

**ORDINANCE NO. 2024 - 1922**

**TO APPROVE A TEMPORARY CONSTRUCTION AND PERMANENT EASEMENT GRANT TO LANCASTER COUNTY WATER AND SEWER DISTRICT UPON REAL PROPERTY OWNED BY LANCASTER COUNTY AND LOCATED OFF SOUTH CAROLINA HIGHWAY 9 BEARING TAX PARCEL NUMBER 0066-00-040.00 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.**

**Section 1. Findings and determinations.**

- (1) Lancaster County (the “County”) owns land at tax parcel number 0066-00-040.00. In order to provide a secondary dedicated transmission main to the Lancaster County Water and Sewer District system while also providing an additional backfeed to the City of Lancaster system, Lancaster County Water and Sewer District (LCWSD) requires a temporary construction easement onto the County property to lay, construct, install, inspect, operate, use, maintain, repair, remove, replace, enlarge, and/or reconstruct the water lines and related facilities, including, without limitation, pipes, fixtures, equipment, meters, pumps, connections and other personal property (collectively, “Facilities”) for the transmission and distribution of water, as may be reasonably necessary, appropriate or desirable for use of the water lines, TOGETHER WITH (i) a perpetual (permanent), non-exclusive appurtenant easement and right for access, ingress, and egress over and across the Easement Area for exercise of the easement rights herein conveyed; and (ii) a perpetual, non-exclusive appurtenant easement and right to clear and keep the Easement Area free of trees, structures, buildings, fixtures, wells, septic tanks, underground storage tanks, garbage, or any type of personal property which may interfere in any way with or endanger the water lines, the Facilities or LCWSD’s rights pursuant to the Easement; provided, however, Lancaster County may pave over the Easement Area in connection with the construction of a roadway, driveway or parking lot (if such paving does not interfere with the rights given to LCWSD hereunder).
- (2) LCWSD requires a strip of land thirty feet (30’) in width with the following legal description:

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BEING A NEW PERMANENT UTILITY EASEMENT UPON THAT CERTAIN TRACT, PARCEL OR LOT OF LAND AS DESCRIBED IN DEED BOOK 706, PAGE 291, AND PLAT BOOK 2012, PAGE 608, SITUATE IN THE STATE OF SOUTH CAROLINA, COUNTY OF LANCASTER, CITY OF LANCASTER AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERN RIGHT-OF-WAY LIMITS OF SC HWY 9 W (CHESTER HWY) HAVING SOUTH CAROLINA STATE PLANE COORDINATES OF NORTHING 1049384.04' AND EASTING 2046272.36', SAID POINT ALSO BEING THE NORTHEAST CORNER OF THE LANCASTER HOLDINGS, PLLC PROPERTY PER DEED BOOK 708 PAGE 5 (PID 0083-00-006.01); THENCE ALONG THE SOUTHERN RIGHT-OF-WAY LIMITS OF SC HWY 9 W (CHESTER HWY) NORTH 61 DEGREES 29 MINUTES 57 SECONDS EAST A DISTANCE OF 119.67 FEET TO A POINT; THENCE SOUTH 31 DEGREES 37 MINUTES 44 SECONDS EAST A DISTANCE OF 29.08 FEET TO A POINT; THENCE SOUTH 57 DEGREES 04 MINUTES 53 SECONDS WEST A DISTANCE OF 88.20 FEET TO A POINT; THENCE SOUTH 09 DEGREES 37 MINUTES 44 SECONDS WEST A DISTANCE OF 13.57 FEET TO A POINT; THENCE SOUTH 14 DEGREES 09 MINUTES 01 SECONDS EAST A DISTANCE OF 153.29 FEET TO A POINT; THENCE SOUTH 36 DEGREES 40 MINUTES 29 SECONDS EAST A DISTANCE OF 235.79 FEET TO A POINT; THENCE SOUTH 14 DEGREES 47 MINUTES 07 SECONDS EAST A DISTANCE OF 80.23 FEET TO A POINT; THENCE SOUTH 62 DEGREES 33 MINUTES 26 SECONDS WEST A DISTANCE OF 2.18 FEET TO A POINT, SAID POINT BEING ON THE EASTERN LINE OF THE LANCASTER HOLDINGS, PLLC PROPERTY PER DEED BOOK 708 PAGE 5 (PID 0083-00-006.02); THENCE ALONG SAID EASTERN LINE OF THE LANCASTER HOLDINGS, PLLC PROPERTY NORTH 36 DEGREES 16 MINUTES 06 SECONDS WEST A DISTANCE OF 329.66 FEET TO A POINT, SAID POINT BEING THE NORTHEAST CORNER OF SAID EASTERN LINE OF SAID LANCASTER HOLDINGS, PLLC PROPERTY (PID 0083-00-006.02) AND SOUTHEAST CORNER OF SAID LANCASTER HOLDINGS, PLLC PROPERTY (PID 0083-00-006.01); THENCE ALONG THE EASTERN LINE OF SAID LANCASTER HOLDINGS, PLLC PROPERTY; THENCE NORTH 14 DEGREES 21 MINUTES 15 SECONDS WEST A DISTANCE OF 185.29 FEET TO A POINT; WHICH IS THE POINT OF BEGINNING, HAVING AN AREA OF 0.424 ACRES, MORE OR LESS.

