



City of Charleston

South Carolina

Department of Public Service

JOHN J. TECKLENBURG
Mayor

LAURA S. CABINESS, PE
Director

PUBLIC WORKS AND UTILITIES COMMITTEE AGENDA

There will be a meeting of the Public Works and Utilities Committee on Monday, May 23, 2016 to begin at 5:00 p.m. in the 1st floor conference room at 80 Broad Street. The following items will be heard:

A. Invocation

B. Approval of Public Works and Utilities Committee Minutes

April 25, 2016

May 10, 2016

C. Request to Set a Public Hearing

None

D. Acceptance and Dedication of Rights-of-Way and Easements

1. **Carolina Bay Phase 14** - Acceptance and dedication of Dresser Court (50-foot right-of-way) and Bolinas Court (50-foot right-of-way). All improvements are completed with the exception of sidewalks and accessibility ramps.
 - a. Title to Real Estate
 - b. Affidavit for Taxable or Exempt Transfers
 - c. Plat
 - d. Exclusive Storm Water Drainage Easement (2)

E. Requests for Permanent Encroachments

None

F. Temporary Encroachments Approved By The Department of Public Service (For information only)

1. **405 Lesesne Street** – installing irrigation encroaching into right-of-way. This encroachment is temporary. **Approved 5/13, 2016.**

2. **207 Ithecaw Creek Street** – installing irrigation encroaching into right-of-way. This encroachment is temporary. **Approved 5/13, 2016.**
3. **388 Lesesne Street** – installing 6-foot fence encroaching into drainage easement. This encroachment is temporary. **Approved 5/13, 2016.**
4. **1427 Milldam Pass** - installing 6-foot fence encroaching into drainage easement. This encroachment is temporary. **Approved 5/13, 2016.**
5. **1521 Musgrove Street** - installing 4 to 6-foot fence encroaching into drainage easement. This encroachment is temporary. **Approved 5/13, 2016.**
6. **3306 Hartwell Street** - installing 4 to 6-foot wooden fence encroaching into drainage easement. This encroachment is temporary. **Approved 5/13, 2016.**

G. Miscellaneous or Other New Business

1. None

Councilmember Perry K. Waring
Chairperson

STATE OF SOUTH CAROLINA)
COUNTY OF CHARLESTON)
CITY OF CHARLESTON)

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, that Centex Homes, a Nevada general partnership ("Grantor") in the state aforesaid, for and in consideration of the sum of ONE AND 00/100 DOLLAR (\$1.00), being the true consideration to it in hand paid at and before the sealing of these presents by the CITY OF CHARLESTON, the receipt whereof is hereby acknowledged, has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto the said CITY OF CHARLESTON ("Grantee"), its successors and assigns, forever, the following described property which is granted, bargained, sold and released for the use of the public forever:

All the of the property underneath, above, and containing those certain streets, roads, drives, and cul-de-sacs situate, lying and being in the City of Charleston, County of Charleston, State of South Carolina, located in Carolina Bay Phase 14 as shown and designated on a plat entitled "A FINAL SUBDIVISION PLAT OF CAROLINA BAY, PHASE 14, OWNED BY CENTEX HOMES, A NEVADA GENERAL PARTNERSHIP, LOCATED IN THE CITY OF CHARLESTON, CHARLESTON COUNTY, SOUTH CAROLINA"

prepared by SW+A Surveying, LLC, dated 9/10/15, revised 2/22/16, and recorded in Plat Book L16 at Page 0158 in the RMC Office for Charleston County. Said property butting and bounding, measuring and containing, and having such courses and distances as are shown on said plat. Reference being had to the aforesaid plat for a full and complete description, being all of the said dimensions, a little more or a little less.

This being a portion of the property conveyed to Grantor herein by deed of the Essex Farms, LLC dated March 15, 2005 and recorded March 16, 2005 in Book B529 at Page 765 in the RMC Office for Charleston County, South Carolina.

