

RICHLAND COUNTY COUNCIL DEVELOPMENT & SERVICES COMMITTEE

Bernice G. Scott
District 10

Joyce Dickerson
District 2

Greg Pearce
District 6

Damon Jeter, Chair
District 3

Doris Corley
District 1

*July 26, 2005
5:00 PM*

**Richland County Council Chambers
County Administration Building
2020 Hampton Street**

Note: The following item was submitted after the agenda deadline, and may be added to the agenda by the unanimous consent of the Development and Services Committee:

I. (E) Agreement to Act as Temporary Receiver for Piney Grove Utilities at Franklin Park and Albene Park

Call to Order

Approval of Minutes – June 28, 2005: Regular Session Meeting [Pages 3 – 5]

Adoption of Agenda

Presentations

A. North East Columbia Soccer Association – Mr. Ron Tryon

I. Items for Action

A. Community Development: Stark's Terrace Sewer Project
[Pages 6 – 7]

B. Public Works: Ordinance Amending Infrastructure Warranty Requirements for New Development
[Pages 8 – 16]

C. Ordinance to Authorize an Easement to SCE&G on County-Owned Property at Palmetto Richland Hospital
[Pages 17 – 23]

D. Ordinance to Authorize a Water Line Deed at Columbia Owens Downtown Airport
[Pages 24 – 27]

E. Agreement to Act as Temporary Receiver for Piney Grove Utilities at Franklin Park and Albene Park
[Pages 28 – 32]

II. Items for Information / Discussion

There are no items for information/discussion.

III. Items Pending Analysis

There are no items pending analysis.

Adjournment

Staffed by Joe Cronin

**Richland County Council
Development and Services Committee
June 28, 2005
6:00 PM**



In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, persons requesting notification, and was posted on the bulletin board located in the lobby of the County Administration Building.

Members Present:

Chair: Damon Jeter
Member: Bernice G. Scott
Member: Joyce Dickerson
Member: L. Gregory Pearce, Jr.

Absent: Doris M. Corley

Others Present: Kit Smith, Mike Montgomery, Paul Livingston, Joseph McEachern, Valerie Hutchinson, T. Cary McSwain, Larry Smith, Amelia Linder, Milton Pope, Tony McDonald, Michelle Cannon-Finch, Stephany Snowden, Ashley Bloom, Roxanne Matthews, Joe Cronin, Edith Caudle, Marsheika G. Martin, Sheriff Lott, Chief Harrell, Michael Criss

CALL TO ORDER

The meeting was called to order at approximately 6:03 p.m.

APPROVAL OF MINUTES

May 24, 2005 – Ms. Scott moved, seconded by Ms. Dickerson, to approve the minutes as submitted. The vote in favor was unanimous.

ADOPTION OF AGENDA

Ms. Scott moved, seconded by Ms. Dickerson, to adopt the agenda as submitted. The vote in was unanimous.

PRESENTATIONS

A. North East Columbia Soccer Association – Mr. Ron Tryon

Mr. Jeter stated that Mr. Tyron was not able to make it today and the item will be placed on the July D&S Committee meeting agenda.

I. ITEMS FOR ACTION

A. Statler Road Drainage Project

Mr. Jeter requested a brief overview from staff.

Mr. Chris Eversman, Public Works Director, gave a brief overview of the project. The County has moved forward with the design and is proposing funding out of Storm Water Millage Capital Funds.

Ms. Dickerson moved, seconded by Mr. Pearce, to accept the recommendation of administration. The vote in favor was unanimous.

B. Northeast Transportation Study (Deferred from April D&S Committee Meeting)

Mr. McSwain gave a brief update. He stated Council had discussed previously whether or not transportation studies would be done in a portion of the County or find the money to do the entire County at once. He stated this would be the first of several studies to be done.

A detailed discussion took place.

Mr. Pearce moved to direct the department to move vigorously ahead to get the other piece of this completed and then a plan will be almost completed except for the part that is old and might need to be dusted off and then that would be a package. Ms. Dickerson seconded. The vote in favor was unanimous.

After further discussion, Mr. Pearce moved to direct Mr. Eversman to bring back to the Committee a recommendation on what the cost would be (with the study the County already has) to actually do a correct comprehensive study and any suggestion he may have of how that might be financed. Ms. Scott seconded. The vote in favor was unanimous.

II. ITEMS FOR INFORMATION/DISCUSSION

A. Department of Public Works: Burdell Fuller Road

Mr. Tony McDonald, Assistant County Administrator, stated this item is not ready at this time and will be brought back to the Committee in July.

EXECUTIVE SESSION ITEM

A. Acquisition of Land to the North of the Richland County C&D Landfill

Ms. Scott moved, seconded by Ms. Dickerson, to accept the Administrator's recommendation. The vote in favor was unanimous.

ADJOURNMENT

The meeting adjourned at approximately 6:27 p.m.

