



REQUEST FOR COUNCIL ACTION

City of Greenville, South Carolina

Agenda Item No.

15b

TO: Honorable Mayor and Members of City Council
FROM: John F. McDonough, City Manager

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

AGENDA DATE REQUESTED: December 9, 2019

ORDINANCE/RESOLUTION CAPTION:

Ordinance to approve an easement in favor of Duke Energy Carolinas, LLC for the purpose of undergrounding utilities on property located in Cleveland Park (Tax Map No. 0067020100100)

SUMMARY BACKGROUND:

The purpose of this Ordinance is to approve an easement in favor of Duke Energy Carolinas, LLC for undergrounding power lines on property located in Cleveland Park.

IMPACT IF DENIED:

The easement will not be approved.

FINANCIAL IMPACT:

N/A

REQUIRED SIGNATURES

Department Director

DocuSigned by:
Mike Murphy
B8351B3CF7524D2...

City Attorney

DocuSigned by:
Michael Pitts
5E0F2A267E2D413...

OMB Director

City Manager

DocuSigned by:
John McDonough
FDC2AC15040F440...

AN ORDINANCE

TO APPROVE AN EASEMENT IN FAVOR OF DUKE ENERGY CAROLINAS, LLC FOR THE PURPOSE OF UNDERGROUNDING UTILITIES ON PROPERTY LOCATED IN CLEVELAND PARK (TAX MAP NUMBER 0067020100100)

WHEREAS, the city of Greenville (“City”) is the owner of a certain tract of land known as Cleveland Park having Tax Map Number 0067020100100; and

WHEREAS, the City desires to have electric utility lines placed underground on the foregoing tract of land; and

WHEREAS, City Council has determined it is in the best interests of the City to enter into an Easement Agreement in favor of Duke Energy Carolinas, LLC for the purpose of undergrounding electric utilities on the foregoing tract of land;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA, City Council approves entering into an easement agreement in favor of Duke, subject to terms and conditions that are substantially similar to those as set out in Attachment A, attached hereto. 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 _____, 2020.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

REVIEWED:

CITY MANAGER

ATTACHMENT A

EASEMENT

SOUTH CAROLINA
GREENVILLE COUNTY

Return To: Duke Energy
ATTN: PIETRINA CLARK
425 Fairforest Way
Greenville, SC 29607

THIS EASEMENT ("Easement") is made this _____ day of _____, 2020 ("Effective Date"), from CITY OF GREENVILLE, ("GRANTOR," whether one or more), to Duke Energy Carolinas, LLC, a North Carolina limited liability company ("DEC"); its successors, licensees, and assigns.

WITNESSETH:

THAT GRANTOR, for and in consideration of the sum of ONE DOLLAR (\$1.00), the receipt and sufficiency of which are hereby acknowledged, does hereby grant unto DEC, its successors, licensees, and assigns, the perpetual right, privilege, and easement to go in and upon the land of GRANTOR situated in City of Greenville, Greenville County, South Carolina, described as follows: Parcel No. 0067020100100, containing certain piece, parcel or lot of land, more or less, described in a deed from W.C. Cleveland to City of Greenville, recorded February 13, 1928 in Deed Book 112, Page 356, Greenville County Register of Deeds (the "Property"), LESS AND EXCEPT any prior out-conveyances, and to construct, reconstruct, operate, patrol, maintain, inspect, repair, replace, relocate, add to, modify and remove electric and/or communication facilities thereon including but not limited to, underground conduits, enclosures/transformers, vaults and manholes and other appurtenant apparatus and equipment (the "Facilities") within an easement area being twenty (20) feet wide, together with an area ten (10) feet wide on all sides of the foundation of any DEC enclosure/transformer, vault or manhole (the "Easement Area"), for the purpose of transmitting and distributing electrical energy and for communication purposes of DEC. The centerline of the Facilities shall be the center line of the Easement Area.

The right, privilege and easement shall include the following rights granted to DEC: (a) ingress and egress over the Easement Area and over adjoining portions of the Property (using lanes, driveways and paved areas where practical as determined by DEC); (b) to relocate the Facilities and Easement Area on the Property to conform to any future highway or street relocation, widening or improvement; (c) to trim and keep clear from the Easement Area, now or at any time in the future, trees, limbs, undergrowth, structures or other obstructions, and to trim or clear dead, diseased, weak or leaning trees or limbs outside of the Easement Area which, in the opinion of DEC, might interfere with or fall upon the Facilities; and (d) all other rights and privileges reasonably necessary or convenient for DEC's safe, reliable and efficient installation, operation, and maintenance of the Facilities and for the enjoyment and use of the Easement Area for the purposes described herein.

It is understood and agreed that the general location of the Easement Area is shown on the sketch attached hereto as Exhibit A and recorded herewith. The final and definitive location of the Easement Area shall become established by and upon the final installation and erection of the facilities by DEC in substantial compliance with Exhibit A hereto.

TO HAVE AND TO HOLD said rights, privilege, and easement unto DEC, its successors, licensees, and assigns, forever, and GRANTOR, for itself, its heirs, executors, administrators, successors, and assigns, covenants to and with DEC that GRANTOR is the lawful owner of the Property and the Easement Area in fee and has the right to convey said rights and Easement.

IN WITNESS WHEREOF, this EASEMENT has been executed by GRANTOR and is effective as of the Effective Date herein.

CITY OF GREENVILLE

Witnesses:

(Witness #1 Signature)

(Witness #2 Signature)

By: _____

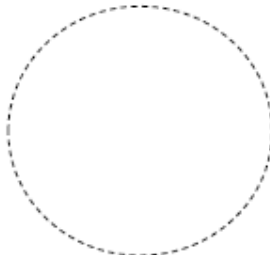
Print John McDonough

Title: City Manager

SOUTH CAROLINA, _____ COUNTY

I, _____, a Notary Public of _____ County, South Carolina, certify that _____ (name) _____ (title), for _____ CITY OF GREENVILLE _____ personally appeared before me this day and acknowledged the due execution of the foregoing EASEMENT.

