STATE OF SOUTH CAROLINA)
) **ORDINANCE NO. 2021 - 1757**
COUNTY OF LANCASTER)

AN ORDINANCE

TO APPROVE AN EASEMENT GRANT TO LANCASTER COUNTY WATER AND SEWER DISTRICT UPON REAL PROPERTY OWNED BY LANCASTER COUNTY BEARING TAX PARCEL NUMBER 0003-00-041.00 AND TO AUTHORIZE COUNTY OFFICIALS TO TAKE SUCH ACTIONS AS ARE NECESSARY TO EFFECTUATE THE GRANT OF THE EASEMENT 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 0003-00-041.00 (the "subject property") that was dedicated and deeded to Lancaster County by VK Covington, LLC, by deed dated October 18, 2018, and recorded in Book 1181, Page 134, Lancaster County Register of Deeds.

(2) The subject property was dedicated and deeded to Lancaster County for use as a public safety facility pursuant to Section 4.01B of that certain Development Agreement for the Covington Development dated July 27, 2015, and recorded in Book 900 at Page 27, Lancaster County Register of Deeds.

(3) Lancaster County Water and Sewer District ("LCWSD") needs a sewer easement to serve the Covington development project.

(4) The sewer easement is located at the rear of the subject property that will house the Pleasant Valley Fire Rescue substation and is approximately 30 feet in width, encumbering approximately 0.02 acres (750 sf) of the subject property. The sewer easement is attached hereto and incorporated herein by reference as Exhibit 1. Exhibit B to the aforesaid sewer easement is the plat showing the precise location of the sewer easement.

(5) Pleasant Valley Fire Rescue has confirmed that the easement grant will not adversely impact utilization of the subject property for a fire substation.

(6) The easement grant is in furtherance of providing for the public health and safety of the citizens of Lancaster County as the easement is necessary and desirable for the provision of sewer services by LCWSD to Lancaster County residents within the Covington development project.

(7) It is the purpose of this ordinance to approve the easement grant from County to LCWSD.

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

Council authorizes and approves the grant of an easement (the "Easement") to LCWSD for the construction maintenance and repair of a 30-foot-wide sewer easement upon Tax Map No. 0003-00-041.00 as described in Section 1. The form of the Easement is attached to this ordinance as Exhibit 1 and all terms, provisions and conditions of the Easement are incorporated herein by reference as if the Easement were set out in this ordinance in its entirety.

The County Administrator is authorized to execute and deliver the Easement on behalf of the County. By adoption of this ordinance, Council approves the Easement and all of its terms, provisions and conditions. The Easement 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, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of the Easement attached to this ordinance.

Section 3. Authority to act.

The Council Chair, the Clerk to Council, the County Administrator, the Deputy 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, to the extent of the conflict, 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

Dated this _____ day of _____, 2021.

LANCASTER COUNTY, SOUTH CAROLINA

_____
Steve Harper, Chair, County Council

_____
Billy Mosteller, Secretary, County Council

ATTEST:

_____
Sherrie Simpson, Clerk to Council

First Reading:	July 19, 2021
Second Reading:	August 9, 2021
Third Reading:	August 23, 2021
Public Hearing:	August 9, 2021

Approved as to form:

_____
John DuBose, County Attorney

<u>Exhibit 1</u> to Ordinance No. 2021 - 1757

Form of Sewer Easement
Lancaster County to Lancaster County Water and Sewer District

Tax Map No. 0003-00-041.00