

RESOLUTION NO. 2023-27
ACCEPTING A DEED OF DEDICATION FOR A
UTILITY EASEMENT AT THE PRESERVE AT SWEETWATER

WHEREAS, The Preserve at Sweetwater Property Owner, developed The Preserve at Sweetwater 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 September 15, 2022; 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:

A non-exclusive easement in perpetuity for the use, repair, and maintenance of utilities on and under that property designated and described as those tracts or parcels of land lying and being in Aiken County, South Carolina, being that certain "20' San. Sewer Easement" tract, as each of the same are shown on a plat dated July 12, 2023, prepared for Sweetwater Townhome Development, LLC by Southern Partners, Inc., which plat is recorded in the Office of the Register's Mesne Conveyance, Aiken County, South Carolina on July 25, 2023 in Plat Book 65, Page 151, (the "Plat").. Reference is made to said Plat which is incorporated herein and made a part hereof for a more complete and accurate description of the metes, bounds, courses, distances, dimensions and location of said land.

The Plat is incorporated herein by reference for a more complete description of the metes, bounds, courses, distances and location of all land described herein.

Derivation: Deed Book 5012, Page 2133

BE IT FURTHER RESOLVED that a Maintenance Guarantee and letter of credit in the amount of \$5,000 are hereby accepted.

DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS 24th DAY OF JULY, 2023.

A handwritten signature in blue ink, appearing to read 'Briton Williams', written over a horizontal line.

Briton Williams, Mayor

ATTEST:

A handwritten signature in blue ink, appearing to read 'Jamie Paul', written over a horizontal line.

Jamie Paul, City Clerk



2023016401

DEED

RECORDING FEES

\$15.00

STATE TAX

\$0.00

COUNTY TAX

\$0.00

PRESENTED & RECORDED

07-31-2023 12:57 PM

JUDITH WARNER

REGISTER OF MESNE CONVEYANCE

AIKEN COUNTY, SC

BY: DOLLIE VILLANUEVA DEPUTY

BK: RB 5103

PG: 1630 - 1638

PREPARED BY AND RETURN TO:

Trotter Jones, LLP
3615 Walton Way Ext.
Augusta, Georgia 30909

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

DEED OF DEDICATION
AND EASEMENT

KNOW ALL MIEN BY THESE PRESENTS, that **THE PRESERVE AT SWEETWATER PROPERTY OWNER, LLC**, a Delaware limited liability company ("Grantor"), for and in consideration of the payment of **ONE AND NO/100 DOLLARS (\$1.00)**, paid by **THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA** ("Grantee"), with an address of 100 Georgia Avenue, North Augusta, South Carolina 29841, 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 the property and property rights hereinafter described, to-wit:

A non-exclusive easement in perpetuity for the use, repair, and maintenance of utilities on and under that property designated and described as those tracts or parcels of land lying and being in Aiken County, South Carolina, being that certain "20' San. Sewer Easement" tract, as each of the same are shown on a plat dated July 12, 2023, prepared for Sweetwater Townhome Development, LLC by Southern Partners, Inc., which plat is recorded in the Office of the Register's Mesne Conveyance, Aiken County, South Carolina on July 25, 2023 in Plat Book 65, Page 157, (the "Plat").. Reference is made to said Plat which is incorporated herein and made a part hereof for a more complete and accurate description of the metes, bounds, courses, distances, dimensions and location of said land.

By acceptance of this deed, Grantee agrees to promptly maintain, repair and replace the sewer lines and apparatuses installed or within each said easement, and that upon completion of any maintenance or repair of same, Grantee shall promptly return any disturbed land to its pre-disturbed condition.

Derivation: Deed Book 5012, Page 2133

The easements granted herein include the right of ingress and egress to said easements over the surrounding property of the Grantor for any and all purposes connected with the necessary and proper installation, construction, maintenance, repair, replacement and inspection of such utilities. The easements granted herein also include the right, where applicable, of ingress and egress from and to said easements over the surrounding property of the Grantor for tapping into any said utilities.

