



**CITY COUNCIL**

**SPECIAL CALLED**

**AGENDA OF**

**JANUARY 2, 2018**

# Administration Department



## Interoffice Memorandum

TO: Mayor and City Council

FROM: Robert A. Pettit, Mayor

DATE: December 29, 2017

SUBJECT: Special Called Meeting of Tuesday, January 02, 2018

Pursuant to Section 2-37, entitled "Calling Special Meetings," of the Code of Laws of North Augusta, South Carolina, a Special Called Meeting is called for **Tuesday, January 2, 2018 at 7:00 P. M.** in the Municipal Center 3<sup>rd</sup> Floor Council Conference Room/Council Chambers located at 100 Georgia Avenue, North Augusta, South Carolina.

The purpose of the Special Called Meeting shall be for Council to consider the following:

**ITEM 1.      STREETS AND DRAINS:      **Resolution 2018-01 – A Resolution Accepting a Deed Of Dedication for the Hammond’s Ferry Section C Fulton Street Cul-De-Sac, Associated Curbs and Gutters from North Augusta Riverfront Company, LLC , along with a Maintenance Guarantee and Cash Deposit, from North Augusta Riverfront Company, LLC****

A resolution has been prepared for Council’s consideration accepting a deed of dedication for Hammond’s Ferry Section C Fulton Street Cul-De-Sac, associated curbs and gutters from North Augusta Riverfront Company, LLC , along with a Maintenance Guarantee and cash deposit, from North Augusta Riverfront Company, LLC

Please see **ATTACHMENT** for a copy of the proposed resolution and additional info.

**ITEM 2.      JUSTICE AND LAW:      **2018 Jury Box – Motion to Accept****

The 2018 Municipal Jury Box containing the names of all registered voters and the names of individuals with a South Carolina driver’s license in our jurisdiction will be presented to Mayor and City Council at tonight’s meeting for approval as is required by State law. A motion to accept the jury box is requested of Council.

RESOLUTION NO. 2018-01  
ACCEPTING A DEED OF DEDICATION FOR THE HAMMOND'S FERRY SECTION  
C FULTON STREET CUL-DE-SAC, ASSOCIATED CURBS AND GUTTERS FROM  
NORTH AUGUSTA RIVERFRONT COMPANY, LLC , ALONG WITH A  
MAINTENANCE GUARANTEE AND CASH DEPOSIT,  
FROM NORTH AUGUSTA RIVERFRONT COMPANY, LLC

WHEREAS, North Augusta Riverfront Company, LLC submitted a minor site plan, dated August 28, 2017, prepared by Cranston Engineering Group, P.C., for a cul-de-sac to be constructed at the end of Fulton Street in the City of North Augusta, Aiken County, South Carolina, according to the requirements of the North Augusta Development Code and the City; and

WHEREAS, pursuant to §5.6.5 of the North Augusta Development Code, the Director of Planning and Development and the City Engineer approved the minor site plan for the Fulton Street cul-de-sac on September 1, 2017; and

WHEREAS, it is the policy of the City that, upon completion of the improvements associated with an approved minor site plan, the City will, following inspection by the City's Engineering Department, accept a deed of dedication for the streets, utilities, etc. for the purpose of ownership and maintenance when said deed is accompanied by a maintenance guarantee; and

WHEREAS, a maintenance guarantee and cash deposit accompany the deed, the City Engineer has made final inspection of the subject improvements, and these improvements meet City standards.

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of North Augusta, South Carolina, in meeting duly assembled and by the authority thereof, do hereby accept a deed of dedication for:

That certain parcel or tract of land, with any improvement located thereon, situate, lying and being in the City of North Augusta in Aiken County, South Carolina, more particularly designated and described as Tract "C," containing 0.10 acre, more or less, upon that Plat of Hammond's Ferry Section C prepared for North Augusta Riverfront Company, LLC by Cranston Engineering Group, P.C. dated November 27, 2017, and recorded on December 14, 2017, in the Aiken County Register of Deeds Office in Plat Book 60 page 341-341.

TOGETHER WITH fee simple title to all curbs, gutters, and infrastructure of the Fulton Street cul-de-sac located in, upon and under said PERMANENT RIGHT OF WAY.

Tax Parcel Number 007-13-11-002 (portion of)

RESOLUTION ACCEPTING DEED OF DEDICATION –  
HAMMOND’S FERRY SECTION C FULTON STREET CUL-DE-SAC

BE IT FURTHER RESOLVED that a Maintenance Guarantee and Cash Deposit in the amount of \$7,500.00 are hereby accepted.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

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Robert A. Pettit, Mayor

ATTEST:

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Donna B. Young, City Clerk

# Department of Planning and Development



**Memorandum # 17-031**

City of North Augusta

**To:** B. Todd Glover, City Administrator

**From:** Amanda J. Sievers, Interim Director

A handwritten signature in black ink, appearing to read 'ajs'.

**Subject:** Deed of Dedication for Hammond's Ferry Section C Fulton Street Cul-de-sac

**Date:** December 19, 2017

The minor site plan for infrastructure improvements of the Hammond's Ferry Section C Fulton Street Cul-de-sac owned by North Augusta Riverfront Company, LLC and located at that tract of land identified as Tract "C" in the City of North Augusta, Aiken County, South Carolina on a portion of TM# 007-13-11-002 was approved on September 1, 2017. The owner has completed all required infrastructure improvements and requests that the City accept the associated right of way. The improvements to be dedicated to the City have been approved by the City Engineer. The attached dedication documents have been approved by the City Attorney.

The City may accept the associated right of way for this project. A draft resolution for the acceptance of the dedication is attached and a digital copy has been forwarded to the City Clerk.

Originals of the following documents are attached:

1. Deed of Dedication for the associated right of way;
2. Maintenance Guarantee dated December 11, 2017 and valid for a period of 24 months (copy);
3. A cash deposit in the form of a North Augusta Riverfront Company, LLC corporate check in the amount of \$7,500.00 in support of the Maintenance Guarantee (check copy);
4. Title Certificate dated November 22, 2017; and
5. Final Plat approved by the City of North Augusta and recorded by the Aiken County RMC.

Please execute the original Maintenance Guarantee and schedule the resolution accepting the Hammond's Ferry Section C Fulton Street Cul-de-sac deed of dedication for City Council consideration at the next available meeting.

