

# ATTACHMENT #14

RESOLUTION NO. 2020-53  
AUTHORIZING FUNDING FOR THE REHABILITATION AND  
RESURFACING OF PORTIONS OF THE GREENEWAY

WHEREAS, the Department of Parks, Recreation and Tourism applied for, and was awarded a grant from the State of South Carolina Department of Parks, Recreation and Tourism Recreation Trails Program, in the amount of \$100,000, to re-surface/re-pave a portion of the North Augusta Greenway; and

WHEREAS, the adopted 2020 Annual Municipal Budget included \$25,000 matching funds in the General Fund (10-4310-387); and

WHEREAS, the adopted 2020 Annual Municipal Budget included an additional \$35,000 in the Riverfront/CC Redevelopment Fund (19-4325-387) for “Greenway Paving Upgrade”; and

WHEREAS, there remains a balance of \$11,904.69 in the Riverfront/CC Redevelopment Fund (19-4325-387) unspent from the previous phase of the Greenway Paving Upgrade; and

WHEREAS, the adopted 2021 Annual Municipal Budget includes an additional \$35,000 in the Riverfront/CC Redevelopment Fund (19-4325-387) for “Greenway Paving Upgrade”.

NOW THEREFORE BE IT RESOLVED by the Mayor and City Council for the City of North Augusta, in meeting duly assembled and by the authority thereof, that the total project budget shall be \$206,904.69 with \$106,904.69 funded by the Riverfront/CC Redevelopment Fund and \$100,000 to be reimbursed by SCPRT.

BE IT FURTHER RESOLVED that the \$25,000 matching funds in the 2020 General Fund Budget shall be transferred to the Riverfront/CC Redevelopment Fund.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
Robert A. Pettit, Mayor

ATTEST:

\_\_\_\_\_  
Sharon Lamar, City Clerk

# ATTACHMENT #15

RESOLUTION NO. 2020-54  
ACCEPTING A DEED OF DEDICATION FOR THE STREETS,  
WATER DISTRIBUTION SYSTEM, SANITARY SEWER, AND ASSOCIATED  
EASEMENTS AND RIGHTS OF WAY, ALONG WITH A MAINTENANCE  
GUARANTEE AND LETTER OF CREDIT,  
FOR HAMMONDS FERRY PHASE A4

WHEREAS, HF Developers, LLC has developed Hammond's Ferry Phase A4, according to the requirements of the North Augusta Planning Commission and the City, and owns the streets, utilities and easements; and

WHEREAS, pursuant to §5.8.4.3 of the North Augusta Development Code, the Director of Planning and Development and the City Engineer approved the final subdivision plat for recording on July 30, 2020, and

WHEREAS, it is the policy of the City that, upon approval of a final subdivision plat, the City will, following inspection by the City's Engineering department, accept a deed of dedication for utilities, etc. for the purpose of ownership and maintenance when said deed is accompanied by a maintenance guarantee; and

WHEREAS, a maintenance guarantee and supporting cash deposit accompany the deed; and

WHEREAS, 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:

ALL those certain streets and roadways located in Hammonds Ferry Section A4 shown and designated as a portion of Lafayette Street (45'R/W and R/W varies), Brick Pond Alley (24'R/W), a portion of Kennesaw Alley (24' R/W), Preservation Loop (R/W varies), a portion of Heirloom Alley (24' R/W), a portion of Railroad Avenue (66' R/W), a portion of Tin Pan Alley (24' R/W), a portion of Arrington Avenue (R/W varies), a portion of Blue Clay Drive (R/W varies) and a portion of Taft Alley (24' R/W) as shown and delineated on a plat of Hammonds Ferry Section A4 prepared for HF Developers, LLC by Cranston Engineering dated April 14, 2019 and recorded August 6, 2020 in the Office of the RMC for Aiken County, South Carolina, in Plat Book 62, at Page 294 ("Section A4 Plat"). Reference is made to said plat, which is incorporated herein by reference, for a more complete and accurate description as to the metes, bounds and location of said property.

LESS AND EXCEPT ALL that certain piece, parcel or lot of land being shown and designated as Tract A containing 1.79 acres, more or less, also shown as Railroad Avenue (50' R/W proposed) on a plat prepared for North Augusta Riverfront Company, LLC by Cranston Engineering Group, P.C. dated April 22, 2009 and recorded August

4, 2009 in the Office of the RMC for Aiken County, South Carolina, in Plat Book 54, Page 751. Reference is made to said plat, which is incorporated herein by reference, for a more complete and accurate description as to the metes, bounds and location of said property.

TOGETHER WITH ALL those certain tracts located in Hammonds Ferry Section A4 shown and designated as Tract F containing 710 square feet, more or less, and Tract G containing 3,407 square feet, more or less, as shown and delineated on the Section A4 Plat. Reference is made to said plat, which is incorporated herein by reference, for a more complete and accurate description as to the metes, bounds and location of said property.

TOGETHER WITH all (a) curbs and gutters located within the aforesaid right of way of the streets and roadways; (b) sidewalks located within the aforesaid right of way of the streets and roadways; (c) sanitary sewerage collection systems including lift stations located on the property shown on the Section A4 Plat; (d) storm water collection system including storm water detention areas located on the property shown on the Section A4 Plat; (e) greenways or other pedestrian connections outside the road rights-of-way but located on the property shown on the Section A4 plat, and (f) a perpetual and non-exclusive easement and rights-of-way for potable water, sanitary sewage and storm water collection systems located on the property shown on the Section A4 Plat.

BEING a portion of the property conveyed to HF Developers, LLC by deed of North Augusta Riverfront Company, LLC dated December 12, 2015 and recorded December 15, 2015 in Record Book 4583, Page 585, Aiken County Records as corrected by deed dated December 21, 2015 and recorded December 28, 2015 in Record Book 4584, Page 1938 in the Office of the RMC for Aiken County, South Carolina.

Tax Map & Parcel: Portions of 007-13-01-008; 007-13-01-010; 007-13-01-011; 007-13-19-004

BE IT FURTHER RESOLVED that a Maintenance Guarantee and check in the amount of \$174,000 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 \_\_\_\_\_, 2020.

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Robert A. Pettit, Mayor

ATTEST:

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Sharon Lamar, City Clerk



Corporate Office  
P.O Box 211708  
Augusta, GA 30917  
706-722-7331

Fax 706-724-7614 • 877-309-1314

**REAL ESTATE CO.**

Real Estate Sales • Development • Leasing/Property Management • Relocation

July 21, 2020

Kuleigh Baker  
City of North Augusta  
Planning and Development  
100 Georgia Avenue  
North Augusta, SC 29841

Re: HF Developers, LLC  
Hammonds Ferry Section A4

Dear Ms. Baker;

On behalf of HF Developers, LLC, enclosed you find the following documents in connection with completion of Hammonds Ferry Section A4:

1. Deed of Dedication
2. Certificate of Title
3. Performance Guarantee
4. Check in the amount of \$174,000 to secure the Maintenance Guarantee
5. Check in the amount of \$41,112.50 to secure the Performance Guarantee for landscaping.

If you should have any questions, please let me know.

Sincerely,

Thomas M. Blanchard, Jr.

*The Blanchard and Calhoun Family of Businesses.*

BLANCHARD & CALHOUN REAL ESTATE CO.				CORPORATE OFFICE	AUGUSTA MORTGAGE COMPANY	BLANCHARD & CALHOUN INSURANCE AGENCY, INC.
West Augusta 706.863.8953	Evans 706.868.1000	Waynesboro 706.554.6097	Aiken 803.643.1018	706.722-7331 1.877.309.1314	706.860.4200	706.650.6000

STATE OF SOUTH CAROLINA )  
 ) DEED OF DEDICATION  
COUNTY OF AIKEN )

**KNOW ALL MEN BY THESE PRESENTS:**

That HF DEVELOPERS, LLC, A South Carolina limited liability company, (hereinafter called "Grantor"), FOR AND IN CONSIDERATION OF THE SUM OF ONE DOLLAR (\$1.00) AND BY WAY OF DEDICATION to THE CITY OF NORTH AUGUSTA, a body politic and corporate and a political subdivision of the County of Aiken and State of South Carolina (hereinafter called "Grantee"), the receipt of which is hereby acknowledged, has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto Grantee, its successors and assigns, the following described real estate, to wit:

ALL those certain streets and roadways located in Hammonds Ferry Section A4 shown and designated as a portion of Lafayette Street (45' R/W and R/W varies), Brick Pond Alley (24' R/W), a portion of Kennesaw Alley (24' R/W), Preservation Loop (R/W varies), a portion of Heirloom Alley (24' R/W), a portion of Railroad Avenue (66' R/W), a portion of Tin Pan Alley (24' R/W), a portion of Arrington Avenue (R/W varies), a portion of Blue Clay Drive (R/W varies) and a portion of Taft Alley (24' R/W) as shown and delineated on a plat of Hammonds Ferry Section A4 prepared for HF Developers, LLC by Cranston Engineering dated April 14, 2019 and recorded \_\_\_\_\_, 20\_\_\_\_ in the Office of the RMC for Aiken County, South Carolina, in Plat Book \_\_\_\_\_, at Page \_\_\_\_\_ ("Section A4 Plat"). Reference is made to said plat, which is incorporated herein by reference, for a more complete and accurate description as to the metes, bounds and location of said property.

LESS AND EXCEPT ALL that certain piece, parcel or lot of land being shown and designated as Tract A containing 1.79 acres, more or less, also shown as Railroad Avenue (50' R/W proposed) on a plat prepared for North Augusta Riverfront Company, LLC by Cranston Engineering Group, P.C. dated April 22, 2009 and recorded August 4, 2009 in the Office of the RMC for Aiken County, South Carolina, in

Plat Book 54, Page 751. Reference is made to said plat, which is incorporated herein by reference, for a more complete and accurate description as to the metes, bounds and location of said property.

TOGETHER WITH ALL those certain tracts located in Hammonds Ferry Section A4 shown and designated as Tract F containing 710 square feet, more or less, and Tract G containing 3,407 square feet, more or less, as shown and delineated on the Section A4 Plat. Reference is made to said plat, which is incorporated herein by reference, for a more complete and accurate description as to the metes, bounds and location of said property.

TOGETHER WITH all (a) curbs and gutters located within the aforesaid right of way of the streets and roadways; (b) sidewalks located within the aforesaid right of way of the streets and roadways; (c) sanitary sewerage collection systems including lift stations located on the property shown on the Section A4 Plat; (d) storm water collection system including storm water detention areas located on the property shown on the Section A4 Plat; (e) greenways or other pedestrian connections outside the road rights-of-way but located on the property shown on the Section A4 plat, and (f) a perpetual and non-exclusive easement and rights-of-way for potable water, sanitary sewage and storm water collection systems located on the property shown on the Section A4 Plat.

BEING a portion of the property conveyed to HF Developers, LLC by deed of North Augusta Riverfront Company, LLC dated December 12, 2015 and recorded December 15, 2015 in Record Book 4583, Page 585, Aiken County Records as corrected by deed dated December 21, 2015 and recorded December 28, 2015 in Record Book 4584, Page 1938 in the Office of the RMC for Aiken County, South Carolina.

Tax Map & Parcel: Portions of 007-13-01-008; 007-13-01-010; 007-13-01-011; 007-13-19-004

Grantee's Address: Post Office Box 6400  
North Augusta, South Carolina 29861

TOGETHER with all and singular the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining thereto,

TO HAVE AND TO HOLD, all and singular the premises before mentioned unto the said Grantee, its successors and assigns forever, and the Grantor does hereby bind itself and its successors and assigns, to warrant and forever defend all and singular the said premises unto the said Grantee, its successors and assigns, against Grantor and Grantor's successors and assigns and all persons whomsoever lawfully claiming or to claim the same or any part thereof.



PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information of this affidavit and I understand such information.
2. The property being transferred is located in Aiken County, bearing Aiken County Tax Map Number: Portions of 007-13-01-008; 007-13-01-010; 007-13-01-011; 007-13-19-004 was transferred by HF Developers, LLC to The City of North Augusta on \_\_\_\_\_, 20\_\_\_\_.
3. Check one of the following: The deed is
  - (a) \_\_\_\_\_ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
  - (b) \_\_\_\_\_ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
  - (c) X exempt from the deed recording fee because (See Information section of affidavit):  
#2  
(If exempt, please skip items 4 - 7 and go to item 8 of this affidavit.)
4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See Information section of this affidavit):
  - (a) \_\_\_\_\_ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$\_\_\_\_\_.
  - (b) \_\_\_\_\_ The fee is computed on the fair market value of the realty which is \_\_\_\_\_.
  - (c) \_\_\_\_\_ The fee is computed on the fair market value of the realty as established for property tax purposes which is \_\_\_\_\_.
5. Check Yes \_\_\_ or No X to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "Yes," the amount of the outstanding balance of this lien or encumbrance is: \_\_\_\_\_.
6. The deed recording fee is computed as follows:
 

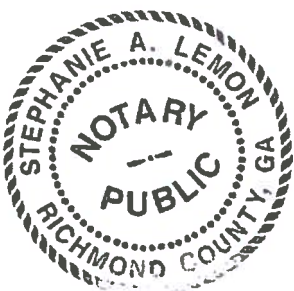
(a) Place the amount listed in item 4 above here:	\$0
(b) Place the amount listed in item 5 above here:	<u>-0-</u>
(c) Subtract Line 6(b) from Line 6(a) and place result here:	<u>\$0</u>
7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: \$\_\_\_\_\_.
8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as:  
Grantor
9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

SWORN to before me this 21  
Day of July, 2020.

Stephanie A. Lemon  
Notary Public for ~~South Carolina~~ Georgia  
My Commission Expires: 7/17/2022

Thomas M. Blanchard Jr  
Responsible Person Connected with the Transaction

THOMAS M. BLANCHARD JR  
Print or Type Name Here





#### INFORMATION:

Except as provided in this paragraph, the term "value" means "the consideration paid or to be paid in money or money's worth for the realty." Consideration paid or to be paid in money's worth includes, but is not limited to, other realty, personal property, stocks, bonds, partnership interest and other intangible property, the forgiveness or cancellation of a debt, the assumption of a debt, and the surrendering of any rights. The fair market value of the consideration must be used in calculating the consideration paid in money's worth. Taxpayers may elect to use the fair market value of the realty being transferred in determining fair market value of the consideration. In the case of realty transferred to a trust or as a distribution to a trust beneficiary, "value" means the realty's fair market value. A deduction from value is allowed for the amount of any lien or encumbrance existing on the land, tenement, or realty before the transfer and remaining on the land, tenement, or realty after the transfer. Taxpayers may elect to use the fair market value for property tax purposes in determining fair market value under the provisions of the law.

#### EXCEPTED FROM THE FEE ARE DEEDS:

1. transferring realty in which the value of the realty, as defined in Code Section 12-24-30, is equal to or less than one hundred dollars;
2. transferring realty to the federal government or to a state, its agencies and departments, and its political subdivisions, including school districts;
3. that are otherwise exempted under the laws and Constitution of this State or the United States;
4. transferring realty in which no gain or loss is recognized by reason of Section 1041 of the Internal Revenue Code as defined in Section 12-6-40(A);
5. transferring realty in order to partition realty as long as no consideration is paid for the transfer other than the interest in the realty that are being exchanged in order to partition the realty;
6. transferring an individual grave space at a cemetery owned by a cemetery company licensed under Chapter 55 of Title 39;
7. that constitute a contract for the sale of timber to be cut;
8. transferring realty to a corporation, a partnership, or a trust in order to become, or as, a stockholder, partner, or trust beneficiary of the entity provided no consideration is paid for the transfer other than stock in the corporation, interest in the partnership, beneficiary interest in the trust, or the increase in value in such stock or interest held by the grantor. However, the transfer of realty for a corporation, a partnership, or a trust to a stockholder, partner, or trust beneficiary of the entity is subject to the fee even if the realty is transferred to another corporation, a partnership, or trust;
9. transferring realty from a family partnership to a partner or from family trust to a beneficiary, provided no consideration is paid for the transfer other than a reduction in the grantee's interest in the partnership or trust. A "family partnership" is a partnership whose partners are all members of the same family. A "family trust" is a trust in which the beneficiaries are all members of the same family. The beneficiaries of a family trust may also include charitable entities. "Family" means the grantor and the grantor's spouse, parents, grandparents, sisters, brothers, children, stepchildren, grandchildren, and the spouses and lineal descendants of any of the above. A "charitable entity" means an entity which may receive deductible contributions under Section 170 of the Internal Revenue Code as defined in Section 12-6-40(A);
10. transferring realty in a statutory merger or consolidation from a constituent corporation to the continuing or new corporation;
11. transferring realty in a merger or consolidation from constituent partnership to the continuing or new partnership;
12. that constitute a corrective deed or a quitclaim deed used to confirm title already vested in the grantee, provided that no consideration of any kind is paid to or is to be paid under the corrective or quitclaim deed; and,
13. transferring realty subject to a mortgage whether by a deed in lieu or foreclosure executed by the mortgagor or deed executed pursuant to foreclosure proceedings.
14. transferring realty from an agent to the agent's principal in which the realty was purchased with funds of the principal, provided that a notarized document is also filed with the deed that establishes the fact that the agent and principal relationship existed at the time of the original purchase as well as for the purpose of purchasing the realty.
15. transferring title to facilities for transmitting electricity that is transferred, sold, or exchanged by electrical utilities, municipalities, electric cooperatives, or political subdivisions to a limited liability company which is subject to regulation under the Federal Power Act (16 U.S.C. Section 791(a)) and which is formed to operate or take functional control of electric transmission assets as defined in the Federal Power Act.

# SMITH, MASSEY, BRODIE, GUYNN & MAYES, LLC

ATTORNEYS AND COUNSELORS AT LAW

GARY H. SMITH, III  
WM. RAY MASSEY\*  
BRAD A. BRODIE  
MARY O. GUYNN\*\*  
W. DANIEL MAYES  
SCOTT W. PATTERSON

\*ALSO LICENSED IN NORTH CAROLINA  
\*\*ALSO LICENSED IN GEORGIA

POST OFFICE BOX 519  
210 COLONY PARKWAY, SOUTHEAST  
AIKEN, SOUTH CAROLINA 29802

TELEPHONE  
(803) 643-4110  
FACSIMILE  
(803) 643-8140  
(803) 644-9057

## CERTIFICATE OF TITLE

**TO:** City of North Augusta

**RE:** HF Developers, LLC  
Hammonds Ferry Section A4

**EFFECTIVE DATE:** October 14, 2020 at 8:00 a.m.

**PROPERTY:** See Exhibit A attached hereto and incorporated herein

**THIS IS TO CERTIFY** that we have examined the public records of Aiken County, South Carolina relative to the title of the above-described real estate.

**BASED UPON SUCH INVESTIGATION**, it is our opinion that the HF Developers, LLC is vested with good, fee simple, record, marketable title to the real estate described above subject to the following liens, limitations and encumbrances of record and by delivery of a Deed of this property signed by an authorized officer of HF Developers, LLC good and marketable title will be conveyed to the City of North Augusta subject only to the following:

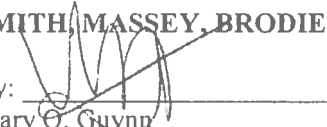
1. County of Aiken taxes for tax year 2020, a lien currently due and payable and tax year 2021 and subsequent years, a lien not yet due and payable.
2. City of North Augusta taxes for tax year 2020 and subsequent years, a lien not yet due and payable.
3. Ordinance No. 2020-11 Abandoning a Road Right of Way Shown on a Plat for Hammond's Ferry Section A4 dated December 14, 2019 in the City of North Augusta recorded on October 8, 2020 in Record Book 4877, Page 1514, Aiken County Records.
4. Seventh Supplemental Declaration to Subject Additional Property to The Hammond's Ferry Master Declaration and The Hammond's Ferry Book of Operating Principles by North Augusta Riverfront Company, LLC dated December 14, 2015 and recorded December 15, 2015 in Record Book 4583, Page 577, Aiken County Records as corrected and recorded in Record Book 4584, Page 1930, Aiken County Records, together with the terms, covenants, easements, and conditions of Hammonds Ferry Master Declaration of Codes, Covenants and Easements, a copy of which is recorded in Book 4044, pages 876-898, as amended Aiken County Records, and Hammond's Ferry Book of Operating Principles, a copy of which is recorded in Book 4044, pages 899-952, as amended, Aiken County Records
5. Matters as shown on a plat of Hammonds Ferry Section A4 prepared for HF Developers, LLC by Cranston Engineering dated April 14, 2019 and recorded August 6, 2020 in the Office of the RMC for Aiken County, South Carolina, in Plat Book 62, Page 294.

6. Right of Way Easement to American Telephone and Telegraph Company dated October 24, 1941 and recorded in Misc. Book 20, Page 389, Aiken County Records as modified by that certain Containment Letter from AT&T Corp (successor in interest to American Telephone and Telegraph Company) to Blanchard and Calhoun Real Estate Co. dated December 7, 2015.
7. Transmission Line Easement in favor of South Carolina Power Company dated November 9, 1944 and recorded in Misc. Book 26, Page 11, Aiken County Records.
8. Receipt for Right of Way Payment from South Carolina Electric & Gas Company dated November 1, 1955 and recorded in Misc. Book 36, Page 383, Aiken County Records.
9. Receipt for Right of Way Payment from South Carolina Electric & Gas Company dated May 11, 1955 and recorded in Misc. Book 36, Page 384, Aiken County Records.
10. Easement for Right of Way in favor of Georgia Power Company dated June 1, 1944 and recorded in Title Book 91, Page 112, Aiken County Records.
11. General Permit in favor of Southern Bell Telephone and Telegraph Company dated August 31, 1944 and recorded in Title Book 91, Page 251, Aiken County Records as modified by that certain Containment Letter from AT&T Network Services to Blanchard and Calhoun Real Estate Company on behalf of BellSouth Telecommunications, LLC d/b/a AT&T South Carolina (f/k/a BellSouth Telecommunications, Inc., Southern Bell Telephone and Telegraph Company) dated November 30, 2015.
12. Quitclaim Deed from Georgia Power Company in favor of The City of North Augusta dated October 6, 2004 and recorded in Deed Book 2457, Page 119, Aiken County Records.
13. Easement for Right of Way in favor of Georgia Power Company dated October 7, 2004 and recorded October 8, 2004 in Deed Book 2457, Page 123, Aiken County Records.
14. Easement in favor of South Carolina Electric & Gas Company dated June 10, 2005 and recorded in Record Book 4000, Page 1429, Aiken County Records.
15. Reservation of Easement as set forth in the Deed to North Augusta Riverfront Company, LLC from the City of North Augusta dated August 9, 2007 and recorded August 10, 2007 in Record Book 4155, Page 150, Aiken County Records, as thereafter corrected and re-recorded in Record Book 4159, Page 1, Aiken County Records.
16. Ordinance No. 2007-12 to Abandon Platted and Unimproved Streets in Portions of the Central Riverfront Area recorded in Record Book 4148, Page 1514, Aiken County Records
17. Development Agreement between North Augusta Riverfront Company, LLC and the City of North Augusta dated June 23, 2003 and recorded in Misc. Book 1211, Page 1, Aiken County Records as amended by First Amendment to Development Agreement recorded in Misc. Book 1253, Page 170, Aiken County Records, and as further amended by Second Amendment to Development Agreement recorded in Misc. Book 1312, Page 245, Aiken County Records.
18. Development Agreement between North Augusta Riverfront Company, LLC and City of North Augusta dated January 8, 2013 and recorded in Record Book 4440, Page 692, Aiken County Records.
19. Deed of Dedication from North Augusta Riverfront Company, LLC in favor of The City of North

Augusta dated July 23, 2007 and recorded August 31, 2007 in Record Book 4159, Page 222, Aiken County Records.

20. Declaration of Temporary Construction Easement by North Augusta Riverfront Company, LLC dated December 14, 2015 and recorded December 15, 2015 in Record Book 4583, Page 580 as corrected in Record Book 4584, Page 1934, Aiken County Records.
21. Encroachment Agreement from the Georgia Power Company in favor of North Augusta Riverfront Company recorded June 27, 2005 in Record Book 4002, Page 1044, Aiken County Records.
22. Easement from HF Developers, LLC in favor of South Carolina Electric & Gas Company dated April 4, 2019 and recorded April 11, 2019 in Record Book 4772, Page 753, Aiken County Records.
23. Matters occurring subsequent to the inclusive dates of examination.
24. Matters which would not be revealed by a review of the public records regarding a proposed purchaser/borrower, who is not a current owner of the property.
25. Compliance with any local, county, state or federal government law or regulation relative to environment, zoning, subdivision, occupancy, use, construction, or development of the subject property.
26. Judgments, liens, and proceedings filed only in Federal Court. (Upon the filing of a petition in Bankruptcy, title to real property vests in the Trustee in Bankruptcy and notice thereof is not always required to be filed in the County in which the Bankrupt owns property; federal condemnation proceedings may vest property in the Federal government.)
27. STANDARD EXCEPTIONS: Interests or claims not disclosed by public records, including but not limited to:
  - a. Unrecorded Mechanics' or Materialmen's liens. (Liens may be filed by persons or entities furnishing labor or materials to any improvements on real property within 90 days of performance or furnishing of materials.)
  - b. Unrecorded leases.
  - c. Matters that may defeat or impair title which do not appear on record.
  - d. Taxes, Special Assessments and other governmental charges that are not shown as existing liens by the public records.
  - e. Civil actions where no notice of *us pendens* appears of record.