The temporary construction easement described as:

BEGINNING AT A POINT LYING NORTH 61 DEGREES 29 MINUTES 57 SECONDS EAST A DISTANCE OF 119.67 FEET; THENCE SOUTH 31 DEGREES 37 MINUTES 44 SECONDS EAST A DISTANCE OF 29.08 FEET FROM SAID POINT OF BEGINNING OF THE NEW PERMANENT UTILITY EASEMENT DESCRIBED ABOVE THENCE SOUTH 32 DEGREES 55 MINUTES 07 SECONDS EAST A DISTANCE OF 10.00 FEET TO A POINT; THENCE SOUTH 57 DEGREES 04 MINUTES 53 SECONDS WEST A

DISTANCE OF 97.38 FEET TO A POINT; THENCE NORTH 09 DEGREES 37 MINUTES 44 SECONDS EAST A DISTANCE OF 13.57 FEET TO A POINT; THENCE NORTH 57 DEGREES 04 MINUTES 53 SECONDS EAST A DISTANCE OF 88.20 FEET TO A POINT; WHICH IS THE POINT OF BEGINNING, HAVING AN AREA OF 0.021 ACRES, MORE OR LESS.

Both easements being shown on that certain map dated May 24, 2024 by GPI GEOSPATIAL, INC., under the supervision of James C. Gray, Jr., PLS NO. 28149, 1000 West Morehead Street Suite G140, Charlotte, NC 28208.

- (3) The County desires to grant utility easements rights over a portion of the County property so Lancaster County Water and Sewer District (LCWSD) can provide a secondary dedicated transmission main to the Lancaster County Water and Sewer District system while also providing an additional backfeed to the City of Lancaster system.
- (4) The easement grant is in the best interest of the County and is in furtherance of the development and improvement of a utility which serves the County.
- (5) It is the purpose of this ordinance to approve the temporary construction and permanent easement grant from the County to the Lancaster County Water and Sewer District (LCWSD).

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

Council authorizes and approves the grant of the easements to Lancaster County Water and Sewer District (LCWSD) for the construction, management, and maintenance of transmission mains over and upon Tax Map No.0066-00-040.00 as described in Section 1 and illustrated on Exhibit A attached to this ordinance.

The form of the Easement instrument is attached to this ordinance as Exhibit B 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.

**AND IT IS SO ORDAINED**, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**LANCASTER COUNTY, SOUTH CAROLINA**

\_\_\_\_\_  
Steve Harper, Chair, County Council

\_\_\_\_\_  
Billy Mosteller, Secretary, County Council

ATTEST:

\_\_\_\_\_  
Sherrie Simpson, Clerk to Council

First Reading:	August 26, 2024
Second Reading:	September 9, 2024
Public Hearing:	September 23, 2024
Third Reading:	September 23, 2024

Approved as to form:

\_\_\_\_\_  
Virginia L. Merck-Dupont, County Attorney

**Exhibit A to Ordinance No. 2024-1922**

**Temporary Construction and Permanent Utility Easement being shown on that certain map dated May 24, 2024 by GPI Geospatial, Inc., under the supervision of James C. Gray, Jr., PLS NO. 28149, 1000 West Morehead Street Suite G140, Charlotte, NC 28208 – Lancaster County Water and Sewer District – Dedicated Secondary Transmission Main**

Tax Map No. 0066-00-040.00

See attached.

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**Exhibit B to Ordinance No. 2024-1922**

**Temporary Construction and Permanent Utility Easement – Secondary  
Transmission Line to Lancaster County Water and Sewer District**

Tax Map No. 0066-00-040.00

See attached.

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