STATE OF SOUTH CAROLINA  
COUNTY OF AIKEN

DEED OF DEDICATION  
FULTON STREET CUL-DE-SAC

KNOW ALL MEN BY THESE PRESENTS, that NORTH AUGUSTA RIVERFRONT COMPANY, LLC, a Delaware limited liability company ("**Grantor**"), for and in consideration of the payment of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, by the CITY OF NORTH AUGUSTA, a municipal corporation organized and existing under the laws of the State of South Carolina ("**Grantee**"), the receipt of which is hereby acknowledged, has granted, bargained, sold, quitclaimed and released and by these presents does grant, bargain, sell, quitclaim and release, subject to current taxes and all easements, covenants, conditions, restrictions, and other matters of record, unto Grantee the property described on Exhibit "A" attached hereto.

TOGETHER WITH all and singular the rights, members, hereditaments and appurtenances to said property belonging or in any wise incident or appertaining (the "**Property**").

TO HAVE AND TO HOLD all and singular the Property before mentioned unto Grantee in fee simple forever.

The terms "Grantor" and "Grantee" to include the plural as well as the singular, and heirs, legal representatives, successors and assigns, or other words of inheritance as shall be required by the gender of Grantor or Grantee. Any reference to one gender shall include the others, including the neuter. This instrument may be executed in counterparts.

[EXECUTION ON FOLLOWING PAGE]

IN WITNESS WHEREOF, Grantor has executed this instrument under seal this \_\_\_ day of \_\_\_\_\_, 2017.

Deborah Lastrò

Witness DEBORAH LASTRO

Tracey M. Brooker  
Witness TRACEY M. BROOKER

NORTH AUGUSTA RIVERFRONT  
COMPANY, LLC, a Delaware limited liability  
company (Seal)

By: Howard Kaufman  
Howard Kaufman  
As its Manager

State of New York )  
County of Orange )

Acknowledgment

I, Tracey M. Brooker, a notary public for the State and County aforesaid, do hereby certify that Howard Kaufman, as Manager of Grantor, personally appeared before me this day and acknowledged the due execution of the foregoing instrument on behalf of Grantor.

Witness my hand and official seal this the 30<sup>th</sup> day of November, 2017.

Tracey M. Brooker  
Notary Public  
My Commission Expires: July 23, 2020

(Notarial Seal)

TRACEY M. BROOKER  
Notary Public - State of New York  
No. 01BR6265913  
Qualified in Orange County  
My Comm. Expires July 23, 2020

Exhibit "A"

That certain parcel or tract of land, with any improvement located thereon, situate, lying and being in the City of North Augusta, in Aiken County, South Carolina, more particularly designated and described as **Tract "C," containing 0.10 Acre**, more or less, upon that Plat of Hammond's Ferry Section C prepared for North Augusta Riverfront Company, LLC by Cranston Engineering Group, P.C. dated November 27, 2017, and recorded on December 14, 2017, in the Aiken County Register of Deeds Office in Plat Book 60, page 341-341. Said property has the following metes and bounds:

COMMENCING AT THE CENTERLINE INTERSECTION OF FULTON STREET AND FALLMOUTH STREET, THENCE ALONG A TIE LINE NORTH 07°56'23" WEST A DISTANCE OF 96.36 FEET TO A #5 REBAR SET, SAID POINT BEING THE POINT OF BEGINNING. THENCE ALONG THE EASTERN RIGHT OF WAY LINE OF FULTON STREET NORTH 19°00'30" WEST A DISTANCE OF 5.14 FEET TO A #5 REBAR SET; THENCE ALONG SAID RIGHT OF WAY LINE NORTH 28°37'09" WEST A DISTANCE OF 66.18 FEET TO A #5 REBAR FOUND; THENCE ALONG SAID RIGHT OF WAY LINE NORTH 60°16'22" EAST A DISTANCE OF 6.30 FEET TO A #5 REBAR FOUND; THENCE CONTINUING ALONG SAID RIGHT OF WAY NORTH 29°43'38" WEST A DISTANCE OF 35.00 FEET TO A #5 REBAR FOUND; THENCE ALONG THE SOUTHERN BOUNDARY OF TRACT "B" ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 46.25 FEET AND AN ARC LENGTH OF 68.00 FEET BEING SUBTENDED BY A CHORD SOUTH 84°36'55" EAST A DISTANCE OF 62.04 FEET TO A #4 REBAR SET; THENCE ALONG THE WESTERN BOUNDARY OF TRACT "A" ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 46.25 FEET AND AN ARC LENGTH OF 79.34 FEET BEING SUBTENDED BY A CHORD SOUTH 06°38'43" WEST A DISTANCE OF 69.97 FEET TO A #4 REBAR SET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 19.50 FEET AND AN ARC LENGTH OF 24.31 FEET BEING SUBTENDED BY A CHORD SOUTH 21°40'44" WEST A DISTANCE OF 22.77 FEET TO A #5 REBAR SET, SAID POINT BEING THE POINT OF BEGINNING; CONTAINING 0.10 ACRE, MORE OR LESS.

Being a portion of the property conveyed to North Augusta Riverfront Company, LLC by deed of the City of North Augusta, recorded on October 8, 2004, in the Aiken County Register of Deeds Office in Book 2457, page 126, as corrected in said records in Book 2507, page 179.

Portion of TMP No. 007-13-11-002.

Grantee's Address: P.O. Box 6400, North Augusta, SC 29861-6400.



STATE OF SOUTH CAROLINA            )  
  )  
COUNTY OF AIKEN                    )                    **MAINTENANCE GUARANTEE**

**NAME OF PROJECT:**                                **Hammond’s Ferry Section C Cul-de-sac**

**OWNERS:**    **North Augusta Riverfront Company, LLC**

**DATE OF MINOR SITE PLAN APPROVAL:** September 1, 2017

**WHEREAS,** North Augusta Riverfront Company, LLC hereinafter known as “Owners”, submitted a minor site plan, dated August 28, 2017 and prepared by Cranston Engineering Group, PC, for a cul-de-sac to be constructed at the end of Fulton Street in the City of North Augusta, County and State aforesaid; and

**WHEREAS,** the Interim Director of Planning and Development and the City Engineer approved the minor site plan on September 1, 2017; and

**WHEREAS,** the City Engineer has inspected the completed Fulton Street cul-de-sac, including stormwater drainage, curb and gutter, and paving, and has duly certified that said cul-de-sac is, to the best of his knowledge based upon such inspection, built to the City of North Augusta design standards; and

**WHEREAS,** the Interim Director of Planning and Development and the City Engineer recommend that the City accept from the Owners a Maintenance Guarantee to insure that proper workmanship and materials were in fact used in regard to the Fulton Street cul-de-sac and to insure that, in the event of failure in regard to said improvements for any reason except force majeure, the City would have adequate funds necessary to return the Fulton Street cul-de-sac to an acceptable condition.

