

RESOLUTION NO. 2021-20
ACCEPTING A DEED OF DEDICATION FOR THE STREETS,
SANITARY SEWER, STORMWATER COLLECTION, AND ASSOCIATED
EASEMENTS AND RIGHTS OF WAY, ALONG WITH A MAINTENANCE
GUARANTEE AND LETTER OF CREDIT,
FOR AUSTIN HEIGHTS, SECTION 1

WHEREAS, Summerfield SC, LLC developed Austin Heights, Section 1 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 March 3, 2021 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 the streets, utilities, etc. for the purpose of ownership and maintenance when said deed is accompanied by a maintenance guarantee; and

WHEREAS, a maintenance guarantee and supporting letter of credit 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 strips or parcels of land, and appurtenances to said premises belonging or in anywise appertaining therewith, situate, lying and being in the City of North Augusta, County of Aiken, State of South Carolina, in Austin Heights, Section I, being 50' Right of Ways known as Greyton Circle, Bakerville Lane, and Kingburgh Lane, and also Parcel 1 Detention Pond containing 103,993 S.F. or 2.39 Acres more or less, as more particularly shown and described on that certain plat of survey prepared by H&C Surveying, Inc. for Summerfield SC, LLC dated February 27, 2020, and recorded in Plat Book 62, Pages 790-794, in the Office of the RMC of Aiken County, South Carolina. Reference is hereby made to said Plat for a complete and accurate description of said property hereby conveyed.

ALSO, All and singular, those certain water distribution and sewage collection systems, including but not limited to all pipes, mains, manholes, valves, meters and other improvements and appurtenances in any way connected therewith, excluding services lines from the lot lines to the improvements located thereon developed or extending within the lot lines of undeveloped lots situate, lying, and being in Aiken County, South Carolina, in Austin Heights Subdivision, Section I, being more fully shown and designates on that plat prepared by H&C Surveying, Inc. for Summerfield SC, LLC.

ALSO, all water and sanitary sewer easements and appurtenances to said premises belonging or in any way incident or appertaining as shown on the above referenced plats.

ALSO, all easements and appurtenances to said premises belonging or in any way incident or appertaining, as shown on the above referenced plats, including but not limited to:

Easement No. 1 – 1,107 S.F. or 0.03 AC
Easement No. 2 – 1,026 S.F. or 0.02 AC
Easement No. 3 – 3,360 S.F. or 0.08 AC
Easement No. 4 – 719 S.F. or 0.02 AC
Easement No. 5 – 3,672 S.F. or 0.08 AC
Easement No. 6 – 2,479 S.F. or 0.06 AC

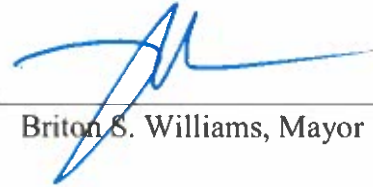
Easement No. 7 – 1,668 S.F. or 0.4 AC
Easement No. 8 – 4,547 S.F. or 0.10 AC
Easement No. 9 – 1,012 S.F. or 0.02 AC
Easement No. 10 – 19,642 S.F. or 0.45 AC
Easement No. 11 – 3,221 S.F. or 0.07 AC

This being a portion of the same property conveyed to Summerfield SC, LLC by deed of Dottie Berniece Summers, as Trustee of the Summers Family Trust dated July 11, 1985, on January 22, 2019, and being recorded in the Office of the RMC in Aiken County, South Carolina, book 4763, Pages 1800-1802.

Tax Map and Parcel: portion of 011-05-01-001

BE IT FURTHER RESOLVED that a Maintenance Guarantee and letter of credit in the amount of \$155,000.00 are hereby accepted.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS 7th DAY OF June, 2021.