**SMITH, MASSEY, BRODIE, GUYNN & MAYES**

By:   
Mary O. Guynn  
Post Office Box 519  
Aiken, South Carolina 29802  
(803)643-4110  
Examining Attorney

## EXHIBIT A

### PROPERTY DESCRIPTION

ALL those certain streets and roadways located in Hammonds Ferry Section A4 shown and designated as a portion of Lafayette Street (45' R/W and R/W varies), Brick Pond Alley (24' R/W), a portion of Kennesaw Alley (24' R/W), Preservation Loop (R/W varies), a portion of Heirloom Alley (24' R/W), a portion of Railroad Avenue (66' R/W), a portion of Tin Pan Alley (24' R/W), a portion of Arrington Avenue (R/W varies), a portion of Blue Clay Drive (R/W varies) and a portion of Taft Alley (24' R/W) as shown and delineated on a plat of Hammonds Ferry Section A4 prepared for HF Developers, LLC by Cranston Engineering dated April 14, 2019 and August 6, 2020 in the Office of the RMC for Aiken County, South Carolina, in Plat Book 62, Page 294 ("Section A4 Plat"). Reference is made to said plat, which is incorporated herein by reference, for a more complete and accurate description as to the metes, bounds and location of said property.

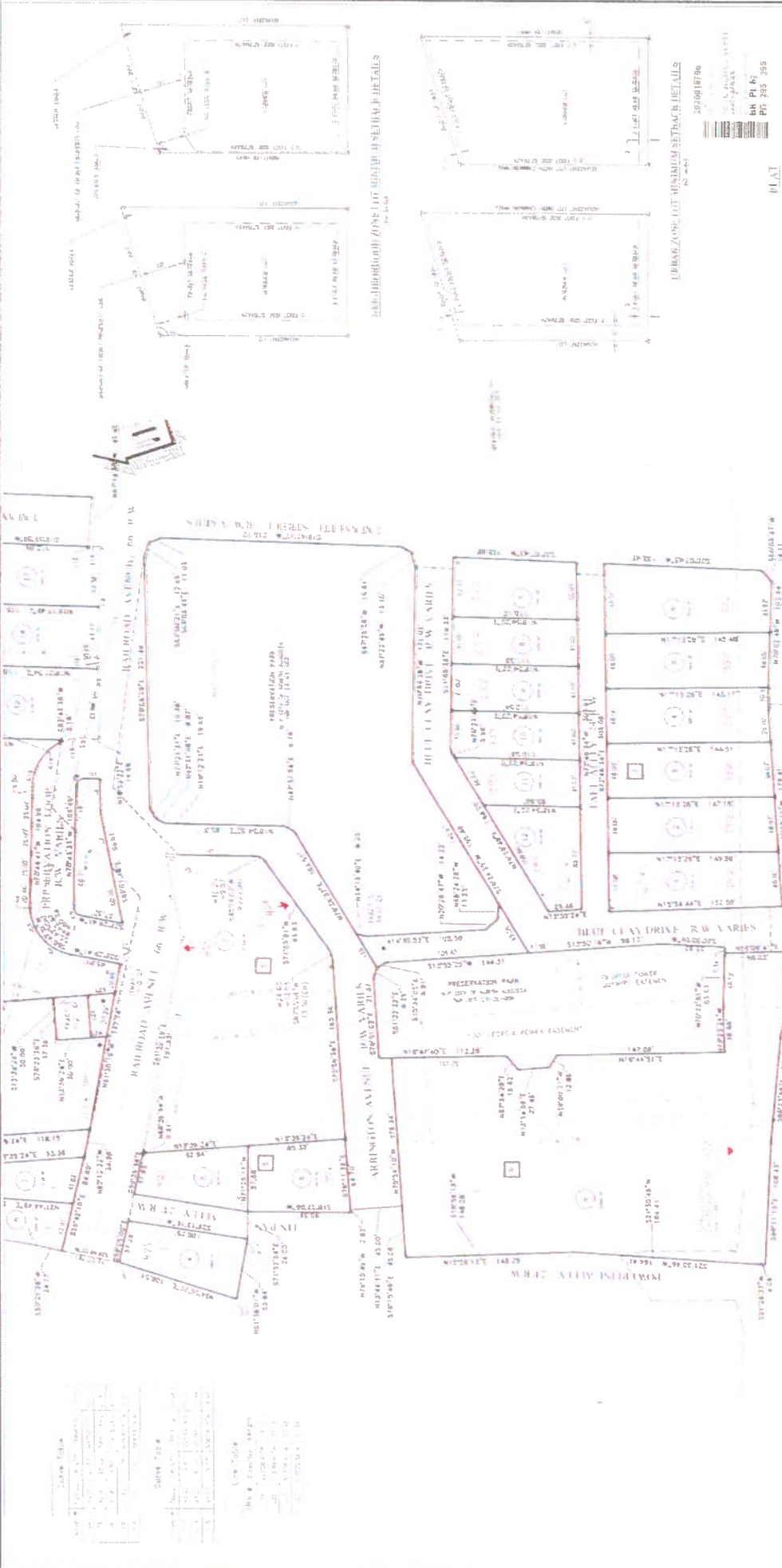
LESS AND EXCEPT ALL that certain piece, parcel or lot of land being shown and designated as Tract A containing 1.79 acres, more or less, also shown as Railroad Avenue (50' R/W proposed) on a plat prepared for North Augusta Riverfront Company, LLC by Cranston Engineering Group, P.C. dated April 22, 2009 and recorded August 4, 2009 in the Office of the RMC for Aiken County, South Carolina, in Plat Book 54, Page 751. Reference is made to said plat, which is incorporated herein by reference, for a more complete and accurate description as to the metes, bounds and location of said property.

TOGETHER WITH ALL those certain tracts located in Hammonds Ferry Section A4 shown and designated as Tract F containing 710 square feet, more or less, and Tract G containing 3,407 square feet, more or less, as shown and delineated on the Section A4 Plat. Reference is made to said plat, which is incorporated herein by reference, for a more complete and accurate description as to the metes, bounds and location of said property.

TOGETHER WITH all (a) curbs and gutters located within the aforesaid right of way of the streets and roadways; (b) sidewalks located within the aforesaid right of way of the streets and roadways; (c) sanitary sewerage collection systems including lift stations located on the property shown on the Section A4 Plat; (d) storm water collection system including storm water detention areas located on the property shown on the Section A4 Plat; (e) greenways or other pedestrian connections outside the road rights-of-way but located on the property shown on the Section A4 plat, and (f) a perpetual and non-exclusive easement and rights-of-way for potable water, sanitary sewage and storm water collection systems located on the property shown on the Section A4 Plat.

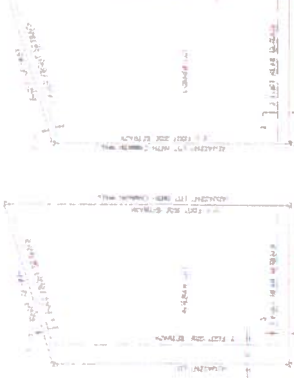
BEING a portion of the property conveyed to HF Developers, LLC by deed of North Augusta Riverfront Company, LLC dated December 12, 2015 and recorded December 15, 2015 in Record Book 4583, Page 585, Aiken County Records as corrected by deed dated December 21, 2015 and recorded December 28, 2015 in Record Book 4584, Page 1938 in the Office of the RMC for Aiken County, South Carolina.

Tax Map & Parcel:      Portions of 007-13-01-008; 007-13-01-010; 007-13-01-011; 007-13-19-004



Lot No.	Area (sq. ft.)	Area (sq. m.)
1	10,000	929.03
2	10,000	929.03
3	10,000	929.03
4	10,000	929.03
5	10,000	929.03
6	10,000	929.03
7	10,000	929.03
8	10,000	929.03
9	10,000	929.03
10	10,000	929.03

NEIGHBORHOOD ZONE LOT HEIGHT SETBACK DETAILS



URBAN ZONE LOT HEIGHT SETBACK DETAILS

# HAMMONDS FERRY

## SECTION A4

HF DEVELOPERS, LLC  
 ARDEN COUNTY, SOUTH CAROLINA  
**CRANSTON**  
 ENGINEERS, PLANNERS, SURVEYORS  
 482 BOND STREET, AUGUSTA, GEORGIA 30901  
 Telephone 706-722-1144  
 cranstonplanning.com

GENERAL NOTES

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL DISTANCES ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.
3. ALL CORNERS ARE TO BE BOUND BY IRON PIPES OR CONCRETE MONUMENTS.
4. ALL UTILITIES ARE TO BE DEPTH MARKED AND PROTECTED.
5. ALL LOT AREAS ARE TO BE MAINTAINED AS OPEN SPACE UNLESS OTHERWISE NOTED.
6. ALL LOT AREAS ARE TO BE MAINTAINED AS OPEN SPACE UNLESS OTHERWISE NOTED.
7. ALL LOT AREAS ARE TO BE MAINTAINED AS OPEN SPACE UNLESS OTHERWISE NOTED.
8. ALL LOT AREAS ARE TO BE MAINTAINED AS OPEN SPACE UNLESS OTHERWISE NOTED.
9. ALL LOT AREAS ARE TO BE MAINTAINED AS OPEN SPACE UNLESS OTHERWISE NOTED.
10. ALL LOT AREAS ARE TO BE MAINTAINED AS OPEN SPACE UNLESS OTHERWISE NOTED.

SURVEYOR'S CERTIFICATION

CRANSTON ENGINEERS, PLANNERS, SURVEYORS

ARDEN COUNTY, SOUTH CAROLINA

REGISTERED PROFESSIONAL SURVEYOR

STATE OF SOUTH CAROLINA

ARDEN COUNTY

CRANSTON ENGINEERS, PLANNERS, SURVEYORS

ARDEN COUNTY, SOUTH CAROLINA




# Department of Planning And Development



Memorandum # 20-024

City of North Augusta

**To:** Rachelle Moody, Interim City Administrator  
**From:** Libby Hodges, Director   
**Subject:** Hammond's Ferry Section A4 Performance Guarantee  
**Date:** July 31, 2020

HF Developers, LLC has received approval for Application PP17-002, a major subdivision preliminary plat for Hammond's Ferry Section A4. The developer has elected to provide a Performance Guarantee and a check for the remaining sidewalks, street trees, and landscaping required as part of the approved site plan in order to facilitate the sale of lots and begin construction prior to completion of site work. The developer will have up to twenty-four (24) months from the date of acceptance to complete the outstanding work or the City will have the right to draw upon the deposited funds to complete the work.

We request that you execute the original Performance Guarantees and have the City Clerk return a copy of the agreement to the Department of Planning and Development. A copy will be returned to the developer and our office will retain one copy for our files. We request that the City Clerk file the original Performance Guarantee and provide the check to the Finance Department for deposit until the development is certified as complete as permitted.

The Director will provide a letter of release when the development is complete and funds may be returned to HF Developers, LLC.

If you have any questions, please do not hesitate to call.