Grantee's Mailing Address:

City of Charleston
Department of Public Service
Engineering Division
2 George Street
Suite 2100
Charleston, South Carolina 29401

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

TO HAVE AND TO HOLD, all and singular, the said premises before mentioned unto the CITY OF CHARLESTON, its successors and assigns forever.

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON) AFFIDAVIT FOR TAXABLE OR EXEMPT TRANSFERS

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

1. I have read the information on this affidavit and I understand such information.
2. The property was transferred by CENTEX HOMES, a Nevada general partnership to City of Charleston on _____.
3. Check one of the following: The deed is
 - (A) _____ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
 - (B) _____ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as distribution to a trust beneficiary.
 - (C) exempt from the deed recording fee because (See Information section of affidavit): conveyance to governmental entity (explanation required) (If exempt, please skip items 4-7, and go to item 8 of this affidavit.)

If exempt under exemption #14 as described in the Information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty?

Check Yes _____ or No _____

4. Check one of the following if either item 3(a) or item 3(b) above has been checked. (See Information section of this affidavit):
 - (A) _____ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of _____
 - (B) _____ The fee is computed on the fair market value of the realty which is _____
 - (C) _____ The fee is computed on the fair market value of the realty as established for property tax purposes which is _____
5. Check YES ___ or NO ___ to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "YES," the amount of the outstanding balance of this lien or encumbrance is _____
6. The deed recording fee is computed as follows:
 - (A) Place the amount listed in item 4 above here: _____
 - (B) Place the amount listed in item 5 above here: _____
(If no amount is listed, place zero here.)
 - (C) Subtract Line 6(b) from Line 6(a) and place the result here: _____

7. The deed recording fee is based on the amount listed on Line 6(c) above and the deed recording fee due is _____.
8. As required by Code Section '12-24-70, I state that I am a responsible person who was connected with the transaction as Division Vice President - Land Development.
9. 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.





Responsible Person Connected with the Transaction

Matthew Raines, Division Vice President

Print or Type Name Here

Sworn this 7 day of March 2016
Meagan Whitlow
Notary Public for South Carolina
My Commission Expires: 09-14, 2016

**A FINAL SUBDIVISION PLAT OF
CAROLINA BAY, PHASE 1A
OWNED BY CENTEX HOMES, A NEVADA GENERAL PARTNERSHIP
LOCATED IN THE CITY OF CHARLESTON
CHARLESTON COUNTY, SOUTH CAROLINA**

SMA
Surveying
1035-B Jenkins Road
Charleston, SC 29407
(843) 795-9330

DATE: 01/20/15
DRAWN BY: [Signature]
CHECKED BY: [Signature]
DATE: 01/20/15
JOB NO: 15100
SHEET 1 OF 1

NO.	DATE	DESCRIPTION	BY
01	1-19-15	Approved Site Plan	PHS
02	2-23-15	Approved City Ordinance	PHS

LINE	START	END	LENGTH	BEARING	AREA
1	100.000	100.000	0.00		
2	100.000	100.000	0.00		
3	100.000	100.000	0.00		
4	100.000	100.000	0.00		
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LINE	START	END	LENGTH	BEARING	AREA
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STATE OF SOUTH CAROLINA)
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COUNTY OF CHARLESTON) **EXCLUSIVE STORM
WATER DRAINAGE
EASEMENT
CITY OF CHARLESTON**

This Agreement is made and entered into this _____ day of _____, 20____, by and between the City of Charleston, a Municipal Corporation organized and existing pursuant to the laws of the State of South Carolina (herein the "City"), and Centex Homes, a Nevada general partnership (herein the "Owner").

WHEREAS, THE CITY OF CHARLESTON, is desirous of maintaining a storm water drainage pipe and appurtenances ("Storm Water System") across a portion of Carolina Bay Phase 14 designated by Charleston County tax map number 309-00-00-054 and to accomplish this objective, the City must obtain an easement from the Owner permitting the maintenance of the Storm Water System through a portion of the Owner's property as hereinafter described; and

WHEREAS, the undersigned Owner of the property is desirous of cooperating with the City and is minded to grant unto it an exclusive easement in and to the property necessary therefor.

