10

11 Honorable Joyce Dickerson, Chair
12
13

14
15 Attest this _____ Day of _____ 2017
16
17

18 _____
19 Clerk of Council
20
21

22
23
24
25 RICHLAND COUNTY ATTORNEY'S OFFICE
26
27

28
29 _____
30 Attorney for Richland County
31 [APPROVED AS TO FORM ONLY]
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37 First Reading: _____, 2017
38

39 Second Reading: _____, 2017
40

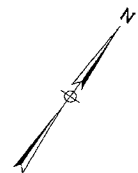
41 Public Hearing: _____, 2017
42

43 Third and Final Reading: _____, 2017

EXHIBIT A

EXHIBIT "A"

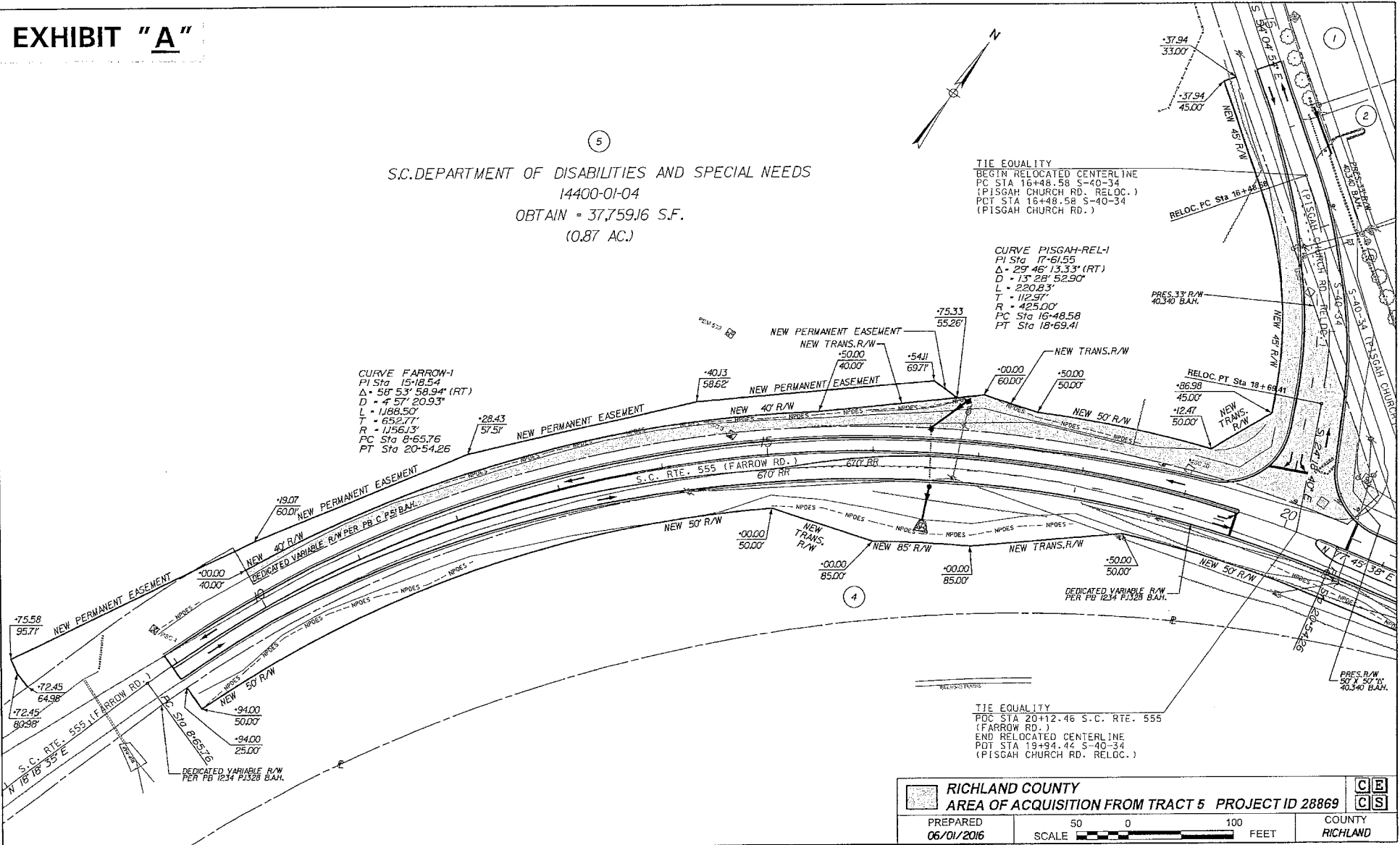
5
 S.C. DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS
 14400-01-04
 OBTAIN = 37,75916 S.F.
 (0.87 AC.)



TIE EQUALITY
 BEGIN RELOCATED CENTERLINE
 PC STA 16+48.58 S-40-34
 (PISGAH CHURCH RD. RELOC.)
 PCT STA 16+48.58 S-40-34
 (PISGAH CHURCH RD.)

CURVE PISGAH-REL-1
 PI Sta 17-61.55
 $\Delta = 29^{\circ} 46' 13.33''$ (RT)
 $D = 13^{\circ} 28' 52.90''$
 $L = 220.83'$
 $T = 112.51'$
 $R = 425.00'$
 PC Sta 16+48.58
 PT Sta 18+69.41

CURVE FARROW-1
 PI Sta 15+18.54
 $\Delta = 58^{\circ} 53' 58.94''$ (RT)
 $D = 4^{\circ} 57' 20.93''$
 $L = 1188.50'$
 $T = 652.77'$
 $R = 115613'$
 PC Sta 8+65.76
 PT Sta 20+54.26



TIE EQUALITY
 POC STA 20+12.46 S.C. RTE. 555
 (FARROW RD.)
 END RELOCATED CENTERLINE
 PCT STA 19+94.44 S-40-34
 (PISGAH CHURCH RD. RELOC.)

