



REQUEST FOR COUNCIL ACTION City of Greenville, South Carolina

TO: Honorable Mayor and Members of City Council
FROM: Nancy P. Whitworth, Interim City Manager

Agenda Item No.

11d

Ordinance/First Reading
 Ordinance/Second & Final Reading
 Resolution/First & Final Reading
 Information Only

AGENDA DATE REQUESTED: January 14, 2019

ORDINANCE/RESOLUTION CAPTION:

TO GRANT A STORMWATER EASEMENT TO THE GREENVILLE HOUSING AUTHORITY

SUMMARY BACKGROUND:

Greenville Housing Authority (GHA) owned certain property more particularly which contains storm drains and a detention basin which handles storm water runoff from the upgradient Housing Authority Property. By deed dated November 4, 2011, and recorded on November 8, 2011, in the Office of the Register of Deeds for Greenville County, South Carolina, in Deed Book 2396 at Page 3323, GHA conveyed to the City property for use as a park. The GHA is in the process of redeveloping the Housing Authority Property, and requested the City confirm that GHA enjoys certain easements rights to the Stormwater Management Facility located upon the City property. This Ordinance approves a Confirmation of Stormwater Drainage Easement Agreement.

IMPACT IF DENIED:

If denied, the Confirmation of Stormwater Drainage Easement Agreement will not be approved.

FINANCIAL IMPACT

N/A

REQUIRED SIGNATURES

Department Director DocuSigned by:
Mike Murphy
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OMB Director _____

City Attorney DocuSigned by:
Michael S. Pitts
5E0F2A267E2D413...

City Manager DocuSigned by:
Nancy Whitworth
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A N O R D I N A N C E

TO GRANT A STORMWATER EASEMENT TO THE GREENVILLE HOUSING AUTHORITY

WHEREAS, the Greenville Housing Authority (the "GHA") is the owner of certain property situate, lying and being in the State of South Carolina, County of Greenville, and being more particularly described on Exhibit A (the "Housing Authority Property") of the Confirmation of Stormwater Drainage Easement Agreement, (the "Agreement"), which is attached hereto and incorporated herein by reference as the Attachment; and

WHEREAS, heretofore, GHA owned certain property more particularly described on Exhibit B of the Agreement attached hereto and incorporated herein by reference, which contains storm drains and a detention basin which handles storm water runoff from the upgradient Housing Authority Property ("Stormwater Management Facility"); and

WHEREAS, by deed dated November 4, 2011, and recorded on November 8, 2011, in the Office of the Register of Deeds for Greenville County, South Carolina in Deed Book 2396 at Page 3323, GHA conveyed to the City the property described on Exhibit B of the Agreement for use as a park (the "City Property"); and

WHEREAS, the GHA is in the process of redeveloping the Housing Authority Property; and

WHEREAS, in connection with that redevelopment, the GHA requested the City confirm that GHA enjoys certain easements rights to the Stormwater Management Facility located upon the City Property; and

WHEREAS, the City desires to confirm said rights upon the terms and conditions more fully set forth in the Agreement;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA, a Confirmation of Stormwater Drainage Easement Agreement is approved in substantially the same form as that Agreement which is attached hereto and incorporated herein as the Attachment (the "Agreement"). The City Manager, in consultation with the City Attorney, may make or accept minor modifications to the wording and designations of the attached documents as may be necessary or appropriate, provided there is no compromise of the substantive purposes of this Council action. Should the City Manager or City Attorney, or both, determine that any modification of previously negotiated terms is significant and warrants further action by City Council, then the matter shall be presented to Council for further review before the final execution.

DONE, RATIFIED AND PASSED THIS THE _____ DAY OF _____, 2019.

MAYOR

ATTEST:

DEPUTY CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

REVIEWED:

CITY MANAGER

ATTACHMENT

STATE OF SOUTH CAROLINA)	CONFIRMATION OF
)	STORM WATER DRAINAGE
COUNTY OF GREENVILLE)	EASEMENT AGREEMENT

This Confirmation of Storm Water Drainage Easement Agreement (the "Agreement") is made this ____ day of January, 2019 by and between the Housing Authority of the City of Greenville, South Carolina (hereinafter "Housing Authority") and the City of Greenville, a Municipal Corporation (hereinafter "City").

