

FILED  
OFFICE OF CLERK  
OF COURT  
2019 DEC 13 AM 11:29  
CLERK OF COURT  
LANCASTER, SC

---

STATE OF SOUTH CAROLINA

)

ORDINANCE NO. 2019 - 1629

COUNTY OF LANCASTER

)

AN ORDINANCE

TO APPROVE A RIGHT OF WAY AGREEMENT BETWEEN LANCASTER COUNTY AND COMPORIUM COMMUNICATIONS, PROVIDING AN EASEMENT TO COMPORIUM COMMUNICATIONS TO BE LOCATED ALONG GRACE AVENUE; AND TO AUTHORIZE COUNTY OFFICIALS TO TAKE SUCH ACTIONS AS NECESSARY TO EFFECTUATE THE PURPOSES OF THIS ORDINANCE.

Be it ordained by the Council of Lancaster County, South Carolina:

**Section 1. Findings and determinations.**

Council finds and determines that:

(1) Lancaster County (the "County") owns the land adjacent to Grace Avenue identified further as Tax Map No. 0083-00-007.01;

(2) Comporium Communications ("Comporium") is the provider of communications service to Lancaster County and Comporium proposes to install communications facilities in the area to serve their customers; and

(3) It is the purpose of this ordinance to approve a right of way agreement providing an easement to so that Comporium may upgrade communications service in the area.

**Section 2. Approval of right-of-ways agreement.**

(A) Council authorizes and approves the Right of Way Agreement granting an easement to Comporium as described in Section 1. The form of the Right of Way Agreement is attached to this ordinance as Exhibit A and all terms, provisions and conditions of the Right of Way Agreement are incorporated herein by reference as if the Right of Way Agreement were set out in this ordinance in its entirety. The County Administrator is authorized to execute and deliver the Right of Way Agreement on behalf of the County. By adoption of this ordinance, Council approves the Right of Way Agreement and all of its terms, provisions and conditions. The Right of Way Agreement is to be in substantially the form as attached to this ordinance and hereby approved, or with such minor changes therein as shall be approved by the officials of the County executing the Right of Way Agreement, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of the Right of Way Agreement attached to this ordinance.

(B) Council approves the granting of an easement as described and provided for in the Right of Way Agreement.

**Section 3.**      **Authority to act.**

The Council Chair, Secretary and Clerk, the County Administrator and County Attorney each are authorized to take such actions and to execute such documents as may be necessary to effectuate the purposes of this ordinance.

**Section 4.**      **Severability.**

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

**Section 5.**      **Conflicting provisions.**

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, resolutions or orders, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

**Section 6.**      **Effective date.**

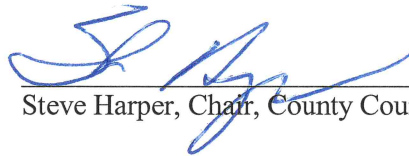
This ordinance is effective upon Third Reading.

SIGNATURES FOLLOW ON NEXT PAGE.

AND IT IS SO ORDAINED

Dated this 9<sup>th</sup> day of December, 2019.

LANCASTER COUNTY, SOUTH CAROLINA

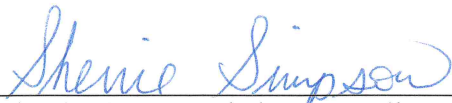


Steve Harper, Chair, County Council



Larry Honeycutt, Secretary, County Council

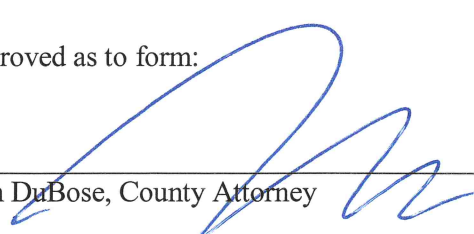
ATTEST:



Sherrie Simpson, Clerk to Council

First Reading: November 12, 2019  
Second Reading: November 25, 2019  
Public Hearing: December 9, 2019  
Third Reading: December 9, 2019

Approved as to form:

  
John DuBose, County Attorney

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

**Exhibit A to Ordinance No. 2019 - 1629**

**Form of Right-of-Way Agreement  
Lancaster County and Comporium Communications  
Grace Avenue Easement**

See attached.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

E-7  
(02/17)