Grantor, its successors, assigns and legal representatives shall have the right to use the parcels of land which are subject to the easements herein granted in any manner not inconsistent or interfering with these easement rights conveyed to the Grantee, excluding, however, the right to erect, construct or maintain within the permanent easement area any, buildings, structures, other permanent improvements or trees or large shrubs, without obtaining the prior written consent of the Grantee. Grantor specifically agrees that if it improves the easement area, it will indemnify and hold Grantee harmless from any damages which may result to said improvements should Grantee be required to work in, or otherwise utilize, the easement area.

Any damages or additional costs resulting to Grantee as a result of alternative uses of such land shall be the responsibility of and paid for by the Grantor. On each of these easements, Grantee shall have the right to trim or remove trees, shrubs, bushes and other vegetation or ground cover as necessary to install, maintain, repair and operate the utility facilities located therein.

The easements conveyed hereby include title to all pipes and structures and associated appurtenances located in or on the land conveyed or the land subject to the easements granted which are used in providing sanitary sewer.

TO HAVE AND TO HOLD said property and easements unto Grantee, its successors and assigns in accordance with the terms herein. Grantor hereby warrants and represents that it is the owner of the above-described property and has the authority to convey to the Grantee the property and easements set forth herein. Grantor shall warrant and forever defend all and singular the Property onto Grantee against the claims of all person whomsoever.

[signatures to follow]

IN WITNESS WHEREOF, Grantor has hereunto set his/her hand and seal on the day and year first above written.

SIGNED, SEALED, and DELIVERED

The Preserve at Sweetwater Property Owner, LLC, a Delaware limited liability company

IN THE PRESENCE OF

By: The Preserve at Sweetwater, LLC, as its Sole Member

Witness [Signature]

By: Alex Chalmers
Name: Alex Chalmers

Witness [Signature]

As its: Manager (SEAL)

State of ~~South Carolina~~ Minnesota)

Acknowledgement

County of Hennepin)

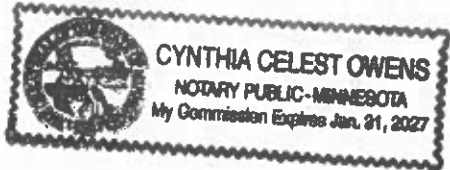
I, Cynthia Celest Owens, a notary public for the State and County aforesaid, do hereby certify that Alex Chalmers, on behalf of Grantor, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 20th day of July, 202³7.

Cynthia Owens
Notary Public

(Notarial Seal)

My commission expires: Jan 31st 2027



SIGNED, SEALED, and DELIVERED
IN THE PRESENCE OF

The City of North Augusta, South Carolina

[Signature]
Witness

By: [Signature]
Name: James S. Clifford
As its: City Administrator (SEAL)

[Signature]
Witness

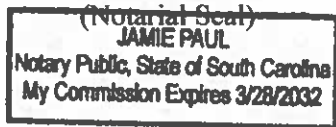
State of South Carolina)
County of Aiken)

Acknowledgement

I, Jamie Paul, a notary public for the State and County aforesaid, do hereby certify that James S. Clifford, on behalf of The City of North Augusta, South Carolina, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 24th day of July, 2022.

Jamie Paul
Notary Public
My commission expires: 3/28/2032



Consent and Subordination

The undersigned, Western Alliance Bank ("Lender"), being the holder of a Mortgage dated as of April 7, 2022 and recorded in the Office of the Register's Mesne Conveyance, Aiken County, South Carolina on April 11, 2022 in Book RB 5012, Page 2137 (such mortgage, as previously or hereafter amended, renewed, extended or continued from time to time is herein called the "Mortgage"), hereby consents to the foregoing Deed of Dedication and Easement ("Easement") and agrees that the Mortgage shall be subject and subordinate in all respects to the foregoing Easement. In the event of any foreclosure or acquisition of title to property secured by the Mortgage, or any portion thereof by Lender or any successor-in-interest to Lender, the foregoing Easement shall not be disturbed and shall remain in full force and effect, and Lender and its successors-in-interest will abide and be bound by the foregoing Easement and all of the terms and conditions thereof.

Dated as of this 26 day of July, 2023.