NOW, THEREFORE, in consideration of the foregoing and the benefits to be derived by the drainage improvements to the property, the Owner has granted, bargained, sold, released and conveyed by these present and does grant, bargain, sell, release and convey unto the City a **NEW EXCLUSIVE 16 - FOOT WIDE PERMANENT STORM DRAINAGE EASEMENT**, more fully shown on a plat entitled

" A FINAL SUBDIVISION PLAT OF CAROLINA BAY, PHASE 14 OWNED BY CENTEX HOMES, A NEVADA GENERAL PARTNERSHIP LOCATED IN THE CITY OF CHARLESTON, CHARLESTON COUNTY, SOUTH CAROLINA

",
prepared by SW+A Surveying, LLC, dated 9/10/15,
executed by Philip R. Bryan, Jr., on 2/29/16, and recorded in Plat Book L16 at page 0155 in the R.M.C. Office for Charleston County, South Carolina (herein the "Plat"). A copy of said plat is attached heretofore as "Exhibit A" and incorporated herein.

SAID EXCLUSIVE STORM DRAINAGE EASEMENT having such size, shape, location, and butting, and bounding as shown on said Plat, reference to which is hereby made for a more complete description.

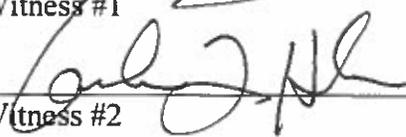
The City shall at all times have the right of ingress and egress to the land affected by the said Exclusive 16 -Foot Wide Permanent Stormwater Drainage Easement for purposes of periodic inspection, maintenance, repair and replacement of the Stormwater System. This Exclusive 16 -Foot Wide Permanent Stormwater Drainage Easement shall be commercial in nature and shall run with the land.

The City has no obligation to repair, replace or to compensate the Owners for trees, plants, grass, shrubs or other elements damaged or destroyed within the confines of the Exclusive 16 -Foot Wide Permanent Stormwater Drainage Easement during the conduct of its allowable activities as described above.

TO HAVE AND TO HOLD, all and singular, the said before mentioned unto the said CITY OF CHARLESTON, its successors and assigns, against us and our heirs and assigns, and all persons whomsoever lawfully claiming or to claim the same or any part thereof.

IN WITNESS WHEREOF, the parties have set the Hands and Seals the day and year above written.



Witness #1


Witness #2

OWNER
Centex Homes, a Nevada General Partnership
By: ~~Name: Centex Real Estate Corporation~~
Its: ~~Managing General Partner~~
By: 
Date: Matthew Raines, Division VP of Land
Date: 3/7/16

WITNESSES:

CITY OF CHARLESTON

Witness #1

Witness #2

By: Laura S. Cabiness
Its: Director of Public Service
Date: _____

STATE OF SOUTH CAROLINA

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PROBATE

COUNTY OF CHARLESTON

PERSONALLY appeared before me the above named witness, who, on oath, says that (s)he saw the within named Matthew Raines, Division VP of Land sign, on behalf of, Centex Homes, a Nevada General Partnership, the within Exclusive Permanent Stormwater Drainage Easement, and seal said Exclusive Permanent Stormwater Drainage Easement, and as its act and deed, deliver the same, and that (s)he with the other witness named, witnessed the execution thereof.





Signature of Witness #1

SWORN to before me this
7 day of March, 2016.

Megan Whitlow
Notary Public for South Carolina
My Commission Expires: 09-14-2025

STATE OF SOUTH CAROLINA

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PROBATE

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COUNTY OF CHARLESTON

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PERSONALLY appeared before me the above named witness, who, on oath, says that (s)he saw the within named _____ sign, on behalf of, _____, the within Exclusive Permanent Stormwater Drainage Easement, and seal said Exclusive Permanent Stormwater Drainage Easement, and as its act and deed, deliver the same, and that (s)he with the other witness named, witnessed the execution thereof.