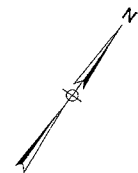
RICHLAND COUNTY AREA OF ACQUISITION FROM TRACT 5 PROJECT ID 28869		
PREPARED 06/01/2016	SCALE 50 0 100 FEET	COUNTY RICHLAND

EXHIBIT B

EXHIBIT "B"

5

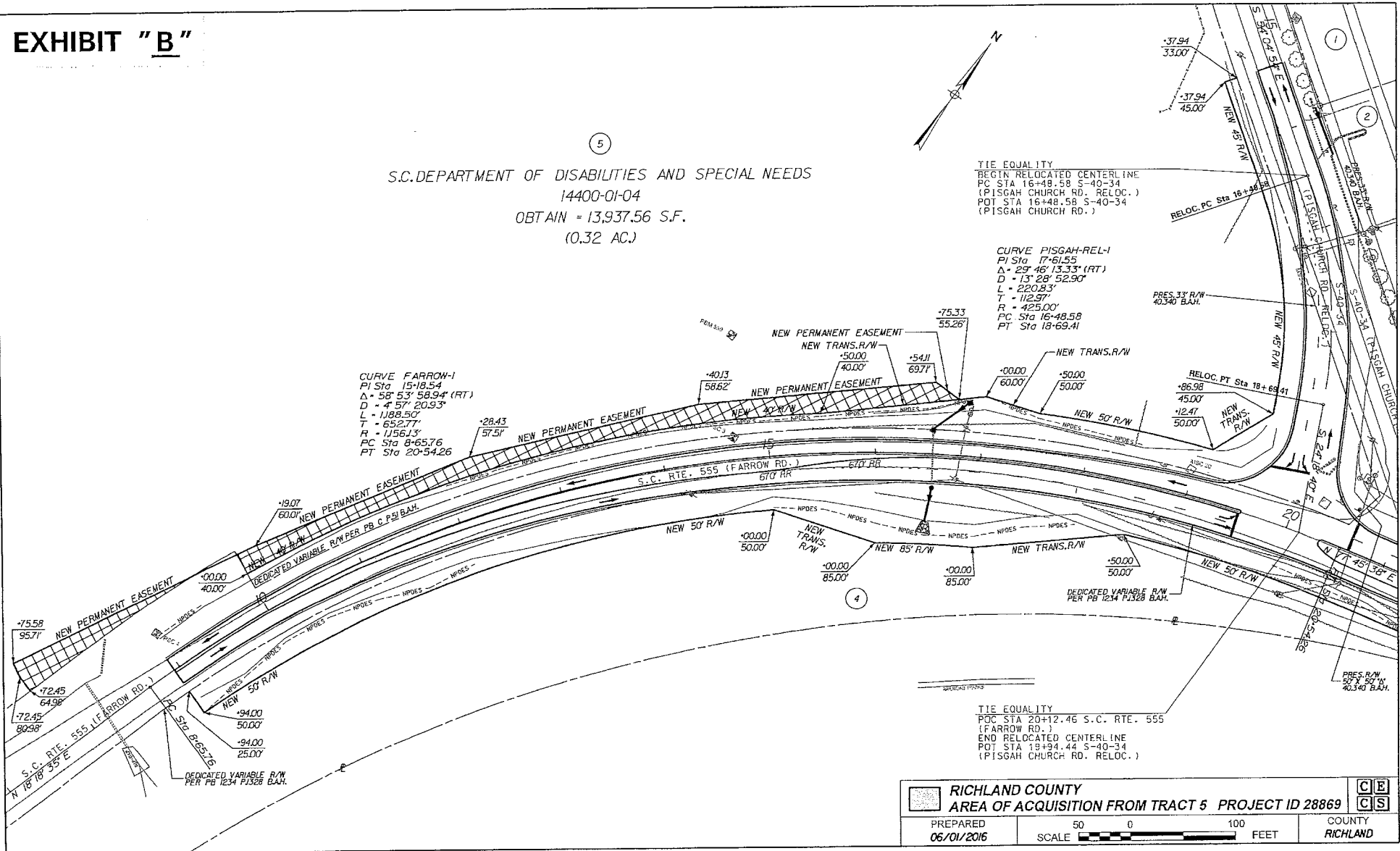
S.C. DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS
 14400-01-04
 OBTAIN = 13,937.56 S.F.
 (0.32 AC.)



TIE EQUALITY
 BEGIN RELOCATED CENTERLINE
 PC STA 16+48.58 S-40-34
 (PISGAH CHURCH RD. RELOC.)
 POT STA 16+48.58 S-40-34
 (PISGAH CHURCH RD.)

CURVE PISGAH-REL-1
 PI Sta 17-61.55
 $\Delta = 29^\circ 46' 13.33''$ (RT)
 $D = 13' 28' 52.90''$
 $L = 220.83'$
 $T = 112.57'$
 $R = 425.00'$
 PC Sta 16-48.58
 PT Sta 18-69.41

CURVE FARROW-1
 PI Sta 15-18.54
 $\Delta = 58^\circ 53' 58.94''$ (RT)
 $D = 4' 57' 20.93''$
 $L = 1188.50'$
 $T = 652.77'$
 $R = 1156.13'$
 PC Sta 8-65.76
 PT Sta 20-54.26



TIE EQUALITY
 POC STA 20+12.46 S.C. RTE. 555
 (FARROW RD.)
 END RELOCATED CENTERLINE
 POT STA 19+94.44 S-40-34
 (PISGAH CHURCH RD. RELOC.)