Submitted by,

Damon Jeter
Chair

The minutes were transcribed by Marsheika G. Martin

Richland County Council Request of Action

Subject: Starks Terrace Sewer Project

A. Purpose

The purpose of this report is to request County Council's prior approval to enter into a contract with the lowest, responsible bidder for the Starks Terrace Community sewer construction work. The bid opening will be July 25, 2005. At the Special called Council meeting the lowest, responsible bidder will be known.

B. Background / Discussion

Starks Terrace Community is another community that this listed on DHEC's water and sewer needs survey list. The Community Development Office is addressing this community with its CDBG grant funds. This prior approval is needed because there is a time sensitive issue regarding expending CDBG funds.

C. Financial Impact

Community Development Block Grant (CDBG) funds will be used for this project. There will be no local County funds involved.

D. Alternatives

1. Give prior approval to enter into a contract with the lowest responsible bidder for the Starks Terrace Sewer Project
2. Do not give prior approval to enter into a contract with the lowest responsible bidder for the Starks Terrace Sewer Project and risk losing CDBG funds.

E. Recommendation

Give prior approval to enter into a contract with the lowest responsible bidder for the Starks Terrace Sewer Project.

Recommended by: S. Wright **Department:** Community Development **Date:** 7/8/05

F. Reviews

Finance

Reviewed by (Budget Dir.): Daniel Driggers Date: 7/19/05

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: No budgetary impact. Recommendation based on Community Development Assessment.

Procurement

Reviewed by: Rodolfo Callwood

Date: 7/21/05

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Amelia Linder

Date: 7/22/05

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Both alternatives appear to be legally viable.

Administration

Reviewed by: Ashley Bloom

Date: 7/22/05

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend giving prior approval to enter into a contract with the lowest responsible bidder for the Starks Terrace Sewer Project.

Richland County Council Request of Action

Subject: New Development Infrastructure Warranties

A. Purpose

County Council is requested to approve a revision to the *Richland County Code of Ordinances* that addresses the duration and amount of warranty coverage for new development infrastructure to be dedicated to the County for perpetual maintenance.

B. Background / Discussion

Under current ordinance provisions, the County requires a financial guarantee in some form as a means of warranting the construction of roads and drainage infrastructure. The amount is 100% of the construction cost and the period is three years.

The development community, as represented by the Home Builders Association of Greater Columbia (HBA), contends that the amount is excessive and is overly burdensome. The HBA has requested that the amount be reduced to 20% and the warranty period to two years.

County staff agrees that the amount should be reduced and recommends 30% (a 70% reduction) of the construction cost. However, County staff, as represented by the Department of Public Works (DPW), contends that the warranty period should be lengthened as a means of ensuring due diligence in achieving high-quality infrastructure being accepted into the County Maintenance System (with a high degree of confidence that it will not be problematic). County staff recommends a warranty period of four years (a one year, 33% increase over the current three year period). Recall that during previous deliberations of the Roads Ordinance, the originally-requested warranty period was five years.

The recommended change also requires the County Engineer to inspect newly-accepted infrastructure on an annual basis during the warranty period.

C. Financial Impact

The recommended staff position of warranty amount is viewed as relieving a financial burden on the development community and thereby *promoting economic development* within Richland County. Also, the extended warranty period is viewed as an additional step in ensuring high-quality infrastructure and thereby *saving County resources*.

D. Alternatives

1. Approve the recommended ordinance change contained in the attachment, as proposed by County staff, i.e., a four-year warranty period and a warranty amount of 30% of construction cost.
2. Approve the recommended ordinance change proposed by the HBA, i.e., a two-year warranty period and a warranty amount of 20% of construction cost.

3. Maintain the existing warranty period and amount, i.e., three years and 100%.

E. Recommendation

Alternative 1 is recommended.

Recommended by: Christopher S. Eversmann, PE
Date: 15 July 2005

Department: Public Works

F. Reviews

Finance

Reviewed by (Budget Dir.): Daniel Driggers Date: 7/19/05
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: No budgetary impact. Recommendation is based on Public Works Director assessment.

Legal

Reviewed by: Amelia Linder Date: 7/19/05
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: Both alternatives are legally sufficient.

Administration

Reviewed by: Tony McDonald Date: 7/21/05
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: Recommend approval of alternative 1, a four-year warranty period and a warranty amount of 30% of construction cost.

Attachments:

- Ordinance (Pages 10-11)
- Overview of current regulations by the HBA (Pages 12-14)
- Amendments as Proposed by the HBA (Pages 15-16)

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-05HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 21, ROADS, HIGHWAYS AND BRIDGES; SECTION 21-6, STANDARDS FOR STREETS AND DRAINAGE; SUBSECTION (F), WARRANTY; SO AS TO AMEND THE BOND REQUIREMENTS FOR ACCEPTANCE OF NEW STREETS AND DRAINAGE SYSTEMS BY RICHLAND COUNTY.

Pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, BE IT ENACTED BY THE COUNTY COUNCIL FOR RICHLAND COUNTY:

SECTION I. The Richland County Code of Ordinances, Chapter 21, Roads, Highways and Bridges; Section 21-6, Standards for streets and drainage; Subsection (f), Warranty; is hereby amended by the deletion of the language contained therein and the substitution of the following language:

(f) *Warranty.* As a prerequisite to the county's acceptance of new streets and drainage systems, the grantor (or an assigned agent thereof) shall provide the county with a bond in an amount equal to 30% of the construction cost, with surety and conditions satisfactory to the county, as a warranty for a period of ~~three (3)~~ four (4) years. The warranty shall pertain to the design and construction of the streets and drainage system in accordance with these standards and their satisfactory performance during the warranty period. The warranty period shall commence with the formal acceptance of the roads and drainage networks by the county as defined by the date of the legal recording of the applicable deeds and easements. ~~The grantor (or an assigned agent thereof) is not responsible for repairing damage done to the roads subsequent to acceptance that was not a result of design or construction failure.~~ The warranty of the road and drainage networks shall cover all corrective maintenance resulting from design deficiencies, construction deficiencies or damage caused by single family home construction contractors in the course of their home construction activities. Routine preventive maintenance shall be the responsibility, in whole, of the County upon acceptance of the road and drainage networks. Additionally, the roads and drainage networks shall be inspected by the County Engineer on an annual basis during this four year period. Deficiencies that are identified and are the responsibility of the developer shall be repaired by the developer in a timely manner. The county may accept a bond in any one of the following forms:

- (1) A surety bond issued by a bonding company licensed to do business in the state; or
- (2) Escrow funds in an account in the name of the county; or
- (3) An irrevocable letter of credit issued by a responsible financial institution; or
- (4) A cash bond.

SECTION II. Severability. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION III. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV. Effective Date. This ordinance shall be retroactive to January 1, 2005.

RICHLAND COUNTY COUNCIL

BY: _____
Anthony G. Mizzell, Chair

ATTEST THIS THE _____ DAY

OF _____, 2005

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Approved As To LEGAL Form Only
No Opinion Rendered As To Content

First Reading:
Second Reading:
Public Hearing:
Third Reading:

**OVERVIEW OF CURRENT RULES AND PROBLEMS
BY THE HOMEBUILDER'S ASSOCIATION**

**RICHLAND COUNTY
NEW ROAD GUARANTEES
IMPLEMENTED JULY 2004**

THE PROBLEM. The county now requires developers to post a three (3) year guarantee on streets and storm drains with a bond or letter of credit in the amount of 100% of the cost. We have found out the insurance companies will not issue bonds for that long a period. Medium and small developers are having problems with letters of credit from their banks, as the collateral for the credit are the completed lots. When the lots are sold the developer loses his collateral for the bank. This will make it difficult or impossible for all but the largest developers to compete in Richland County.

THE HISTORY. Prior to 1970 we had little, if any, regulations governing subdivision development in Richland County. In 1972 the county established regulations governing roads and storm drains, these regulations were improved upon in 1975 and subsequent years. The county established design guidelines for road construction that worked fairly well for the average land in Richland County. This greatly improved road building techniques but still fell short of being state of the art. Up until July 2004 the road guarantee by the developer was for one year after completion.

PUBLIC WORKS DEPARTMENT GOALS AND OBJECTIVES. The department wants all new roads to last 20 years before requiring maintenance. The county does not receive enough funds annually to resurface and repair roads even on a 20-year schedule. The longer a new road lasts the better off the county is in trying to maintain what they currently have.

Public Works has been, and continues to be, short staffed with inspectors to oversee new road and storm drainage construction in the county.

DEVELOPER/BUILDER GOALS AND OBJECTIVES. The developer/builder all want quality roads that are durable and long lasting. It is not fair for the homeowner/taxpayer to pay for a new home and find they are living on a substandard street. This is also not good for the image of our county. The developer/builder would like to see Public Works staffed with sufficient inspectors to insure that the construction process proceeds in a timely manner as well as help protect and insure that the developer/builder and the county get the best construction possible from the contractor. The developer/builder would much rather spend money on quality road construction than fill the coffers of banks and insurance companies.

THE NEW REGULATIONS. In 2001 the county adopted the new standards but did not implement the subdivision guarantees until July 2004.

NEW ROAD CONSTRUCTION. Under the new policy road construction is at a much improved level as follows;

1. **SOIL TESTS.** Prior to construction the developer retains the services of a certified independent laboratory to conduct soil borings to determine what soil material is under the roadbed. The laboratory then utilizes modern design guidelines based upon the subsoil and projected road traffic to determine the amount of crusher run (rock) and the asphalt thickness for both the binder course (first course) and the final topping. Often times these results exceed what the county formerly require.
2. **ROAD CROSSINGS.** After the road is on near final grade the contractor builds the water and sewer services, electric and gas, telephone and cable TV that cross the road. Some of these crossings have flowable fill (concrete) placed in the ditch and the others have conduits (plastic pipes) installed with fill material compacted to 98% or better. When the various contractors come out to complete their work they install their services (wires) through the conduits so bores are not made under the road that could lead to the road settling.
3. **PROOF ROLL.** After all of the above items are certified by the independent laboratory and the county is in receipt of all laboratory reports together with the tests of the road base itself a site inspection is made and the county authorizes the developer to put down the crusher run (stone). Again, the independent laboratory comes out and cores the stone to certify that it is of the correct material, installed to the proper depth and compacted.
4. **ASPHALT.** The county again comes out to inspect the road and authorizes the developer to pave the road. Again, the independent laboratory is there to assure that the asphalt is placed in the proper thickness and takes core samples of the asphalt to certify to the county that it meets the standards.