Briton S. Williams, Mayor

ATTEST:



Sharon Lamar, City Clerk

Return to:
Klosinski Overstreet, LLP
1229 Augusta West Parkway
Augusta, GA 30909

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN) **DEED OF DEDICATION**
) **AUSTIN HEIGHTS**
) **SECTION 1**

THIS INDENTURE, made and entered into this ____ day of _____ 2021, by and between **SUMMERFIELD SC, LLC**, as the Party of the First Part, and **CITY OF NORTH AUGUSTA**, South Carolina, a body politic and corporate and political subdivision of the State of South Carolina, as the Party of the Second Part, whose address is P.O. Box 6400, North Augusta, SC 29861-6400.

WITNESSETH:

Party of the First Part, for and in consideration of the Sum of One Dollar (\$1.00) in cash to it in hand paid by the Party of the Second Part, the receipt of which is hereby acknowledge, at and/or before the sealing and delivery of these presents, and other good and valuable considerations, has granted, bargained, sold, released, conveyed and confirmed and by these presents does grant, bargain, sell, release, convey and confirm unto the said Party of the Second Part, its successors and assigns, the following described property, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

The party of the Second Part, as part of the consideration for this conveyance, accepts this conveyance of said streets, easements and storm water drainage areas and agrees to maintain the same as part of its road and storm water systems and the acceptance of the delivery of these presents shall be conclusive evidence of such agreement.

The within conveyance is subject, however, to the prior understanding and agreement of the parties hereto that Grantee assumes no responsibility for extending lines beyond that which is shown on the aforesaid maps or plans nor is Grantee required as its cost to extend any service lines to undeveloped lots in this project, further that the Grantor(s) herein covenants and warrants to make no representation verbal or written that Grantee at its cost will extend said

service lines and or main lines beyond which are presently existing, at the time of any written conveyance.

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

TO HAVE AND TO HOLD all and singular the premises before mentioned unto said Grantee(s), their Heirs 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 the Grantors and its heirs successors and assigns, and all persons whomsoever lawfully claiming, or to claim the same or any part thereof.

SIGNATUE PAGE ATTACHED

IN WITNESS WHEREOF, the said Party of the First Part has caused this Deed of Dedication to be executed the day and year first above written as the date of these presents.

Signed, sealed and delivered
in the presence of:

SUMMERFIELD SC, LLC

Jennifer Samuelson
First Witness

By: [Signature]
Michael D. Polatty
As Its: Manager

Denise Walter
Second Witness

STATE OF GEORGIA)
)
COUNTY OF RICHMOND)

Karen Douglas, a Georgia notary public, do hereby certify that Michael D. Polatty, as Manager of Summerfield SC, LLC, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal this the 5 day of May, 2021.

Notary Public for Richmond Co
Printed Name: Karen Douglas
My Commission Expires: 02-11-2024

[SEAL]

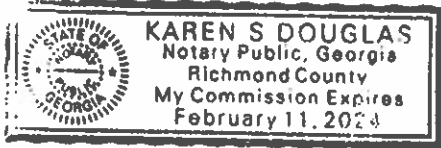


Exhibit "A"

All those strips or parcels of land, and appurtenances to said premises belonging or in anywise appertaining therewith, situate, lying and being in the City of North Augusta, Aiken County, South Carolina, in Austin Heights, Section I, being 50' Right of Ways known as Greyton Circle, Bakerville Lane, and Kingburgh Lane, and also Parcel 1 Detention Pond containing 103,993 S.F. or 2.39 Acres more or less, as more particularly shown and described on that certain plat of survey prepared by H&C Surveying, Inc. for Summerfield SC, LLC dated February 27, 2020, and recorded in Plat Book PL 62, Page 790-794, in the Office of the RMC of Aiken County, South Carolina. Reference is hereby made to said Plat for a complete and accurate description of said property hereby conveyed.

ALSO, All and singular, those certain sewage collection systems, including but not limited to all pipes, mains, manholes, and other improvements and appurtenances in any way connected therewith, excluding service lines from the lot lines to the improvements located thereon developed or extending within the lot lines of undeveloped lots situate, lying and being in Aiken County, South Carolina, in Austin Heights Subdivision, Section I, being more fully shown and designated on that plat prepared by H&C Surveying, Inc. for Summerfield SC, LLC.

