



# 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:** March 23, 2020

**ORDINANCE/RESOLUTION CAPTION:**

ORDINANCE TO APPROVE AN EASEMENT IN FAVOR OF DUKE ENERGY CAROLINAS, LLC FOR THE PURPOSES OF UNDERGROUNDING UTILITIES ON PROPERTY LOCATED ON WELBORN STREET (TAX MAP NUMBERS 0055000100501, 0055000100204, 0055000100200, 0055000100301, 0055000100304, 0055000100210, 0055000100302, 0055000100212, 0055000100101, 0055000100100)

**SUMMARY BACKGROUND:**

The purpose of this Ordinance is to approve an easement in favor of Duke Energy Carolinas, LLC for undergrounding power lines on properties located on Welborn Street at Unity 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*  
EDC2AC15040E440

A N O R D I N A N C E

TO APPROVE AN EASEMENT IN FAVOR OF DUKE ENERGY CAROLINAS, LLC FOR THE PURPOSES OF UNDERGROUNDING UTILITIES ON PROPERTY LOCATED ON WELBORN STREET (TAX MAP NUMBERS 0055000100501, 0055000100204, 0055000100200, 0055000100301, 0055000100304, 0055000100210, 0055000100302, 0055000100212, 0055000100101, 0055000100100)

WHEREAS, the city of Greenville (“City”) is the owner of those certain tracts of land Welborn Street having Tax Map Numbers 0055000100501, 0055000100204, 0055000100200, 0055000100301, 0055000100304, 0055000100210, 0055000100302, 0055000100212, 0055000100101, 0055000100100; and

WHEREAS, the City desires to have electric utility lines placed underground on the foregoing tracts 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 tracts 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 Energy Carolinas, LLC, subject to terms and conditions that are substantially similar to those as set out in Attachment 1, attached hereto and incorporated herein by reference. 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 1

EASEMENT

SOUTH CAROLINA  
GREENVILLE COUNTY

PARCEL NO. 0055000100501, 0055000100204, 0055000100200,  
0055000100301, 0055000100304, 0055000100210, 0055000100302,  
0055000100212, 0055000100101, 0055000100100

Prepared By: Duke Energy Carolinas, LLC  
Return To: Duke Energy Carolinas, LLC  
Attn: Pietrina Clark  
425 Fairforest Way  
Greenville, SC 29607

THIS EASEMENT ("Easement") is made this \_\_\_\_\_ day of \_\_\_\_\_, 2020  
("Effective Date"), from THE 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 Greenville County School District, South Carolina, of said County and State, described as follows: containing all that certain parcel or tract of land, more or less, being the lands described in deeds to The City of Greenville from: 1) CSX Transportation, Inc., recorded date December 7, 2005, and recorded in Deed Book 2179, Page 443 ; 2) Robert A. Brooks, recorded date December 19, 2011, and recorded in Deed Book 2398, Page 1614; 3) Smith Dray Line & Storage, Inc., recorded dated May 24, 2013, and recorded in Deed Book 2539, Page 418; 4) T & N Enterprises, LLC., recorded dated May 24, 2013, and recorded in Deed Book 2539, Page 431; 5) 159 Welborn Street, LLC., recorded dated September 30, 2014, and recorded in Deed Book 2452, Page 2805; 6) William N. Turrentine, Jr. and Samuel A. Turrentine, II., recorded dated January 27, 2016, and recorded in Deed Book 2481, Page 488; 7) George L. Sijon and Greenville County Tax Collector, recorded dated April 5, 1999, and recorded in Deed Book 1829, Page 459; 8) Curlee and Foster, Inc., recorded January 7, 1998, and recorded in Deed Book 1737, Page 54 in the Greenville County Register of Deeds Office, South Carolina (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, ~~supporting structures such as poles, cables, wires, guy wires, anchors,~~ underground conduits, enclosures/transformers, vaults and manholes, and other appurtenant apparatus and equipment (the "Facilities") within an easement area being ~~thirty (30) feet wide for the overhead portion of said facilities and~~ twenty (20) feet wide for the underground portion of said facilities 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 ~~and Incumbent Local Exchange Carriers~~. 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; ~~(d) to install guy wires and anchors extending beyond the limits of the Easement Area;~~ and ~~(e)~~ (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.

THE CITY OF GREENVILLE

Witnesses:

\_\_\_\_\_  
(Witness #1 Signature)

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

Print \_\_\_\_\_

\_\_\_\_\_  
(Witness #2 Signature)

Title: \_\_\_\_\_

SOUTH CAROLINA, \_\_\_\_\_ COUNTY

I, \_\_\_\_\_, a Notary Public of \_\_\_\_\_ County, South Carolina, certify that \_\_\_\_\_ (name) \_\_\_\_\_ (title), for \_\_\_\_\_ THE 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 \_\_\_\_\_, 2020.



\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

EXHIBIT A