RICHLAND COUNTY AREA OF ACQUISITION FROM TRACT 5 PROJECT ID 28869		CE CS
PREPARED 06/01/2016	SCALE 	COUNTY RICHLAND

EXHIBIT C

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY

ORDINANCE NO. _____

AN ORDINANCE

AN ORDINANCE AUTHORIZING RICHLAND COUNTY TO GRANT, WITHOUT CHARGE, TO SOUTH CAROLINA ELECTRIC AND GAS COMPANY (“SCE&G”) A PERMANENT EASEMENT IN CERTAIN REAL PROPERTY NEAR THE INTERSECTION OF FARROW AND PISGAH CHURCH ROADS IN RICHLAND COUNTY, BEING APPROXIMATELY 0.32 ACRE TO BE ACQUIRED BY RICHLAND COUNTY FROM THE SOUTH CAROLINA DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS (“DDSN”) AND THE SOUTH CAROLINA DEPARTMENT OF ADMINISTRATION (“DOA”) FOR THE PURPOSE OF RELOCATING, CONSTRUCTING, MAINTAINING, PROVIDING AND OTHERWISE OPERATING ELECTRICAL UTILITY FACILITIES NECESSARY AND USEFUL IN PROVIDING ELECTRICAL UTILITY SERVICES, ALL IN FURTHERANCE OF A TRANSPORTATION IMPROVEMENT PROJECT FOR THE TRANSPORTATION PENNY PROGRAM

WHEREAS, Richland County, South Carolina (“Richland County”) is a political subdivision of the State of South Carolina.

WHEREAS, for the benefit of the citizens of Richland County and in furtherance of the purposes of the Transportation Penny Program, Richland County desires and plans to execute an intersection improvement project at the intersection of Farrow Road (S.C. 555) and Pisgah Church Road (S-34), SCDOT ID No. 28869, RPP Project No. 296, in the County of Richland, South Carolina (the “Project”).

WHEREAS, the Project necessitates acquisition of part of the Midlands Center Property which is located adjacent to the Project, and, as a result thereof, the County sought to acquire by condemnation part of DDSN’s property in fee simple absolute and certain other property in permanent easement for purposes of completing the Project.

WHEREAS, after settlement negotiations, Richland County and the State Agencies, through counsel, have tentatively agreed, subject to approval of Richland County Council, that all property sought to be acquired, whether in fee simple or permanent easement, will be acquired in fee simple absolute for the total sum paid of Ninety-Seven Thousand Five Hundred and 00/100 Dollars (\$97,500.00) in full, complete, and final settlement of the Challenge Action and underlying pre-filed Condemnation Notice and Tender of Payment.

WHEREAS, S.C. Code Ann. § 4-9-120 authorizes Richland County Council to adopt an ordinance after reading said ordinance at three (3) public meetings of the Richland County Council on three separate days with an interval of not less than seven (7) days between the second and third readings.

WHEREAS, S.C. Code Ann. § 4-9-130 requires notice and a public hearing whenever Richland County sells, leases, or contracts to sell or lease real property owned by Richland County.

WHEREAS, because Richland County intends to acquire in fee simple absolute title to the approximately 0.32 acre of real property that is designed by the Project engineers to be used by SCE&G to relocate and rebuild its electrical utility facilities, it therefore will be necessary for Richland County, after it acquires title in and to a portion of the Midlands Center Property, to convey the necessary permanent easement to SCE&G pursuant to a duly approved ordinance adopted and approved by Richland County Council authorizing and permitting such transfer.

WHEREAS, Richland County declares that the tentative settlement is in the best interest of Richland County because it fosters a settlement in lieu of Richland County prosecuting a condemnation action to acquire the real property for purposes of completing the Project and thereby avoids the costs, uncertainty and risks of litigation.

WHEREAS, Richland County further declares that improving the transportation infrastructure in Richland County, including, without limitation, those improvements to be constructed as part of the Project, is essential to improving roadway safety for drivers and passengers and other members of the public using public roadways and traversing in or through Richland County, as well as enhancing both present and future economic development and prosperity for the citizens of Richland County.

NOW, THEREFORE, BE IT RESOLVED BY RICHLAND COUNTY COUNCIL IN A DULY ASSEMBLED PUBLIC MEETING AS FOLLOWS:

SECTION 1. Based upon the foregoing findings, Richland County Council finds it appropriate and in the best interest of Richland County to enact this ordinance for the purpose of authorizing Richland County to grant, without charge, to South Carolina Electric and Gas Company a permanent easement in certain real property near the intersection of Farrow and Pisgah Church Roads in Richland County, being approximately 0.32 acre to be acquired by Richland County from the South Carolina Department of Disabilities and Special Needs and the South Carolina Department of Administration for the purpose of relocating, constructing, maintaining, providing and otherwise operating electrical utility facilities necessary and useful in providing electrical utility services, all in furtherance of a transportation improvement project for the Transportation Penny Program.

SECTION 2. This ordinance was introduced and read at (3) public meetings of the Richland County Council on three (3) separate days with an interval of not less than seven (7) days.

SECTION 3. This Ordinance becomes effective and is duly enacted upon third and final reading of the Richland County Council.

SECTION 4. The Richland County Administrator, or his delegee, is hereby authorized to execute and deliver, with the advice of counsel, all necessary and useful

documents that may be required to complete the transaction authorized by this Ordinance and to give effect to the intent hereof not earlier than the third and final reading of this Ordinance by the Richland County Council.

SECTION 5. If any section, phrase, sentence, or portion of the Ordinance or is, for any reason, held, deemed, or considered to be invalid, illegal, unenforceable, then such section, phrase, sentence, or portion thereof shall be deemed separate, distinct, and an independent provision and shall not affect the remaining portion or portions thereof.

SECTION 6. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Adopted this _____ day of _____, 2017.