Signature of Witness

SWORN to before me this
_____ day of _____, 20_____.

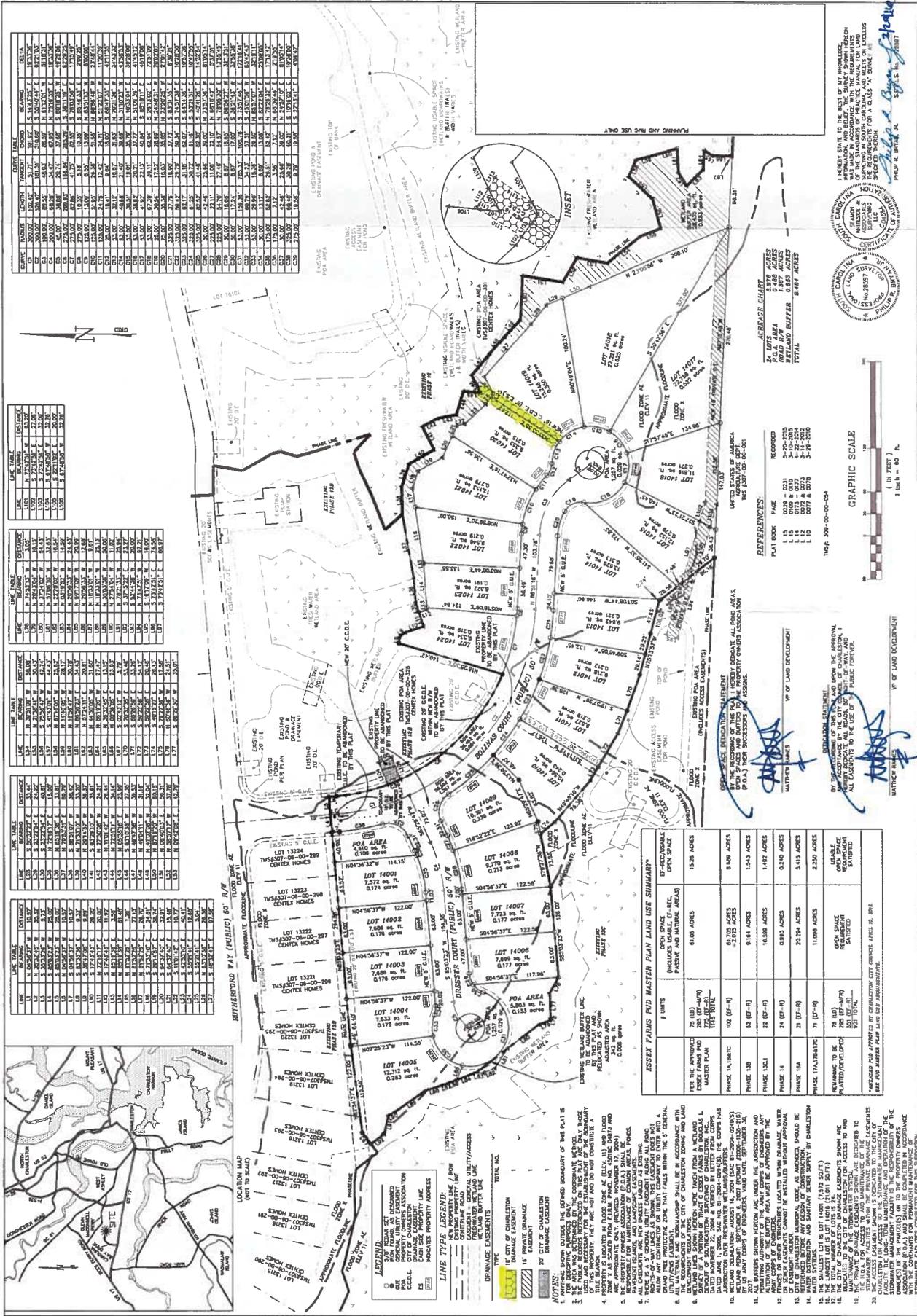
Notary Public for South Carolina
My Commission Expires: _____