**NOW, THEREFORE,** as security for the maintenance by the Owners of the Fulton Street cul-de-sac shown on the approved minor site plan, as well as for any other improvements provided and proposed to be granted to the City by Deed of Dedication in accordance with §5.8.5 of the North Augusta Development Code, the Owners do hereby guarantee the maintenance of the infrastructure improvements under and pursuant to the following terms.

**INFRASTRUCTURE IMPROVEMENTS SUBJECT TO THIS GUARANTEE**

This Maintenance Guarantee shall extend to all infrastructure improvements proposed to be deeded to, dedicated to, transferred or otherwise assigned to the

City of North Augusta by the Owners. Such improvements shall include, where applicable, the following but not be limited to such specified improvements:

- A. Fulton Street cul-de-sac;
- B. Curbs and gutters.

#### REPRESENTATIONS BY THE DEVELOPER

The Owners represents to the City of North Augusta that:

- A. For a period of twenty-four (24) months from the date of approval of the completed Fulton Street cul-de-sac by the Interim Director of Planning and Development and City Engineer, the improvements will not fail, for any reason, with the exception of force majeure;
- B. The Owners will submit the deed of dedication and check in support of this Maintenance Guarantee in accordance with §§5.8.4 and 5.8.5 of the North Augusta Development Code within the specified time period;
- C. The City Engineer for the City of North Augusta shall have full and absolute discretion and authority in determining whether or not a failure has occurred in regard to the infrastructure subject to this Maintenance Guarantee.

#### REMEDIES IN THE EVENT OF DEFAULT

In the event that the City Engineer for the City of North Augusta, in his sole discretion determines that a failure has occurred, he shall provide written notice of such failure to the Owners with a request for the immediate correction of said failure. In the event of failure by the Owners to make such repairs as necessary, within sixty (60) days of such written notice or within ten (10) days in the event of such notice being received during the last sixty (60) days covered by this Maintenance Guarantee and Letter of Credit, the following conditions shall prevail:

- A. This Maintenance Guarantee shall be considered violated and in default with the City having full right and authority to make claims under the check provided for herein;
- B. The City may make claim against the full amount of the monetary deposit, until such time as the City is able to make the necessary repairs to the infrastructure.
- C. Following the completion of the repairs to the infrastructure, to the satisfaction of the City Engineer, any funds remaining from the monetary deposit shall be refunded to the Owners.
- D. The City is entitled to compensation, at a reasonable rate, for any in-house services provided by the City for the purpose of correcting failures or deficiencies to the infrastructure.

E. The City shall have full and absolute authority in regard to a determination as to party or parties contracted with for the purpose of making repairs as required.

IN WITNESS WHEREOF, North Augusta Riverfront Company, LLC have caused these presents to be executed this 11th day of December, 2017.

Deborah E. Lastro  
Witness DEBORAH E. LASTRO

By: Howard Kaufman  
North Augusta Riverfront Company, LLC  
Print Name: Howard Kaufman  
As its: Manager

Tracy M. Proctor  
Witness TRACY M. PROCTOR

ACCEPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.  
City of North Augusta

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
B. Todd Glover  
As its: City Administrator

\_\_\_\_\_  
Witness

TITLE CERTIFICATE

Prepared at the request of:

CITY OF NORTH AUGUSTA

This Certificate is owned by the entity named above. This Certificate protects no other person, and it cannot be transferred or assigned. The Certificate covers the following described property, to-wit:

See Exhibit "A"

WE CERTIFY that we have reviewed an abstract of a search of all of the public records which may disclose information affecting the title to the real estate described above insofar as is shown by the indices. It is not within our power to guarantee or insure this title because it is impossible for the records to disclose a forgery, the minority or insanity of a maker, errors made by public officials and such matters; but we have made a diligent review of said abstract. If a prior owner's or mortgagee's title insurance policy was available with respect to said real estate, we may have relied on the matters set forth therein up to the effective date thereof.

WE FURTHER CERTIFY that the abstract covered a period of at least sixty (60) years or if there was a title insurance policy since the date of said policy.

WE FURTHER CERTIFY that said title abstract reveals that title to said real estate was vested in:

North Augusta Riverfront Company, LLC

by virtue of deed by the City of North Augusta recorded on October 8, 2004, in the Aiken County Register of Deeds Office in Book 2457, page 126; re-recorded to correct legal on April 25, 2005, in said records in Book 2507, Page 179, at the date and hour shown below, subject only to the following exceptions:

1. TAXES AND SPECIAL ASSESSMENTS: We have obtained certifications from the officials who collect taxes that all taxes assessed against this property or against any prior owner have been paid in full up to and including the year 2017 for the County of Aiken. The City of North Augusta taxes for the year 2017 are a lien but are not yet due and payable. There are no other taxes, levies or assessments now affecting this property, except the lien of all taxes for the current year, and the lien of taxes as may be assessed against this property for subsequent years.

2. JUDGMENTS AND TAX LIENS: There are no unpaid judgments or recorded tax liens which would constitute a lien against the land found during the period of the abstract.

