

BOARD AGENDA ITEM

August 14, 2012

SUBJECT:

South Carolina Electric and Gas Easement Request

BACKGROUND:

South Carolina Electric and Gas has requested the School District grant an easement request adjacent to South Aiken High School and the Carolina Gas Transmission properties behind Atlanta Bread Company depicted in the attached plat. Because they are adding a gas line to the area, it will be necessary to install a gas regulator station that includes a 20' x 30' easement. This property is in a currently undeveloped area; SCE&G will return our property to current condition after construction is completed.

ADMINISTRATIVE CONSIDERATION:

The additional gas line is a necessity for this portion of Aiken County, including New Ellenton. The proposed regulator station will include a cement footing. SCE&G will have a right to ingress, egress, and access the area for maintenance. They will maintain the station landscape as necessary.

RECOMMENDATION:

Approve the conveyance of the requested easement for one thousand dollars actual consideration from South Carolina Electric and Gas and authorize the Chair and Superintendent to sign the attached easement and acknowledgement.

ATTACHMENT:

- 1) Easement Plat for Regulator Station
- 2) Easement Agreement

PREPARED BY:

William H. Burkhalter, Jr.
Kevin Chipman

INDENTURE, made this _____ day of _____, 2012 by and between **The 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 and the additional consideration hereinafter set forth, Grantor hereby grants and conveys to Grantee, its successors and assigns, a right of way of the width of **Twenty by Thirty (20 x 30)** feet for the purpose of laying, constructing, maintaining, operating, repairing, altering, replacing and removing pipe lines, together with valves, tieovers and appurtenant facilities, for the transportation of gas, oil petroleum products, or any other liquids, gases or substances which can be transported through a pipe line, the Grantee to have the right to select the route, under, upon, over, through and across the lands of Grantor situate in the County of **Aiken**, State of South Carolina. Being a tract or lot of land containing **44.11 acres (Tract A)**, more or less, and being the same lands conveyed to Grantor by deed of **Grace C. Woodhead, et al.**, dated or recorded **May 3, 1978** and filed in the Register of Deeds office for **Aiken County** in **Deed Book 601 at Page 127** (the "Property").

Right-of-Way is granted for a twenty foot by thirty foot (20' x 30') regulator station site to be located as shown on a plat prepared by Hass & Hilderbrand, Inc. on April 30, 2012 and recorded simultaneously with this agreement in Plat Book _____ at Page _____. Together with the right to fence the said site.

TMS: 122-10-14-001

Together with the right from time to time to redesign, rebuild or alter said pipe lines and to install such additional pipe lines, apparatus and equipment as Grantee may at any time deem necessary and the right to remove any pipe line or any part thereof, all within the above described right of way.

Together also with the right of ingress, egress, and access to and from the right of way across and upon the Property as may be necessary or convenient for purposes connected with said right of way.

Together also with the right from time to time to remove or clear and keep clear such trees, underbrush, structures and other obstructions, upon said right of way and such trees ("danger trees") beyond the same as in the judgment of Grantee may interfere with or endanger said lines or appurtenances when erected; provided that Grantee will pay to Grantor the fair market value of such danger trees at the time of cutting as determined by a registered professional forester, and the right of entry upon said lands of Grantor for all of the purposes aforesaid. All pipe shall be buried to such depth so that it will not interfere with the ordinary cultivation of said land.

Provided, however, any damage to the property of Grantor (other than to property cleared or removed as hereinbefore provided) caused by Grantee in the course of constructing, rebuilding or repairing said pipe line shall be borne by Grantee.

Reserving, however, to Grantor the right to cultivate and use the ground within the limits of said right of way, provided that such use shall not interfere with or obstruct the rights herein granted, and provided further that no building or other structure shall be erected by the Grantor within the width of said right of way.

And it is a condition of this grant that Grantee shall tender, and Grantor shall accept, Grantee's check in the sum of One Thousand and No/100 Dollars (\$1000.00).

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

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

WITNESS:

**The Aiken County Board of Education, ex officio:
Consolidated School District of Aiken County**

X _____
1st Witness

X _____
By: _____ (SEAL)

X _____
2nd Witness

X _____
Attest: _____ (SEAL)

C-2 Attachment 1

SEE NEXT PAGE

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 **The Aiken County Board of Education, ex officio: Consolidated School District of Aiken County**, by the hand of _____ 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 _____, 2012

Signature of Notary Public - State of SC

NOTARY

My commission expires: _____

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

Line: **Aiken TB # 3 & New Ellenton Regulating Station**

County: **Aiken**

R/W File Number: **17847**

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

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

