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CLERK OF COURT  
LANCASTER, SC

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LANCASTER )

ORDINANCE NO. 2020 - 1649

**AN ORDINANCE**

**TO APPROVE ABANDONMENT OF AN EASEMENT HELD BY LANCASTER COUNTY BENEFITING TAX MAP NUMBER 0008-00-063.06 AND BURDENING PROPERTY OWNED BY RED EDGE, LLC, IDENTIFIED WITH TAX MAP NUMBER 0008-00-063.05, BOTH PROPERTIES BEING LOCATED ON POSSUM HOLLOW ROAD; AND TO AUTHORIZE COUNTY OFFICIALS TO TAKE SUCH ACTIONS AS NECESSARY TO ABANDON THE EASEMENT BY RECORDED LEGAL INSTRUMENT 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 land at 9370 Possum Hollow Road identified further as Tax Map No. 0008-00-063.06 and containing a fire station;

(2) Lancaster County holds a non-exclusive sixty-foot-wide ingress and egress easement (the "access easement") that burdens adjacent property owned by Red Edge, LLC, and identified as Tax Map No. 0008-00-063.05;

(3) The access easement was intended to provide indirect access to the fire station at 9370 Possum Hollow Road but the fire station was ultimately sited and configured to directly access Possum Hollow Road;

(4) Due to the configuration of the fire station at 9370 Possum Hollow Road the sixty-foot-wide access easement has not been improved, is not used to access the fire station, and is not readily capable of being used to access the fire station in the future;

(5) The access easement is of no practical use to Lancaster County and has no monetary value to Lancaster County;

(6) Red Edge, LLC has requested that Lancaster County abandon the access easement that burdens its property; and

(6) It is the purpose of this ordinance to approve abandonment of the easement.

**Section 2.      Approval of right-of-way abandonment by quit claim deed.**

(1) Council authorizes and approves the granting of a quit claim deed (the “Deed”) to Red Edge, LLC abandoning any right title or interest that Lancaster County holds in the access easement that burdens Tax Map No. 0008-00-063.05 as described in Section 1. The form of the Deed is attached to this ordinance as Exhibit A and all terms, provisions and conditions of the Deed are incorporated herein by reference as if the Deed were set out in this ordinance in its entirety. The County Administrator is authorized to execute and deliver the Deed on behalf of the County. By adoption of this ordinance, Council approves the Deed and all of its terms, provisions and conditions. The Deed 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 Deed, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of the Deed attached to this ordinance.

(2) Council approves the abandonment of the easement as described and provided for in the Deed.

**Section 3.      Authority to act.**

The Council Chair, the Clerk to Council, the County Administrator, the Deputy 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.

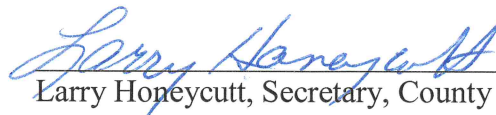
SIGNATURES FOLLOW ON NEXT PAGE.

**AND IT IS SO ORDAINED**

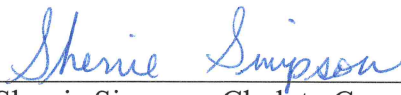
Dated this 9<sup>th</sup> day of MARCH, 2020.

**LANCASTER COUNTY, SOUTH CAROLINA**

  
\_\_\_\_\_  
Steve Harper, Chair, County Council

  
\_\_\_\_\_  
Larry Honeycutt, Secretary, County Council

ATTEST:

  
\_\_\_\_\_  
Sherrie Simpson, Clerk to Council

First Reading: February 10, 2020  
Second Reading: February 24, 2020  
Third Reading: March 9, 2020

Approved as to form:

  
\_\_\_\_\_  
John DuBose, County Attorney

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**Exhibit A to Ordinance No. 2020 - 1649**

**Form of Quit Claim Deed  
Lancaster County to Red Edge, LLC**

Tax Map No. 0008-00-063.05

See attached.

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**Title Not Examined**

# QUIT-CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, That LANCASTER COUNTY,  
 (“GRANTOR”) in the State aforesaid, for no consideration and to abandon an unused



unimproved easement, has remised, released and forever quit-claimed, and by these presents does remise, release, and forever quit-claim unto the said Red Edge, LLC (**"GRANTEE"**) any right, title, or interest that Lancaster County holds in the Grantee's property identified as Tax Map No. 0008-00-063.05, and more fully shown and described, in part, in **Exhibit "A"** attached hereto and incorporated herein as by reference.