This costs a substantial amount of money to do. But we believe we better serve our home builders and homebuyers by putting money into our road construction. If we had more inspectors, they could be on site during paving, observe the thickness being applied, etc. and avoid taking core samples that can cause the road to lose its integrity where these holes are made in the new asphalt.

ADMINISTRATIVE PROCESS. The HBA of Greater Columbia has been meeting almost monthly for over a year with the county staff to resolve these issues and have made little if any progress in resolving our concerns.

The county did agree that a guarantee of 100% might be unreasonable. It is highly unlikely to have a completed road, curbing and storm drainage system all fail 100%.

OUR RECOMMENDATION. The developer/builder guarantees the roads and storm drains for a period of two (2) years after the county accepts the road for ownership and maintenance and posts a bond or letter of credit for 20% of the original construction costs. The developer/builders ask that the County Administrator direct the public works department to reallocate its resources

in order to provide adequate inspectors to insure the infrastructure be built to the approved standards and on a timely basis.

As stated above we would much rather put our capital in the infrastructure than in the banks coffers. It is our understanding that our recommendation would exceed that of any other county in South Carolina.

Thank you for your time and we trust we can go forward on this recommendation with you so we can stay in business in Richland County.

Respectfully Submitted,

The Developers and Home Builders of Richland County

AMENDMENTS AS PROPOSED BY THE HOMEBUILDERS ASSOCIATION

Sec. 21-6. Standards for streets and drainage.

(a) Except as provided for in sections 21-4 and 21-5 above, no drainage systems or streets will be accepted for maintenance by the county that have not been designed and constructed in accordance with the standards prescribed herein.

(b) *Streets.* The minimum acceptable street is paved, and the pavement design will be in accordance with the design standards adopted by the county engineer. Provided, however, that an exception may be allowed whenever the county council deems that the variance in design is minimal or of such nature that it will not otherwise pose an undue burden or risk upon the county. Where determined necessary and in the sole discretion of the county council, the county, with the agreement of those property owners served by such roadway, may consent to accept a roadway with special conditions as to any particular non-conforming aspects with regard to county road standards.

(c) *Storm drainage.* Drainage systems will be designed in accordance with the county's Stormwater Management, Erosion and Sediment Control Ordinance (Chapter 8) and the design standards adopted by the county engineer.

(d) *Specifications.* Materials and construction of streets and drainage systems will be in accordance with the applicable sections of the current edition of the Standard Specifications for Highway Construction published by State Department of Transportation.

(e) *Acceptance.* County acceptance of new streets and drainage systems shall be accomplished through the acceptance of easement and right-of-way deeds. The county accepts no responsibility for the streets or drainage system until the deeds are executed by both parties and recorded.

(f) *Warranty.* As a prerequisite to the county's acceptance of new streets and drainage systems, the grantor (or an assigned agent thereof) shall provide the county with a bond in an amount equal to 20% of the construction cost, with surety and conditions satisfactory to the county, as a warranty for a period of ~~three (3)~~ two (2) years. The warranty shall pertain to the design and construction of the streets and drainage system in accordance with these standards and their satisfactory performance during the warranty period. The warranty period shall commence with the formal acceptance of the roads by the county. The grantor (or an assigned agent thereof) is not responsible for repairing damage done to the roads subsequent to acceptance that was not a result of design or construction failure. Additionally, the roads and drainage networks shall be inspected by the County Engineer on an annual basis during this two year period. Deficiencies that are identified and are the responsibility of the developer shall be repaired by the developer in a timely manner. The county may accept a bond in any one of the following forms:

- (1) A surety bond issued by a bonding company licensed to do business in the state; or
- (2) Escrow funds in an account in the name of the county; or
- (3) An irrevocable letter of credit issued by a responsible financial institution; or
- (4) A cash bond.

The bond and/or letter of credit would cover only claims made by the County in writing to the developer and the party issuing the bond within the two year period. Claims must be made in writing with specificity as to what is to be repaired. The County would be entitled to draw only the required percentage of the cost of repairs as certified by the County Engineer.

(g) Only those streets and drainage systems located in subdivision developments where individually owned lots front directly on the street rights-of-way will be accepted by the county. This will apply to residential, commercial and industrial subdivisions. Streets and drainage systems serving group developments such as shopping centers, apartment complexes, condominiums and mobile home parks will not be accepted for maintenance by the county.