LENDER:
WESTERN ALLIANCE BANK

By: [Signature]
Name: **DANIEL B. REID**
As its: **SR. VICE PRESIDENT**

[Signature]
Witness

[Signature]
Witness

State of Arizona)
County of Maricopa)

Acknowledgement

I, Gail B. Geach, a notary public for the State and County aforesaid, do hereby certify that Daniel B. Reid, on behalf of Western Alliance Bank, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 26 day of July, 2023.

[Signature]
Notary Public
My commission expires: 3/5/2026

(Notarial Seal) 

CERTIFICATE OF TITLE

TO: CITY OF NORTH AUGUSTA

DATE: June 10, 2023

PROPERTY: Sanitary Sewer Easement – 3095 Burly Wood Glenn

TAX PARCEL NOS.: 010-11-10-001

THIS IS TO CERTIFY that I have caused to be examined the public records of Aiken County, South Carolina, relative to the above-referenced property, which is more fully described in that certain real estate deed executed by Sweetwater Townhome Development, LLC to The Preserve at Sweetwater Property Owner, LLC, and thereafter recorded in Deed Book 5012, at pages 2133 et. seq., said County records.

BASED UPON SUCH INVESTIGATION, it is my opinion that a good, fee simple, record, marketable title to subject property, free and clear of all liens, limitations and encumbrances is vested in The Preserve at Sweetwater Property Owner, LLC, subject to the exceptions hereinafter set forth:

TITLE EXCEPTIONS:

1. All matters as to survey, including, but not limited to, the exact amount of acreage contained within the parcel of any state of facts as would be disclosed by a more current survey and/or visual inspection of the subject premises.
2. Encroachments, overlaps, boundary line disputes, variation or shortages in area or content and any other matters which would be disclosed by any accurate survey and/ or visual inspection of the premises.
3. Rights or claims of parties in possession not shown on the public records.
4. Roads, streams, ways or easements or claims of easements not shown by the public records, riparian rights and title to any filled-in land.
5. Any lien, or right to a lien, for services, labor or materials heretofore or hereafter furnished, imposed by law and not shown by the public records.
6. Accruing 2023 City of Aiken and Aiken County real property taxes on Tax Parcel No. **010-11-10-003**, a lien not yet due and payable.
7. Construction Mortgage and Fixture Filing (with Assignment and Rents and Security Agreement) from The Preserve at Sweetwater Property Owner, LLC, a Delaware limited liability company to Western Alliance Bank, an Arizona corporation, dated as of April 7, 2022, filed for record April 11, 2022, in the Aiken County RMC Office in Deed Book 5012, Page 2137.

8. Right of Way Easement from Francis A. Stephens, Thomas J. Stephens and Laurie Stephens McElmurray to Colonial Pipeline Company, a Delaware corporation, dated April 25, 1963, filed for record May 7, 1963, at 12:00 Noon, recorded in Book MB-103, Page 233, aforesaid Records; as modified by that certain Right of Way Easement and Modification Agreement from P. Stephens McElmurray and William H. McElmurray to Colonial Pipeline Company, a Delaware corporation, dated August 6, 1992, filed for record October 14, 1992 at 10:15 a.m., recorded in Book 1351, Page 22, aforesaid Records; as further modified by that certain Right of Way Easement and Modification Agreement from W.H. McElmurray to Colonial Pipeline Company, a Delaware corporation, filed for record October 14, 1992 at 10:15 a.m., recorded in Book 1351, Page 28, aforesaid Records.

9. Easement from Francis Stephens to the South Carolina Electric & Gas Company, a South Carolina corporation, dated December 9, 1965, filed for record January 10, 1966, at 4:00 p.m., recorded in Book MB-83, Page 228, aforesaid Records.

10. Easement from Francis Stephens to the South Carolina Electric & Gas Company, a South Carolina Corporation, dated December 9, 1965, file for record June 10, 1966, at 4:00 p.m., recorded in Book MB-83, Page 517, aforesaid Records.

