

Sponsor(s) : County Council  
First Reading : March 5, 2024  
Committee Referral : N/A  
Committee Consideration Date : N/A  
Committee Recommendation : N/A  
Second Reading : April 2, 2024  
Public Hearing : May 7, 2024  
Third Reading : May 7, 2024  
Effective Date : Immediately

I, Kaela Brinson, Council Clerk,  
certify that this Ordinance was  
advertised for Public Hearing on  
April 18, 2024.

## **ORDINANCE NO. 24-O-01**

### **COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY**

**[An Ordinance Authorizing Colleton County to Join with the Walterboro – Colleton County Airport Commission and the City of Walterboro in Conveying 8.863 Acres of a Portion of Real Property, Located at the Colleton County Recreation Center, Identified by T.M.S. No. 132-00-00-028.00 to Colleton County.]**

#### **WHEREAS:**

1. The Walterboro - Colleton County Airport Commission has determined that the real estate described hereinbelow is surplus to the needs for the purposes of the Act establishing the Walterboro - Colleton County Airport Commission and that there are no restrictions on the use or disposal of such real property under the deed from the United States of America; and
2. The Walterboro - Colleton County Airport Commission has determined that the real estate described hereinbelow should be conveyed to Colleton County to be used for recreation ballfields and has requested that the City of Walterboro and the County of Colleton join in a conveyance of the real estate described hereinbelow to Colleton County for said consideration, all by its resolution duly adopted; and
3. Colleton County Council deems it to be in the best interest of the County to grant an access Easement to the City of Walterboro across a portion of property upon its ownership by Colleton County located on Recreation Lane (Currently a portion of TMS. No. 132-00-00-028.000) within the City of Walterboro, SC; and
4. Such easement is to be used for the City of Walterboro for the placement of a well adjacent to its elevated water tank.

#### **NOW THEREFORE, BE IT ORDAINED BY COLLETON COUNTY COUNCIL DULY ASSEMBLED THAT:**

1. Colleton County joins with the City of Walterboro and the Walterboro-Colleton County Airport Commission in conveying to Colleton County, for a consideration of Ten and no/100 Dollars (\$10), all by its resolution duly adopted the following described property:

All that certain piece or parcel or tract of land being triangular in shape and containing 8.863 acres, more or less, together with all buildings and structures and fixtures improvements thereon, situate and lying and being in Colleton County, South Carolina, about three (3) miles northeast of the Town of Walterboro and being near and just northeast of the Lowcountry Regional Airport in that certain part of the "Industrial Area" commonly known as the "Colleton County Recreation Center and Complex", and being located at the intersections of Thunderbolt Drive with Recreation Lane and S.C. Secondary Road No. S-15-744 on the southwestern side of Thunderbolt Drive (S.C. Secondary Road No. 5-15-461) and on the southeastern side of Recreation Lane (S.C. Secondary Road No. S-15-745) and on the northeastern side of S.C. Secondary Road No. S-15-744, and being more fully shown and described and delineated on and by reference to a Plat of 8.863 acres prepared for the County of Colleton by Samuel C. Bethay, Registered Professional Engineer and Land Surveyor No. 11900, surveyed on March 17, 2024 and signed on March 19, 2024 and approved on March 21, 2024 and recorded on March 27, 2024 with the Colleton County Register of Deeds Office in Plat Book 966, at Page 92 and reference to the aforesaid Plat is hereby specifically craved for a more full and complete and particular and accurate description of the within 8.863 acre tract of land and its size and shape and location and area and dimensions and metes and bounds and courses and bearings and distances and measurements and such aforesaid Plat is hereby incorporated herein and hereunder and made part and parcel hereof by specific reference thereto.

BEING a portion of the 1,538.60+- acre parcel of land now being designated as Colleton County TMS No. 132-00-00-028 in which the fee-simple title therein is now jointly owned and held and vested in the names of the City of Walterboro f/k/a the Town of Walterboro (A South Carolina Municipal Corporation) and the County of Colleton (A body politic and a corporate and political subdivision of the State of South Carolina), and pursuant to and in accordance with Act #584 of the General Assembly of the State of South Carolina of 1946, as amended by Act #789 of the General Assembly of the State of South Carolina of 1948 and by Act #21 of the General Assembly of the State of South Carolina of 1965 and by Act #1031 of the General Assembly of the State of South Carolina of 1966 and by Act #1150 of the General Assembly of the State of South Carolina of 1968, the above-described real property is subject and entrusted to the ongoing and continuing care and custody and management and supervision and control of the "Walterboro - Colleton County Airport Commission"; and the above- described real estate is a portion of the real property previously transferred and conveyed to the Town of Walterboro and the County of Colleton, as the Grantees, by a Quit Claim Deed from the United States of America acting by and through the Federal Works Agency, as the Granter, dated January 29, 1947 and recorded on March 19, 1947 with the Colleton County Clerk of Court's Office in Deed Book 97, at Pages 43-45; and the above-described real estate is subject to the covenants and conditions and restrictions and reservations as stated and set forth in the aforesaid Quit Claim Deed dated January 29, 1947 and recorded on March 19, 1947 in Colleton County Deed Book 97, at Pages 43-45, and also as provided in and by and under the subsequent Modification Deed that was executed on September 25, 1950 by the United States of America acting by and through the Federal Security Administrator,

as the Granter, unto and in favor of the Town of Walterboro and the County of Colleton, South Carolina, as the Grantees, and that was thereafter recorded on November 8, 1950 with the Colleton County Clerk of Court's Office in Deed Book 105, at Page 431, and that thereby modified certain conditions and covenants and restrictions and reservations as contained in the above-referenced prior Quit Claim Deed dated January 29, 1947 and recorded on March 19, 1947 in Colleton County Deed Book 97, at Pages 43-45; and the United States of America acting by and through the Administrator of General Services, as the Granter, thereafter transferred and conveyed unto and in favor of the Town of Walterboro, South Carolina and the County of Colleton, South Carolina, as the Grantees, all coal and iron and oil and gas and other minerals located in and on and at and upon all of the lands as previously more fully described in and by and under the aforesaid Quit Claim Deed dated January 29, 1947 and recorded on March 19, 1947 in Colleton County Deed Book 97, at Pages 43-45, by the execution of a subsequent Quit Claim Deed dated September 13, 1966 and recorded on September 23, 1966 with the Colleton County Clerk of Court's Office in Deed Book 141, at Page 488.

2. The documents attached and included herein by reference, grant an access easement to City of Walterboro across a portion of property owned by Colleton County located on Recreation Lane (Currently a portion of TMS. No. 132-00-00-028.000) within the City of Walterboro, SC to be used for the City of Walterboro to provide for the placement of a well adjacent to its elevated water.
3. The County Administrator is hereby authorized to sign said easement on behalf of the County pending final approval of the document by the County Attorney.
4. Said easement shall be recorded in the Office of the Register of Deeds for Colleton County.
5. Severability:

If any provision of this Ordinance or the application thereof to any person or circumstance is held to be invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

6. Conflict:

Provisions in other County Ordinances, Resolutions, policies, or by-laws in conflict with this Ordinance are hereby repealed.

ATTEST:

  
Kaela Brinson, Council Clerk

  
Approved as to Form  
Sean Thornton, County Attorney

SIGNED:

  
Steven D. Murdaugh, Chairman

COUNCIL VOTE: UNANIMOUS  
OPPOSED: