



JOHN J. TECKLENBURG
MAYOR

City of Charleston
South Carolina
Clerk of Council Department

VANESSA TURNER MAYBANK
CLERK OF COUNCIL

NOTICE OF MEETING

A meeting of the Committee on Real Estate will be held beginning at 4:00 p.m. Tuesday, April 9, 2019 at City Hall, First Floor Conference Room, 80 Broad Street. The agenda will be as follows:

AGENDA

Invocation – Councilwoman Jackson

Approval of Minutes:

March 26, 2019

- a. Approval of Termination of Lease between 160 St. Phillips St., LLC and the City pertaining to the parcel of land at the northeast corner of Morris and St. Philip Street (TMS No. 460-12-02-054), currently leased by the City for parking use. (Northeast corner of Morris and St. Philip Street)
- b. Consider the following annexation:

2037 Lake Shore Drive (TMS# 343-03-00-156) 0.21 acre, James Island (District 11). The property is owned by East Bay Air, LLC.

In accordance with the Americans with Disabilities Act, people who need alternative formats, ASL (American Sign Language) Interpretation or other accommodation please contact Janet Schumacher at (843) 577-1389 or email to schumacherj@charleston-sc.gov three business days prior to the meeting.

a.)

REAL ESTATE COMMITTEE
GENERAL FORM

TO: Real Estate Committee DATE: April 9, 2019

FROM: Frances Cantwell DEPT: BFRC

ADDRESS: Northeast corner of Morris and St. Philip Street

TMS: 460-12-02-054

PROPERTY OWNER: 160 St. Phillips St., LLC

ACTION REQUEST: Approval of Termination of Lease between 160 St. Phillips St., LLC and the City pertaining to the parcel of land at the northeast corner of Morris and St. Philip Street (TMS No. 460-12-02-054), currently leased by the City for parking use.

ORDINANCE: Is an ordinance required? Yes No

COORDINATION: The request has been coordinated with:
All supporting documentation must be included

	<u>Signature</u>	<u>Attachments</u>
Department Head	_____	<input type="checkbox"/>
Legal Department	<i>Frances J Cantwell</i>	<input type="checkbox"/>
Chief Financial Officer	_____	<input type="checkbox"/>
Director Real Estate Management	_____	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>

FUNDING: Was funding needed? Yes No

If yes, was funding previously approved?* Yes No

*If approved, provide the following: Dept/Div. _____ Acct: _____

Balance in Account _____ Amount needed for this item _____

NEED: Identify any critical time constraint(s).

*Commercial Property and Community & Housing Development have an additional form.

COMMERCIAL REAL ESTATE FORM

TO: Real Estate Committee DATE: April 9, 2019

FROM: Frances Cantwell DEPT: BFRC

ADDRESS: Northeast corner of Morris and St. Philip Street

TMS: 460-12-02-054

PROPERTY OWNER: 160 St. Phillips St., LLC

ACTION REQUEST: Approval of Termination of Lease between 160 St. Phillips St., LLC and the City pertaining to the parcel of land at the northeast corner of Morris and St. Philip Street (TMS No. 460-12-02-054), currently leased by the City for parking use.

ORDINANCE: Is an ordinance required? Yes No

ACTION: What action is being taken on the Property mentioned?

ACQUISITION Seller (Property Owner) _____ Purchaser _____

DONATION/TRANSFER
Donated By: _____

FORECLOSURE
Terms: _____

PURCHASE
Terms: _____

CONDEMNATION
Terms: _____

OTHER
Terms: _____

SALE Seller (Property Owner) _____ Purchaser _____

NON-PROFIT ORG, please name _____
Terms: _____

OTHER
Terms: _____

EASEMENT Grantor (Property Owner) _____ Grantee _____

COMMERCIAL REAL ESTATE FORM

PERMANENT _____
Terms: _____

TEMPORARY _____
Terms: _____

LEASE Lessor: 160 St. Phillips St., LLC Lessee: City of Charleston

INITIAL _____
Terms: _____

RENEWAL _____
Terms: _____

TERMINATION

Terms: The lease is terminated effective June 1, 2019. No later than June 30, 2019, the City shall provide the Landlord with an accounting of sums owed by the City to Landlord, as well as sums owed by the Landlord to the City, if any, through the termination date. Such sums, if any, shall be paid by Landlord and/or City by July 15, 2019.

Improvement of Property
Owner: _____
Terms: _____

BACKGROUND CHECK: If Property Action Request is for the sale or lease of city property, has a background check been completed?