11. Easement and Agreement Regarding Road by and between B and H Land Co., LLC and Sweetwater Land Company, LLC dated October 19, 2005, filed for record October 20, 2005, at 11:10 a.m., recorded in Book 4024, Page 2199, aforesaid Records; as affected by that certain Extension Agreement by and between B and H land Co., LLC and Sweetwater Land Company, LLC dated October 9, 2006, filed for record October 24, 2006 at 11:25 a.m., recorded in Book 4096, Page 1668, aforesaid Records; as amended by that certain Amended and Restated Easement and Agreement Regarding Road by and between B and H Land Co., LLC and Sweetwater Land Company, LLC dated October 15, 2007, filed for record October 17, 2007 at 11:12 a.m., recorded in Book 4167, Page 1596, aforesaid Records; as further amended by that certain First Amendment to Amended and Restated Easement Agreement Regarding Road by and between Bright-Meyers NA, LLC and Sweetwater Land Company, LLC dated as of June 7, 2013, filed for record June 7, 2013 at 3:07 p.m., recorded in Book 4463, Page 1394, aforesaid Records.

12. Declaration of Covenants, Conditions and Restrictions for Sweetwater by B and H Properties, LLC, a South Carolina limited liability company, dated October 15, 2007, filed for record October 15, 2007, at 10:19 a.m., recorded in Book 4167, Page 204, aforesaid Records; as amended by that certain Amended and Restated Declaration of Covenants, Conditions and Restrictions for Sweetwater by and between B and H Land Co., LLC, a South Carolina limited liability company, Sweetwater Land Company, a South Carolina limited liability company, BSP Land, LLC, a South Carolina limited liability company and Bright-Meyers NA, LLC, a Tennessee Limited liability company, dated effective as June 7, 2013, filed for record June 7, 2013 at 3:07 p.m., recorded in Book 4463, Page 1399, aforesaid Records; but omitting any restriction based on race, color, religion, sex, handicap familial status, or national origin unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons.

13. Access and Utility Easement Agreement by and between B and H Land Co., LLC, a South Carolina limited liability company, Sweetwater Land Company, LLC, a South Carolina limited liability company and

Georgia Investments International, Inc., a Georgia corporation, dated October 15, 2007, filed for record October 17, 2007, filed for record October 17, 2007 at 11:12 a.m., recorded in Book 4167, Page 1607, aforesaid Records.

14. Utility Right-of-Way from ISoCar Investments, LLC to the South Carolina Electric & Gas Company, a South Carolina corporation, dated April 3, 2018, filed for April 12, 2018, at 1:18 p.m., recorded in Book 4715, Page 719, aforesaid Records.

15. Easement as contained in that certain Quit Claim Deed from Mid Town Station Development, LLC to Sweetwater Townhome Development, LLC, dated March 10, 2021, filed for record June 1, 2021, at 10:43 a.m., recorded in Book 4934, Page 1323, aforesaid Records.

NOTE: The above reference document is missing Exhibit "A" referred to therein. It appears that it may be a benefit to Sweetwater Townhome Development, LLC; however, grantor never owned any other property contiguous to subject property.

16. Those matters as disclosed by that certain survey entitled "ALTA/NSPS Land Title Survey To: Sweetwater Townhome Development, LLC, Synovus Bank, its successors and/or assigns as their respective interests may appear and Chicago Title Insurance Company", prepared by Southern Partners, Inc., bearing the seal and certification of William F. Todd, Jr., South Carolina Professional Land Surveyor No. 12844, dated October 28, 2021, being designated as SPI 28480-19, as follows:

- (a) Fences meandering along and crossing the northerly, easterly and southerly boundary lines of subject property;
- (b) Sanitary sewer line with manholes crossing the northerly and southerly boundary lines of subject property; and
- © Power lines with guy wires and poles crossing the southerly and easterly boundary lines of subject property.

17. Easement from Sweetwater Townhome Development, LLC to Dominion Energy South Carolina, Inc., a South Carolina corporation, dated December 6, 2021, filed for record December 29, 2021, at 11:11 a.m., recorded in Book 4988, Page 448, aforesaid Records.

18. Water Line Easement by and between ISoCar Investments, LLC, a Texas limited liability company and Sweetwater Townhome Development, LLC, a South Carolina limited liability company, dated March 23, 2022, filed for record March 29, 2022, at 9:15 a.m., recorded in Book 5009, Page 1123, aforesaid Records.