(Code 1976, § 8-1024; Ord. No. 388-77, 4-20-77; Ord. No. 2372-93, § I, 11-16-93; Ord. No. 015-98R, 5-5-98; Ord. No. 005-03HR, § I, 1-21-03)

Richland County Council Request for Action

Subject: Ordinance to Authorize an Easement to SCE&G on County-Owned Property at Palmetto Richland Hospital

A. Purpose

County Council is requested to approve a utilities easement on County owned property at 5 Medical Park for a Palmetto Heart Office Building and replacement of underground cable.

B. Background / Discussion

This easement is for underground primary cable to serve new office building and replacement of existing underground cable.

C. Financial Impact

There is no financial impact associated with this request.

D. Alternatives

1. Approve the ordinance authorizing the granting of a utility easement to SCE&G.
2. Deny the ordinance authorizing the granting of a utility easement to SCE&G.

E. Recommendation

It is recommended that County Council approve the ordinance authorizing the granting of a utility easement to SCE&G on County Property at 5 Medical Park.

Recommended by: Staff

Department: Administration

Date: June 30, 2005

F. Reviews

Finance

Reviewed by (Budget Dir.): Daniel Driggers

Date: 7/19/05

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: No budgetary impact. Recommendation based on Administration assessment.

Legal

Reviewed by: Amelia Linder

Date: 7/21/05

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Administration

Reviewed by: Tony McDonald

Date: 7/22/05

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval.

Attachments:

- Ordinance Authorizing Utility Easement (Pages 23-24)
- Right-of-way Grant (Page 25-26)
- Diagram of Proposed Easement (Page 27)

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-05HR

AN ORDINANCE AUTHORIZING A UTILITY EASEMENT TO SOUTH CAROLINA ELECTRIC & GAS COMPANY ON PROPERTY IDENTIFIED AS TMS NUMBER 11503-01-04A (ALSO KNOWN AS 5 MEDICAL PARK DRIVE, COLUMBIA, SOUTH CAROLINA) FOR THE PALMETTO HEART MEDICAL OFFICE BUILDING.

Pursuant to the authority by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, BE IT ENACTED BY RICHLAND COUNTY COUNCIL:

SECTION I. The County of Richland and its employees and agents are hereby authorized to grant a utility easement right-of-way to South Carolina Electric & Gas Company, upon land identified as TMS Number 11503-01-04A (also known as 5 Medical Park Drive, Columbia, South Carolina) for the Palmetto Heart Medical Office Building, and as described in the Easement Indenture, a copy of which is attached hereto and incorporated herein.

SECTION II. Severability. If any section, subsection, or clause of this ordinance shall be deemed unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION III. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV. Effective Date. This ordinance shall be effective from and after _____, 2005.

RICHLAND COUNTY COUNCIL

By: _____
Anthony G. Mizzell, Chair

Attest this _____ day of
_____, 2005.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Approved As To LEGAL Form Only
No Opinion Rendered As To Content

INDENTURE, made this _____ day of _____, 2005 by and between **Richland County**, State of South Carolina hereinafter called "Grantor" (whether singular or plural), and the SOUTH CAROLINA ELECTRIC & GAS COMPANY, a South Carolina corporation, having its principal office in Columbia, South Carolina, hereinafter called "Grantee".
WITNESSETH:

That, in consideration of the sum of One Dollar (\$1.00) received from Grantee, Grantor, being the owner of land situate in the County of **Richland**, State of South Carolina, hereby grants and conveys to Grantee, its successors and assigns, the right to construct, extend, replace, relocate, perpetually maintain and operate an electric line or lines consisting of any or all of the following: poles, conductors, overhead and underground lightning protective wires, municipal, public, or private communication wires, underground cables, conduits, transformer pads, guys, push braces and other accessory apparatus and equipment deemed by Grantee to be necessary therefore, upon, over, across, through, and under a tract of land, more or less.

Right of Way granted to SCE&G for cable replacement and to provide service to Palmetto Heart Medical Office Building as requested by Grantor and more fully shown on SCE&G Drawing No. D-75553.

TMS: 13702-09-01A

Together with the right from time to time to install on said line such additional lines, apparatus and equipment as Grantee may deem necessary or desirable and the right to remove said line or any part thereof.

Together also with the right (but not the obligation) from time to time to trim, cut or remove trees, underbrush and other obstructions that are within, over, under or through a strip of land extending **Five (5) for Underground and Ten (10) for Overhead** feet on each side of the center of any wires, cables, conduits, or pipes and within, over, under or through a section of land extending **Twelve (12)** feet on each side of any transformers, elbow cabinets, handholes, switchgears, or other devices as they may be located now or in the future; provided, however, any damage to the property of Grantor (other than that caused by trimming, cutting, or removing) caused by Grantee in maintaining or repairing said lines, shall be borne by Grantee; provided further, however that Grantors agree for themselves, their successors and assigns, not to build or allow any structure to be placed on the premises in such a manner that any part thereof will exist within the above specified number of feet of any wire strung on the said lines or over any such cables, conduits, pipes, or other associated facilities, and in case such structure is built, then Grantor, or such successors and assigns as may be in possession and control of the premises at the time, will promptly remove the same upon demand of Grantee herein. Grantor further agrees to maintain minimum ground coverage of thirty six (36) inches and maximum ground coverage of fifty four (54) inches over all underground primary electric lines. Together also with the right of entry upon Grantor's said lands for all of the purposes aforesaid.