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Tax Map and Parcel: portion of 011-05-01-001

STATE OF GEORGIA)
COUNTY OF RICHMOND)

AFFIDAVIT

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

1. I have read the information on this affidavit, and I understand such information.
2. The property being transferred is bearing Aiken County, South Carolina Tax Map # portion of 011-05-01-001 and being transferred by Summerfield SC, LLC to City of North Augusta, South Carolina on _____.
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: #2
(Explanation, if required)
IF EXEMPT, PLEASE SKIP ITEMS 4-6, GO TO ITEM 7 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 ___ 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) _____ in the amount listed in item 4 above
 - (b) _____ the amount listed in item 5 above (no amount place zero)
 - (c) _____ subtract line 6(b) from line 6(a) and place the result.
7. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Attorney
8. 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.

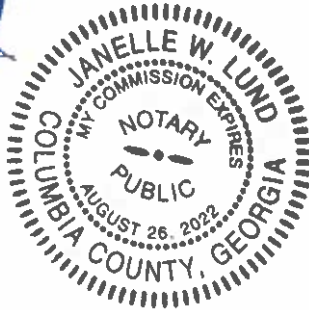
SWORN TO AND SUBSCRIBED
before me this 10th day of May,
2021.

[Handwritten signature]

Scott J. Klosinski
Attorney

Janelle W. Lund

Notary Public
My Commission Expires:



**PRELIMINARY
CERTIFICATION OF TITLE**

All those strips or parcels of land, and appurtenances to said premises belonging or in anywise appertaining therewith, situate, lying and being in the City of North Augusta, County of Aiken, State of South Carolina, in Austin Heights, Section I, being 50' Right of Ways known as Greyton Circle, Bakerville Lane, and Kingburgh Lane, and also Parcel 1 Detention Pond containing 103,993 S.F. or 2.39 Acres more or less, as more particularly shown and described on that certain plat of survey prepared by H&C Surveying, Inc. for Summerfield SC, LLC dated February 27, 2020, and recorded in Plat Book PL 62, Page 790-794, in the Office of the RMC of Aiken County, South Carolina. Reference is hereby made to said Plat for a complete and accurate description of said property hereby conveyed.

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Tax Map and Parcel: portion of 011-05-01-001

I have examined the public records affecting title to the property described above. **BASED UPON SUCH EXAMINATION, and** subject to the liens, encumbrances and other exceptions, marketable, fee simple title is vested in

Summerfield SC, LLC

The below liens, restrictions, easements, encumbrances, and other exceptions apply:

1. Errors shown by a plat of survey. The exact location on boundary lines, unrecorded easements, and other facts or conditions which would be disclosed by an accurate survey and inspection of the property, or possible liens of laborers or materialmen for improvement of the property, not filed for record prior to date;
2. The rights, if any, of persons who may be in possession under claims not appearing of record, or other matters not of record, including any prescriptive rights or claims to removable fixtures, forgery, insanity, or minority of a maker;
3. Violation of any zoning ordinances or restrictive covenants;
- 4- All city, state, county, and school taxes for 2021 are not yet due and payable; all city taxes for 2020 which are not yet due and payable.
6. Mortgage from Summerfield SC, LLC. to First Community Bank, dated December 10, 2019 and recorded December 27, 2019, in Record Book 4819 on page 1432-1442 of the public records of Aiken County, South Carolina, given to secure the original principal sum of \$4,982,628.00.
7. UCC Financing Statement in favor of First Community Bank, recorded in FS – 19-4289, of the public records of Aiken County, South Carolina.
8. UCC Financing Statement in favor of First Community Bank, recorded in FS – 19-4290, of the public records of Edgefield County, South Carolina.

Title is certified from the period beginning January 22, 2019 and ending at 12:00 P.M. on January 12, 2021.