3. MORTGAGES: There were no mortgages, security deeds, or deeds of trust of record which are unpaid found during the period of the abstract, except as follows: None

4. EASEMENTS, RESTRICTIVE COVENANTS, ETC.: There are no easements, party wall agreements, or restrictive covenants of record found during the period of the abstract, except as follows:

- a. Easement dated September 30, 1915, in favor of American Telephone & Telegraph Company and recorded in the Aiken County Register of Deeds Office in Misc. Book 22, page 322.
- b. Transmission Line Easement dated October 2, 1936, in favor of South Carolina Power Company and recorded in the Aiken County Register of Deeds Office in Book 16, page 196 (as conveyed to Georgia Power Company by instrument recorded in the Aiken County Register of Deeds Office in Book 91, page 87).
- c. Right of Way dated October 24, 1941, in favor of American Telephone and Telegraph Company and recorded in the Aiken County Register of Deeds Office in Misc. Book 20, page 389.
- d. Easement for Right-of-Way in favor of Georgia Power Company dated June 1, 1944, and recorded in the Aiken County Register of Deeds Office in Book 91, page 112.
- e. Easement dated August 31, 1944, in favor of Southern Bell Telephone and Telegraph Company and recorded in the Aiken County Register of Deeds Office in Book 91, page 251.
- f. Transmission Line Easement dated November 9, 1944, in favor of South Carolina Power Company and recorded in the Aiken County Register of Deeds Office in Misc. Book 26, page 11.
- g. Transmission Line Easement dated November 13, 1944, in favor of South Carolina Power Company and recorded in the Aiken County Register of Deeds Office in Misc. Book 21, page 605.
- h. General Permit dated July 15, 1952, in favor of Southern Bell Telephone and Telegraph Company and recorded in the Aiken County Register of Deeds Office in Misc. Book 35, page 1.
- i. Easement dated November 24, 1953, in favor of South Carolina Electric & Gas Company and recorded in the Aiken County Register of Deeds Office in Misc. Book 54, page 428.
- j. Right of Way evidenced by Receipt for Right of Way Payment dated November 1, 1955, in favor of South Carolina Electric & Gas Company and recorded in the Aiken County Register of Deeds Office in Misc. Book 36, page 383.
- k. General Permit dated November 14, 1956, in favor of Southern Bell Telephone and Telegraph Company and recorded in the Aiken County Register of Deeds Office in Misc. Book 36, page 414.
- l. Easement dated December 9, 1983, in favor of South Carolina Electric & Gas Company and recorded in the Aiken County Register of Deeds Office in Book 812, page 89.

- m. Deed of Easement dated October 5, 1988, in favor of the City of North Augusta and recorded in the Aiken County Register of Deeds Office in Book 1069, page 196.
- n. Development Agreement dated June 23, 2003, between North Augusta Riverfront Company, LLC and the City of North Augusta, recorded in the Aiken County Register of Deeds Office in Misc. Book 1211, pages 1-299; as amended by that First Amendment to Development Agreement dated February 2, 2004, and recorded in said records in Misc. Book 1253, page 170; as further amended by that Second Amendment dated October 7, 2004, and recorded in said records in Misc. Book 1312, page 245.
- o. 25' Sanitary Sewer Easement, 100' Georgia Power Easement, 200' and 30' S.C.E.& G. Power Easements and all other matters shown on that certain Boundary Plat dated September 10, 2004, revised September 27, 2004, prepared for the City of North Augusta by W.R. Toole Engineers.
- p. Easement for Right-of-Way in favor of Georgia Power Company dated October 7, 2004, and recorded in Deed Book 2457, page 123, as affected by that Quit Claim Deed dated October 6, 2004, and recorded in the Aiken County Register of Deeds Office in Book 2457, page 119.
- q. Easement in favor of South Carolina Electric and Gas Company dated June 10, 2005, and recorded in the Aiken County Register of Deeds Office in Book 4000, page 1429.
- r. All matters shown on that certain plat for the City of North Augusta prepared by W.R. Toole Engineers, Inc. dated September 27, 2004, and recorded in the Aiken County Register of Deeds Office in Plat Book 48, page 193.
- s. All matters shown on that certain Plat entitled "Conditional Final Plat for Hammond's Ferry Phase A1" prepared by Davis & Floyd Engineering, Architecture, Environmental & Laboratory Services, dated January 5, 2006, and recorded in the Aiken County Register of Deeds Office in Plat Book 50, page 845.
- t. Master Declaration of Codes, Covenants and Easements dated February 3, 2006, and recorded in the Aiken County Register of Deeds Office in Book 4044, page 876; as affected by that Book of Operating Principles recorded in said records in Book 4044, page 899 and that Business District Declaration of Codes, Covenants and Easements recorded in said records in Book 4044, page 953; as supplemented by that First Supplemental Declaration dated March 16, 2006, and recorded in said records in Book 4052, page 1314; that Second Supplemental Declaration recorded in Book 4153, page 198; that Third Supplemental Declaration recorded in Book 4161, page 947; that Fourth Supplemental Declaration recorded in Book 4185, page 263; that Fifth Supplemental Declaration recorded in Book 4273, page 2240; and that Sixth Supplemental Declaration recorded in Book 4289, page 242; and any further amendments.
- u. All matters shown on that certain Plat of Phase B of Hammonds Ferry prepared by Toole Surveying Company, Inc. for the City of North Augusta dated November 12, 2006, last revised April 30, 2007, and recorded in the Aiken County Register of Deeds Office in Plat Book 52, page 665.

- v. Rights of SCE&G in and to the temporary above-ground power lines and poles located on the subject property which serve to provide power to Phase A of the Hammond's Ferry development.
- w. 25' Sanitary Sewer Easement reserved by the City of North Augusta in Title to Real Estate dated May 1, 2007, and recorded in the Aiken County Register of Deeds Office in Book 4134, page 716.
- x. All matters shown on that certain plat entitled "Phase A Second Closing & Archaeological Site 38AK933" of Hammond's Ferry prepared for the City of North Augusta by Toole Surveying Company, Inc. dated May 7, 2007, and recorded in the Aiken County Register of Deeds Office in Plat Book 53, page 11.
- y. The 25' Sanitary Easement reserved by the City of North Augusta by deed dated August 9, 2007, recorded in the Aiken County Register of Deeds Office in Book 4155, page 150, and re-recorded in said records in Book 4159, page 1.
- z. All matters shown on that certain Plat entitled "Conditional Final Plat for Hammond's Ferry Phase A2" prepared by Davis & Floyd Engineering, Architecture, Environmental & Laboratory Services, dated June 21, 2007, revised August 28, 2007, and recorded in the Aiken County Register of Deeds Office in Plat Book 53, page 61.
- aa. All matters shown on that certain plat entitled Easement Abandonment prepared for North Augusta Riverfront Co., LLC by Toole Surveying Company, Inc. dated December 11, 2006, last revised June 21, 2007, and recorded in the Aiken County Register of Deeds Office in Plat Book 53, page 446.
- bb. All matters shown on that certain plat entitled Hammond's Ferry Phase A3 Boundary prepared for North Augusta Riverfront Company, LLC by Cranston Engineering Group, P.C. dated January 28, 2008, and recorded in the Aiken County Register of Deeds Office in Plat Book 53, page 528
- cc. All matters shown on that certain Plat entitled "Hammond's Ferry Phase A3 Boundary" prepared by Cranston Engineering Group, P.C., for North Augusta Riverfront Company, LLC, dated June 30, 2009, and recorded in the Aiken County Register of Deeds Office in Plat Book 54, page 880.
- dd. Tripartite Riverfront Agreement between North Augusta Riverfront Company, LLC; Westo Development Company, LLC; Buddy R. Werts and Donald Thompson; and the City of North Augusta dated November 10, 2010, and recorded in the Aiken County Register of Deeds Office in Book 4335, page 1030.
- ee. Development Agreement between North Augusta Riverfront Company, LLC and the City of North Augusta dated January 8, 2013, and recorded in the Aiken County Register of Deeds Office in Book 4440, page 692.