The words "Grantor" and "Grantee" shall include their heirs, executors, administrators, successors and assigns, as the case may be.

IN WITNESS WHEREOF, Grantor has caused this indenture to be duly executed the day and year first above written.
WITNESS:

Richland County

By: **Anthony G. Mizzell**
Title: **County Council Chairperson**

(SEAL)

(SEAL)

STATE OF SOUTH CAROLINA)
)
County of Richland)

Personally appeared before me the undersigned witness, and made oath that (s)he saw the within named **Richland County** by the hand of **Anthony G. Mizzell** sign, seal and as its act and deed deliver the within easement for the uses and purposes therein mentioned, and that (s)he with the other subscribing witness, witnessed the due execution thereof.

Sworn to before me this _____ day of _____
_____ A.D., 2005.

(Witness)

(L.S.)
Notary Public for South Carolina

My Commission Expires _____

**RIGHT-OF-WAY GRANT TO
SOUTH CAROLINA ELECTRIC & GAS COMPANY**

Line: **Palmetto Heart Medical Office**

County: **Richland**

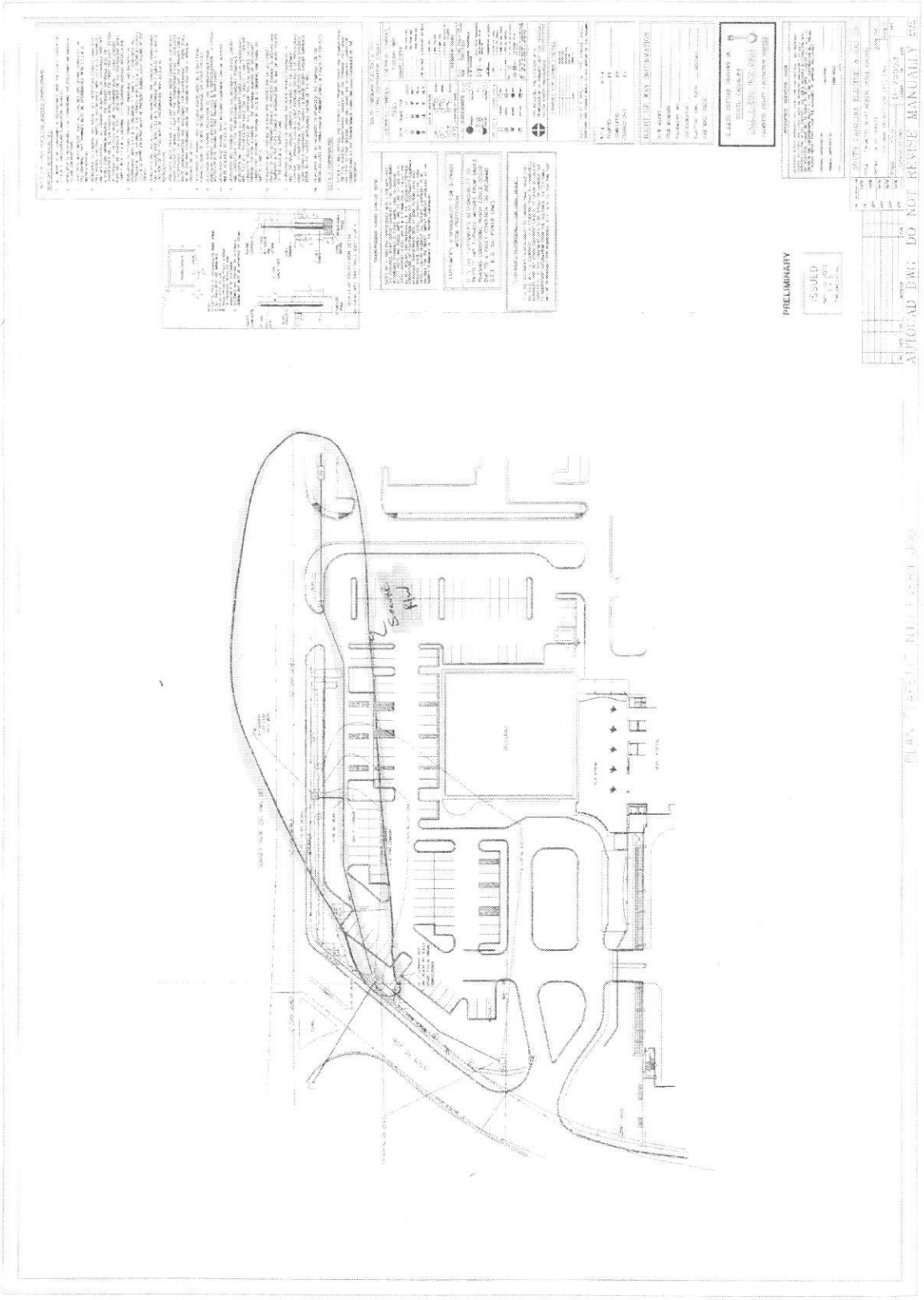
R/W File Number: **10699**

Grantor(s): **Richland County**

Return to: SCE&G
Palmetto Center
Paulette Ritter-60G
Columbia, SC 29218

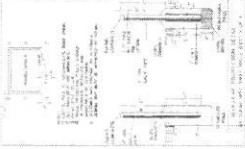
I hereby certify that the within easement has been this
_____ day of _____ A.D., 20_____,
at _____ o'clock in the _____ M. recorded in
Book _____ of Deeds/Records, Page _____.

