
STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

ORDINANCE NO. 2023 - 1844

AN ORDINANCE

TO APPROVE AN EASEMENT GRANT TO DUKE ENERGY CAROLINAS, LLC UPON REAL PROPERTY OWNED BY LANCASTER COUNTY AND LOCATED AT 1140 ELLIOTT STREET BEARING TAX PARCEL NUMBER 0082D-0K-020.00 AND TO AUTHORIZE COUNTY OFFICIALS TO TAKE SUCH ACTIONS AS ARE NECESSARY TO EFFECTUATE THE GRANT OF THE EASEMENTS AND TO EFFECTUATE THE PURPOSES OF THIS ORDINANCE.

Be it ordained by the Council of Lancaster County, South Carolina:

Section 1. Findings and determinations.

Council finds and determines that:

- (1) Lancaster County (the “County”) owns land at tax parcel number 0082D-0K-020.00.
- (2) To provide appropriate power infrastructure to an adjacent property, Duke Energy Carolinas, LLC (“Duke Energy”) wishes to provide both overhead and underground facilities across the County’s property, allowing Duke Energy to provide the transmission and distribution of electrical energy for the purpose related to the operation of the electric facilities and for communication purposes of Incumbent Local Exchange Carriers (“Facilities”).
- (3) Duke Energy requires a strip of land thirty feet (30’) in uniform width for the overhead portion of said Facilities and a strip of land twenty feet (20’) in uniform width for the underground portion of said Facilities, lying equidistant on both sides of a centerline, which centerline shall be established by the center of the Facilities as installed, along with an area ten feet (10’) wide on all sides of the foundation of any of Duke Energy’s enclosure/transformer, vault and/or manhole.
- (4) The County desires to grant utility easements rights over a portion of the County property so Duke Energy may construct and maintain overhead and underground electrical facilities.
- (5) The easement grant is in the best interest of the County and is in furtherance of the development and improvement of a county asset, the new soccer complex on Harrisburg Road.
- (5) It is the purpose of this ordinance to approve the easement grant from the County to Duke Energy.

Section 2. Approval of right-of-way easements.

Council authorizes and approves the grant of the easements to Duke Energy for the construction, management, and maintenance of an underground and overhead electrical facilities over and upon Tax Map No. 0082D-0K-020.00 as described in Section 1.

The form of the Easement instrument is attached to this ordinance as Exhibit A and all terms, provisions and conditions of the easements are incorporated herein by reference as if the easements were set out in this ordinance in its entirety. The County Administrator is authorized to execute and deliver the Easement instrument on behalf of the County. By adoption of this ordinance, Council approves the easement instrument and all its terms, provisions and conditions. The easement instrument is to be in substantially the form as attached to this ordinance and hereby approved, or with such minor changes therein as shall be approved by the officials of the County executing the easement instrument, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of the Easement instrument attached to this ordinance.

Section 3. Authority to act.

The Council Chair, the Clerk to Council, the County Administrator, and County Attorney each are authorized to take such actions and to execute such documents as may be necessary to effectuate the purposes of this ordinance.

Section 4. Severability.

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 5. Conflicting provisions.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, resolutions or orders, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

Section 6. Effective date.

This ordinance is effective upon third reading.

SIGNATURES FOLLOW ON NEXT PAGE.

AND IT IS SO ORDAINED, this _____ day of _____, 2023.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: April 11, 2023
Second Reading: April 24, 2023
Public Hearing: April 24, 2023
Third Reading: May 8, 2023

Approved as to form:

Virginia L. Merck-Dupont, County Attorney

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

Exhibit A to Ordinance No. 2023-1844

**Duke Energy Right of Way -Elliot Street Easement Agreement
Lancaster County to Duke Energy Carolinas, LLC**

Tax Map No. 0082D-0K-020.00

See attached.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.