AN ORDINANCE

APPROVING THE GRANT OF AN EASEMENT ACROSS THE COUNTY JUDICIAL CENTER PROPERTY PARCEL ID NUMBER 457-12-02-003 TO BERLIN BROTHERS

WHEREAS, Berlin Brothers ("Berlins") owns property adjacent to the Charleston County Judicial Center in downtown Charleston, and

WHEREAS, Berlin's is desirous of leasing space on the second floor of its adjacent building located at 114 King Street to a tenant or tenants, and

WHEREAS, the City of Charleston's codes require an emergency means of egress from the second floor of the building, and

WHEREAS, emergency egress can only be accomplished by access to an existing open area on the judicial center property, as shown on the attached drawing, incorporated herein as Exhibit A, and

WHEREAS, the County Council finds that allowing an easement for such access, under certain conditions, is a minor encumbrance upon the county's property which will not interfere with the operation of the judicial center, and

WHEREAS, County Council also finds that the appraised value of the easement is a fair and reasonable fee in consideration for the grant of the easement,

NOW, THEREFORE, pursuant to the authority granted to the County Council for Charleston County under the Constitution, statutes, and laws of the State of South Carolina, BE IT ORDAINED by the Charleston County Council, in meetings duly assembled, after three readings and a public hearing, the following ordinance:

SECTION I. FINDINGS INCORPORATED

The findings above are hereby incorporated by reference a made a part of this ordinance.

SECTION II. EASEMENT GRANTED; AUTHORITY TO EXECUTE DOCUMENTS

A. Charleston County Council hereby grants an easement across a portion of the County's Property identified by Parcel ID Number 457-12-02-003 to Berlin Brothers, to allow Berlin Brothers ("Grantee") and its tenants emergency egress across the judicial center property to Broad Street from the rear of Grantee's building located at 114 King Street. Grantee may not engage in or permit any other activities on the property and may not use the property for any other purpose. Grantee is responsible for obtaining any permits required for the use of the property for this purpose, to bear all costs of same, and to indemnify the County, the Charleston Public Facilities Corporation and their employees, officers and agents from any loss, cost or liability arising from Grantee's use of the easement. The location of the easement shall be as shown on the attached drawing, incorporated herein by reference as Exhibit A.

- B. Insofar as the Charleston Public Facilities Corporation (CPFC) holds a lease on the property pursuant to the Certificates of Participation (COPs) financing for the judicial center construction, Council requests that the CPFC approve the easement as well, and authorize its Chairman to execute any and all documents and instruments necessary or helpful to this approval.
- C. The term of the easement shall be for a period of twenty (20) years, or for so long as Grantee's property is leased to a tenant, whichever ends first. The form of the Grant of Easement shall be substantially as shown on the attached Exhibit B.
- D. The easement may be assigned by the Grantee, and the use thereof may be suspended
- E. Consideration for the easement shall be five thousand five hundred Dollars (\$5500).
- F. Use of the easement by Grantee may be suspended for brief periods from time to time, as determined by the Grantor, for the purposes of maintenance, construction or other operational issues for the judicial center.
- G. The Chairman of Council is authorized to execute and deliver all documents and instruments necessary for the grant of this easement.

SECTION III. SEVERABILITY

If, for any reason, any part of this ordinance is invalidated by a court of competent jurisdiction, the remaining portions of this ordinance shall remain in effect.

SECTION IV. EFFECTIVE DATE

This ordinance shall become effective immediately upon approval following third reading.

ADOPTED and APPROVED in meeting duly assembled this _____ day of _____, 2007.

CHARLESTON COUNTY COUNCIL

By:

Timothy E. Scott Vice Chairman

ATTEST:

By:

Beverly T. Craven Clerk of Council

STATE OF SOUTH CAROLINA)) COUNTY OF CHARLESTON)

GRANT OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS THAT, Charleston County Council (hereinafter referred to as Grantor), in the State aforesaid, for and in consideration of the sum of five thousand five hundred and No/100 (\$5500.00) Dollars to it in hand paid by Berlin Brothers (hereinafter referred to as Grantee), in the State aforesaid, the receipt of which is hereby acknowledged, have granted, bargained, sold and released and by these presents does grant, bargain, sell and release unto the said Grantee, its successors and assigns, the following easement (the Easement):

A right to use the property identified in the Attached Exhibit A, incorporated herein by reference, to allow Grantee and his tenants emergency egress across Grantor's property to Broad Street from the rear of Grantee's building located at 114 King Street. Grantee may not engage in or permit any other activities on the Property and may not use the Property for any other purpose. Grantee is responsible for obtaining any permits required for the use of the Property for this purpose, to bear all costs of same, and to indemnify the County, the Charleston Public Facilities Corporation and their employees, officers and agents from any loss, cost or liability arising from Grantee's use of the easement. Use of the easement by Grantee may be suspended for brief periods from time to time, as determined by the Grantor, for the purposes of maintenance, construction or other operational issues for the judicial center.

The within Easement shall run with the land and shall be binding on and shall inure to the benefit of the parties hereto, their respective successors, assigns, guests, invitees, servants, tenants, subtenants, agents, permittees, and successors in title, on the conditions set forth above, for a period of twenty (20) years, or for so long as Grantee's property is leased to a tenant, whichever ends first. The within Easement is nonexclusive, commercial in nature, assignable, transmissible and appurtenant. TO HAVE AND TO HOLD, all and singular, the said Easement unto the said Grantee, its successors and assigns for the period and under the conditions described

above.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be

executed this _____ day of _____, 2007.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

I, _____, Notary Public in and for the State of South

)

Carolina, do hereby certify that ______, personally appeared

before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the _____ day of _____, 2006.

____(SEAL)

NOTARY PUBLIC FOR SOUTH CAROLINA My commission expires: _____