Scott J. Klosinski, Attorney at Law



5455 Sunset Blvd.
Lexington, SC 29072
(803) 951.2265
Fax (803) 358.6900

PO Box 64
Lexington, SC 29071
www.firstcommunitysc.com

February 22, 2021

City of North Augusta
100 Georgia Avenue
North Augusta, SC 29841

RE: Letter of Credit #101-183 and 101-184, Summerfield SC, LLC, Austin Heights, Section 1

Dear Sirs:

In connection with the above-matter, enclosed is the original Irrevocable Letter of Credit #101-183 in the amount of \$152,000 for a Maintenance Guarantee and Irrevocable Letter of Credit #101-184 in the amount of \$362,000 for a Performance Guarantee. If you have any questions, please do not hesitate to contact our office.

Thanking you in advance for your cooperation in this matter, I am

Sincerely,
Carolyn Hull
Real Estate Paralelender, Team Lead
First Community Bank
(803) 358-4216

/cmh
Enclosures



5455 Sunset Blvd
Lexington, SC 29072
(803) 951.2265
Fax (803) 358.6900

PO Box 64
Lexington, SC 29071
www.firstcommunitysc.com

May 14, 2021

City of North Augusta
100 Georgia Avenue
North Augusta, SC 29841

RE: Letter of Credit #101-183 and 101-184, Summerfield SC, LLC, Austin Heights, Section 1

Dear Sirs:

In connection with the above-matter, enclosed is the original Amendment #1 to Irrevocable Letter of Credit #101-183 in the amount of \$152,000 for a Maintenance Guarantee and Irrevocable Letter of Credit #101-184 in the amount of \$362,000 for a Performance Guarantee. If you have any questions, please do not hesitate to contact our office.

Thanking you in advance for your cooperation in this matter, I am

Sincerely,
Carolyn Hull
Real Estate Paralelender, Team Lead
First Community Bank
(803) 358-4216