3. The City Engineer & Planning and Development Director shall regularly inspect the site improvement installation and exercise reasonable discretion to determine if the site improvement installation has been timely completed in conformity with City standards and approved major subdivision plan specifications; and
4. The City Engineer & Planning and Development Director, upon receipt of the Applicant's request to reduce the monetary guarantee amount held by the City based on satisfactory partial completion of required improvements during the twenty-two (22) month improvement installation period, shall have the discretion to approve and implement said request; and
5. If the City Engineer & Planning and Development Director approves the final inspection of the finished site improvements either on a date earlier than the expiration of the Performance Guarantee or at the time of the expiration of the Performance Guarantee, the City shall acknowledge in writing that the Applicant has fully performed under the terms of the Performance Guarantee and release the monetary guarantee, provided that the Applicant has executed and the City has accepted a twenty-two (22) month Maintenance Guarantee supported by a letter of credit or other form of monetary guarantee in an amount equal to fifteen percent (15%) of the cost of the improvements subject to this Performance Guarantee; and
6. If the Applicant fails to provide the Maintenance Guarantee as required, the City is authorized to exercise its right to draw upon the held monetary guarantee in an amount equal to fifteen percent (15%) of the total in order to guarantee the maintenance of the site improvements for a period of twenty-two (22) months; and
7. If for any reason within the time limit established in Section 2 above, the Applicant, upon written notice given thirty (30) days in advance by the City Engineer & Planning and Development Director, has not completed the installation of the remaining site improvements, the following conditions shall prevail:
  - a. The City Engineer & Planning and Development Director shall have full and absolute discretion and authority in determining whether or not a failure or default has occurred under the terms of this Performance Guarantee;
  - b. In the event the Applicant fails to timely complete installation of the remaining site improvements in accordance with the approved major subdivision plan, after receiving the notice provided for above, the City shall have the right to make claims on the funds provided by the Applicant to support the Performance Guarantee;

- c. In the event of a failure or default, the City reserves the exclusive right to determine who may be retained to complete installation of the remaining site improvements; and
- d. Any excess funds over and above those needed to complete installation of the remaining site improvements shall be refunded to the Applicant. The determination of such excess is to be under the sole discretion of the City.

IN WITNESS WHEREOF, the undersigned have executed this instrument the day and year above first written.

HF Developers, LLC

By: Blanchard & Calhoun Real Estate Co.

Its: Manager

By: *Thomas M. Blanchard, Jr.*  
Thomas M. Blanchard, Jr.

As its: Chief Executive Officer

State of Georgia  
County of Richmond

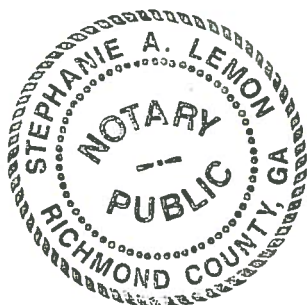
On this 21 day of July, 2020, before me personally appeared Thomas M. Blanchard, Jr. who provided satisfactory evidence of his identification to be the person whose name is subscribed to this instrument, and he acknowledged that he executed the foregoing instrument.

*Stephanie A. Lemon*

Notary Public

Richmond County, Georgia

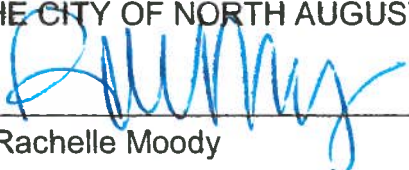
My commission expires: 7/17/2022



(Signature pages continue)

Accepted this 3rd day of August, 2020.

THE CITY OF NORTH AUGUSTA

By:   
Rachelle Moody  
As its: Interim City Administrator

State of South Carolina  
County of Aiken

On this 31<sup>st</sup> day of July, 2020, before me personally appeared Rachelle Moody, North Augusta City Administrator, who provided satisfactory evidence of his identification to be the person whose name is subscribed to this instrument, and he acknowledged that he executed the foregoing instrument.



Notary Public

Aiken County, South Carolina

My commission expires: 1/25/2029


# Department of Planning and Development



**Memorandum # 20-025**

City of North Augusta

**To:** Jim Clifford, City Administrator

**From:** Libby Hodges, Director of Planning and Development 

**Subject:** Hammond's Ferry Section A4 Maintenance Guarantee

**Date:** August 31, 2020

HF Developers, LLC has received approval for Application PP17-002, a major subdivision plan to construct 47 lots in the Hammond's Ferry Planned Development. The developer has completed all other required site improvements for Hammond's Ferry Section A4. A Maintenance Guarantee and cash deposit for the streets, curbs & gutters, sidewalks, required landscaping on public lands, common areas, and open space, water distribution system, sanitary sewerage collection system, and easements and rights of way for streets, sidewalks, and water and sanitary sewage systems required as part of the approved major subdivision plan has been provided by the developer. The Maintenance Guarantee insures the improvements for a period of twenty-four (24) months from the City's approval of the Final Plat (July 30, 2020), and in the event of a failure, the city will have the right to draw upon the cash deposit to complete the work.

The developer provided a Performance Guarantee and cash deposit for portions of the sidewalks, street trees, and landscaping required as part of the approved site plan in order to facilitate the sale of lots and begin construction prior to the completion of site work. An additional Maintenance Guarantee will be required once those improvements are complete.

We request that you sign the original Maintenance Guarantee and return a copy to the Department of Planning and Development. The original should be kept on file by the City Clerk and cash deposit forwarded to Finance until such time as the Department of Planning and Development requests the deposited funds be returned to the developer. A final copy will be sent to the developer and our office will retain one copy for our files.

If you have any questions, please do not hesitate to call.



**NOW, THEREFORE**, as security for the maintenance by the developer of the infrastructure improvements as shown on the final subdivision plat for Hammond’s Ferry, Section A4, 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 developer does 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 developer. Such improvements shall include, where applicable, the following but not be limited to such specified improvements:

- A. Streets, curbs & gutters, and sidewalks;
- B. Water distribution system, including fire suppression elements;
- C. Sanitary sewerage collection system;
- D. Stormwater collection system;
- E. Required landscaping on public lands, common areas and open space; and,
- F. Easements and rights of way for streets, sidewalks and potable water, sanitary sewerage and stormwater collection systems.

#### REPRESENTATIONS BY THE DEVELOPER

The Developer represents to the City of North Augusta that:

- A. For a period of twenty-four (24) months from the approval of the final plat, the improvements will not fail, for any reason, with the exception of force majeure;
- B. The Developer has submitted the Deed of Dedication and a monetary guarantee, in the form of a check in the amount of \$174,000.00, 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 developer with a request for the

immediate correction of said failure. In the event of failure by the developer 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 check, 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 on the guarantee amount provided for herein.
- B. The City may make claim against the full amount of the monetary guarantee, 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 guarantee shall be refunded to the developer.
- 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.

(Signature pages follow)



**IN WITNESS WHEREOF, HF Developers, LLC. has caused these presents to be executed in its name by its duly authorized Manager this 31 day of August, 2020.**

Blanchard & Calhoun Real Estate Co.

BY:

  
THOMAS M. BLANCHARD, JR.  
ITS: CHIEF EXECUTIVE OFFICER

  
WITNESS

  
WITNESS

ACCEPTED THIS 8<sup>th</sup> DAY OF September, 2020.

City of North Augusta

*J. Kayla [Signature]*  
WITNESS

BY: *[Signature]*  
JIM CLIFFORD  
ITS: CITY ADMINISTRATOR

*Sharon Lamar*  
WITNESS

**Department of Planning  
And Development**



**Memorandum # 20-030**

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**To:** Jim Clifford, City Administrator  
**From:** Libby Hodges, Director   
**Subject:** RZT20-003, Special Exceptions in Neighborhood Preservation Overlay  
**Date:** October 21, 2020

Per the requirements of Development Code Article § 5.3.3.2, at the October 15, 2020, Planning Commission meeting, text amendment RZT20-003, Special Exceptions in the Neighborhood Preservation Overlay was presented to the Planning Commission for consideration. This text amendment was requested by the City of North Augusta to review an amendment to Article 3, Section 3.8.2, Establishment of Corridor Overlay Districts, to amend the NP, Neighborhood Preservation Overlay District to allow the Board of Zoning Appeals to review Special Exceptions in Overlay. The current text prohibits any Special Exception in the Neighborhood Preservation Overlay. This amendment, if approved by City Council, would allow the Board of Zoning Appeals to review Special Exception applications within the Neighborhood Preservation Overlay.

The Planning Commission voted unanimously to recommend approval of the text change with additional edits to § 3.8.6.2.1. A copy of the staff report, attachments, and text changes as revised, and a draft ordinance are attached.

We respectfully request that the text change be forwarded for consideration at the next available City Council meeting.

cc. Sharon Lamar, City Clerk, [slamar@northaugusta.net](mailto:slamar@northaugusta.net)  
Kelly Zier, City Attorney, [kzier@zierlawfirm.com](mailto:kzier@zierlawfirm.com)

Attachments (11 pages)

**Project Staff Report**

**RZT20-003 Special Exceptions in Overlay Districts**

**Prepared by: Libby Hodges**

**Meeting Date: October 15, 2020**

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**SECTION 1: PROJECT SUMMARY**

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Project Name	Special Exceptions in Overlay Districts Text Amendment
Applicant	City of North Augusta
Proposed Text Amendment	A request by the City of North Augusta to amend Article 3, Section 3.8.2, Establishment of Corridor Overlay Districts, of the North Augusta Development Code to amend the NP, Neighborhood Preservation Overlay District to allow the Board of Zoning Appeals to grant Special Exceptions in Overlay Districts.

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**SECTION 2: GENERAL DESCRIPTION**

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On September 15, 2020, the Planning and Development Department submitted an application on behalf of the City of North Augusta requesting text amendments of the North Augusta Development Code related to Article 3, Section 3.8.2, Establishment of Corridor Overlay Districts. The request is to amend the restrictions of the NP, Neighborhood Preservation Overlay District to allow the Board of Zoning Appeals to grant Special Exceptions in Overlay Districts.

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**SECTION 3: PLANNING COMMISSION CONSIDERATION**

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The Planning Commission is being asked to review the request for a text amendment based on the following provisions of the North Augusta Development Code:

**5.1.4.6 Legislative and Advisory Hearings** – The purpose of a legislative public hearing is to provide the public an opportunity to be heard consistent with the adoption procedures provided by statute. Unlike quasi-judicial hearings, a legislative proceeding does not require due process protections such as the right of the parties to offer evidence, cross-examination, sworn testimony; or written findings of fact. Like quasi-judicial hearings, legislative hearings are public hearings preceded by notice to interested parties. Public hearings are required for legislative review hearings such as amendments to a comprehensive plan, amendments to this Chapter

including the zoning provisions of this Chapter and the Official Zoning Map, and applications for a Planned Development. The order of the proceedings for a legislative hearing shall be as set forth in §5.1.4.5.b. Testimony may be presented by any member of the public, but need not be submitted under oath or affirmation. The Planning Commission and Board of Zoning Appeals may establish a time limit for testimony.

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### **5.3.2 Applicability**

This section applies to any application for an amendment to the text of this Chapter or for an amendment to the Official Zoning Map. An amendment to the Official Zoning Map which reclassifies property from one zoning district to another is known as a “rezoning.” A change to the text of this Chapter is referred to as a “text amendment”.

### **5.3.3 Initiation**

This Chapter, including the Official Zoning Map and any supporting map(s), may be amended from time to time by the City Council, but no amendment shall become effective unless it shall have been proposed by or shall have first been submitted to the Planning Commission for review and recommendation. Any communication purporting to be an application for a change shall be regarded as mere notice to seek relief until it is made in the form required. Upon receipt of any communication, the interested parties shall be supplied with the proper application form(s) by the Director.

(5.3.3.1 Rezoning, does not apply, removed for brevity)

**5.3.3.2 Text Amendment** – Any person, property owner, board, commission, department or the City Council may apply for a change in zoning ordinance text. A proceeding for approval of a text amendment may be initiated by filing an application with the Department. The application shall be signed by the applicant and shall include the language of the proposed amendment to the text of this Chapter and the justification for the proposed change. Before any application is accepted by the Department, it is recommended that the applicant meet with a representative of the Department. The purpose of the pre-application meeting is to discuss the procedures and requirements for a text amendment request. During the conference, the Department will identify the submittal requirements.

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### **5.3.5 Decision**

**5.3.5.1** The Director shall transmit the application to the Planning Commission for consideration at the next regularly scheduled monthly meeting following receipt of a complete application, provided that the complete application is submitted at least thirty (30) calendar days prior to said meeting. Notice of the public hearing shall be provided as

set forth in §5.1.3. The Planning Commission shall approve or deny the zoning amendment in accordance with the procedures for a legislative hearing as set forth in §5.1.4.6.

**5.3.5.2** At least ten (10) days' notice and opportunity to comment must be given to the public if the applicant is allowed to present oral or written comments pursuant to S.C. Code §6-29-760.

**5.3.5.3** The Planning Commission shall submit its recommendation to the City Council within thirty (30) calendar days, or other period required by law, after the initial hearing date (see S.C. Code §6-29-760(A)). A majority vote is required for the Planning Commission to approve, approve with conditions, if applicable, or deny a rezoning or text amendment application. A recommendation of approval with conditions of a rezoning may be submitted only if a conditional use permit is requested pursuant to §5.5.