(Register of Deeds or Clerk of Court)



NOTES TO THE CONTRACTOR:

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
2. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
3. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES TO REMAIN.
4. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES THROUGHOUT CONSTRUCTION.
5. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT ROADS AND DRIVEWAYS.
6. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT UTILITIES.
7. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT PROPERTIES.
8. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT UTILITIES.
9. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT PROPERTIES.
10. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT UTILITIES.



PROPOSED MATERIALS:

ITEM	DESCRIPTION	QUANTITY	UNIT
1	CONCRETE	100	YD
2	STEEL REINFORCEMENT	50	TON
3	BRICK	1000	1000
4	CEMENT	100	TON
5	SAND	100	YD
6	GRAVEL	100	YD
7	ASPHALT	100	YD
8	PAVING	100	YD
9	CONCRETE	100	YD
10	STEEL REINFORCEMENT	50	TON

PROPOSED FINISHES:

ITEM	DESCRIPTION	QUANTITY	UNIT
1	CONCRETE	100	YD
2	STEEL REINFORCEMENT	50	TON
3	BRICK	1000	1000
4	CEMENT	100	TON
5	SAND	100	YD
6	GRAVEL	100	YD
7	ASPHALT	100	YD
8	PAVING	100	YD
9	CONCRETE	100	YD
10	STEEL REINFORCEMENT	50	TON

PROPOSED UTILITIES:

WATER MAIN: 12" DIA. (10' DEPTH)

SEWER MAIN: 12" DIA. (10' DEPTH)

ELECTRIC MAIN: 4" DIA. (10' DEPTH)

TELEPHONE MAIN: 4" DIA. (10' DEPTH)

PROPOSED SCHEDULE:

START DATE: 10/1/2024

COMPLETION DATE: 12/31/2024

REVISIONS:

NO.	DATE	DESCRIPTION
1	10/1/2024	ISSUED FOR PERMIT
2	10/15/2024	REVISED PER PERMIT COMMENTS
3	10/30/2024	REVISED PER PERMIT COMMENTS
4	11/10/2024	REVISED PER PERMIT COMMENTS
5	11/20/2024	REVISED PER PERMIT COMMENTS
6	12/1/2024	REVISED PER PERMIT COMMENTS

PLAN SHEET NO. 1000-001

AUTOCAD DWG DO NOT REVISE MANUALLY 252

Richland County Council Request for Action

Subject: Water Line Deed at Columbia Owens Downtown Airport

A. Purpose

County Council is requested to grant a water utility line deed to the City of Columbia (CoC) at Columbia Owens Downtown Airport to allow for long term water connections to the new terminal building and hangers.

B. Background / Discussion

The new water lines have been installed in order to supply potable water and fire protection to the new facilities at the General Aviation (GA) airport. All locations and materials are specified in the deed document.

C. Financial Impact

All lines were installed under the construction contract and future repair / replacement costs will be absorbed by the City (CoC) of Columbia as this deed grants ownership, operation and maintenance to the CoC.

D. Alternatives

1. Approve the request to grant a utility deed to the CoC. This alternative will allow for permanent water supply for facility use as well as fire protection.
2. Deny the request to grant a utility deed to the CoC. This alternative will not allow water connections to the CoC system.

E. Recommendation

It is recommended that County Council approve the request to grant the water supply line deed at the Columbia Owens Downtown Airport.

Recommended by: John Hixon **Department:** Public Works **Date:** July 15, 2005

F. Reviews

Finance

Reviewed by (Budget Dir.): Daniel Driggers Date: 7/19/05

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: No recommendation

Legal

Reviewed by: Amelia Linder

Date: 7/20/05

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Both alternatives are legally viable. If Council desires to approve this request, it will require an ordinance with 3 readings and a public hearing.

Administration

Reviewed by: Tony McDonald

Date: 7/22/05

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-05HR

AN ORDINANCE AUTHORIZING DEED TO THE CITY OF COLUMBIA FOR CERTAIN WATER LINES FOR GENERAL AVIATION TERMINAL AND HANGER DEVELOPMENT FOR COLUMBIA OWENS DOWNTOWN AIRPORT AT OWENS FIELD; RICHLAND COUNTY TMS #13702-01-01.

Pursuant to the authority by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, BE IT ENACTED BY RICHLAND COUNTY COUNCIL:

SECTION I. The County of Richland and its employees and agents are hereby authorized to grant a deed to certain water lines to the City of Columbia, as specifically described in the attached Deed to Water Lines for General Aviation Terminal and Hangar Development for Columbia Owens Downtown Airport at Owens Filed; Richland County TMS #13702-01-01, which is attached hereto and incorporated herein.