Yes No N/A

Results: _____

Signature: _____

Director Real Estate Management

ADDITIONAL: Please identify any pertinent detail (Clauses, Agreement Terms, Repeals, etc.) regarding City Property.

NEED: Identify any critical time constraint(s).

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

TERMINATION OF LEASE

This Termination of Lease (the "Termination") is made this _____ day of _____, 2019, by and between 160 ST. PHILLIPS ST., LLC (hereinafter "Landlord") and the CITY OF CHARLESTON (hereinafter "City" or "Tenant").

RECITALS

WHEREAS, by lease dated October 23, 1979 (the "Lease"), ARJAC, A PARTNERSHIP (hereinafter "ARJAC") leased to Tenant, and Tenant leased from ARJAC, those certain parcels of land in the City of Charleston known as 16 Morris Street (TMS No. 460-12-02-052), 158-160 St. Philip Street (TMS No. 460-12-02-054), 162 St. Philip Street (TMS No. 460-12-02-055) and 164 St. Philip Street (TMS No. 460-12-02-056) (now collectively known as TMS 460-12-02-054 and hereinafter "Leased Premises"); and

WHEREAS, by deed dated May 3, 2005 and recorded in the Office of the Register of Deeds for Charleston County in Deed Book 0535, at page 885, ARJAC transferred the Leased Premises to Landlord; and

WHEREAS, the Lease contemplates use of the Leased Premises for vehicular parking and is set to expire on October 23, 2019; and

WHEREAS, the Landlord and City have agreed to an early termination of the Lease and execute this Termination to memorialize that agreement.

NOW, THEREFORE, for and in consideration of the sum of \$1.00 and other valuable consideration, Landlord and the City agree as follows:

1. Recitals: The above Recitals are hereby incorporated into this Termination as if specifically set forth *verbatim*.
2. Termination: The Lease, as described in the Recitals and incorporated herein, is hereby terminated, effective as of June 1, 2019 (the "Termination Date").
3. Accounting: No later than June 30, 2019, the City shall provide the Landlord with an accounting of sums owed by the City to Landlord under the Lease, if any, through the Termination Date. No later than June 30, 2019, the City shall provide the Landlord with an accounting of sums owed by Landlord to the City under the Lease, if any, through the Termination Date. To the extent, the City owes sums to the Landlord through the Termination Date, such may be offset by rent owed to Landlord under the Lease. Any additional sums owing to the Landlord shall be paid to Landlord on or before July 15, 2019. To the extent Landlord owes sums to the City through the Termination Date, such sums shall be paid to the City by July 15, 2019.
4. Survival: The obligation of City and Landlord to one another per Paragraph 3 hereof shall survive this Termination.

5. Governing Law: This Termination shall be governed by the laws of the State of South Carolina.

IN WITNESS WHEREOF, the parties have set their hands and seals to this Termination of Lease the day and year as aforewritten.

Witness:

160 ST. PHILLIPS ST., LLC

By: _____

Its: _____

Date: _____

LANDLORD

CITY OF CHARLESTON

By: _____

Its: _____

Date: _____

TENANT



Ratification
Number _____

A N O R D I N A N C E

TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 2037 LAKE SHORE DRIVE (0.21 ACRE) (TMS# 343-03-00-156), JAMES ISLAND, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON, SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 11. THE PROPERTY IS OWNED BY EAST BAY AIR LLC.

BE IT ORDAINED BY THE MAYOR AND THE MEMBERS OF CITY COUNCIL, IN CITY COUNCIL ASSEMBLED:

Section 1. As an incident to the adoption of this Ordinance, City Council of Charleston finds the following facts to exist:

- A) Section 5-3-150, Code of Laws of South Carolina (1976) as amended, provides a method of annexing property to a city or town upon a Petition by all persons owning real estate in the area requesting annexation.
- B) The City Council of Charleston has received a Petition requesting that a tract of land in Charleston County hereinafter described be annexed to and made a part of the City of Charleston, which Petition is signed by all persons owning real estate in the area requesting annexation.
- C) The area comprising the said property is contiguous to the City of Charleston.

Section 2. Pursuant to Section 5-3-150, Code of Laws of South Carolina (1976) as amended, the following described property be and hereby is annexed to and made part of the City of Charleston and is annexed to and made part of present District 11 of the City of Charleston, to wit:

SAID PROPERTY to be annexed, 2037 Lake Shore Drive, (0.21 acre) is identified by the Charleston County Assessors Office as TMS# 343-03-00-156 (see attached map), shown within the area annexed upon a map attached hereto and made a part hereof.