**5.3.5.4** The City Council shall consider the recommendation of the Planning Commission on each proposed rezoning and text amendment within thirty (30) days of receipt of the Planning Commission report. The City Council is not bound by the recommendation in making a final decision and may call for additional information and/or public hearing(s).

**5.3.5.5** No challenge to the adequacy of notice or challenge to the validity of a rezoning or text amendment, whether enacted before or after the effective date of this section, may be made sixty (60) days after the decision of the City Council if there has been substantial compliance with the notice requirements of this section, with established procedures of the City Council and the Planning Commission and with S.C. Code §6-29.

### **5.3.6 Approval Criteria**

Whenever the public necessity, safety or general welfare justifies such action, the Planning Commission may recommend amendments to the text of this Chapter or changes to zoning district boundaries. The Planning Commission shall consider all of the factors specified in this section, at a minimum, in reviewing an application for a rezoning. **The Planning Commission shall consider the factors specified in §5.3.3.2 in reviewing an application for a text amendment.**

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**The Planning Commission is being asked to review the proposed text changes and provide a recommendation of approval or denial, which will be forwarded to the City Council. Section 5.3.3.2 does not require additional standards for analysis to address in this staff report, though analysis and commentary is provided for review.**

## **SECTION 4: PUBLIC NOTICE**

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A public notice of the text amendment request and scheduled date of the Planning Commission public hearing was published in *The Aiken Standard* and on the City's website [www.northaugusta.net](http://www.northaugusta.net) on October 1, 2020.

## **SECTION 5: HISTORY**

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The North Augusta Development Code was adopted by City Council on December 17, 2007, effective January 1, 2008. The Neighborhood Preservation Overlay District was introduced as part of the new Development Code.

## **SECTION 6: SUMMARY OF CHANGES AND PROPOSED AMENDMENTS**

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The requested revisions to the Development Code have been modified to show changes as follows:

Underlined Text: text that has been modified or added to the Code.

~~Strike Through Text~~: text proposed to be removed.

The affected section reads as follows:

**3.8.6.2 Permitted Uses** – Uses permitted in the Neighborhood Preservation Corridor Overlay District are provided in Table 3-2, Use Matrix, for the underlying base district. (Rev. 12-1-08; Ord. 2008-18)

**3.8.6.2.1** Permitted nonresidential uses may be located on the first floor only. Upper stories may be used for residential and accessory storage uses only. Parking is not permitted as a principal use.

**3.8.6.2.2** Uses that are not permitted are:

- a. Drive-in, drive-up and drive-through facilities;
- b. Indoor or outdoor sales of equipment, motorcycles or automobiles;
- c. Gasoline sales and automobile service stations; or
- d. Automobile and motorcycle repair.

**3.8.6.2.3** ~~No use which requires a special exception is permitted.~~ Uses which require a special exception may be granted by the Board of Zoning Appeals with conditions.

**3.8.6.2.4** No use may be established unless and until it complies with the standards established in this section and other applicable standards contained in this Chapter.

**3.8.6.2.5** No existing structure may be demolished until a site plan for the parcel has been approved. If the demolition of an existing structure is anticipated an evaluation of the economic feasibility of retaining, renovating or expanding the structure for the intended use shall be completed and submitted with the site plan application.

### **Staff Introduction and Analysis**

In reviewing a request for a Special Exception in the Neighborhood Preservation Overlay District, staff has identified several inconsistencies within the current code. This text amendment intends to address those inconsistencies, while recognizing that uses identified as Special Exceptions are uses that have been identified as requiring additional scrutiny under the Development Code.

It is important to note that uses prohibited in the overlay or by zoning district would remain prohibited. The Board of Zoning Appeals is not authorized to allow uses not allowed under the base zoning. For example, the Neighborhood Preservation Overlay (NADC Section 3.8.6.2.2) prohibits drive-in, drive-up and drive-through facilities, indoor or outdoor sales of equipment, motorcycles or automobiles, gasoline sales and automobile service stations, and automobile and motorcycle repair. These would remain prohibited within the overlay. As an example, an R-7 property, inside or outside the overlay, would not be allowed be used as an Outdoor Flea Market per the use matrix (Table 3-2). However, if passed, a GC zoned property within the overlay could request a Special Exception. The Board of Zoning Appeals would then follow the procedures outlined below to review the Special Exception.

Staff has provided the following review of the purpose and procedures related to the Neighborhood Preservation Overlay and Special Exceptions for review.



### **Review Standards for Special Exceptions**

North Augusta Development Code Article 5 provides information about what a “quasi-judicial” decision is and how those reviews are conducted. The Development Code states the following:

**“5.1.1.2.b. Quasi-Judicial Decisions:** A quasi-judicial decision involves the application of a standard required by this Chapter to an application. Some of the applications require a public hearing. Procedural due process requirements apply as established in §5.1.4. Examples include variances, special exception permits, appeals, adjustments and waivers.

#### **5.1.4.5 Quasi-Judicial Public Hearing Procedures –**

a. Generally: This section applies to any application for a variance, appeal, special exception or any other action pursuant to this Chapter which is considered quasi-judicial under South Carolina law. In making quasi-judicial decisions, the decision makers must ascertain the existence of facts, investigate the facts, hold hearings, weigh evidence and draw conclusions from them, as a basis for official action, and exercise discretion of a judicial nature. In the land use context, quasi-judicial decisions involve the application of land use policies to individual situations, such as variances, and appeals of administrative determinations. These decisions involve three key elements: the finding of facts regarding the specific proposal, the exercise of some discretion in applying the standards of the ordinance and reaching conclusions of the applicable law in the case. Due process requirements for quasi-judicial decisions mandate that all fair trial standards be observed when these decisions are made. This includes an evidentiary hearing with the right of the parties to offer evidence; cross-examine adverse witnesses; inspect documents; have sworn testimony; and have written findings of fact and conclusions supported by competent, substantial, and material evidence.”

In addition, Development Code Article 18 outlines the review criteria for Special Exceptions:

#### **“18.4.5.4.3 Special Exception –**

a. Special exceptions are subject to additional scrutiny to insure that the health, safety and general welfare of the community and the area where the special exception use is proposed will not be harmed.

*(continued, next page)*

b. Permits for special exceptions shall be evaluated by the Board of Zoning Appeals on the basis of the following criteria:

1. That the special exception complies with all applicable development standards contained elsewhere in this Chapter and with the policies contained in the Comprehensive Plan. (Rev. 12-1-08; Ord. 2008-18)
2. That the special exception will be in substantial harmony with the area in which it is to be located.
3. That the special exception will not discourage or negate the use of surrounding property for use(s) permitted by right.

c. In granting a special exception, the Board of Zoning Appeals may attach such additional stipulations, conditions, or safeguards that, in its judgment, will enhance the proposed special exception use and promote the public health, safety or general welfare.”

These sections outline that the uses identified as “Special Exceptions” are required to have additional scrutiny under the procedures followed by the Board of Zoning Appeals. The quasi-judicial hearing process must follow the requirements of Article 5 and Article 18. These hearings include public advertisement (both written and online media) and on site (per NADC Table 5-1) and provision for public comment. This process also allows for the application of conditional approvals, which may impose additional conditions on projects on a case-by-case basis. Staff notes that conditions are not allowable through rezoning or most other Planning Commission procedures.

Evaluation of any Special Exception application would require reference to the Neighborhood Preservation Overlay purpose statement, as Special Exception review criteria states in item b. 1. “That the special exception complies with all applicable development standards contained elsewhere in this Chapter and with the policies contained in the Comprehensive Plan. (Rev. 12-1-08; Ord. 2008-18)” Additionally, several Special Exceptions are subject to additional regulations outlined Article 4, Supplemental Use Regulations, such as Bed and Breakfasts and Cell Towers, which staff verifies as part of the site plan approval process. The Neighborhood Preservation Overlay purpose section states:

**“3.8.6.1. Purpose** - The Neighborhood Preservation Corridor Overlay District applies to areas of the city that are located on collector and arterial streets and are in transition between traditional residential and commercial uses. Structures in the corridor are predominantly if not exclusively residential in character. Parcel size is relatively small. The underlying zoning in the corridor includes a variety of both commercial and residential districts. The continued residential use of some parcels may not be economically feasible.

*(continued from page 7)*

It is anticipated that conversion of single-family residences to commercial and office establishments will continue. Demolition of existing residential structures is inconsistent with policies expressed in the Comprehensive Plan and contemporary commercial development for new retail uses and office buildings is inappropriate. New high-density residential development is also inappropriate. Alternative uses of existing residential buildings provides a more orderly and reasonable transition for the surrounding neighborhood. With appropriate restrictions, the conversion of houses to office and small personal service uses is suitable and provides for economically feasible uses of parcels in the corridor. This overlay is, therefore, created with an emphasis on preserving the residential character of the corridors, protecting the unique design features and local architecture vernacular, and protecting the property values and health, safety and general welfare of surrounding neighborhoods. The Neighborhood Preservation Corridor Overlay District is established to preserve and protect residential neighborhoods while accommodating some transitional commercial uses at an appropriate scale in locations zoned for commercial uses. It is the intent of the Neighborhood Preservation Overlay Corridor District to maintain the residential appearance of existing structures and the residential setting of any building converted to a nonresidential use so that the converted dwelling will be compatible with neighboring residential property. To maintain residential character, lots shall not be developed or redeveloped solely for the purpose of providing parking.”

The purpose statement recognizes that “The continued residential use of some parcels may not be economically feasible. It is anticipated that conversion of single-family residences to commercial and office establishments will continue. Demolition of existing residential structures is inconsistent with policies expressed in the Comprehensive Plan and contemporary commercial development for new retail uses and office buildings is inappropriate.” Additionally, the purpose states, “With appropriate restrictions, the conversion of houses to office and small personal service uses is suitable and provides for economically feasible uses of parcels in the corridor.” The intent is stated that, “It is the intent of the Neighborhood Preservation Overlay Corridor District to maintain the residential appearance of existing structures and the residential setting of any building converted to a nonresidential use so that the converted dwelling will be compatible with neighboring residential property.”

Staff notes that the Comprehensive Plan echoes this language as well, prioritizing infill and redevelopment (Goal 4). Special Exceptions may also offer an opportunity for adaptive reuse of historic properties (Goal 8), as many of these are not easily maintained as single-family residences. There are several examples of these along Georgia Avenue.

Staff believes these statements would appear to support the general allowance for Special Exceptions within the corridor, as this would allow a uses that could potentially support the adaptive reuse of properties, but would require additional scrutiny and allow for the placement of conditions on the approval that would not be available through rezoning or removal from the overlay district. Staff notes that the number of Special Exceptions uses are very few, with the most exceptions allowed under the General Commercial zoning district. A list of zoning districts and the respective Special Exceptions is provided at the end of this report.

Staff recognizes that the Neighborhood Preservation Overlay was adopted to support and protect existing neighborhoods with the overlay, however, staff also recognizes that the overlay district encompasses several zoning districts and unique situations that may be better served through use of Special Exceptions. By prohibiting any review of these uses, staff believes the purpose of the Special Exception is being circumvented.

## **SECTION 7: ATTACHMENTS**

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1. Public Notice
2. Application Documents
3. Neighborhood Preservation Overlay written description and map
4. Parcel Analysis in Overlay
5. List of Special Exceptions by District
6. Revised Development Code Text

cc Jim Clifford, City Administrator  
Rachelle Moody, Assistant City Administrator

City of  
North Augusta, South Carolina  
**Planning Commission**

**PUBLIC HEARING NOTICE**

The North Augusta Planning Commission will hold a public hearing at its regular monthly meeting beginning at 7:00 PM on October 15, 2020, in the Council Chambers, North Augusta Municipal Center, 100 Georgia Avenue, North Augusta, South Carolina, to receive public input on the following application:

**RZT20-003**- A request by the City of North Augusta to amend Article 3, Zoning Districts, Section 3.8.6.2 Permitted Uses in the NP, Neighborhood Preservation Corridor Overlay District of the North Augusta Development Code to allow Special Exceptions as granted by the Board of Zoning Appeals within Overlay Districts.

Documents related to the application will be available for public inspection after October 8, 2020 in the Department of Planning and Development on the second floor of the North Augusta Municipal Center, 100 Georgia Avenue, North Augusta, South Carolina and online at [www.northaugusta.net](http://www.northaugusta.net). All residents and property owners interested in expressing a view on the case are encouraged to attend or provide written comments to [planning@northaugusta.net](mailto:planning@northaugusta.net), or by phone at 803-441-4221.