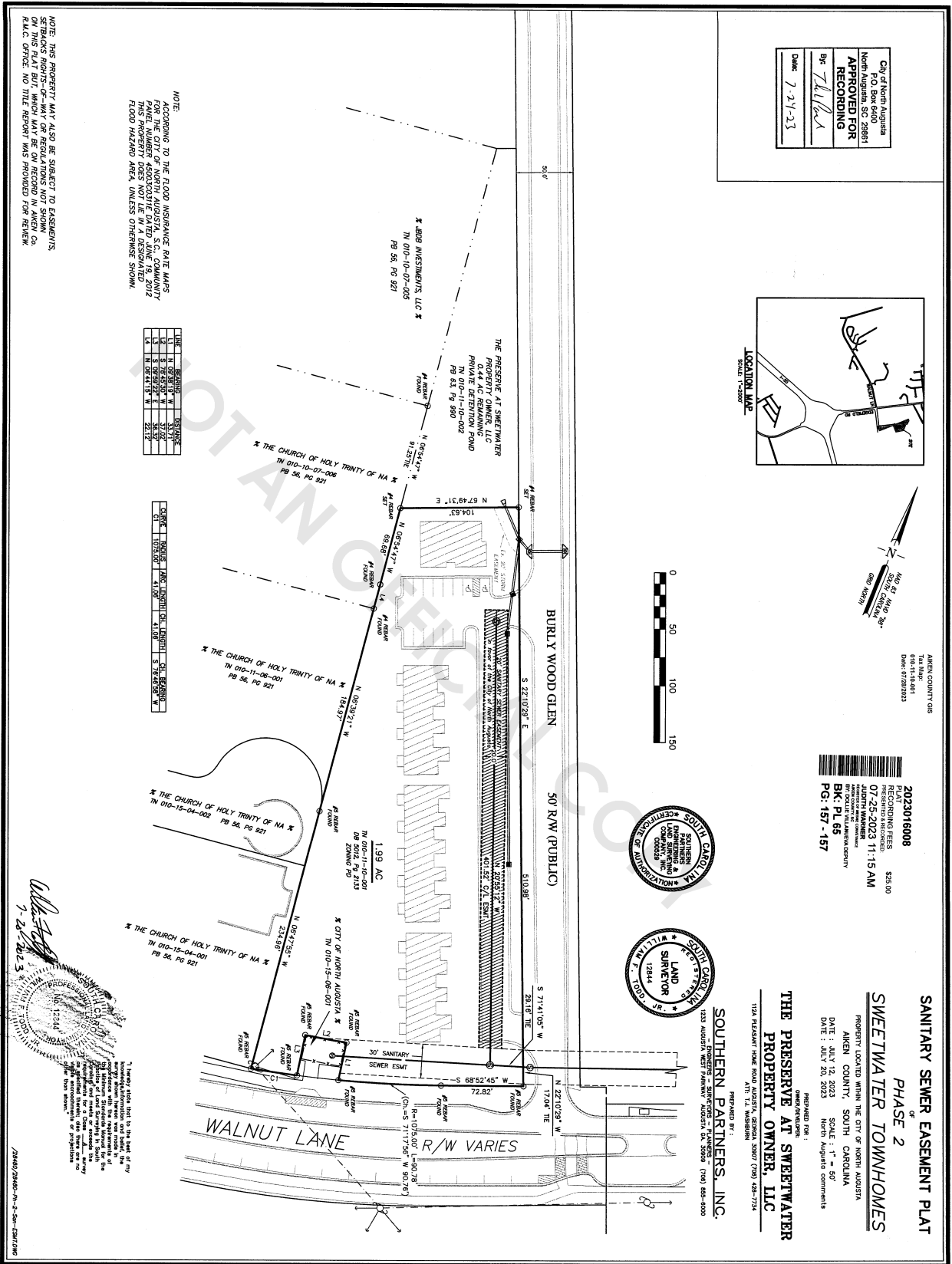
By: 

