

BOARD AGENDA ITEM

November 27, 2012

SUBJECT:

South Carolina Electric & Gas Company – Service line Right of Way Request

BACKGROUND:

South Carolina Electric & Gas Company provides power to the Ridge Spring Monetta High School Facility. It has requested that the School District grant a right of way for additions and adjustments to the electric service for the renovations currently under way at Ridge Spring Monetta High School, as well as for future development phases at the school site.

ADMINISTRATIVE CONSIDERATION:

The right of way for electric transmissions lines and service is a necessity for the building and renovation project currently under way at RSM High. There is an existing electric service easement, and this just adds to the same and re-routes part of it, as well as running a stub-out for service on another side of the building for a future phase of the proposed project.

RECOMMENDATION:

Approve the conveyance of the requested right of way and authorize the Chairman and the Superintendent to sign the attached right of way agreement.

ATTACHMENT:

- 1) Proposed right of way instrument
- 2) Plat of proposed route of right of way area to be served.

PREPARED BY:

William H. Burkhalter, Jr.
David M. Caver

Easement # 890119

INDENTURE, made this _____ day of _____, 201__ by and between Aiken County Board of Education (ex officio: Consolidated School District of Aiken County) of the County of Aiken and 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 Cayce, South Carolina, hereinafter called "Grantee".

WITNESSETH:

That, in consideration of the sum of One Dollar (\$1.00) received from Grantee, Grantor, owning a tract or development known as **Ridge Spring-Monetta High School** situate in the County of **Aiken**, State of South Carolina, shown on a certain plat or various plats filed or to be filed in the office of the public records of said County and generally described as follows: Being a tract or lot of land **originally containing 91.45 acres**, more or less, and being the same lands conveyed to Grantor by deed of **James Fallaw, et al. (by Master)**, dated or recorded **February 12, 1954**, and filed in the Register of Deeds office for **Aiken County** in Deed Book **136** at Page **283**.

Right-of-Way for present facilities is granted to extend along and adjacent to Trojan Road (S-2-1223) until it taps Grantee's existing power line located on Grantor's property. Right-of-Way is also granted to extend along and adjacent to the Columbia Highway (U.S. Highway 1). Right-of-Way for future facilities to serve Grantor's said tract originally containing 91.45 acres will be located as development necessitates.

TMS: 161-00-02-051

The Grantor hereby grants and conveys to Grantee, its successors and assigns, the right, privilege and authority, from time to time, to enter upon, construct, extend, inspect, operate, replace, relocate, repair and perpetually maintain upon, over, under, along, across and through any and all property shown on the plat of land referred to above, and upon, over, under, along, across and through any and all streets, alleys, roads or other public ways or places of said development now existing or hereafter laid out, an overhead or underground electric line or lines consisting of any or all of the following: poles, conductors, lightning protective wires, municipal, public or private communication lines, cables, conduits, pad mounted transformers, guys, push braces and other accessory apparatus and equipment deemed by Grantee to be necessary or desirable, together with the right of ingress, egress and access to and from such rights of way, across and upon the lands of Grantor, as may be necessary or convenient for the purposes connected therewith.

Together also with the right, from time to time, to install guy wires upon lots in said development, to overhang lots with conductors, cross arms and service wires 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 ("Easement Space") extending Fifteen (15) feet on each side of any pole lines and Five (5) feet on each side of any underground wires and within, over, under or through a section of land extending Twelve (12) feet from the door side(s) of any pad mounted transformers, elbow cabinets, switchgears or other devices as they are installed; 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 applicable above specified Easement Space, and in case such structure is built, then Grantor, or such successor and assign 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.

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:

**Aiken County Board of Education (ex officio:
Consolidated School District of Aiken County)**

By: _____ (SEAL)
Rosemary English, Chairperson

1st Witness

Attest: _____ (SEAL)

2nd Witness

B-2

Attachment 1 ⁽¹⁰⁾

Easement # 890119

ACKNOWLEDGMENT

STATE OF SOUTH CAROLINA

COUNTY OF AIKEN

The foregoing instrument was acknowledged before me, the undersigned Notary, and I do hereby certify that the within named **Aiken County Board of Education (ex officio: Consolidated School District of Aiken County)**, by the hand of **Rosemary English, Chairperson** and Attested by _____ its: _____ personally appeared before me this day and that the above named acknowledged the due execution of the foregoing instrument.

Sworn to before me this _____ day of _____, 201_____

Signature of Notary Public - State of SC

My commission expires: _____

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

Line: **RIDGE SPRING MONETTA SCHOOL**

County: **Aiken**

R/W File Number: **18154**

Grantor(s): Aiken County Board of Education (ex officio: Consolidated School District of Aiken County)

Return to: SCE&G
132 Langley Dam Road
Warrenville, SC 29851