5. LABORERS' AND MATERIALMEN'S LIENS: We call your attention to the fact that we have not examined the property ourselves, and we do not know whether there has been any recent work done on the improvements. Likewise, we do not know whether architects or land surveyors have been employed and furnished material or services in connection with said

property. There are no records at this time of any unpaid bills for services, repairs or improvements except as indicated below; but a laborer, architect, surveyor or a materialman has ninety days after the completion of the improvements in which to put his claim on the records. If work has been completed during the last 90 days, you should inquire about the payment of the laborers, architects, surveyors and materialman to be sure that there are no unpaid bills which would constitute a lien on the land, and be filed after the transaction is closed. If repairs and improvements have been completed during the last 90 days, you should have an affidavit prepared by us to be signed by the seller, borrower or contractor, as the case may be, that these bills have been paid in full.

6. ORDINANCES: All property in the City and most property in the County is affected by zoning ordinances. These ordinances restrict the type of construction, the size of the lot and the use to which the land may be put and the property herein described is subject to these ordinances.

7. POSSESSION: If anyone besides the person named above as owner is in possession of the land, you should inquire as to the right of that person to be in possession of the property. Possession itself is notice at law of any and all deeds, leases, or claims which that person has to the property whether these papers are recorded or not.

CERTIFIED TO at 8:00 a.m. on the 22nd day of November, 2017.

[REMAINDER OF PAGE INTENTIONALLY BLANK]



EXCEPTION IS TAKEN TO THE FOLLOWING:

Hull Barrett, PC makes no representation as to whether restrictions on the property, if any, have been violated, and if there is a forfeiture or reversion of title provision in the restrictions whether a forfeiture or reversion has taken place because of said violation.

Matters not disclosed by an examination of the aforesaid records, which include, but are not limited to, instruments not filed or properly indexed.

The completeness and accuracy of the assessor's and treasurer's records are not certified. There may exist the possibility that additional taxes will be assessed under so called roll-back tax laws; such taxes and/or any later determined taxes are excepted from this report.

Such state of facts as would be revealed by a recent accurate survey and physical inspection of the property including, but not limited to, possession, boundaries, location of improvements and rights-of-way, public or private easements and encroachments.

Riparian rights incident to the premises.

Unfiled mechanic's liens and/or materialmen's liens, if the statutory period for filing of any such liens has not expired.

Water and sewerage charges from any municipal authority, public service district or private utility unrecorded in said Clerk's Office.

All laws, ordinances and government regulations (including, but not limited to, truth in lending and consumer protection laws, building and zoning ordinances, floodway and flood plain determinations) restricting or regulating the character, use, dimensions or locations of any improvements now or, hereafter, erected on the land, prohibiting a separation in ownership, a reductions in dimensions or area of land or the effect of any violation of such law, ordinance or governmental regulation or determination.

Rights of parties in possession.

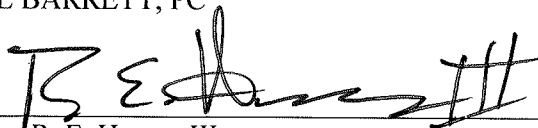
Judgments or proceedings filed in the Federal Court.

Any environmental protection lien recorded in the public records or filed in the records of the Clerk of the United States District Court for the district in which the land is located or any environmental protection lien provided for any state statute.

This Certificate is not title insurance and should not be relied on as such. This search is limited to the period of time shown above and will not reveal matters recorded prior to such time and may not reveal other defects in title to the property. This Certificate will not reveal errors made by the title abstractor. In order to obtain protection against the foregoing matters and other possible title defects, we advise you to purchase a policy of title insurance.

HULL BARRETT, PC

By:



R. E. Hanna, III

Exhibit "A"