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this ____ day of _____ in the Year of Our Lord, 2019, in the ____ Year of the Independence of the United States of America.

By: _____
John J. Tecklenburg
Mayor

Attest: _____
Vanessa Turner Maybank
Clerk of Council

Annexation Profile

Parcel Address: 2037 Lake Shore Drive

Presented to Council: 4/9/2019

Status: Received Signed Petition

Owner Names: East Bay Air LLC

Year Built: 1974

Parcel ID: 3430300156

Number of Units: 1

Number of Persons: 2

Race: Caucasian

Acreage: 0.21

Mailing Address: P.O. Box 973

Current Land Use: Residential

Address: Charleston, SC 29402

Current Zoning: R-4

Requested Zoning: SR-1

City Area: James Island

Recommended Zoning: SR-1

Subdivision:

Appraised Value: \$483,600.00

Council District: 11

Assessed Value: \$19,350.00

Within UGB: Yes

Stormwater Fees: 120

Police	Located in existing service area - Team 3
Fire	Located in existing service area - Station 13
Public Service	
Sanitation	Located in existing service area. One additional stop.
Storm Water	Contiguous to existing service area.
Streets and Sidewalks	No additional City-maintained right-of-way
Traffic and Transportation	
Signalization	None
Signage	None
Pavement Markings	None
Charleston Water System	CWS provides water. James Island PSD provides sewer.
Planning	
Urban Growth Line	Property is a developed site within the line.
City Plan (Century Five)	Development and zoning are consistent with the City Plan.
Parks	Already being served.

Notes/Comments:

City Plan Recommendation:

The existing development and proposed zoning is consistent with the City Plan. Recommend annexation.

STATE OF SOUTH CAROLINA)
) PETITION FOR ANNEXATION
COUNTY OF CHARLESTON)

TO THE HONORABLE MAYOR AND CITY COUNCIL OF CHARLESTON

WHEREAS, SECTION 5-3-150 (3) Code of laws of South Carolina provides for the annexation of an area or property which is contiguous to a City by filing with the municipal governing body a petition signed by all persons owning real estate in the area requesting annexation, and

WHEREAS, the undersigned are all persons owning real estate in the area requesting annexation, and

WHEREAS, the area requesting annexation is described as follows, to wit:

SAID PROPERTY, located on James Island (approximately ~~ONE TITLED~~ 0.21 acres) to be annexed is identified by the Charleston County Assessors Office as Property Identification Number: TMS# 3430300156
(Address: 2037 LAKE SHORE DR CHARLESTON, S.C. 29412).

NOW, THEREFORE, the undersigned petition the City Council of Charleston to annex the above described area into the municipal limits of the City of Charleston.