/cmh
Enclosures

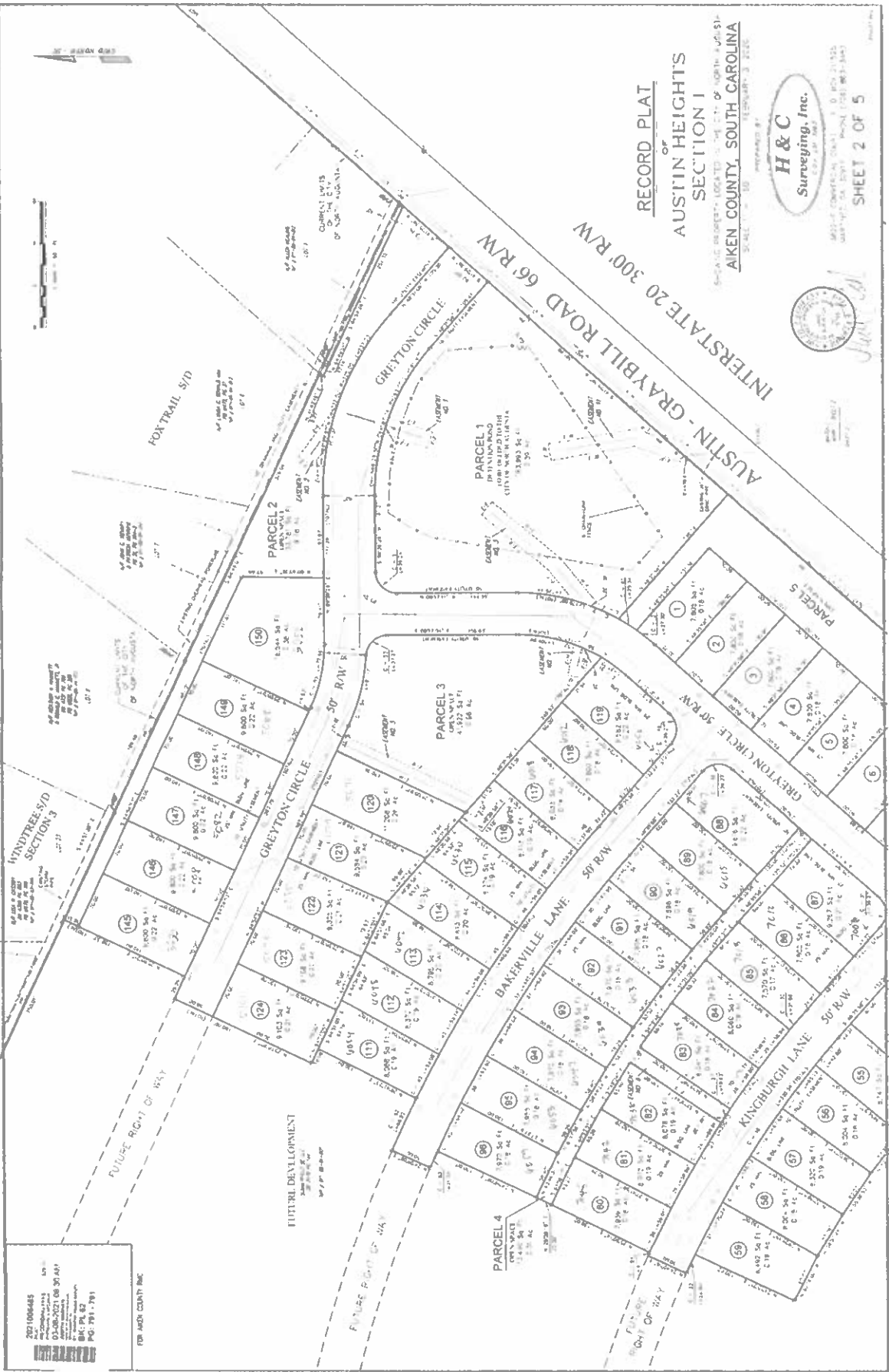


RECORD PLAT
OF
AUSTIN HEIGHTS
SECTION 1