**A FINAL SUBDIVISION PLAT OF
CAROLINA BAY, PHASE 1A
OWNED BY CENTER HOMES, A NEVADA GENERAL PARTNERSHIP
LOCATED IN THE CITY OF CHARLESTON
CHARLESTON COUNTY, SOUTH CAROLINA**

SMA Surveying LLC
1035-B Jenkins Road
Charleston, SC 29407
(843) 795-9330

DATE: 9/10/2015
DRAWN: JTB
CHECKED: PJB
SCALE: AS SHOWN
SHEET 1 OF 1

NO.	DATE	DESCRIPTION	BY
(1)	1-15-15	Approved 3rd-A-Complaint	PJB
(2)	2-22-15	Approved City Council	PJB



LINE	TABLE	ESTIMATE	ESTIMATE
L1	1	1.0000	1.0000
L2	2	2.0000	2.0000
L3	3	3.0000	3.0000
L4	4	4.0000	4.0000
L5	5	5.0000	5.0000
L6	6	6.0000	6.0000
L7	7	7.0000	7.0000
L8	8	8.0000	8.0000
L9	9	9.0000	9.0000
L10	10	10.0000	10.0000
L11	11	11.0000	11.0000
L12	12	12.0000	12.0000
L13	13	13.0000	13.0000
L14	14	14.0000	14.0000
L15	15	15.0000	15.0000
L16	16	16.0000	16.0000
L17	17	17.0000	17.0000
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L26	26	26.0000	26.0000
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L34	34	34.0000	34.0000
L35	35	35.0000	35.0000
L36	36	36.0000	36.0000
L37	37	37.0000	37.0000
L38	38	38.0000	38.0000
L39	39	39.0000	39.0000
L40	40	40.0000	40.0000
L41	41	41.0000	41.0000
L42	42	42.0000	42.0000
L43	43	43.0000	43.0000
L44	44	44.0000	44.0000
L45	45	45.0000	45.0000
L46	46	46.0000	46.0000
L47	47	47.0000	47.0000
L48	48	48.0000	48.0000
L49	49	49.0000	49.0000
L50	50	50.0000	50.0000
L51	51	51.0000	51.0000
L52	52	52.0000	52.0000
L53	53	53.0000	53.0000
L54	54	54.0000	54.0000
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STATE OF SOUTH CAROLINA)
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)
 COUNTY OF CHARLESTON) **EXCLUSIVE STORM
 WATER DRAINAGE
 EASEMENT
 CITY OF CHARLESTON**

This Agreement is made and entered into this _____ day of _____, 20____, by and between the City of Charleston, a Municipal Corporation organized and existing pursuant to the laws of the State of South Carolina (herein the "City"), and Centex Homes, a Nevada general partnership (herein the "Owner").

WHEREAS, THE CITY OF CHARLESTON, is desirous of maintaining a storm water drainage pipe and appurtenances ("Storm Water System") across a portion of Carolina Bay Phase 14 designated by Charleston County tax map number 309-00-00-054 and to accomplish this objective, the City must obtain an easement from the Owner permitting the maintenance of the Storm Water System through a portion of the Owner's property as hereinafter described; and

WHEREAS, the undersigned Owner of the property is desirous of cooperating with the City and is minded to grant unto it an exclusive easement in and to the property necessary therefor.