SECTION II. Severability. If any section, subsection, or clause of this ordinance shall be deemed unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION III. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV. Effective Date. This ordinance shall be enforced from and after _____, 2005.

RICHLAND COUNTY COUNCIL

By: _____
Anthony G. Mizzell, Chair

Attest this _____ day of
_____, 2005.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Approved As To LEGAL Form Only
No Opinion Rendered As To Content

First Reading:

Public Hearing:

Second Reading:

Third Reading:

This request may be added with the unanimous consent of the committee.

Richland County Council Request of Action

Subject: Agreement to Act as Temporary Receiver for Piney Grove Utilities at Franklin Park and Albene Park

A. Purpose

County Council is asked to approve a resolution that would allow Richland County to act as temporary receiver for Piney Grove Utilities at Franklin Park and Albene Park.

B. Background / Discussion

At the end of July 2005, Piney Grove Utilities will no longer have an operator for water and sewer facilities at Franklin Park and water facilities at Albene Park.

Currently, Piney Grove Utilities is actively pursuing a temporary receiver for the purpose of operating these systems. Piney Grove Utilities is requesting Council's consideration for the purpose of allowing Richland County to act as temporary receiver.

If Richland County is willing to act as the receiver for these facilities, Piney Grove Utilities will meet with county officials to discuss the details of a receivership agreement. This agreement would be part of Piney Grove Utilities' request in Circuit Court to authorize the County to access the property, collect user fees and operate the existing systems.

If approved, Richland County will act as receiver until a permanent receiver can be appointed. Richland County has until July 31, 2005 to agree to act as temporary receiver for these facilities.

C. Financial Impact

Rates will be established equal to those of other customers on the County system.

D. Alternatives

1. Approve the request to allow Richland County to act as receiver for Piney Grove Utilities at Franklin Park and Albene Park.
2. Do not approve the request the request to allow Richland County to act as receiver for Piney Grove Utilities at Franklin Park and Albene Park.

E. Recommendation

It is recommended that Council approve the request to allow Richland County to act as temporary receiver for Piney Grove Utilities at Franklin Park and Albene Park.

Submitted by: Staff

Department: Administration

Date: July 21, 2005

F. Reviews

Administration

Reviewed by: Ashley Bloom

Date: 7/22/05

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend that Council approve the request to allow Richland County to act as temporary receiver for Piney Grove Utilities at Franklin Park and Albene Park.

Attachments:

- Resolution to allow Richland County to act as temporary receiver (Pages 30-31)
- Letter from Alton Boozer, Chief of DHEC Bureau of Water (Page 32)

accordance with State law and regulations or a permanent receiver is appointed by a court of competent jurisdiction; and

NOW, THEREFORE, BE IT RESOLVED that the Richland County Council does hereby approve and allow Richland County, for the benefit of Piney Grove Utilities, Inc., to act as a temporary receiver to operate the utility systems at Franklin Park and Albene Park Subdivisions until such time as the owner is able to operate the utility systems in accordance with State law and regulations or a permanent receiver is appointed by a court of competent jurisdiction.

ADOPTED THIS the ____ day of _____, 2005.

Anthony G. Mizzell, Chair
Richland County Council

Attest: _____
Michielle R. Cannon-Finch
Clerk of Council

BOARD:
Elizabeth M. Hagood
Chairman
Edwin H. Cooper, III
Vice Chairman
I. Michael Blackmon
Secretary



C. Earl Hunter, Commissioner

Promoting and protecting the health of the public and the environment.

BOARD:
Carl L. Brazell
Steven G. Kisner
Paul C. Aughtry, III
Coleman F. Buckhouse, MD

July 20, 2005

Mr. T. Cary McSwain
Richland County Administrator
2020 Hampton Street
Columbia, SC 29204

RE: Piney Grove Utilities
Franklin Park (Water and Sewer)
Albene Park (Water)
Richland County

Dear Mr. McSwain:

As you may be aware, Piney Grove Utilities will no longer have an operator at the referenced facilities as of the end of July 2005. I want to report to you that we are actively pursuing a temporary receiver for the purpose of operating these systems. By this letter, we need to know if Richland County is willing to be a receiver. Therefore, we would appreciate your immediate consideration and response.

If Richland County is willing to be the receiver, we will meet with you to discuss the details of a receivership agreement. This agreement would be part of our request in Circuit Court to authorize the County to access the property, collect user fees and operate the existing systems.

If you have further questions about this system, please feel free to contact Jeff deBessonnet of my staff at 898-4157. If you have specific legal questions regarding temporary receivership, contact Matthew Penn in our legal office at 898-3350. I am also available at 898-4259.

Sincerely,

Alton C. Boozer, Chief
Bureau of Water

cc: Matthew Penn
Harry Mathis, Central Midlands District
Jeff deBessonnet
Willie Morgan, ORS
Andy Metts, Richland County Utilities