Michael L. Downing, Jr.
Examining Attorney

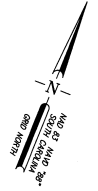
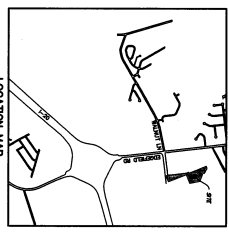
EXHIBIT "A"

A non-exclusive easement in perpetuity for the use, repair, and maintenance of utilities on and under that property designated and described as those tracts or parcels of land lying and being in Aiken County, South Carolina, being that certain "20' San. Sewer Easement" tract, as each of the same are shown on a plat dated July 12, 2023, prepared for Sweetwater Townhome Development, LLC by Southern Partners, Inc., which plat is recorded in the Office of the Register's Mesne Conveyance, Aiken County, South Carolina on July ~~12~~¹⁵, 2023 in Plat Book ~~65~~⁶⁵, Page ~~157~~¹⁵⁷, (the "Plat"). Reference is made to said Plat which is incorporated herein and made a part hereof for a more complete and accurate description of the metes, bounds, courses, distances, dimensions and location of said land.

K:\Data\ACAD\28000\28480-Sweetwater\Survey\28480-Ph-2-San-ESMT.dwg, 7/20/2023 11:55:01 AM, 1:50



City of North Augusta
 North Augusta, SC 29861
APPROVED FOR RECORDING
 By: *[Signature]*
 Date: 7-27-23



Aiken County GIS
 Title Map
 File: 07/28/2023
 Date: 07/28/2023

2023016008
 RECORDING FEES \$25.00
 PREPARED & RECORDED
 07-28-2023 11:15 AM
 Aiken County, South Carolina
 PUBLIC RECORDS DEPARTMENT
 1000 TOWN CENTER WILKINSON SQUARE
 Aiken, SC 29801
 PK PL 65
 PG. 157 - 157



SANITARY SEWER EASEMENT PLAT
 OF
PHASE 2
SWEETWATER TOWNHOMES
 PROPERTY LOCATED WITHIN THE CITY OF NORTH AUGUSTA
 AIKEN COUNTY, SOUTH CAROLINA
 DATE: JULY 12, 2023 SCALE: 1" = 50'
 DATE: JULY 20, 2023 North Augusta comments

PREPARED FOR:
 OWNER/CLIENT:
THE PRESERVE AT SWEETWATER
PROPERTY OWNER, LLC
 1124 MEADOW HOME ROAD AUGUSTA, GEORGIA 30907 (703) 488-7734
 ATT: T.J. WASSERMAN

PREPARED BY:
SOUTHERN PARTNERS, INC.
 ENGINEERS - SURVEYORS - PLANNERS
 1233 AUGUSTA WEST PARKWAY AUGUSTA, GA 30909 (703) 865-4000

NOTE: THIS PROPERTY MAY ALSO BE SUBJECT TO EASEMENTS, SETBACKS RIGHTS-OF-WAY OR REGULATIONS NOT SHOWN ON THIS PLAT BUT WHICH MAY BE ON RECORD IN AIKEN CO. P.L.C. OFFICE. NO TITLE REPORT WAS PROVIDED FOR REVIEW.

NOTE:
 ACCORDING TO THE FLOOD INSURANCE RATE MAPS FOR THE CITY OF NORTH AUGUSTA, S.C., COMMUNITY FLOOD HAZARD DOES NOT LIE IN AN AREA DESIGNATED FLOOD HAZARD AREA, UNLESS OTHERWISE SHOWN.

LINE	BEARING	DISTANCE
1	N 08°41'17" W	53.71
2	S 89°22'22" E	36.57
3	N 08°41'15" W	23.17

CHUNK	AREA	PERCENTAGE	AREA PERCENTAGE
01	0.0700	4.10%	3.76%
02	0.0700	4.10%	3.76%

[Signature]
 7-28-2023

"I, the undersigned, being duly sworn, depose and say that the foregoing is a true and correct copy of the original plat as recorded in the Public Records of Aiken County, South Carolina, and that the same was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer, Surveyor or Planner in the State of South Carolina."

28480-28480-Ph-2-San-ESMT.dwg