GENERAL EASEMENT

STATE SOUTH )  
CAROLINA )  
COUNTY OF Lancaster )

\$ 1.00

Received of Comporium Communications

One and 00/100 Dollars, in consideration of which the undersigned hereby grants unto said Company, its respective successors, assigns, lessees, and agents, a right-of-way and easement to construct, reconstruct, and maintain lines for communications purposes consisting of such wires and cables mounted on poles, placed in conduit, and/or buried, and such poles, guys, anchors, conduits, terminal housings, and other fixtures and appurtenances as the grantee may from time to time require upon, across, over, and/or under the property which they own or in which they have any interest in the Township of Lancaster County of Lancaster, State of South Carolina, said right-of-way and easement to be located as follows:

A right of way, ten (10) feet in width, to place communications facilities as required within the property as shown on the attached detail drawing "Exhibit A" for the property (county parcel # 0083-00-007.01) along Grace Avue, Dated October 1, 2019 recorded in Plat Book at page in the RMC Office of Lancaster County, SC (which drawing is hereby incorporated as part hereof).

and upon, along, and/or under the roads, streets, or highways adjoining or through said property, together with the following rights: to clear and keep clear all trees, under-growth, or other obstructions within said right of way; to trim any trees along said lines so as to keep the wires and cables cleared at least thirty-six inches; to permit the attachment of, and/or carry in conduit, wires and cables of any other person or company for communication purposes or for the transmission and distribution of electric power; and, on the property adjacent to said line for any and all anchors and guy wires that may be reasonably necessary; and of ingress and egress to said line at all times for the purposes herein granted. The grantor for themselves, their heirs, executors, administrators, successors, and assigns hereby covenants that no wire line will be erected or permitted on said property which in the judgment of the grantee, its successors, and assigns, will interfere with its service or endanger its lines. Reserving however, to the grantor the right to cultivate and use the ground within the limits of said right of way, provided that such use does not interfere with or obstruct the rights herein granted, and provided further, that the grantor shall not build, create, or construct, nor permit others to build, create or construct, any building or other structure or obstruction on, over, or under said line or lines which may interfere with the construction, operation, or maintenance thereof. Said sum being received in full payment for the rights herein granted.

The undersigned warrants that it is the sole, fee simple owner of the Property, that it has the unqualified right and power regarding the Property to grant the easement and right-of-way set forth herein and that it will defend and indemnify the grantee against any and all persons who may claim otherwise.

WITNESS his/her hand and seal as of the \_\_\_\_\_ day of \_\_\_\_\_, 2019

Witness:

(1<sup>st</sup> Witness Signature)

By: (sign) \_\_\_\_\_  
(Grantor)

(2<sup>nd</sup> Witness Signature)

(print name) \_\_\_\_\_  
(Grantor)

STATE OF SOUTH )  
CAROLINA )  
COUNTY OF Lancaster )

PROBATE

Personally appeared before me \_\_\_\_\_ and made  
(1<sup>st</sup> Witness Name)

oath that he saw the within named \_\_\_\_\_  
(Grantor)

sign, seal, and as their act and deed deliver the within written instrument; and that together he/she  
with the other witness who signed above witnessed the execution thereof.

SWORN to before me this \_\_\_\_\_

\_\_\_\_\_  
(1<sup>st</sup> Witness Signature)

day of \_\_\_\_\_ A.D. 20\_\_\_\_\_

\_\_\_\_\_  
(SEAL)

Notary Public (affix seal)

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

STATE OF SOUTH )  
CAROLINA )  
COUNTY OF Lancaster )

PROBATE

TELEPHONE COMPANY REFERENCE DATA

Serial No. \_\_\_\_\_ File No. \_\_\_\_\_

Name and Address of Grantor(s) \_\_\_\_\_

Location \_\_\_\_\_

Line \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_



# Exhibit A

0083-00-006.02

D H E CRD

0083-00-007.02

COMP. 10' EASEMENT

0083-00-007.01

0083-00-008.00

GRACE AV

STIRLING INC CIR

0083-00-007.00

2457

295 ft

## Legend

COMP. 10' EASEMENT

COMPORIUM INC.

Exhibit A

DFTM:  
ZSA

ENG:  
ZSA

AP'D

PARCEL NUMBER: # 0083-00-007.01

10/1/2019

PG: 1