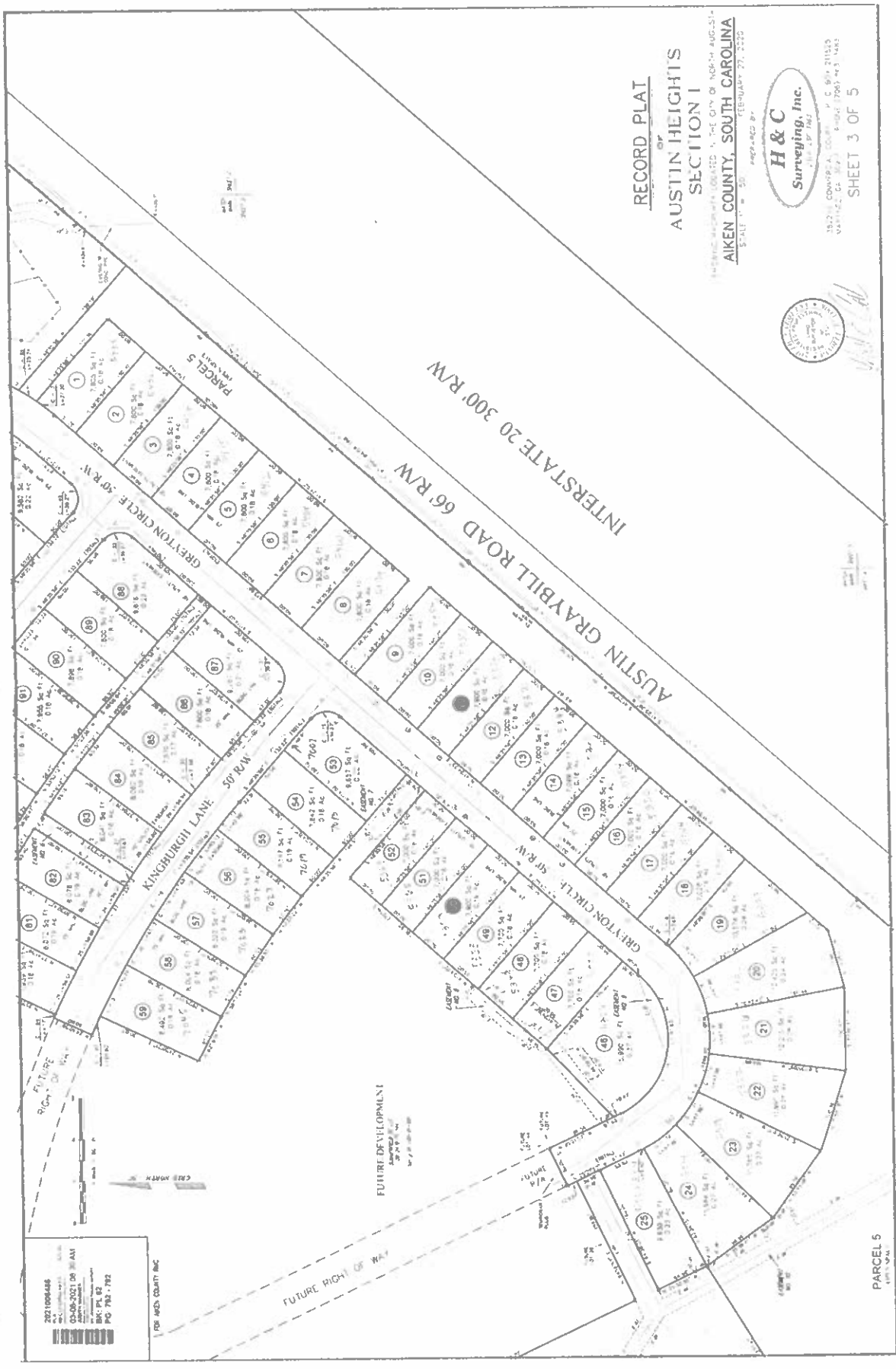
LOCAL PROPERTY LOCATED IN THE CITY OF AUSTIN, TEXAS
AIKEN COUNTY, SOUTH CAROLINA
SCALE: 1" = 30'