**CITIZEN ASSISTANCE:**

Individuals needing special assistance or a sign interpreter to participate in the meeting are asked to please notify the Department of Planning and Development at 803-441-4221 at least 48 hours prior to the meeting.

**Due to COVID-19, please visit [www.northaugusta.net](http://www.northaugusta.net) for any updates to meeting format, location or procedures prior to the meeting.**

# Application for Development Approval

Please type or print all information



Staff Use

Application Number R2T20-003

Date Received 9/15/2020

Review Fee NA

Date Paid NA

1. Project Name Text Amendment - Special Exceptions in Overlay Districts

Project Address/Location City of North Augusta

Total Project Acreage —

Current Zoning G/NP/HC

Tax Parcel Number(s) —

2. Applicant/Owner Name City of North Augusta Applicant Phone 803-441-4221

Mailing Address P.O. Box 6400

City North Augusta ST SC Zip 29861 Email planning@northaugusta.net

3. Is there a Designated Agent for this project?  Yes  No

If Yes, attach a notarized Designation of Agent form. (required if Applicant is not property owner)

4. Engineer/Architect/Surveyor \_\_\_\_\_ License No. \_\_\_\_\_

Firm Name \_\_\_\_\_ Firm Phone \_\_\_\_\_

Firm Mailing Address \_\_\_\_\_

City \_\_\_\_\_ ST \_\_\_\_\_ Zip \_\_\_\_\_ Email \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

5. Is there any recorded restricted covenant or other private agreement that is contrary to, conflicts with or prohibits the use or activity on the property that is the subject of the application?  
(Check one.)  yes  no

6. In accordance with Section 5.1.2.3 of the North Augusta Development Code, I hereby request the City of North Augusta review the attached project plans. The documents required by the City of North Augusta, as outlined in Appendix B of the North Augusta Development Code, are attached for the City's review for completeness. The applicant acknowledges that all required documents must be correct and complete to initiate the compliance review process.

7. Libby Hodges  
Applicant or Designated Agent Signature

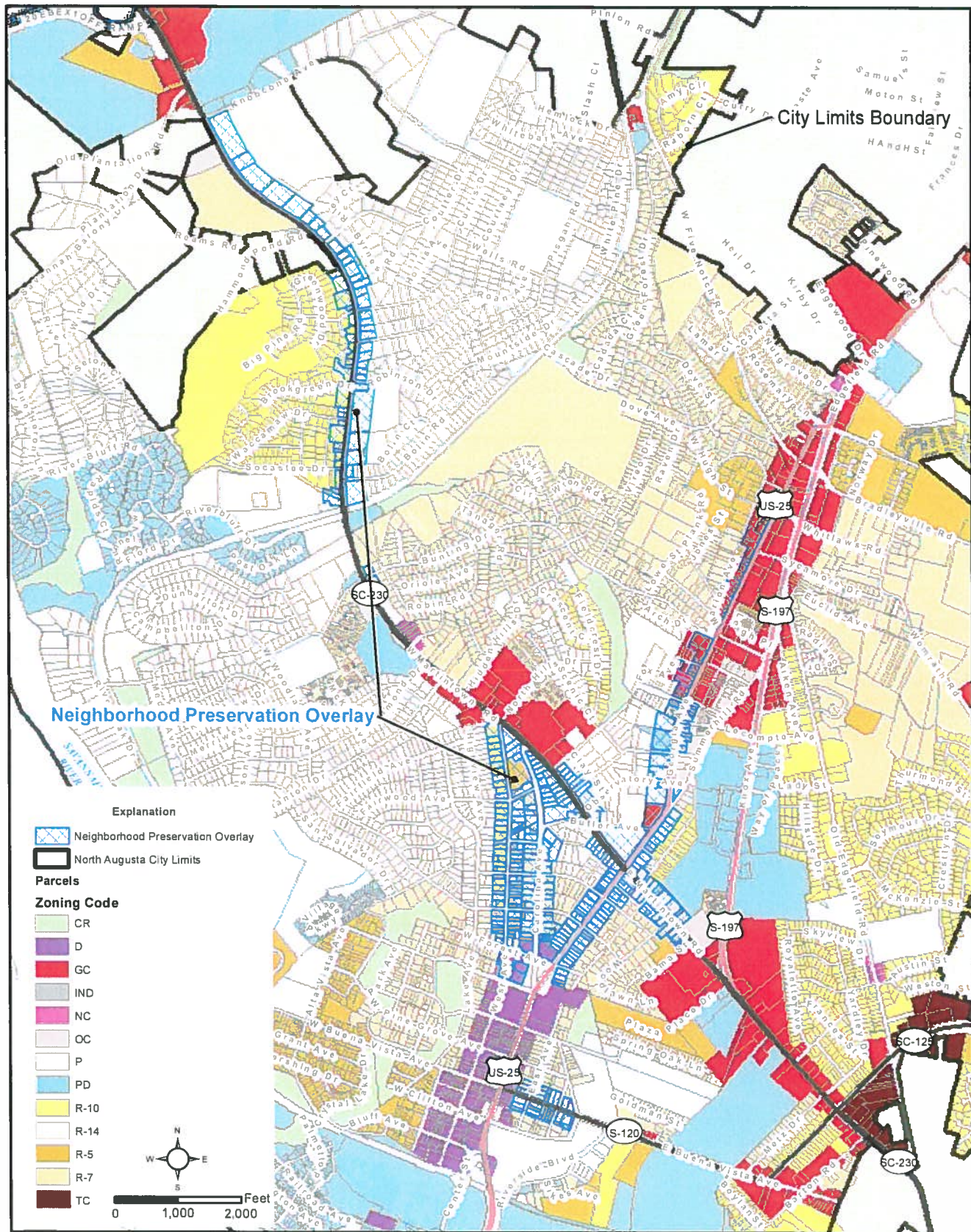
9/15/2020  
Date

Libby Hodges  
Print Applicant or Agent Name

**Written Location of the Overlay**

Table 3-8, Corridor Districts Established (Rev. 12-19-11; Ord. 2011-16) (Rev. 6-20-16; Ord. 2016-14)  
reads as follows:

1. West Avenue between Jackson Avenue and Martintown Road
2. Carolina Avenue between Jackson Avenue and Martintown Road
3. The south side of Martintown Road between Bama Avenue and West Avenue
4. The north side of Martintown Road between Bama Avenue and Hampton Avenue
5. The residentially zoned and utilized property on the north side of Martintown Road between Hampton Avenue and River Bluff Drive
6. Martintown Road between River Bluff Drive and Hammond Pond Road
7. The east side of Georgia Avenue between Jackson Avenue and Observatory Avenue
8. The east side of Georgia Avenue between Sidereal Avenue and Argyle Avenue
9. The west side of Georgia Avenue between Jackson Avenue and Hugh Street
10. Buena Vista Avenue from the alley located between Georgia Avenue and East Avenue to Brookside Drive



### Neighborhood Preservation Overlay Area for the City of North Augusta



**Parcel Analysis in Overlay**

Within the Overlay area, nine different zoning districts are represented. The zoning and number of parcels within these districts are roughly as follows:

<b><u>Zoning</u></b>	<b><u>Number</u></b>	<b><u>% Total</u></b>
D	11	3%
GC	34	8%
OC	92	22%
P	3	1%
PD	2	0.5%
R-5	10	2%
R-7	143	34%
R-10	56	13%
R-14	74	17%
<b>Total Parcels:</b>	<b>425</b>	
<b>Total Commercial Parcels:</b>	<b>126</b>	<b>30%</b>
<b>Total Residential Parcels:</b>	<b>283</b>	<b>67%</b>
<b>Total Special Districts (D, PD, P):</b>	<b>16</b>	<b>4%</b>

**Special Exceptions by District**

**D - Downtown**

- Gasoline stations/ Service Stations (prohibited per 3.8.6.2.2)
- Cell Towers, communication towers, and antennae (subject to Section 4.8)

**GC – General Commercial**

- Automobile and truck rental
- Car, truck, boat or marine craft sales and/or service
- Fireworks
- Flea Markets (out of doors)
- Trailer rentals
- Carpentry, floor, and tile contractor
- Contractor’s offices with outdoor storage areas (including equipment storage)
- Electrical component assembly operations
- Light assembly of premanufactured parts
- Miniwarehouse/self-storage
- Warehouse and distribution structures
- Freight Terminals and truck terminals
- Gas or electric generation distribution facilities, compressor stations, or substations
- Public utility storage and service yards

**OC – Office Commercial**

- Gasoline stations, service stations (prohibited per 3.8.6.2.2)

**P – Public Use**

(uses not listed in Use Matrix)

**PD**

(uses not listed in Use Matrix)

**R-14 – Large Lot, Single Family Residential**

- Bed and breakfast
- Cell Towers, communication towers, and antennae (subject to Section 4.8)
- Gas or electric generation distribution facilities, compressor stations, or substations

**R-10 – Medium Lot, Single Family Residential**

- Bed and breakfast
- Cell Towers, communication towers, and antennae (subject to Section 4.8)
- Gas or electric generation distribution facilities, compressor stations, or substations

**R-7 – Small Lot, Single Family Residential**

- Bed and breakfast
- Cell Towers, communication towers, and antennae (subject to Section 4.8)
- Gas or electric generation distribution facilities, compressor stations, or substations

**R-5 – Mixed Residential**

- Bed and breakfast
- Cell Towers, communication towers, and antennae (subject to Section 4.8)
- Gas or electric generation distribution facilities, compressor stations, or substations

**ARTICLE 3 – ZONING DISTRICTS  
DRAFT REVISION FOR 10-15-20 PC**

**3.8.6 NP, Neighborhood Preservation Corridor Overlay District**

**3.8.6.1 Purpose** – The Neighborhood Preservation Corridor Overlay District applies to areas of the city that are located on collector and arterial streets and are in transition between traditional residential and commercial uses. Structures in the corridor are predominantly if not exclusively residential in character. Parcel size is relatively small. The underlying zoning in the corridor includes a variety of both commercial and residential districts. The continued residential use of some parcels may not be economically feasible. It is anticipated that conversion of single-family residences to commercial and office establishments will continue. Demolition of existing residential structures is inconsistent with policies expressed in the Comprehensive Plan and contemporary commercial development for new retail uses and office buildings is inappropriate. New high-density residential development is also inappropriate. Alternative uses of existing residential buildings provides a more orderly and reasonable transition for the surrounding neighborhood. With appropriate restrictions, the conversion of houses to office and small personal service uses is suitable and provides for economically feasible uses of parcels in the corridor. This overlay is, therefore, created with an emphasis on preserving the residential character of the corridors, protecting the unique design features and local architecture vernacular, and protecting the property values and health, safety and general welfare of surrounding neighborhoods. The Neighborhood Preservation Corridor Overlay District is established to preserve and protect residential neighborhoods while accommodating some transitional commercial uses at an appropriate scale in locations zoned for commercial uses. It is the intent of the Neighborhood Preservation Overlay Corridor District to maintain the residential appearance of existing structures and the residential setting of any building converted to a nonresidential use so that the converted dwelling will be compatible with neighboring residential property. To maintain residential character, lots shall not be developed or redeveloped solely for the purpose of providing parking.

**3.8.6.2 Permitted Uses** – Uses permitted in the Neighborhood Preservation Corridor Overlay District are provided in Table 3-2, Use Matrix, for the underlying base district. (Rev. 12-1-08; Ord. 2008-18)

**3.8.6.2.1** Permitted nonresidential uses may be located on the first floor only. Upper stories may be used for residential and accessory storage uses only. Parking is not permitted as a principal use.

**3.8.6.2.2** Uses that are not permitted are:

- a. Drive-in, drive-up and drive-through facilities;
- b. Indoor or outdoor sales of equipment, motorcycles or automobiles;
- c. Gasoline sales and automobile service stations; or
- d. Automobile and motorcycle repair.

**3.8.6.2.3** ~~No use which requires a special exception is permitted.~~ Uses which require a special exception may be granted by the Board of Zoning Appeals with conditions.

**3.8.6.2.4** No use may be established unless and until it complies with the standards established in this section and other applicable standards contained in this Chapter.