WITNESSETH:

WHEREAS, Housing Authority is the owner of certain property situate, lying and being in the State of South Carolina, County of Greenville, and being more particularly described on Exhibit "A" attached hereto and incorporated herein by reference (the "Housing Authority Property"); and

WHEREAS, heretofore, Housing Authority owned certain property more particularly described on Exhibit "B" attached hereto and incorporated herein by reference, which contains storm drains and a detention basin which handles storm water runoff from the upgradient Housing Authority Property ("Storm Water Management Facility"); and

WHEREAS, by deed dated November 4, 2011 and recorded on November 8, 2011 in the Office of the Register of Deeds for Greenville County, South Carolina in Deed Book 2396 at Page 3323, Housing Authority conveyed to the City the property described on Exhibit "B" for use as a park (the "City Property"); and

WHEREAS, in conjunction with the redevelopment of the Housing Authority Property, the City has approved the redesign of the Storm Water Management Facility as an underground facility, utilizing the same area and existing storm drain lines; and

WHEREAS, Housing Authority and City desire to confirm the existing storm water drainage easement for the Storm Water Management Facility pursuant to the terms and conditions of this Agreement.

NOW, THEREFORE, for and in consideration of One Dollar (\$1.00), the covenants and conditions herein contained and to be observed and performed by each of the parties hereto, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, each of the parties hereto covenants and agrees as follows:

- 1) The foregoing recitals are true and correct and are incorporated herein by reference. The recitals are a substantive, material, and contractual part of this Agreement.
- 2) City hereby grants, conveys, and confirms unto Housing Authority the easement for the continued purpose of transmitting storm water through the

drain lines under the City Property, so that the Housing Authority and City storm water drains into the Storm Water Management Facility located on the Housing Authority Property and the City Property.

- 3) The City shall bear no cost or expense of the installation, reconstruction, and future maintenance of the improvements required to effectuate this Agreement and/or the Storm Water Maintenance Facility. All such improvements shall be constructed in a good and workmanlike manner in accordance with sound engineering and construction practices and in compliance with all applicable governmental laws, ordinances and regulations.
- 4) City hereby grants and conveys unto Housing Authority, if necessary, a temporary easement on the City Property for the purpose of installing the improvements to effectuate this Agreement. Upon completion of the installation of such improvements on the City Property, the City Property will be restored within the boundaries of the temporary easement herein granted to the condition in which it existed prior to such installation.
- 5) This Agreement, including all easements, covenants, agreements, rights and obligations created hereby, shall be deemed appurtenant and shall run with the lands described herein and shall be binding upon and shall inure to the benefit of Housing Authority and its respective legal representatives, successors and assigns, as well as all future owners of the Housing Authority Property.
- 6) This Agreement shall be construed and enforced in accord with the laws of the State of South Carolina.

EXHIBIT "A"

Parcel 1:

All that certain piece, parcel or lot of land, situate, lying and being in the State of South Carolina, County of Greenville, being shown and designated as Parcel B, containing 2.150 acres, more or less (93,655 sq.ft.) on Thruston Street, upon a plat entitled "Recombination Survey for The Housing Authority of the City of Greenville, SC", dated March, 28, 2017, prepared by Benchmark Surveying, Inc., recorded in the Office of the Register of Deeds for Greenville County, SC on June 12, 2017 in Plat Book 1273 at Page 51, reference being made to said plat for a more complete metes and bounds description thereof.

Parcel 2:

All that certain piece, parcel or lot of land, situate, lying and being in the State of South Carolina, County of Greenville, being shown and designated as Parcel C, containing 2.241 acres, more or less (97,633 sq.ft.) on Thruston Street, upon a plat entitled "Recombination Survey for The Housing Authority of the City of Greenville, SC", dated March, 28, 2017, prepared by Benchmark Surveying, Inc., recorded in the Office of the Register of Deeds for Greenville County, SC on June 12, 2017 in Plat Book 1273 at Page 51, reference being made to said plat for a more complete metes and bounds description thereof.

EXHIBIT "B"

All that certain piece, parcel or lot of land, lying and being situate in the State of South Carolina, County of Greenville, City of Greenville, located on Howe Street and being shown as 11,513 sq. ft., 0.26 acres, on a survey entitled "City of Greenville", prepared by Site Design, Inc., dated September 15, 2011, and recorded in the Office of the Register of Deeds for Greenville County, South Carolina in Plat Book 1128 at Page 51. Reference to said survey is hereby made for a metes and bounds description thereof.