COUNTY COUNCIL OF RICHLAND COUNTY

By: _____

Honorable Joyce Dickerson, Chair

Attest this _____ Day of _____ 2017

Clerk of Council

RICHLAND COUNTY ATTORNEY’S OFFICE

Attorney for Richland County
[APPROVED AS TO FORM ONLY]

First Reading: _____, 2017

Second Reading: _____, 2017

Public Hearing: _____, 2017

Third and Final Reading: _____, 2017

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY

ORDINANCE NO. _____

AN ORDINANCE

AN ORDINANCE AUTHORIZING RICHLAND COUNTY TO GRANT, WITHOUT CHARGE, TO SOUTH CAROLINA ELECTRIC AND GAS COMPANY (“SCE&G”) A PERMANENT EASEMENT IN CERTAIN REAL PROPERTY NEAR THE INTERSECTION OF FARROW AND PISGAH CHURCH ROADS IN RICHLAND COUNTY, BEING APPROXIMATELY 0.32 ACRE TO BE ACQUIRED BY RICHLAND COUNTY FROM THE SOUTH CAROLINA DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS (“DDSN”) AND THE SOUTH CAROLINA DEPARTMENT OF ADMINISTRATION (“DOA”) FOR THE PURPOSE OF RELOCATING, CONSTRUCTING, MAINTAINING, PROVIDING AND OTHERWISE OPERATING ELECTRICAL UTILITY FACILITIES NECESSARY AND USEFUL IN PROVIDING ELECTRICAL UTILITY SERVICES, ALL IN FURTHERANCE OF A TRANSPORTATION IMPROVEMENT PROJECT FOR THE TRANSPORTATION PENNY PROGRAM

WHEREAS, Richland County, South Carolina (“Richland County”) is a political subdivision of the State of South Carolina.

WHEREAS, for the benefit of the citizens of Richland County and in furtherance of the purposes of the Transportation Penny Program, Richland County desires and plans to execute an intersection improvement project at the intersection of Farrow Road (S.C. 555) and Pisgah Church Road (S-34), SCDOT ID No. 28869, RPP Project No. 296, in the County of Richland, South Carolina (the “Project”).

WHEREAS, the Project necessitates acquisition of part of the Midlands Center Property which is located adjacent to the Project, and, as a result thereof, the County sought to acquire by condemnation part of DDSN’s property in fee simple absolute and certain other property in permanent easement for purposes of completing the Project.

WHEREAS, after settlement negotiations, Richland County and the State Agencies, through counsel, have tentatively agreed, subject to approval of Richland County Council, that all property sought to be acquired, whether in fee simple or permanent easement, will be acquired in fee simple absolute for the total sum paid of Ninety-Seven Thousand Five Hundred and 00/100 Dollars (\$97,500.00) in full, complete, and final settlement of the Challenge Action and underlying pre-filed Condemnation Notice and Tender of Payment.

WHEREAS, S.C. Code Ann. § 4-9-120 authorizes Richland County Council to adopt an ordinance after reading said ordinance at three (3) public meetings of the Richland County Council on three separate days with an interval of not less than seven (7) days between the second and third readings.

WHEREAS, S.C. Code Ann. § 4-9-130 requires notice and a public hearing whenever Richland County sells, leases, or contracts to sell or lease real property owned by Richland County.

WHEREAS, because Richland County intends to acquire in fee simple absolute title to the approximately 0.32 acre of real property that is designed by the Project engineers to be used by SCE&G to relocate and rebuild its electrical utility facilities, it therefore will be necessary for Richland County, after it acquires title in and to a portion of the Midlands Center Property, to convey the necessary permanent easement to SCE&G pursuant to a duly approved ordinance adopted and approved by Richland County Council authorizing and permitting such transfer.

WHEREAS, Richland County declares that the tentative settlement is in the best interest of Richland County because it fosters a settlement in lieu of Richland County prosecuting a condemnation action to acquire the real property for purposes of completing the Project and thereby avoids the costs, uncertainty and risks of litigation.

WHEREAS, Richland County further declares that improving the transportation infrastructure in Richland County, including, without limitation, those improvements to be constructed as part of the Project, is essential to improving roadway safety for drivers and passengers and other members of the public using public roadways and traversing in or through Richland County, as well as enhancing both present and future economic development and prosperity for the citizens of Richland County.

NOW, THEREFORE, BE IT RESOLVED BY RICHLAND COUNTY COUNCIL IN A DULY ASSEMBLED PUBLIC MEETING AS FOLLOWS:

SECTION 1. Based upon the foregoing findings, Richland County Council finds it appropriate and in the best interest of Richland County to enact this ordinance for the purpose of authorizing Richland County to grant, without charge, to South Carolina Electric and Gas Company a permanent easement in certain real property near the intersection of Farrow and Pisgah Church Roads in Richland County, being approximately 0.32 acre to be acquired by Richland County from the South Carolina Department of Disabilities and Special Needs and the South Carolina Department of Administration for the purpose of relocating, constructing, maintaining, providing and otherwise operating electrical utility facilities necessary and useful in providing electrical utility services, all in furtherance of a transportation improvement project for the Transportation Penny Program.

SECTION 2. This ordinance was introduced and read at (3) public meetings of the Richland County Council on three (3) separate days with an interval of not less than seven (7) days.

SECTION 3. This Ordinance becomes effective and is duly enacted upon third and final reading of the Richland County Council.

SECTION 4. The Richland County Administrator, or his delegee, is hereby authorized to execute and deliver, with the advice of counsel, all necessary and useful

documents that may be required to complete the transaction authorized by this Ordinance and to give effect to the intent hereof not earlier than the third and final reading of this Ordinance by the Richland County Council.

SECTION 5. If any section, phrase, sentence, or portion of the Ordinance or is, for any reason, held, deemed, or considered to be invalid, illegal, unenforceable, then such section, phrase, sentence, or portion thereof shall be deemed separate, distinct, and an independent provision and shall not affect the remaining portion or portions thereof.

SECTION 6. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Adopted this _____ day of _____, 2017.