Dated this 12th day of MARCH, 2019

FREEHOLDERS (OWNERS) SIGNED

DATE OF SIGNATURE

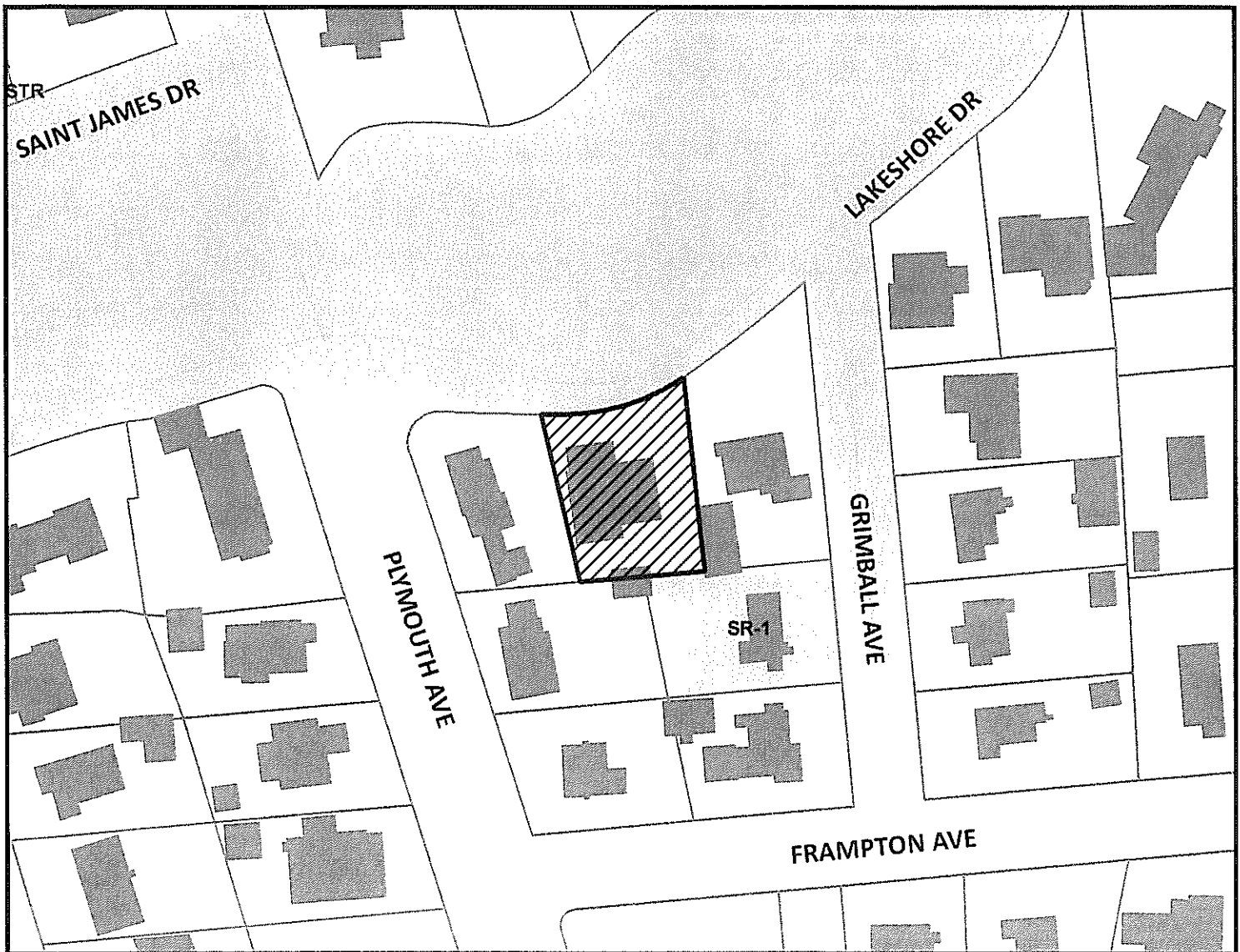
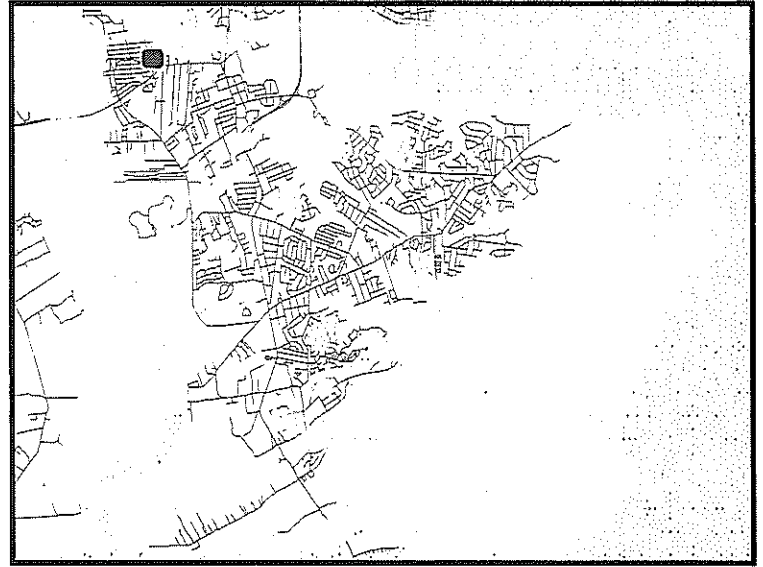
[Signature] (SEE ATTACHED) 3/12/19
(Signature) (Date)
EAST BAY AIR, LLC
(Print Name)

(Signature) (Date)

(Print Name)

Annexation Map

Location: James Island
Property Address: 2037 Lake Shore Dr
Tax Map # (TMS): 3430300156
Area (Acres): 0.21
Council District: 11



City of Charleston
Dept. of Planning, Preservation &
Sustainability
2 George St, Third Floor
Charleston, SC 29401
www.charleston-sc.gov

Date: 4/1/2019

Legend

- Parcels
- Water
- Charleston City Limits
- Annexation Area



0 50 100
Feet