**3.8.6.2.5** No existing structure may be demolished until a site plan for the parcel has been approved. If the demolition of an existing structure is anticipated an evaluation of the

**ARTICLE 3 – ZONING DISTRICTS**  
**DRAFT REVISION FOR CITY COUNCIL (PC10-15-2020)**

**3.8.6 NP, Neighborhood Preservation Corridor Overlay District**

**3.8.6.1 Purpose** – The Neighborhood Preservation Corridor Overlay District applies to areas of the city that are located on collector and arterial streets and are in transition between traditional residential and commercial uses. Structures in the corridor are predominantly if not exclusively residential in character. Parcel size is relatively small. The underlying zoning in the corridor includes a variety of both commercial and residential districts. The continued residential use of some parcels may not be economically feasible. It is anticipated that conversion of single-family residences to commercial and office establishments will continue. Demolition of existing residential structures is inconsistent with policies expressed in the Comprehensive Plan and contemporary commercial development for new retail uses and office buildings is inappropriate. New high-density residential development is also inappropriate. Alternative uses of existing residential buildings provides a more orderly and reasonable transition for the surrounding neighborhood. With appropriate restrictions, the conversion of houses to office and small personal service uses is suitable and provides for economically feasible uses of parcels in the corridor. This overlay is, therefore, created with an emphasis on preserving the residential character of the corridors, protecting the unique design features and local architecture vernacular, and protecting the property values and health, safety and general welfare of surrounding neighborhoods. The Neighborhood Preservation Corridor Overlay District is established to preserve and protect residential neighborhoods while accommodating some transitional commercial uses at an appropriate scale in locations zoned for commercial uses. It is the intent of the Neighborhood Preservation Overlay Corridor District to maintain the residential appearance of existing structures and the residential setting of any building converted to a nonresidential use so that the converted dwelling will be compatible with neighboring residential property. To maintain residential character, lots shall not be developed or redeveloped solely for the purpose of providing parking.

**3.8.6.2 Permitted Uses** – Uses permitted in the Neighborhood Preservation Corridor Overlay District are provided in Table 3-2, Use Matrix, for the underlying base district. (Rev. 12-1-08; Ord. 2008-18)

**3.8.6.2.1** Permitted nonresidential uses may be located on the first floor only. Upper stories may be used for residential and accessory storage uses only unless allowed by Special Exception. Parking is not permitted as a principal use.

**3.8.6.2.2** Uses that are not permitted are:

- a. Drive-in, drive-up and drive-through facilities;
- b. Indoor or outdoor sales of equipment, motorcycles or automobiles;
- c. Gasoline sales and automobile service stations; or
- d. Automobile and motorcycle repair.

**3.8.6.2.3** ~~No use which requires a special exception is permitted.~~ Uses which require a special exception may be granted by the Board of Zoning Appeals with conditions.

**3.8.6.2.4** No use may be established unless and until it complies with the standards established in this section and other applicable standards contained in this Chapter.

**3.8.6.2.5** No existing structure may be demolished until a site plan for the parcel has been approved. If the demolition of an existing structure is anticipated an evaluation of the

ORDINANCE NO. 2020-xx  
AMENDING ARTICLE 3, ZONING DISTRICTS, OF THE NORTH AUGUSTA  
DEVELOPMENT CODE, CHAPTER 18 OF THE CITY OF NORTH AUGUSTA, SOUTH  
CAROLINA CODE OF ORDINANCES

WHEREAS, on December 17, 2007, by Ordinance 2007-22, the North Augusta City Council adopted the North Augusta Development Code which is consistent with the City's Comprehensive Plan and which incorporates all City zoning and land development regulations; and

WHEREAS, pursuant to Section 5.3.3.2 Text Amendments in Article 5, Approval Procedures, of the North Augusta Development Code, any person, property owner, board, commission, department or the City Council may apply for a change in zoning ordinance text; and

WHEREAS, the North Augusta Planning Commission, following a October 15, 2020, public hearing, reviewed and considered a request by the Planning and Development Department to amend Article 3, Section 3.8.6 entitled "NP, Neighborhood Preservation Corridor Overlay District," of the North Augusta Development Code to allow Special Exceptions within the overlay. The Planning Commission report has been provided to City Council for consideration.

The Mayor and City Council have reviewed the request as well as the report from the Planning Commission and has determined that the change to the text of the Development Code is appropriate.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED AND BY THE AUTHORITY THEREOF, THAT:

I. The North Augusta Development Code, Chapter 18 of The City of North Augusta, South Carolina Code of Ordinances, Providing for New Zoning and Land Development Regulations for the City of North Augusta, South Carolina, is hereby amended and shall read as described in the following section. The section of the Code affected by the proposed amendment is identified by the section number.

A. Article 3, NP, Neighborhood Preservation Corridor Overlay District, Section 3.8.6.2, Permitted Uses, is amended to read:

3.8.6.2.1 Permitted nonresidential uses may be located on the first floor only. Upper stories may be used for residential and accessory storage uses only unless allowed by Special Exception. Parking is not permitted as a principal use.

And

3.8.6.2.3 Uses which require a special exception may be granted by the Board of Zoning Appeals with conditions.

B. Any other needed formatting will be edited to reflect new page numbers, titles or item numbering associated with the text changes outlined herein.

- II. All other Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.
- III. This Ordinance shall become effective immediately upon its adoption on second reading.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

\_\_\_\_\_  
Robert A. Pettit, Mayor

ATTEST:

\_\_\_\_\_  
Sharon Lamar, City Clerk

# ATTACHMENT #17

ORDINANCE NO. 2020-33  
TO CHANGE THE CORPORATE LIMITS  
OF THE CITY OF NORTH AUGUSTA  
BY ACCEPTING THE PETITION REQUESTING ANNEXATION BY THE  
LANDWONERS AND ANNEXING ± 14.3 ACRES OF PROPERTY LOCATED  
ALONG EDGEFIELD RD AND OWNED BY  
JO M. PINNER, NORMAN M. PATE, AND JOSEPH H. PATE

WHEREAS, Section 5-3-150(3) of the Code of Laws of the State of South Carolina provides that: "Notwithstanding the provisions of subsections (1) and (2) of this section, any area or property which is contiguous to a municipality may be annexed to the municipality by filing with the municipal governing body a petition signed by all persons owning real estate in the area requesting annexation. Upon the agreement of the governing body to accept the petition and annex the area, and the enactment of an ordinance declaring the area annexed to the municipality, the annexation is complete"; and

WHEREAS, the Mayor and City Council of the City of North Augusta, have reviewed the petition of the landowners requesting that their property be annexed into the City and determined that such Petition should be accepted and the property annexed into the City; and

WHEREAS, the zoning classification recommended for the properties proposed for annexation has been reviewed for consistency with the Future Land Use Classification of the properties as specified in the Land Use Element of the North Augusta 2017 Comprehensive Plan;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of North Augusta, South Carolina, in meeting duly assembled and by the authority thereof that:

- I. The Petition of the landowners is accepted and the following described property shall be annexed into the City of North Augusta:

A parcel containing ±14.3 acres located along Edgefield Road, as shown on a plat made for Norman M. Pate and Jo M. Pinner by Tripp Land Surveying, Inc., dated May 7, 2013, and recorded in Misc. Book 57, Page 203, records of Aiken County, South Carolina, including all adjacent right-of-way.

Tax Map & Parcel No.: 011-07-01-003

The property to be annexed is also shown on a map identified as "Exhibit A" titled "Map of Property Sought to be Annexed to the City of North Augusta" dated October 1, 2020 and prepared by the City of North Augusta.

- II. The zoning classification shall be GC, General Commercial, as shown on a map identified as "Exhibit B" titled "General Commercial Zoning of Property Sought to be Annexed to the City of North Augusta" dated October 1, 2020, and prepared by the City of North Augusta.



- III. All Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.
- IV. This Ordinance shall become effective immediately upon its adoption on second and final reading.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

\_\_\_\_\_  
Robert A. Pettit, Mayor

ATTEST:

\_\_\_\_\_  
Sharon Lamar, City Clerk

STATE OF SOUTH CAROLINA )  
)  
)  
)  
COUNTY OF AIKEN )

PETITION FOR ANNEXATION  
OF ± 14.3 ACRES OF PROPERTY  
LOCATED ALONG EDGEFIELD ROAD  
OWNED BY JO M. PINNER,  
NORMAN M. PATE AND JOSEPH H. PATE

I, the undersigned, as freeholder and owner of property located at 515 Carolina Springs Road, do respectfully petition the City Council for the City of North Augusta, South Carolina, for annexation of the hereinafter described property into the municipal corporate limits of the City of North Augusta, South Carolina. This petition is submitted in accordance with Title 5-3-150(3) of the Code of Laws of South Carolina, 1976, as amended.

The property sought to be annexed is a portion of the parcel described as follows:

A parcel containing ±14.3 acres located along Edgefield Road, as shown on a plat made for Norma M. Pate and Jo M. Pinner by Tripp Land Surveying, Inc., dated May 7, 2013, and recorded in Misc. Book 57, Page 203, records of Aiken County, South Carolina.

Tax Map & Parcel No.: 011-07-01-003

The property to be annexed is also shown on a map identified as "Exhibit A" titled "Map of Property Sought to be Annexed to the City of North Augusta" dated October 10, 2020, and prepared by the City of North Augusta.

This petition dated the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Property Owner Signatures

Witness

\_\_\_\_\_

Witness

\_\_\_\_\_

Witness

\_\_\_\_\_

\_\_\_\_\_  
Jo M. Pinner

\_\_\_\_\_  
Norman M. Pate

\_\_\_\_\_  
Joseph H. Pate

September 1, 2020

North Augusta Planning and Zoning

To Whom It May Concern:

We would like to formally request annexation of the following property into the City of North Augusta. Also, we would like to request a zoning district designation of GC.

**Subject Property:**

Tax Parcel: 011-07-01-003

The current owners of the property are Jo M. Pinner, Norman M. Pate, and Joseph H. Pate.

Thank you,

X Jo M. Pinner

X \_\_\_\_\_

X \_\_\_\_\_

September 1, 2020

North Augusta Planning and Zoning

To Whom It May Concern:

We would like to formally request annexation of the following property into the City of North Augusta. Also, we would like to request a zoning district designation of C.C.

**Subject Property:**

Tax Parcel: 011-07-01-003

The current owners of the property are Jo M. Pinner, Norman M. Pate, and Joseph H. Pate.

Thank you,

X \_\_\_\_\_

X Norman M. Pate

X \_\_\_\_\_

September 1, 2020

North Augusta Planning and Zoning

To Whom It May Concern:

We would like to formally request annexation of the following property into the City of North Augusta. Also, we would like to request a zoning district designation of GC.

**Subject Property:**

Tax Parcel: 011-07-01-003

The current owners of the property are Jo M. Pinner, Norman M. Pate, and Joseph H. Pate.