COUNTY COUNCIL OF RICHLAND COUNTY

By: _____

Honorable Joyce Dickerson, Chair

Attest this _____ Day of _____ 2017

Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Attorney for Richland County
[APPROVED AS TO FORM ONLY]

First Reading: _____, 2017

Second Reading: _____, 2017

Public Hearing: _____, 2017

Third and Final Reading: _____, 2017

5. Bluff Road Widening Phase I

Discussion Point:

In the survey and design of the Bluff Road Phase I project, a discrepancy was discovered in between tract 5 and the County owned right of way along Rosewood Drive. The property owner has requested that the County quitclaim this property and County staff concurs as it does not have any foreseeable impacts to the County or operations of the roadway, sidewalks or utilities.

Recommendation:

Staff respectfully requests the Committee to concur with the proposed ordinance and to forward to full Council for consideration.

1 STATE OF SOUTH CAROLINA
2 COUNTY COUNCIL FOR RICHLAND COUNTY
3 ORDINANCE NO. _____
4

5 AN ORDINANCE AUTHORIZING THE CONVEYANCE BY QUITCLAIM DEED OF
6 ALL RIGHT, TITLE, AND INTEREST THAT THE COUNTY OF RICHLAND MAY
7 HAVE, IF ANY, IN CERTAIN REAL PROPERTY NEAR THE INTERSECTION OF
8 BLUFF ROAD AND ROSEWOOD DRIVE, IN THE CITY OF COLUMBIA, COUNTY
9 OF RICHLAND, FOR PURPOSES OF IDENTIFYING AND ESTABLISHING THE
10 PROPERTY BOUNDARY LINES BETWEEN THE PRIVATE PROPERTY WITH A
11 PHYSICAL ADDRESS OF 711 BLUFF ROAD AND THE PUBLIC PROPERTY OF
12 ROSEWOOD DRIVE AND BLUFF ROAD AND THEREBY FINALIZING A
13 PROPOSED SETTLEMENT WITH LANDOWNER CONCERNING THE PENDING
14 CONDEMNATION ACTION BEARING CIVIL ACTION NO. 2016-CP-40-04654¹
15 RELATED TO THE TRANSPORTATION IMPROVEMENT PROJECT GENERALLY
16 KNOWN AS THE BLUFF ROAD WIDENING PROJECT.

17
18 **WHEREAS**, Richland County, South Carolina (“Richland County”) is a political
19 subdivision of the State of South Carolina.

20
21 **WHEREAS**, Richland County has been engaged in the construction of certain
22 widening improvements to Bluff Road in the City of Columbia, in Richland County, South
23 Carolina, Project No. 41846, as part of the Richland County Transportation Penny Program
24 (the “Project”).

25
26 **WHEREAS**, 711 Bluff Road, LLC, Frank D. Strasburger and Richard L.
27 Strasburger, as Trustees of Trust B under Will of Leroy Strasburger, Alvin Strasburger, Jr.,
28 as Personal Representative of the Estate of Alvin Strasburger (collectively “Landowners”)
29 hold record title of all that certain piece of real property with all improvements thereon,
30 being generally known as and having a physical address of 711 Bluff Road, Columbia,
31 South Carolina, by virtue of that certain deed of Frank D. Strasburger and Richard L.
32 Strasburger, as Trustee of Trust B under will of Leroy Strasburger, dated 01/26/2016, and
33 recorded 01/26/2016, in Book 2084, Page 1824 AND by virtue of that certain deed of Alvin
34 Strasburger, Jr. as Personal Representative of Estate of Alvin Strasburger, dated
35 01/26/2016, and recorded 01/26/2016, in Book 2084, Page 1821.

36
37 **WHEREAS**, the Project required acquisition of part of the Landowners’ property
38 to make improvements to Bluff Road, and as a result thereof, Richland County sought to
39 acquire by condemnation part of Landowners’ property in fee simple absolute for purposes
40 of completing the Project, namely, the below described Subject Property:
41

¹ *County of Richland, Condemnor, vs. 711 Bluff Road, LLC, Frank D. Strasburger and Richard L. Strasburger, as Trustees of Trust B Under Will of Leroy Strasburger, and Alvin Strasburger, Jr., as Personal Representative of the Estate of Alvin Strasburger, LANDOWNERS, and Athene Annuity and Life Assurance Company, Wells Fargo Bank, N.A., and Branch Banking and Trust Company, American Express Centurion Bank, OTHER CONDEMNNEES.*

1 All that parcel or strip of land, in fee simple, containing 0.004 acre (193 square
2 feet), more or less, and all improvements thereon, if any, owned by 711 Bluff Road,
3 LLC shown as the area “total obtain” on Exhibit A, attached hereto and made a part
4 hereof, at survey station 49+25 on the right, of the Bluff Road – Phase I relocated
5 survey centerline.

6
7 Tax Map Number R11202-06-01
8

9 The Condemnation Action has not been finalized; however, under the provisions of the
10 Eminent Domain Procedure Act, Richland County has possessory interest in and to the
11 Subject Property and, as of September 26, 2017, has in fact completed the construction
12 work that was required to be performed to the Subject Property as part of the Bluff Road
13 Widening Project.

14
15 **WHEREAS**, during settlement discussions and meetings held on-site among
16 Landowners’ representative, Richland County’s representatives, and registered surveyors
17 retained by each party, Landowners and Richland County determined that there were
18 discrepancies between the survey prepared by Landowners’ surveyor and the survey
19 prepared by Richland County’s surveyor, as to the exact location of the boundary lines
20 between the public and private property along Bluff Road and along Rosewood Drive.