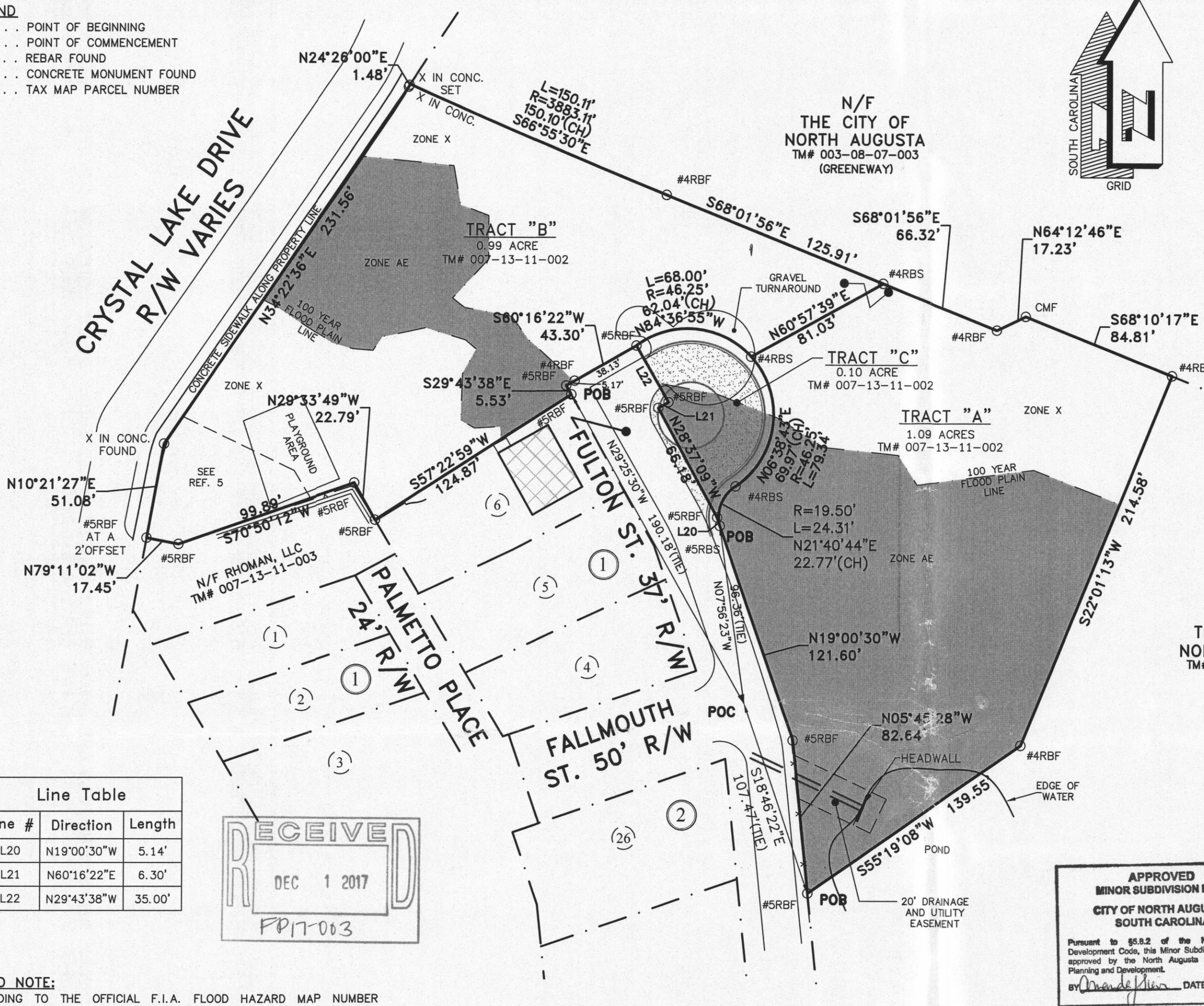
That certain parcel or tract of land, with any improvement located thereon, situate, lying and being in the City of North Augusta, in Aiken County, South Carolina, more particularly designated and described as **Tract "C," containing 0.10 Acre**, more or less, upon that Plat of Hammond's Ferry Section C prepared for North Augusta Riverfront Company, LLC by Cranston Engineering Group, P.C. dated November 27, 2017, and recorded on \_\_\_\_\_, 2017, in the Aiken County Register of Deeds Office in Plat Book \_\_\_\_\_, page \_\_\_\_\_. Said property has the following metes and bounds:

COMMENCING AT THE CENTERLINE INTERSECTION OF FULTON STREET AND FALLMOUTH STREET, THENCE ALONG A TIE LINE NORTH 07°56'23" WEST A DISTANCE OF 96.36 FEET TO A #5 REBAR SET, SAID POINT BEING THE POINT OF BEGINNING. THENCE ALONG THE EASTERN RIGHT OF WAY LINE OF FULTON STREET NORTH 19°00'30" WEST A DISTANCE OF 5.14 FEET TO A #5 REBAR SET; THENCE ALONG SAID RIGHT OF WAY LINE NORTH 28°37'09" WEST A DISTANCE OF 66.18 FEET TO A #5 REBAR FOUND; THENCE ALONG SAID RIGHT OF WAY LINE NORTH 60°16'22" EAST A DISTANCE OF 6.30 FEET TO A #5 REBAR FOUND; THENCE CONTINUING ALONG SAID RIGHT OF WAY NORTH 29°43'38" WEST A DISTANCE OF 35.00 FEET TO A #5 REBAR FOUND; THENCE ALONG THE SOUTHERN BOUNDARY OF TRACT "B" ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 46.25 FEET AND AN ARC LENGTH OF 68.00 FEET BEING SUBTENDED BY A CHORD SOUTH 84°36'55" EAST A DISTANCE OF 62.04 FEET TO A #4 REBAR SET; THENCE ALONG THE WESTERN BOUNDARY OF TRACT "A" ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 46.25 FEET AND AN ARC LENGTH OF 79.34 FEET BEING SUBTENDED BY A CHORD SOUTH 06°38'43" WEST A DISTANCE OF 69.97 FEET TO A #4 REBAR SET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 19.50 FEET AND AN ARC LENGTH OF 24.31 FEET BEING SUBTENDED BY A CHORD SOUTH 21°40'44" WEST A DISTANCE OF 22.77 FEET TO A #5 REBAR SET, SAID POINT BEING THE POINT OF BEGINNING; CONTAINING 0.10 ACRE, MORE OR LESS.

Being a portion of the property conveyed to North Augusta Riverfront Company, LLC by deed of the City of North Augusta, recorded on October 8, 2004, in the Aiken County Register of Deeds Office in Book 2457, page 126, as corrected in said records in Book 2507, page 179.

Portion of TMP No. 007-13-11-002.

**LEGEND**  
 POB . . . POINT OF BEGINNING  
 POC . . . POINT OF COMMENCEMENT  
 RBF . . . REBAR FOUND  
 CMF . . . CONCRETE MONUMENT FOUND  
 TM# . . . TAX MAP PARCEL NUMBER