PREPARED BY
H & C
Surveying, Inc.
1101 N. UNIVERSITY BLVD.
AUSTIN, TEXAS 78701

SHEET 2 OF 5



2021 006445
FOR AIDEN COUNTY INC.
PG: 191-1791



RECORD PLAT
 OF
 AUSTIN HEIGHTS
 SECTION I

PREPARED FOR THE CITY OF AUSTIN, TEXAS
 AIKEN COUNTY, SOUTH CAROLINA
 FEBRUARY 27, 2020
 SCALE 1" = 50'

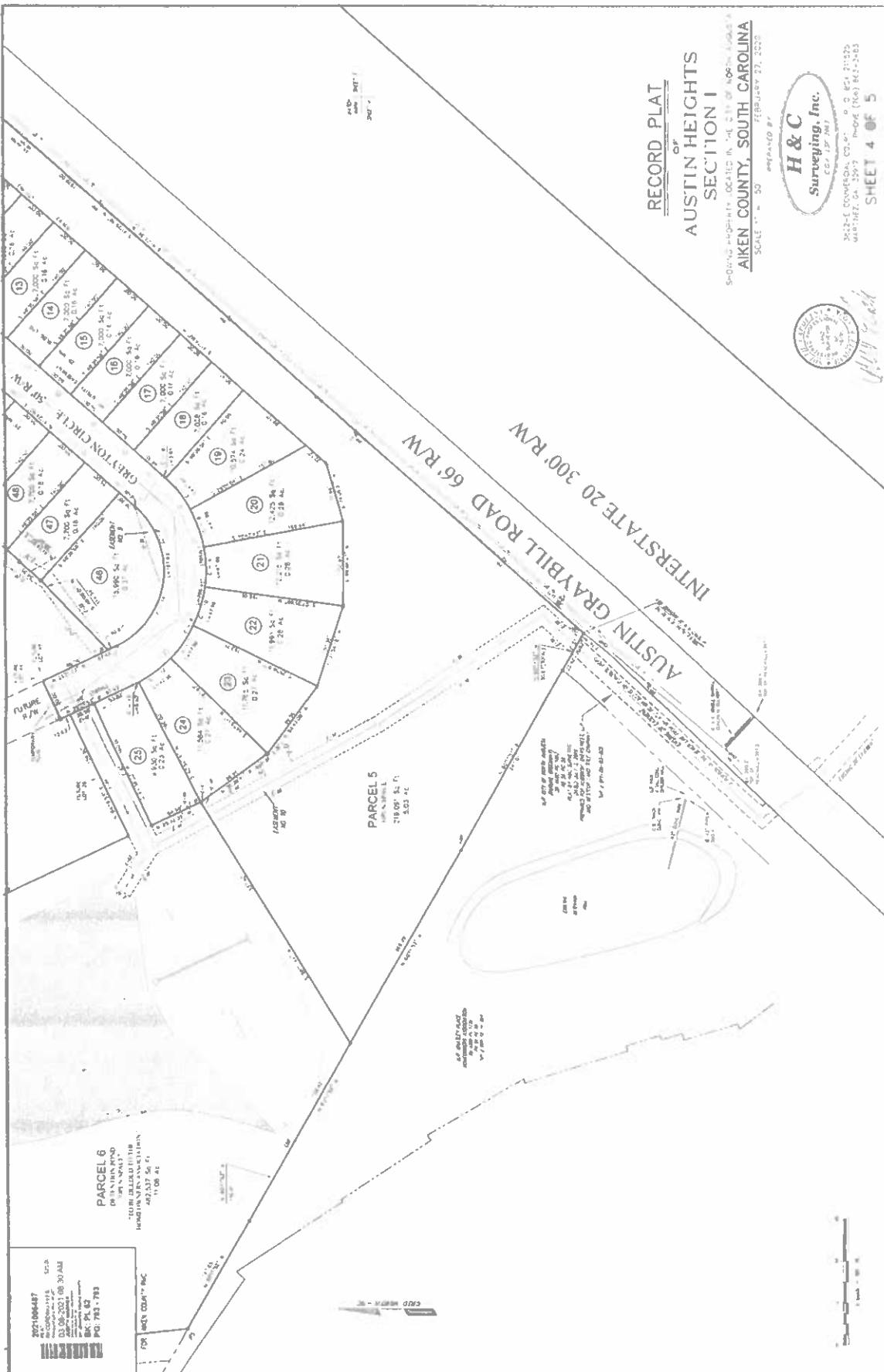


15220 COUNTY A, COUNTY C 5th 2115.9
 MARSH, GA. 30151 5810 7263 443 1485
 SHEET 3 OF 5



2021090486
 05-08-2021 DR 30 JAN
 BK: PL 82
 PG 782 - 782
 FOR AIKEN COUNTY INC

PARCEL 5
 1,017.00 SQ. FT.



RECORD PLAT
OF
AUSTIN HEIGHTS
SECTION I

SOURCE: ORIGINAL LOCATED IN THE EAST OF NORTH CAROLINA
AIKEN COUNTY, SOUTH CAROLINA
SCALE: 1" = 50' EMPLOYED BY: FEBRUARY 27, 2020