21
22 **WHEREAS**, after carefully analyzing the survey data and discussing the issue with
23 Landowners’ representatives and counsel, Richland County and Landowners have
24 tentatively agreed, subject to approval of Richland County Council, to resolve the survey
25 discrepancies as to boundary lines as well as issues related to the amount of property
26 actually being acquired by Richland County from Landowners in the following manner:

- 27
28 A. Landowners will accept the boundary lines identified by Richland County’s
29 surveyor defining the boundary between Landowners’ property and Bluff Road
30 and agree to convey title to Richland County of the real property identified as
31 Lot 3 (being 154 square feet) on that certain Bluff Road R/W Plat, prepared by
32 Registered Professional Engineer Charles D. Meeler of Civil Engineering of
33 Columbia, Inc. (also sometimes referred to as CEC Consulting Engineering
34 Surveying), dated August 24, 2017, a copy of said plat being attached hereto as
35 Exhibit B-1.
36
37 B. Landowners will accept the boundary lines identified by Richland County’s
38 surveyor defining the boundary between Landowners’ property and Bluff Road
39 and agree to convey title to Richland County of the real property identified as
40 Lot 4 (being 116 square feet) on that certain Bluff Road R/W Plat, prepared by
41 Registered Professional Engineer Charles D. Meeler of Civil Engineering of
42 Columbia, Inc. (also sometimes referred to as CEC Consulting Engineering
43 Surveying), dated August 24, 2017, a copy of said plat being attached hereto as
44 Exhibit B-1.
45
46 C. Landowners will accept the boundary lines identified by Richland County’s
47 surveyor defining the boundary between Landowners’ property and Rosewood
48 Drive and agree to convey title to Richland County of the real property

1 identified as Lot 1 (being 36 square feet) on that certain Rosewood Drive R/W
2 Plat, prepared by Registered Professional Engineer Charles D. Meeler of Civil
3 Engineering of Columbia, Inc. (also sometimes referred to as CEC Consulting
4 Engineering Surveying), dated August 24, 2017, a copy of said plat being
5 attached hereto as Exhibit B-2.
6

7 D. Landowners will accept the boundary lines identified by Richland County's
8 surveyor defining the boundary between Landowners' property and Bluff Road
9 and agree to grant to Richland County by quitclaim deed all right, title, and
10 interest, if any, Landowners have in the real property identified as Lot 5 (being
11 77 square feet) on that certain Bluff Road R/W Plat, prepared by Registered
12 Professional Engineer Charles D. Meeler of Civil Engineering of Columbia,
13 Inc. (also sometimes referred to as CEC Consulting Engineering Surveying),
14 dated August 24, 2017, a copy of said plat being attached hereto as Exhibit B-
15 1.
16

17 E. Landowners will accept the boundary lines identified by Richland County's
18 surveyor defining the boundary between Landowners' property and Rosewood
19 Drive. To confirm this boundary Richland County agrees to grant to 711 Bluff
20 Road, LLC by quitclaim deed all right, title, and interest, if any, Richland
21 County may have in the real property identified as Lot 2 (being 2,865 square
22 feet) on that certain Rosewood Drive R/W Plat, prepared by Registered
23 Professional Engineer Charles D. Meeler of Civil Engineering of Columbia,
24 Inc. (also sometimes referred to as CEC Consulting Engineering Surveying),
25 dated August 24, 2017, a copy of said plat being attached hereto as Exhibit B-
26 2.
27

28 **WHEREAS**, S.C. Code Ann. § 4-9-120 authorizes Richland County Council to
29 adopt an ordinance after reading said ordinance at three (3) public meetings of the Richland
30 County Council on three separate days with an interval of not less than seven (7) days
31 between the second and third readings.
32

33 **WHEREAS**, Richland County declares that this Ordinance is in the best interest of
34 Richland County as it fosters a settlement in lieu of Richland County prosecuting to
35 completion its condemnation action to acquire the real property for purposes of the Project
36 as well as, by agreement with Landowners, resolving the boundary line issues for the
37 benefit of Richland County as well as Landowners, and thereby avoiding the costs,
38 uncertainty, and risks of litigation.
39

40 **WHEREAS**, Richland County further declares that improving the transportation
41 infrastructure in Richland County, including, without limitation, those improvements to be
42 constructed as part of the Project, is essential to improving roadway safety for drivers and
43 passengers traversing in or through Richland County and enhancing both present and future
44 economic development and prosperity.
45

46 **NOW, THEREFORE BE IT RESOLVED BY THE RICHLAND COUNTY**
47 **COUNCIL DULY ASSEMBLED IN A PUBLIC MEETING AS FOLLOWS:**
48

1 Adopted this _____ day of _____, 2017.

2
3
4 COUNTY COUNCIL OF RICHLAND COUNTY

5
6
7
8 By: _____

9
10 Honorable Joyce Dickerson, Chair

11
12
13
14 Attest this _____ Day of _____ 2017

15
16
17 _____
18 Clerk of Council

19
20
21
22
23 RICHLAND COUNTY ATTORNEY’S OFFICE

24
25
26
27 _____
28 Attorney for Richland County
29 [APPROVED AS TO FORM ONLY]

30
31
32
33
34
35
36
37 First Reading: _____, 2017

38
39 Second Reading: _____, 2017

40
41 Public Hearing: _____, 2017

42
43 Third and Final Reading: _____, 2017

EXHIBIT A

EXHIBIT A

SCDOT claims Prescriptive R/W to the edge of pavement along Tract 12 unless noted otherwise.

TO BE DEEDED BACK TO STATE AGRICULTURAL & MECHANICAL SOCIETY OF SOUTH CAROLINA

TOTAL OBTAINED - 193 SF
(0.004 AC)
ALVIN ET AL. STRASBURGER
TAX MAP# RII202-06-02

PRES 50' R/W PROJ NO. 909-B (JDS)
SURVEY STA. 48+29.46 END CONSTR.
END MILL & OVERLAY
RD. S-13 (BLUFF RD.)
CONSTR. 5' x 6'
CONC. PAD FOR
BUS STOP

TIE EQUALITY
POT. STA. 48+63.89 - S.C. RTE. 48 (BLUFF RD.) EXIST. =
POC STA. 37+72.27 S.C. RTE. 48 (ROSEWOOD DR.)