Grantee Address:

Red Edge, LLC  
9789 Charlotte Highway, Suite 400 #278  
Fort Mill, SC 29707

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging to in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the said **Red Edge, LLC**, its successors and assigns forever.

WITNESS my Hand and Seal this \_\_\_\_\_, of March 2020.

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:

\_\_\_\_\_  
Witness #1

\_\_\_\_\_  
Steve Willis,  
Lancaster County Administrator

\_\_\_\_\_  
Witness #2

**STATE OF SOUTH CAROLINA )    ACKNOWLEDGMENT**

**COUNTY OF LANCASTER         )**

I, \_\_\_\_\_, a Notary Public for the State of South Carolina, do hereby certify that LANCASTER COUNTY, by Steve Willis, its Administrator personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and seal this \_\_\_\_\_ day of March 2020.

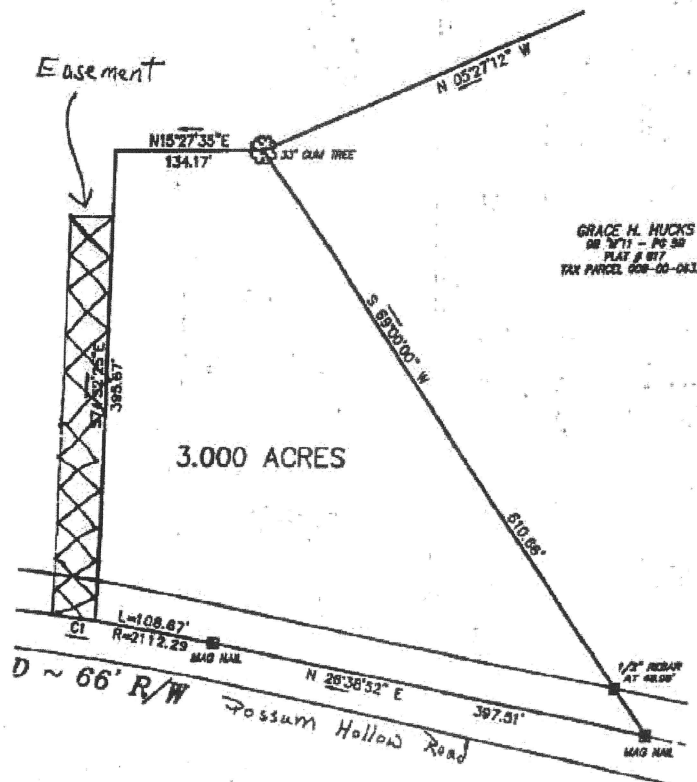
\_\_\_\_\_(SEAL)  
Notary Public for State of South Carolina  
My commission expires: \_\_\_\_\_  
Print Name: \_\_\_\_\_

Exhibit "A"  
Property Description and Easement Sketch

All that certain piece, parcel or lot of land situate, lying and being on Possum Hollow Road, in Indian Land Township, Lancaster County, South Carolina, consisting of a non-exclusive sixty (60) foot wide ingress and egress easement that burdens the property now or formerly owned by Red Edge, LLC and more particularly shown and described on the sketch below, same being Exhibit "B" to that deed of conveyance to County of Lancaster, South Carolina from Crisis Hill, Inc., dated December 22, 2008, and recorded in the office of the Register of Deeds for Lancaster County, South Carolina in Deed Book 497, Page 335-341.

Tax Map #: portion of 0008-00-063.05

60-FOOT WIDE VEHICULAR ACCESS EASEMENT





STATE OF SOUTH CAROLINA     )  
   )  
COUNTY OF LANCASTER         )

**AFFIDAVIT OF EXEMPT TRANSFERS**

**PERSONALLY** appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on the back of this affidavit and I understand such information.
2. The property being transferred is located at Tax Map No. 0008-00-063.05
3. The deed is exempt from the deed recording fee because (See information section of affidavit):  
    No consideration paid, grantor is abandoning easement rights .
4. As required by Code Section 12-24-70, I state that I am a responsible person who was connected  
with the transaction as: Lancaster County Attorney.
5. I understand that a person required to furnish this affidavit who willfully furnishes a false or  
fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than  
one thousand dollars or imprisoned not more than one year, or both.

\_\_\_\_\_  
John K. DuBose, III, Esquire  
Lancaster County Attorney

**SWORN** to before me this \_\_\_\_\_, day  
of March, 2020.

\_\_\_\_\_  
Notary Public for South Carolina  
My Commission Expires \_\_\_\_\_  
Print Name: \_\_\_\_\_