

**AN ORDINANCE**

**APPROVING AND AUTHORIZING THE GRANT OF PERPETUAL EASEMENT TO NORTH CHARLESTON SEWER DISTRICT, ON A PORTION OF A COUNTY PROPERTY IDENTIFIED AS TAX MAP PARCEL NUMBER 469-06-00-107 AND LOCATED AT 3685 RIVERS AVENUE, NORTH CHARLESTON, SOUTH CAROLINA WITH THE RIGHT TO AMEND UP TO 3RD READING**

WHEREAS, Charleston County owns real property located at 3685 Rivers Avenue, North Charleston, South Carolina, further identified as Tax Map Parcel Number 469-06-00-107 (the "Property"); and

WHEREAS, the North Charleston Sewer District ("NCSD") requested the grant of a perpetual easement containing approximately 0.21 acres / 9,131 square feet and is 15 feet in width across a portion of the Property ("the Easement") to construct, locate, install, operate, maintain, repair and replace an underground force main and/or an underground gravity sewer line over, under and upon the property for the operation of sewerage collection treatment and disposal from the Property as shown in Exhibit A, and according to that specific location of the Easement and scope of work shown in Exhibit B, both exhibits attached hereto and made apart hereof by reference; and

WHEREAS, NCSD will pay for all costs of constructing, installing, maintaining, and repairing the Easement, as needed, and will have the right of access to and from the Property as may be necessary for its purposes relating to the Easement; and

WHEREAS, NCSD will be responsible for any damages to the Property occurring during its use, maintenance, repair or replacement of the Easement; and

WHEREAS, Charleston County Council finds that granting the Easement is an appropriate public use for this Property which will benefit the County and its citizens, and it consents to NCSD having the Easement across and upon the Property.

NOW, THEREFORE, BE IT ORDAINED by Charleston County Council in meeting duly assembled finds as follows:

**SECTION I. FINDINGS INCORPORATED**

The above recitals and findings are incorporated herein by reference and made a part of this Ordinance.

**SECTION II. EASEMENT GRANTED; AUTHORITY TO EXECUTE DOCUMENTS**

A. Charleston County Council grants a permanent Easement containing approximately 0.21 acres / 9,131 square feet and is 15 feet in width across a portion of the Property to allow NCSD to install and maintain utility lines and appurtenant facilities to provide sewer utilities.

B. NCSD shall be responsible for any damages to County property occurring during its use of the Easement, and to all persons acting on its behalf and all property which may be in or upon the Easement and Property. All persons and property of every kind which may be in or upon the Easement and Property shall be there at the sole risk of NCSD.

NCSD shall pay for all costs to construct, install, maintain and repair the Easement, as needed. The location of the Easement is shown on the drawing attached as Exhibit A.

C. 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 full force and effect.

SECTION IV. EFFECTIVE DATE

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

ADOPTED and APPROVED in meeting duly assembled this 7<sup>th</sup> day of December 2021.

CHARLESTON COUNTY COUNCIL

By: \_\_\_\_\_

Teddie E. Pryor, Sr.  
Chairman of County Council

ATTEST:

By: \_\_\_\_\_

Kristen L. Salisbury  
Clerk to County Council

First Reading: October 26, 2021  
Second Reading: November 9, 2021  
Third Reading: December 7, 2021  
Public Hearing: December 7, 2021