TIE EQUALITY
POT. STA. 48+64.53 RD. S-13 (BLUFF RD.) =
POC STA. 37+74.18 S.C. RTE. 48 (ROSEWOOD DR.)

TIE EQUALITY
POT. STA. 48+64.31 S.C. RTE. 48 (BLUFF RD.) RELOC. =
POC STA. 37+77.03 S.C. RTE. 48 (ROSEWOOD DR.)

© ROSEWOOD (CURVE)
PI Sta. 38+45.84
Δ = 16° 47' 28" (RT)
Dc = 6' 44" 40"
T = 125.45'
L = 248.96'
R = 850.00'
E = 9.21'
Ds
e(max)
e

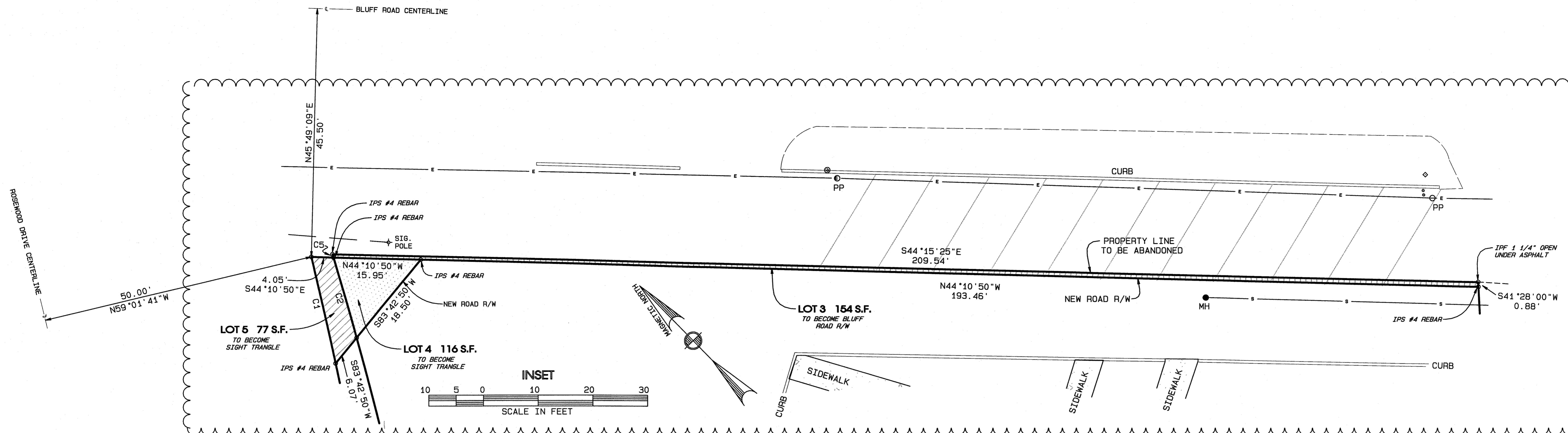
PLOT DATE: 06/16/2016
 SCALE: 1" = 50'
 PLOTTER: HPGL
 FILE: 041846.DWG

RICHLAND COUNTY (BLUFF RD)
 Area of Acquisition From Tract No. 5 Project ID: 0041846
 Scale: 1" = 50' Original prepared: 04/12/2016
 Revised: 06/16/2016

DAVIS & FLOYD
 SINCE 1954

EXHIBIT B-1

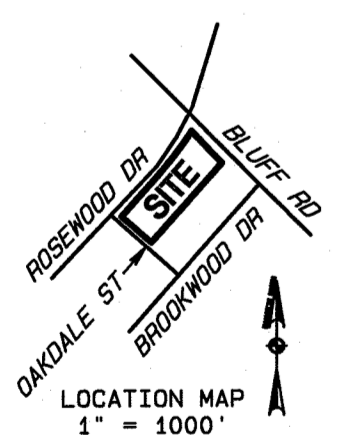
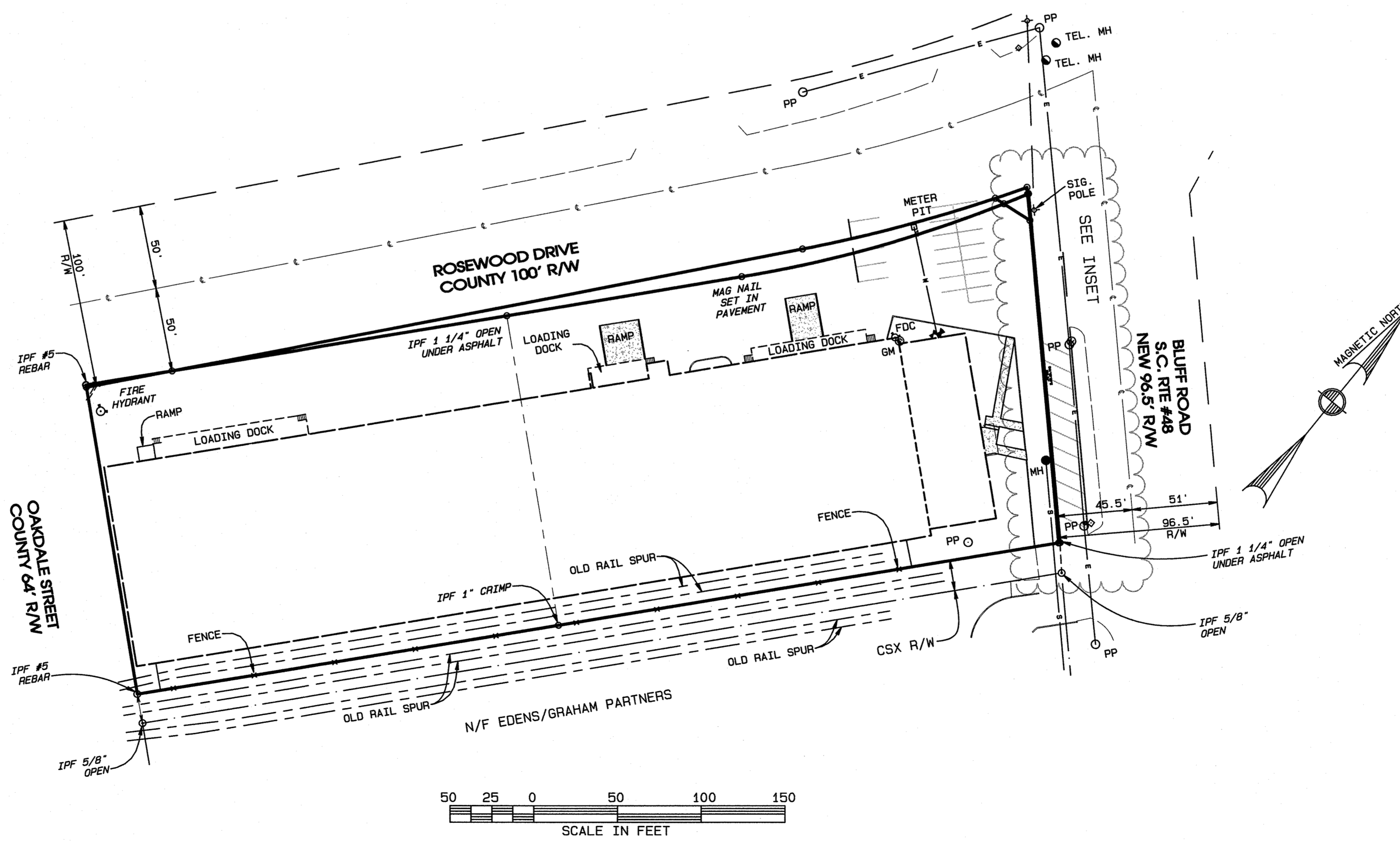
EXHIBIT B-2