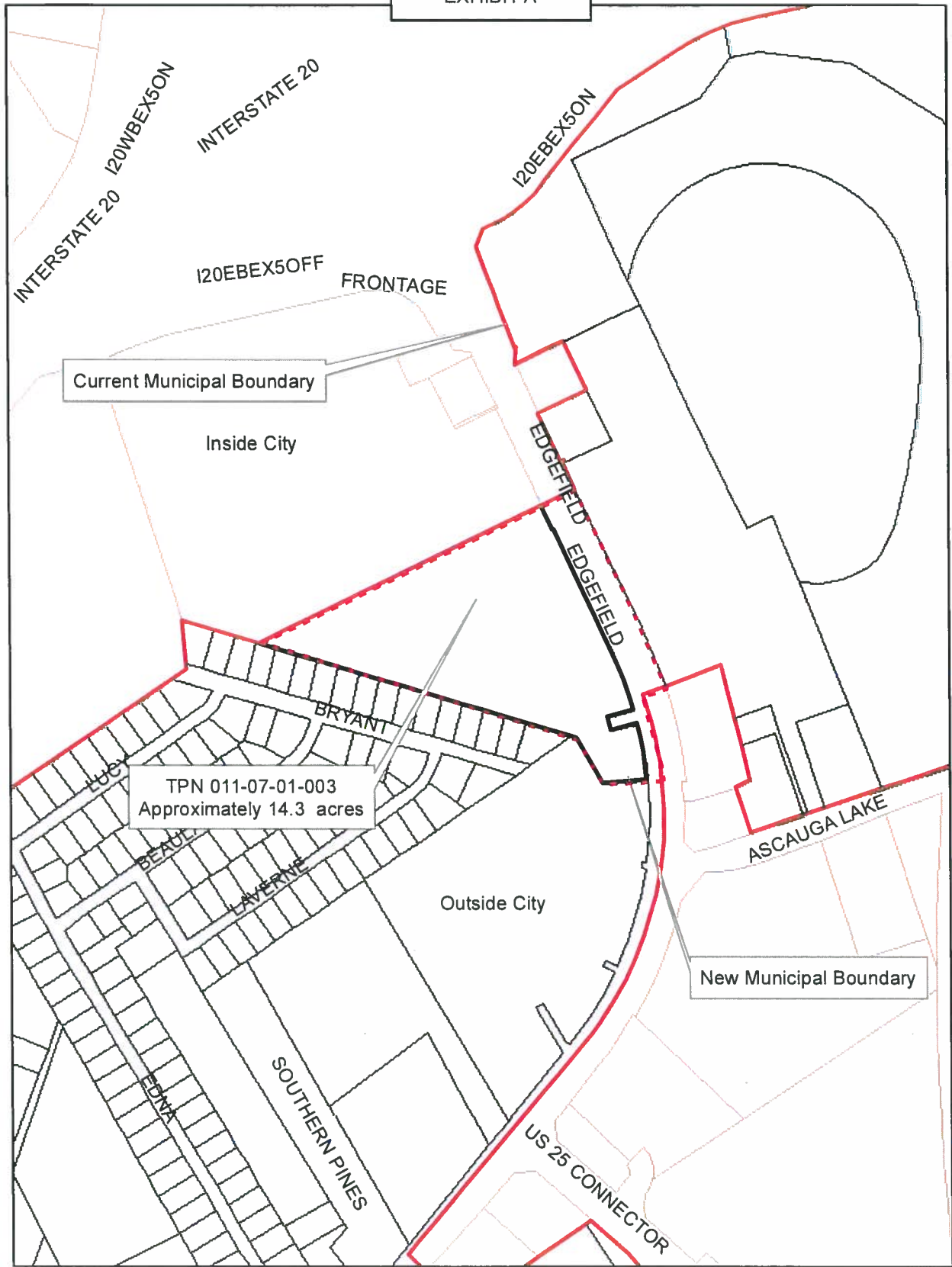
Thank you,

X \_\_\_\_\_

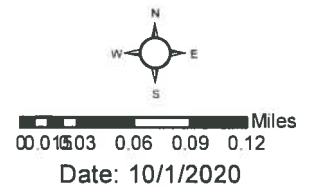
X \_\_\_\_\_

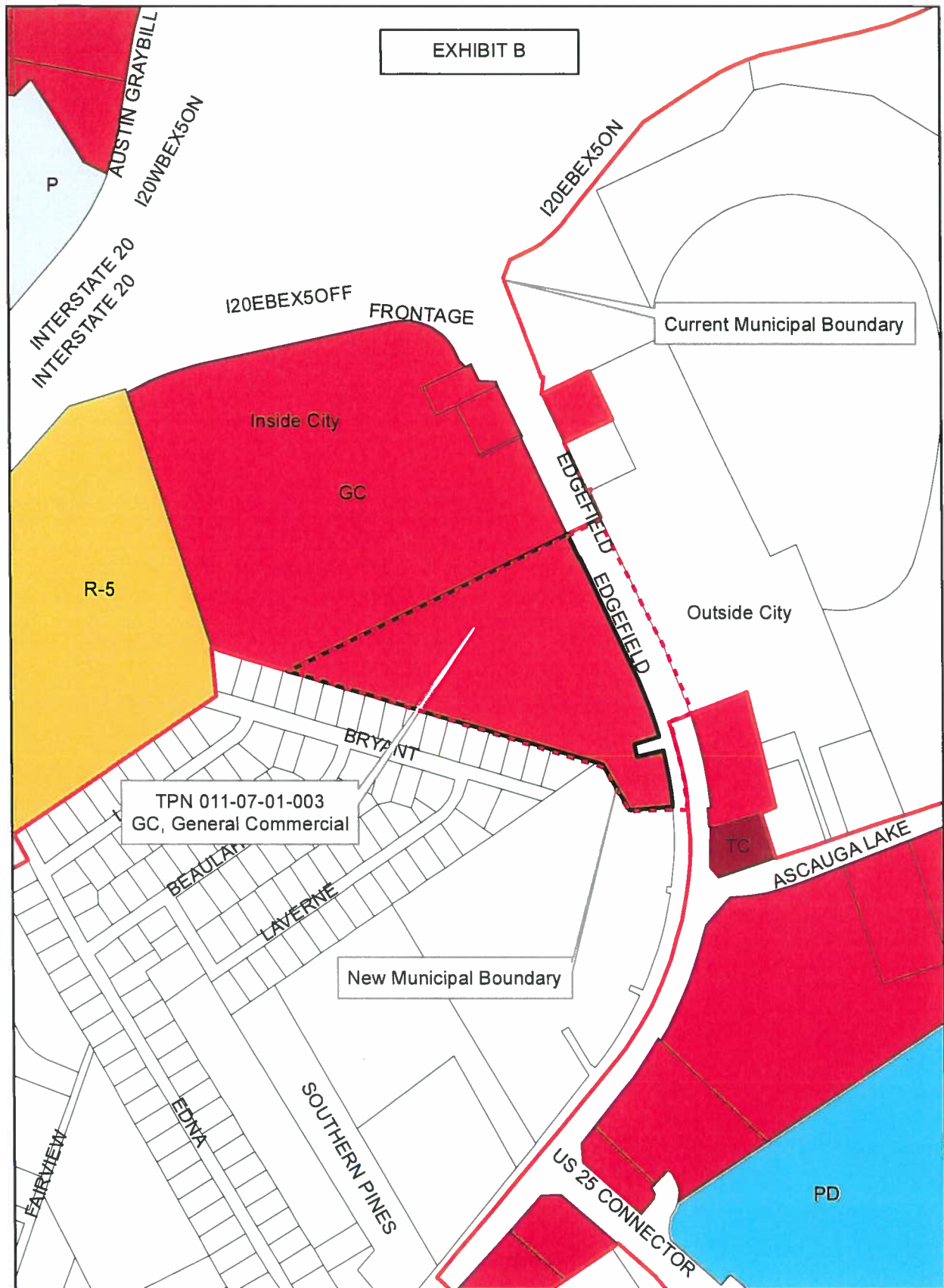
X Joseph H. Pate

EXHIBIT A

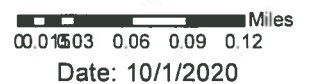


ANX20-038  
MAP OF PROPERTY  
SOUGHT TO BE ANNEXED  
TO THE CITY OF NORTH AUGUSTA





ANX20-038  
 ZONING OF PROPERTY  
 SOUGHT TO BE ANNEXED  
 TO THE CITY OF NORTH AUGUSTA







4  
AIKEN COUNTY ASSESSOR  
Tax Map: AIKEN COUNTY AUDITOR  
041-07-01-003 Charles T. Barton  
Date: 08/13/2019 Endorsed 09/19/2019

AIKEN COUNTY AUDITOR  
Charles T. Barton  
Endorsed 09/19/2019

Please return to:

Patrick K. Zier, Esquire  
Zier Law Firm, LLC  
602 West Ave.  
North Augusta, South Carolina 29841

E-18-32

STATE OF SOUTH CAROLINA )  
 ) IN THE PROBATE COURT  
COUNTY OF AIKEN

TITLE NOT EXAMINED  
BY DRAFTING ATTORNEY

IN THE MATTER OF THE ESTATE OF NORMA MATHIS PATE

CASE NUMBER 2018-ES-02-0117

**DEED OF DISTRIBUTION**

WHEREAS, the decedent entered into rest on the 19<sup>th</sup> Day of January, 2018.; and

WHEREAS, the Estate is being administered in the Probate Court for Aiken County, South Carolina in Case Number 2018-ES-02-0117; and,

WHEREAS, the grantee(s) herein is/are either a beneficiary or heir at law, as appropriate, of the decedent; and,

WHEREAS, the undersigned Norman Mathis Pate, Personal Representative is the duly appointed and qualified fiduciary in this matter; and,

NOW, THEREFORE, in accordance with the laws of the State of South Carolina, the Personal Representative has granted, bargained, sold and released, and by the Presents does grant, bargain, sell and release all of the decedent's right, title, and interest in and to the following described property:

NAME: NORMAN MATHIS PATE - 1/2 INTEREST  
JOSEPH H. PATE - 1/2 INTEREST

TAX NOTICE ADDRESS: POST OFFICE BOX 885  
WEST POINT, VIRGINIA 23181

2019019592



DEED  
RECORDING FEES \$15.00  
STATE TAX \$0.00  
COUNTY TAX \$0.00

PRESENTED & RECORDED:  
08-06-2019 01:40 PM

JUDITH WARNER  
REGISTER OF MESNE CONVEYANCE  
AIKEN COUNTY, SC  
BY: JENNIFER YOUNG DEPUTY

BK: RB 4793  
PG: 885 - 888

SEE EXHIBIT "A"

TOGETHER, with all and singular Rights, Members, Hereditaments and Appurtenances to the said Premises/Property belonging, on in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises/Property unto the said NORMAN MATHIS PATE AND JOSEPH H. PATE, their heirs and assigns forever.

IN WITNESS WHEREOF, the undersigned Personal Representative of the Estate of the decedent, has executed this Deed this 31<sup>st</sup> day of July, 2019.

ESTATE OF NORMA MATHIS PATE

*Norman M. Pate*

BY: NORMAN MATHIS PATE  
ITS: PERSONAL REPRESENTATIVE

*Mary Ann Seward*  
WITNESS 1

*Angel White*  
WITNESS 2

COMMONWEALTH OF VIRGINIA)  
COUNTY *King William*)

BEFORE ME, personally appeared the undersigned witness and made oath that (s)he saw the within named Grantor sign, seal and as Grantor's act and deed, deliver the within written Title to Real Estate, that (s)he with the other witness subscribed above, witnessed the execution thereof and that the subscribing witness is not a party to or beneficiary of the transaction.

*Mary Ann Seward*  
WITNESS (1)

SWORN TO BEFORE ME THIS  
31<sup>st</sup> DAY OF JULY, 2019

MARY ANN SEWARD  
NOTARY PUBLIC  
REG. #324734  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES OCT. 31, 2019

*Mary Ann Seward*  
NAME (PRINT): Mary Ann Seward  
NOTARY PUBLIC FOR King William, Virginia  
MY COMMISSION EXPIRES: 10/31/2019

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF AIKEN )

ATTORNEY'S AFFIDAVIT

IN THE MATTER OF THE ESTATE OF NORMAN MATHIS PATE

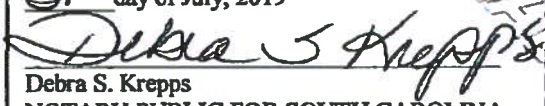
CASE NUMBER 2018-ES-02-0117

Personally appeared before me the undersigned attorney, who being duly sworn, certifies that he is licensed to practice law in the State of South Carolina; that he has prepared the Deed of Distribution for the Personal Representative in the Estate of Norma Mathis Pate, deceased, and that the grantee(s) therein is/are correct and conform to the Estate file for the above-named decedent.



Patrick K. Zier, Esquire  
South Carolina Bar No. 75724

NOT OFFICIAL

SWORN TO before me this  
31<sup>st</sup> day of July, 2019  
  
Debra S. Krepps  
NOTARY PUBLIC FOR SOUTH CAROLINA  
My Commission Expires: October 30<sup>th</sup>, 2023

**EXHIBIT "A"**

**PROPERTY DESCRIPTION**

All that certain piece, parcel or lot of land, together with the improvements thereon, containing 15 acres, more or less, situate in the County of Aiken and State of South Carolina, and bounded now or formerly as follows: NORTHEASTERLY and EASTERLY by U. S. Highway No. 25; SOUTHEARLY and SOUTHWESTERLY by lands now or formerly of J. J. Hudson, lands of O. B. Whatley, lands of P. E. Cook and lands of Mrs. George Walker; and NORTHWEST by Part 2 on plat hereinafter referred to. The property is known and designated as Part 1 on a plat of the subdivision of property of W. H. Mathis Estate and D. T. Mathis made by K. L. Wise, dated in August, 1958, and recorded in Plat Book 1, at page 148, of the records of Aiken County.

Being the same property conveyed to Willie Jo Mathis Pinner and Norma Mathis Pate by Deed of Distribution of the Estate of D. T. Mathis dated August 24, 1992, filed for record August 25, 1992, and recorded in Deed Book 1341 at Page 220, Office of the RMC for Aiken County, South Carolina.

TAX PARCEL NUMBER: 011-07-01-003

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