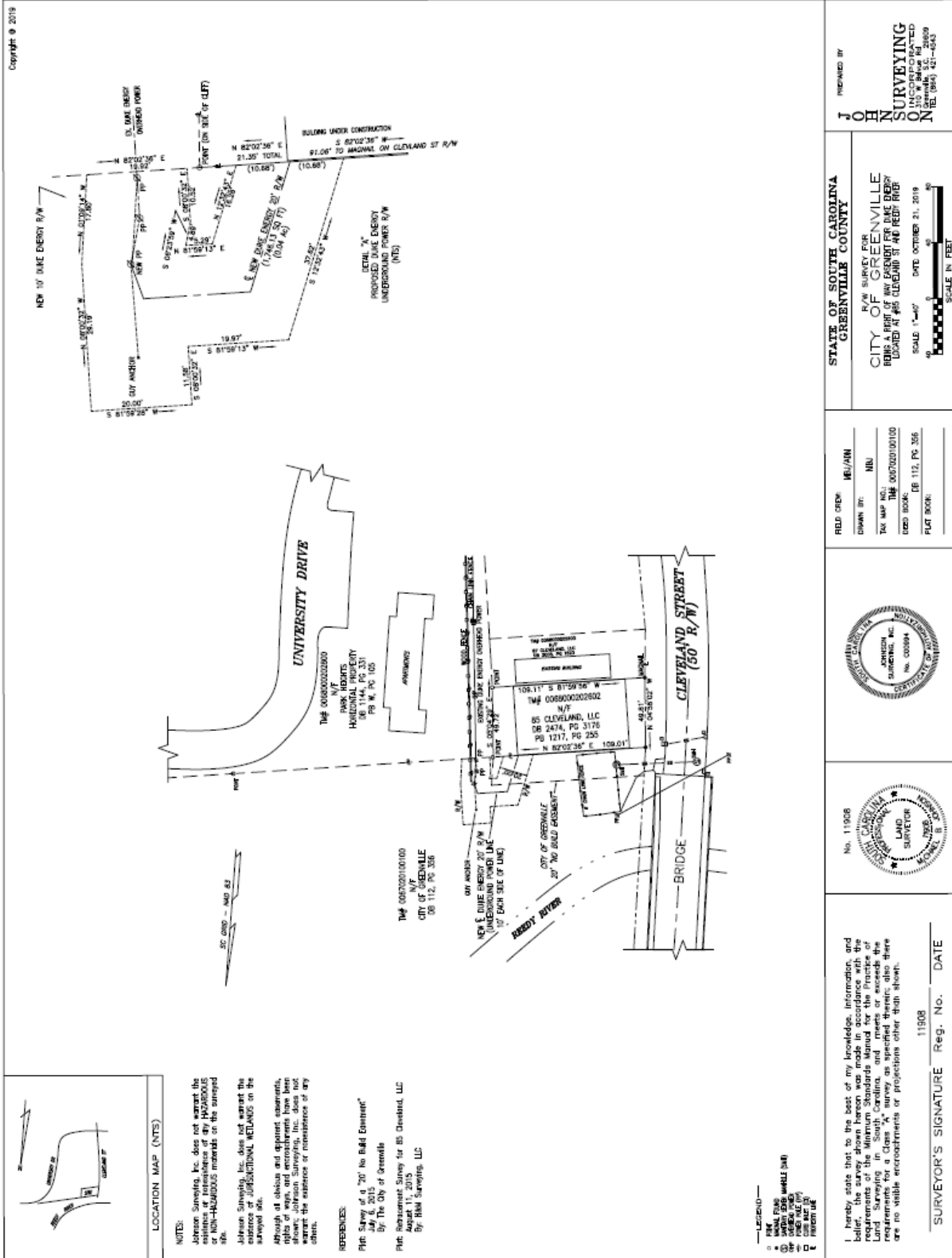
Witness my hand and notarial seal, this _____ day of _____, 2019 _____.



Notary Public

My commission expires: _____

EXHIBIT A



Copyright © 2019

LOCATION MAP (NTS)

NOTES:
Johnson Surveying, Inc. does not warrant the existence or non-existence of any HAZARDOUS or NON-HAZARDOUS materials on the surveyed site.
Johnson Surveying, Inc. does not warrant the accuracy of any information contained on the surveyed site.
Although all obvious and apparent easements, encroachments, and other matters are shown, Johnson Surveying, Inc. does not warrant the existence or nonexistence of any other.

REFERENCES:
Plan Survey of 4.70' No. 8441 Enclave" July 6, 2015 By The City of Greenville
Plan Replatment Survey for 85 Cleveland, LLC August 11, 2015 By RHM Surveying, LLC

LEGEND:
 - - - - - EXISTING
 - - - - - PROPOSED
 - - - - - EXISTING UNDERGROUND POWER
 - - - - - PROPOSED UNDERGROUND POWER
 - - - - - EXISTING UNDERGROUND WATER
 - - - - - PROPOSED UNDERGROUND WATER

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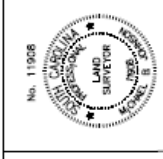
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DESIGNED BY
JOHNSON SURVEYING
310 W. BANK ST. GREENVILLE, SC 29601
TEL: (864) 421-4543

STATE OF SOUTH CAROLINA
GREENVILLE COUNTY
R/W SURVEY FOR UNDERGROUND POWER LINES AT 85 CLEVELAND ST AND REDDY BLVD
SCALE: 1"=40' DATE: OCTOBER 21, 2019
SCALE IN FEET

FIELD CREW: JEB/AMM
DRAWN BY: NBU
TAX MAP NO.: TM 0007020100100
DEED BOOK: DB 112, PG. 306
PLAT BOOK:



I, hereby state that to the best of my knowledge, information, and belief, the survey shown hereon was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements of the Manual. There are no visible encroachments or projections other than shown.

SURVEYOR'S SIGNATURE Reg. No. 11908 DATE