CURVE TABLE

CURVE	ARC	CHORD BEARING	RADIUS	DELTA	CHORD	TANGENT
C1	20.00'	N31°36'31"E	900.00'	1°16'24"	20.00'	10.00'
C2	15.30'	S28°22'52"W	740.00'	1°11'05"	15.30'	7.65'
C3	162.83'	S35°16'38"W	740.00'	12°36'27"	162.50'	81.75'
C4	119.24'	N36°02'26"E	900.00'	7°35'27"	119.15'	59.71'
C5	0.62'	N27°45'52"E	740.00'	0°02'54"	0.62'	0.31'

- NOTES AND REFERENCES:**
1. RICHLAND COUNTY TAX MAP 11202-06-01.
 2. IMPROVEMENTS SHOWN ARE TAKEN FROM A BOUNDARY SURVEY PREPARED FOR STRASBURGER BY CIVIL ENGINEERING OF COLUMBIA DATED JANUARY 25, 2017 AND RECORDED IN PB 2182-2231. ROADS UNDER CONSTRUCTION AT TIME OF THIS SURVEY.
 3. I HEREBY CERTIFY THAT I HAVE CONSULTED THE FEMA FLOOD INSURANCE RATE MAP 45079C 0094 H, EFFECTIVE DATE FEBRUARY 20, 2002, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE SUBJECT PROPERTY IS WITHIN UNSHADED ZONE "X", NOT A DESIGNATED FLOOD PRONE AREA.
 4. THE INFORMATION SHOWN ON THIS SHEET WAS DERIVED FROM A FIELD RUN SURVEY. OBVIOUS AND APPARENT FEATURES ENCOUNTERED ARE INCLUDED ON THIS SHEET. RELATED, REFERENCED INFORMATION WAS ALSO USED. UNLESS STATED HEREON, NO TITLE SEARCH WAS PERFORMED BY CIVIL ENGINEERING OF COLUMBIA, AND SOME EASEMENTS OR OTHER MATTERS OF RECORD MAY NOT APPEAR. THIS SHEET WAS PREPARED FOR A SPECIFIC CLIENT TO BE USED FOR A SPECIFIC PURPOSE. USE BY ANY OTHER PARTY, WITHOUT WRITTEN CONSENT, IS UNAUTHORIZED.
 5. ALL CORNERS NOT LABELED ARE NEW NAILS IN ASPHALT.



I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREIN IS A TRUE AND CORRECT SURVEY TO THE ACCURACY REQUIRED BY THE RICHLAND COUNTY SUBDIVISION REGULATIONS AND THE MONUMENTS SHOWN HAVE BEEN PLACED TO THE SPECIFICATIONS SET FORTH IN THOSE REGULATIONS.

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY.

Charles D. Meeler
 CHARLES D. MEELER P.L.S. #12246

711 BLUFF ROAD
 RICHLAND COUNTY, SOUTH CAROLINA

NO.	DATE	REVISION	DESCRIPTION
CEC consulting engineering surveying planning			
3608 FERNANDINA ROAD COLUMBIA, SC 29210 TEL: (803) 796-2620 FAX: (803) 796-2625			
BLUFF ROAD RW PLAT		PREPARED FOR STRASBURGER COLUMBIA, SOUTH CAROLINA	
SCALE SEE BAR SCALES		CHECKED BY: <i>[Signature]</i>	
DATE AUG. 24, 2017		JOB NUMBER 16065	
DRAWN N. DELOACH		DRAWING NUMBER 1 OF 1	
DESIGNED N/A			

6. Program Status Update

Discussion Point:

The monthly Progress Report is produced each month and provides a status of where projects in development currently stand. This report is available on the Richland Penny website at <http://www.richlandpenny.com/budget-info/reports/>. In addition, this report will be provided for Transportation Ad Hoc committee members with each monthly meeting of the ad hoc. Staff is available to answer any questions.