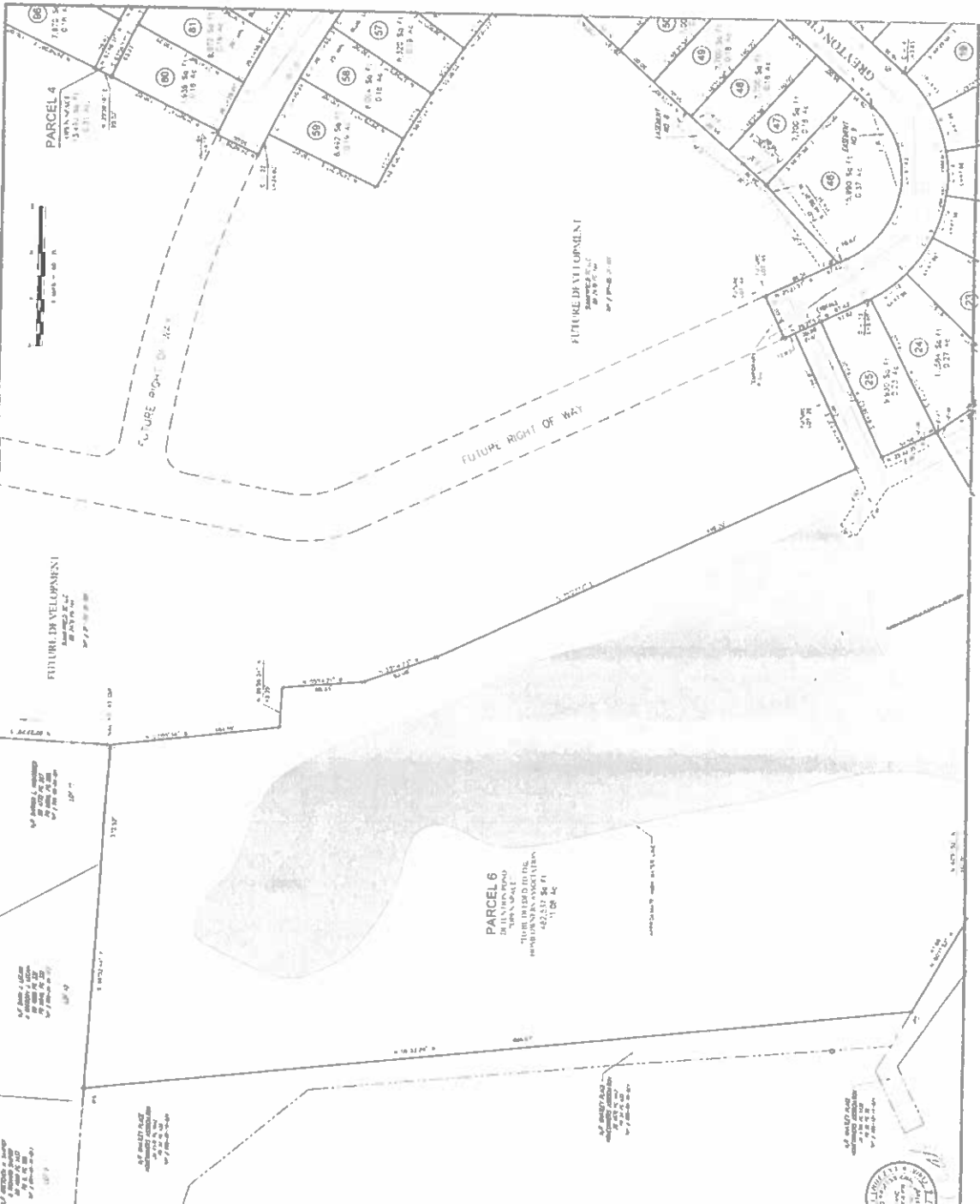
3022-E COMPTON, CO., INC. P.O. BOX 21125
MARTINEZ, GA. 30907 PHONE (706) 847-2483

SHEET 4 OF 5



302100487
AIKEN COUNTY, SOUTH CAROLINA
REGISTERED SURVEYOR
P.L. 743-773

AIKEN COUNTY, SOUTH CAROLINA
REGISTERED SURVEYOR
P.L. 743-773



2021000488
 Aiken County, SC
 Parcel 6
 PG 5 of 5

FOR Aiken COUNTY, SC



RECORD PLAT
 OF
AUSTIN HEIGHTS
 SECTION 1
 SHOWING PROPERTY LOCATED IN THE CITY OF AUSTIN, AUSTIN
 Aiken County, South Carolina
 SCALE: 1" = 50' FEBRUARY 27, 2020



H&C
 Surveying, Inc.
 3022-L COMMERCE COLLEGE BLVD
 WASHINGTON, GA 30677 PHONE (706) 941-1443



SHEET 5 OF 5