NOW, THEREFORE, in consideration of the foregoing and the benefits to be derived by the drainage improvements to the property, the Owner has granted, bargained, sold, released and conveyed by these present and does grant, bargain, sell, release and convey unto the City a **NEW EXCLUSIVE 20 – FOOT WIDE PERMANENT STORM DRAINAGE EASEMENT**, more fully shown on a plat entitled " A FINAL SUBDIVISION PLAT OF CAROLINA BAY, PHASE 14 OWNED BY CENTEX HOMES, A NEVADA GENERAL PARTNERSHIP LOCATED IN THE CITY OF CHARLESTON, CHARLESTON COUNTY, SOUTH CAROLINA

prepared by SW+A Surveying, LLC, dated 9/10/15, executed by Philip R. Bryan, Jr. on 2/29/16, and recorded in Plat Book _____ at page _____ in the R.M.C. Office for Charleston County, South Carolina (herein the "Plat"). A copy of said plat is attached heretofore as "Exhibit A" and incorporated herein.

SAID EXCLUSIVE STORM DRAINAGE EASEMENT having such size, shape, location, and butting, and bounding as shown on said Plat, reference to which is hereby made for a more complete description.

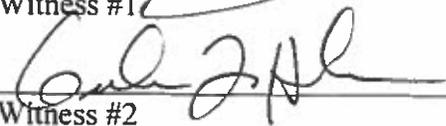
The City shall at all times have the right of ingress and egress to the land affected by the said Exclusive 20 -Foot Wide Permanent Stormwater Drainage Easement for purposes of periodic inspection, maintenance, repair and replacement of the Stormwater System. This Exclusive 20 -Foot Wide Permanent Stormwater Drainage Easement shall be commercial in nature and shall run with the land.

The City has no obligation to repair, replace or to compensate the Owners for trees, plants, grass, shrubs or other elements damaged or destroyed within the confines of the Exclusive 20-Foot Wide Permanent Stormwater Drainage Easement during the conduct of its allowable activities as described above.

TO HAVE AND TO HOLD, all and singular, the said before mentioned unto the said CITY OF CHARLESTON, its successors and assigns, against us and our heirs and assigns, and all persons whomsoever lawfully claiming or to claim the same or any part thereof.

IN WITNESS WHEREOF, the parties have set the Hands and Seals the day and year above written.



Witness #1


Witness #2

OWNER
Centex Homes, a Nevada General Partnership
By: ~~Name: Centex Real Estate Corporation~~
Its: ~~Managing General Partner~~
By: 
Date: ~~Matthew Raines, Division VP of Land~~
Date: 3/7/16

WITNESSES:

CITY OF CHARLESTON

Witness #1

Witness #2

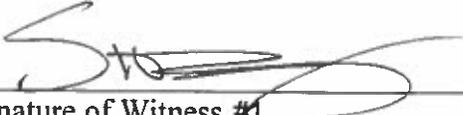
By: Laura S. Cabiness
Its: Director of Public Service
Date: _____

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

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PROBATE

PERSONALLY appeared before me the above named witness, who, on oath, says that (s)he saw the within named Matthew Raines, Division VP of Land sign, on behalf of, Centex Homes, a Nevada General Partnership, the within Exclusive Permanent Stormwater Drainage Easement, and seal said Exclusive Permanent Stormwater Drainage Easement, and as its act and deed, deliver the same, and that (s)he with the other witness named, witnessed the execution thereof.





Signature of Witness #1

SWORN to before me this
7 day of March, 2016.

Megan Whitlow
Notary Public for South Carolina
My Commission Expires: 09-14-2025

**A FINAL SUBDIVISION PLAT OF
CAROLINA BAY, PHASE 14
OWNED BY CENTEX HOMES, A NEVADA GENERAL PARTNERSHIP
CHARLESTON IN THE CITY OF CHARLESTON
CHARLESTON COUNTY, SOUTH CAROLINA**

SMA
SURVEYING
1035-B Jenkins Road
Charleston, SC 29407
(843) 795-9330

DATE	BY	DESCRIPTION
11-18-18	PKB	Approved State Comments
2-22-18	PKB	Approved City Comments

DATE	10/10/15
DRAWN	JOB: 15150
CHECK	PKB
DATE	10/10/15
SCALE	AS SHOWN
SHEET	1 OF 1

LINE	TYPE	DESCRIPTION	LENGTH	AREA
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