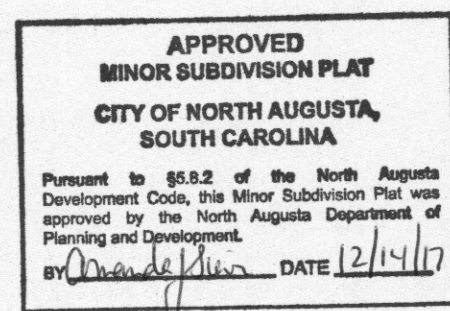
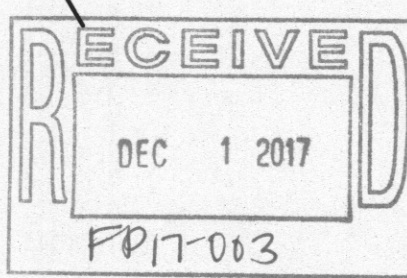
**LEGAL DESCRIPTION TRACT "A"**  
 ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING SITUATE IN THE CITY OF NORTH AUGUSTA, AIKEN COUNTY, SOUTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 COMMENCING AT THE CENTERLINE INTERSECTION OF FULTON STREET AND FALLMOUTH STREET THENCE SOUTH 18°46'22" EAST FOR A DISTANCE OF 107.47 FEET (TIE) TO A #5 REBAR FOUND ON THE R/W OF FULTON STREET, SAID POINT BEING THE POINT OF BEGINNING. THENCE ALONG THE EASTERN RIGHT OF WAY LINE OF FULTON STREET THE FOLLOWING COURSES: NORTH 05°45'28" WEST FOR A DISTANCE OF 82.64 FEET TO A #5 REBAR SET; THENCE NORTH 19°00'30" WEST FOR A DISTANCE OF 121.60 FEET TO A #5 REBAR SET; THENCE, ALONG THE EASTERN BOUNDARY OF TRACT C THE FOLLOWING COURSES: ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 19.50 FEET AND AN ARC LENGTH OF 24.31 FEET BEING SUBTENDED BY A CHORD NORTH 21°40'44" EAST A DISTANCE OF 22.77 FEET TO A #4 REBAR SET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 46.25 FEET AND AN ARC LENGTH OF 79.34 FEET BEING SUBTENDED BY A CHORD NORTH 06°38'43" EAST A DISTANCE OF 69.97 FEET TO A #4 REBAR SET; THENCE ALONG THE SOUTHEASTERN BOUNDARY OF TRACT B: NORTH 60°57'39" EAST FOR A DISTANCE 81.03 FEET TO A #4 REBAR SET; THENCE ALONG THE SOUTHERN PROPERTY LINE OF THE CITY OF NORTH AUGUSTA PROPERTY THE FOLLOWING COURSES: SOUTH 68°01'56" EAST FOR A DISTANCE OF 66.32 FEET TO A #4 REBAR FOUND; THENCE NORTH 64°12'46" EAST FOR A DISTANCE OF 17.23 FEET TO A CONCRETE MONUMENT FOUND; THENCE SOUTH 68°10'17" EAST FOR A DISTANCE OF 84.81 FEET TO A #4 REBAR FOUND; THENCE ALONG THE WESTERN BOUNDARY OF A TRACT OWNED BY THE CITY OF NORTH AUGUSTA THE FOLLOWING COURSES: SOUTH 22°01'13" WEST FOR A DISTANCE OF 214.58 FEET TO A #4 REBAR FOUND; THENCE SOUTH 55°19'08" WEST FOR A DISTANCE OF 139.55 FEET TO A #5 REBAR SET, SAID POINT BEING THE POINT OF BEGINNING; CONTAINING 1.09 ACRES AND MORE FULLY DESCRIBED AND SHOWN ON PLAT OF HAMMOND'S FERRY, SECTION C FOR NORTH AUGUSTA RIVERFRONT COMPANY, LLC BY CRANSTON ENGINEERING GROUP, P.C. DATED NOVEMBER 27, 2017.

**LEGAL DESCRIPTION TRACT "B"**  
 ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING SITUATE IN THE CITY OF NORTH AUGUSTA, AIKEN COUNTY, SOUTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 COMMENCING AT THE CENTERLINE INTERSECTION OF FULTON STREET AND FALLMOUTH STREET, THENCE ALONG A TIE LINE NORTH 29°35'30" WEST A DISTANCE OF 190.18 FEET TO A #5 REBAR FOUND, SAID POINT BEING THE POINT OF BEGINNING. THENCE ALONG THE NORTHERN PROPERTY OF LOT 6 SOUTH 57°22'59" WEST A DISTANCE OF 124.87 FEET TO A #5 REBAR FOUND, THENCE ALONG THE PROPERTY OF RHOMAN, LLC THE FOLLOWING COURSES: NORTH 29°33'49" WEST A DISTANCE OF 22.79 FEET TO A #5 REBAR FOUND, THENCE SOUTH 70°50'12" WEST A DISTANCE OF 99.89 FEET, THENCE NORTH 79°11'02" WEST A DISTANCE OF 17.45 FEET TO A POINT, THENCE ALONG THE EASTERN RIGHT OF WAY LINE OF CRYSTAL LAKE DRIVE THE FOLLOWING COURSES: NORTH 10°21'27" EAST A DISTANCE OF 51.08 FEET TO AN "X" IN CONCRETE FOUND, THENCE NORTH 34°22'26" EAST A DISTANCE OF 231.56 FEET TO AN "X" IN CONCRETE SET, THENCE NORTH 24°26'00" EAST A DISTANCE OF 1.48 FEET TO AN "X" IN CONCRETE SET, THENCE ALONG THE SOUTHERN PROPERTY LINE OF THE CITY OF NORTH AUGUSTA (GREENEWAY) THE FOLLOWING COURSES: ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 3883.11 FEET AND AN ARC LENGTH OF 150.11 FEET SUBTENDED BY A CHORD SOUTH 66°55'30" EAST A DISTANCE OF 150.10 FEET TO A #4 REBAR FOUND; THENCE SOUTH 68°01'56" EAST A DISTANCE OF 125.91 FEET TO A #4 REBAR SET; THENCE ALONG THE WESTERN BOUNDARY LINE OF TRACT "A" SOUTH 60°57'39" WEST A DISTANCE OF 81.03 FEET TO A #4 REBAR SET; THENCE ALONG THE NORTHERN BOUNDARY OF TRACT C ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 46.25 FEET AND AN ARC LENGTH OF 79.34 FEET SUBTENDED BY A CHORD NORTH 84°36'55" WEST A DISTANCE OF 62.04 FEET TO A #5 REBAR FOUND; THENCE ALONG THE FULTON STREET RIGHT OF WAY LINE SOUTH 60°16'22" WEST A DISTANCE OF 43.30 FEET TO A #5 REBAR FOUND; THENCE CONTINUING ALONG SAID RIGHT OF WAY SOUTH 29°43'38" EAST A DISTANCE OF 5.53 FEET TO A #5 REBAR FOUND, SAID POINT BEING THE POINT OF BEGINNING. CONTAINING 0.99 ACRE AND MORE FULLY DESCRIBED AND SHOWN ON PLAT OF HAMMOND'S FERRY SECTION C FOR NORTH AUGUSTA RIVERFRONT COMPANY, LLC BY CRANSTON ENGINEERING GROUP, P.C. DATED NOVEMBER 27, 2017.

**NOTE:**  
 NO RESIDENTIAL DEVELOPMENT, OR DEVELOPMENT OF ANY KIND, WILL BE ALLOWED ON TRACT "A" UNLESS AND UNTIL THE NORTH AUGUSTA PLANNING COMMISSION APPROVES SUCH DEVELOPMENT THROUGH A MINOR MODIFICATION TO THE HAMMOND'S FERRY PLANNED DEVELOPMENT ORDINANCE.

**Line Table**

Line #	Direction	Length
L20	N19°00'30"W	5.14'
L21	N60°16'22"E	6.30'
L22	N29°43'38"W	35.00'



2017031095  
 PLAT  
 RECORDING FEES \$10.00  
 PRESENTED & RECORDED  
 12-14-2017 04:16 PM  
 JUDITH WARNER  
 REGISTER OF MENSURE CONVEYANCE  
 AIKEN COUNTY, SC  
 BY: QUINLAN BATES DEPUTY  
 BK: PL 60  
 PG: 341 - 341

**FLOOD NOTE:**  
 ACCORDING TO THE OFFICIAL F.I.A. FLOOD HAZARD MAP NUMBER 45003C0476E WITH AN EFFECTIVE DATE OF JUNE 19, 2012, A PORTION OF THIS PROPERTY IS IN A DESIGNATED 100 YEAR FLOOD PLAIN.

**LEGAL DESCRIPTION TRACT "C"**  
 ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING SITUATE IN THE CITY OF NORTH AUGUSTA, AIKEN COUNTY, SOUTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 COMMENCING AT THE CENTERLINE INTERSECTION OF FULTON STREET AND FALLMOUTH STREET, THENCE ALONG A TIE LINE NORTH 07°56'23" WEST A DISTANCE OF 96.36 FEET TO A #5 REBAR SET, SAID POINT BEING THE POINT OF BEGINNING. THENCE ALONG THE EASTERN RIGHT OF WAY LINE OF FULTON STREET NORTH 19°00'30" WEST A DISTANCE OF 5.14 FEET TO A #5 REBAR SET; THENCE ALONG SAID RIGHT OF WAY LINE NORTH 28°37'09" WEST A DISTANCE OF 66.18 FEET TO A #5 REBAR FOUND; THENCE ALONG SAID RIGHT OF WAY LINE NORTH 60°16'22" EAST A DISTANCE OF 6.30 FEET TO A #5 REBAR FOUND; THENCE CONTINUING ALONG SAID RIGHT OF WAY NORTH 29°43'38" WEST A DISTANCE OF 35.00 FEET TO A #5 REBAR FOUND; THENCE ALONG THE SOUTHERN BOUNDARY OF TRACT "B" ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 46.25 FEET AND AN ARC LENGTH OF 68.00 FEET BEING SUBTENDED BY A CHORD SOUTH 84°36'55" EAST A DISTANCE OF 62.04 FEET TO A #4 REBAR SET; THENCE ALONG THE WESTERN BOUNDARY OF TRACT "A" ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 46.25 FEET AND AN ARC LENGTH OF 79.34 FEET BEING SUBTENDED BY A CHORD SOUTH 06°38'43" WEST A DISTANCE OF 69.97 FEET TO A #4 REBAR SET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 19.50 FEET AND AN ARC LENGTH OF 24.31 FEET BEING SUBTENDED BY A CHORD SOUTH 21°40'44" WEST A DISTANCE OF 22.77 FEET TO A #5 REBAR SET, SAID POINT BEING THE POINT OF BEGINNING; CONTAINING 0.10 ACRE AND MORE FULLY DESCRIBED AND SHOWN ON A PLAT OF HAMMOND'S FERRY, SECTION C FOR NORTH AUGUSTA RIVERFRONT COMPANY, LLC BY CRANSTON ENGINEERING GROUP, P.C. DATED NOVEMBER 27, 2017.

**SURVEYOR'S CERTIFICATION:**  
 "I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "B" SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN."  
 JOHN THOMAS ATTAWAY  
 P.L.S. #14522  
 11/27/2017 DATE

- REFERENCES:**
1. PLAT OF HAMMOND'S FERRY PHASE A3 BOUNDARY PREPARED FOR NORTH AUGUSTA RIVERFRONT COMPANY, LLC DATED JUNE 30, 2009.
  2. BOUNDARY PLAT FOR CITY OF NORTH AUGUSTA BY W.R. TOOLE ENGINEERS, INC. DATED SEPTEMBER 27, 2007.
  3. PLAT FOR CHARLESTON PLACE BY TOOLE SURVEYING COMPANY, INC. DATED APRIL 27, 2011, LAST REVISED FEBRUARY 8, 2012.
  4. CONDITIONAL FINAL PLAT HAMMOND'S FERRY PHASE A1 BY DAVIS & FLOYD DATED JANUARY 5, 2004.
  5. PLAT OF PLAYGROUND LOT BY JOHN M. BAILEY DATED NOVEMBER 18, 2015 LAST REVISED 11/18/2015

PLAT  
 OF  
**Hammond's Ferry**  
 SECTION C  
 PREPARED FOR  
**North Augusta**  
**Riverfront Company, LLC**

SHOWING PROPERTY OFF CRYSTAL LAKE DRIVE NEAR THE HAMMONDS FERRY SUBDIVISION, PHASE A3...  
 NORTH AUGUSTA, AIKEN COUNTY, SOUTH CAROLINA  
 SCALE: 1" = 50'  
 NOVEMBER 27, 2017  
 50 25 0 50 100  
 SCALE IN FEET

PREPARED BY  
**Cranston Engineering Group, P.C.**  
 ENGINEERS - PLANNERS - SURVEYORS  
 452 ELLIS STREET, AUGUSTA, GEORGIA 30901  
 POST OFFICE BOX 2546, AUGUSTA, GEORGIA 30903  
 TELEPHONE 706-722-1588  
 FACSIMILE 706-722-8379  
 mail@cranstonengineering.com

G:\AA-ACTIVE JOB FILES\2015-01-139 - HAMMONDS FERRY - SECTION C\AC-DRAWINGS\SURVEY\2015-01-139\_SU\_3.DWG 11/28/2017 8:20:56 AM

