



**CITY COUNCIL**

**REGULAR AGENDA**

**OF**

**DECEMBER 19, 2016**





**CITY OF NORTH AUGUSTA**

**AGENDA: REGULAR CITY COUNCIL MEETING**

**December 19, 2016 – Municipal Center – 100 Georgia Avenue, 3rd Floor – 7:00 P.M.**

**CITIZEN COMMENTS:** Citizens may speak to Mayor and City Council on each item listed on this agenda. Mayor Jones will call for your comments prior to City Council discussing the matter. When speaking to Council, please step up to the microphone, give your full name and address, and direct your remarks to Mayor Jones.

**CITIZEN ASSISTANCE:** Individuals needing special assistance or sign interpreter to participate in the meeting, please notify the Administration Department 48 hours prior to the meeting.

1. **CALL TO ORDER:**
2. **INVOCATION AND PLEDGE OF ALLEGIANCE AND READING OF THE CHRISTMAS STORY:**
3. **ROLL CALL:**
4. **APPROVAL OF MINUTES:** Regular and Study Session Minutes of December 5, 2016  
Study Session Minutes of December 12, 2016

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

5. **STREETS AND DRAINS:** Deed of Dedication for Off-Site Sanitary Sewer Line Located at 107 Edgefield Road and Associated Easement from Silver Creek Valley, LP – Resolution
6. **PRESENTATIONS/COMMUNICATIONS/RECOGNITION OF VISITORS:**
  - A. Citizen Comments: At this time, citizens may speak to Mayor and City Council regarding matters not listed on the agenda.
  - B. Council Comments
7. **ADJOURNMENT:**



TO: Mayor and City Council

FROM: B. Todd Glover, City Administrator

DATE: December 16, 2016

SUBJECT: Regular City Council Meeting of December 19, 2016

**REGULAR COUNCIL MEETING**

**ITEM 5. STREETS & DRAINS: Deed of Dedication for Off-Site Sanitary Sewer Line Located at 107 Edgefield Road and Associated Easement from Silver Creek Valley, LP – Resolution**

A resolution has been prepared for Council's consideration to accept a deed of dedication for an off-site sanitary sewer line and associated easement from Silver Creek Valley, LP, along with a maintenance guarantee and cash deposit, from Robert Greg Kenrick.

Please see **ATTACHMENT #5** for a copy of the proposed resolution and supporting documentation.



**ATTACHMENT 5**

RESOLUTION NO. 2016-36  
ACCEPTING A DEED OF DEDICATION FOR AN OFF-SITE SANITARY SEWER  
LINE AND ASSOCIATED EASEMENT FROM SILVER CREEK VALLEY, LP, ALONG  
WITH A MAINTENANCE GUARANTEE AND CASH DEPOSIT,  
FROM ROBERT GREG KENRICK

WHEREAS, Robert Greg Kenrick renovated a Greg's Gas Plus convenience store at 107 Edgefield Road according to the requirements of the North Augusta Development Code and the City, and including an off-site sewer line and associated easement on adjacent property owned by Silver Creek Valley, LP; and

WHEREAS, pursuant to §5.6.5 of the North Augusta Development Code, the Director of Planning and Development and the City Engineer approved the minor site plan for Greg's Gas Plus on February 10, 2016; and

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

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

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

A non-exclusive easement in perpetuity for the use, repair, and maintenance of underground sewer lines on and under that property designated and described as "3361 S.F., 0.08 Acres, PERMANENT SANITARY SEWER EASEMENT" shown on that certain plat prepared by Southern Partners, Inc. for Robert Greg Kenrick dated February 16, 2016 which plat is recorded with the RMC of Aiken County in Plat Book, Page 154, etc.

TOGETHER WITH fee simple title to all sanitary sewer lines and apparatus located in, upon and under said PERMANENT SANITARY SEWER EASEMENT.

Tax Parcel Number 006-12-13-008 (portion of)

BE IT FURTHER RESOLVED that a Maintenance Guarantee and Cash Deposit in the amount of \$1,500.00 are hereby accepted.

RESOLUTION ACCEPTING DEED OF DEDICATION –  
ROBERT GREG KENRICK/SILVER CREEK VALLEY, LP

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DONE, RATIFIED AND ADOPTED BY THE MAYOR AND CITY  
COUNCIL OF THE CITY OF NORTH AUGUSTA, SOUTH CAROLINA, ON THIS  
\_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

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Lark W. Jones, Mayor

ATTEST:

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Donna B. Young, City Clerk



# Department of Planning and Development



**Memorandum # 16-38**

City of North Augusta

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

**From:** Scott Sterling, AICP, Director *Scott*

**Subject:** **Application Number MSP 15-013 – Deed of Dedication for Off-Site Sanitary Sewer Line – Robert Greg Kenrick, 107 Edgefield Road**

**Date:** December 5, 2016

The minor site plan for a renovation of the Greg's Gas Plus owned by Robert Greg Kenrick and located at 107 Edgefield Road was approved on February 10, 2016. The owner has completed all required utility improvements and requests that the City accept an off-site sanitary sewer line from the adjacent property owner, Silver Creek Valley, LP, along with an associated easement. The improvements to be dedicated to the City have been approved by the City Engineer. The attached dedication documents have been approved by the City Attorney.

The City may accept the off-site sanitary sewer line and associated easement for this commercial project. A draft resolution for the acceptance of the dedication is attached and a digital copy has been forwarded to the City Clerk.

Originals of the following documents are attached:

1. Deed of Dedication for the off-site sanitary sewer line and associated easement;
2. Maintenance Guarantee dated November 16, 2016 and valid for a period of 24 months (copy);
3. A cash deposit in the form of a Greg's Gas Plus corporate check in the amount of \$1,500.00 in support of the Maintenance Guarantee (check copy);
4. Title Certificate dated November 18, 2016; and
5. Easement plat approved by the City of North Augusta and recorded by the Aiken County RMC.

Please schedule the resolution accepting the Robert Greg Kenrick/Silver Creek Valley, LP deed of dedication for City Council consideration at the next available meeting.

Prepared By and Return To:  
KLOSINSKI OVERSTREET, LLP  
#7 George C. Wilson Court  
Augusta, Georgia 30909  
706-863-2255

STATE OF SOUTH CAROLINA  
COUNTY OF AIKEN

DEED OF DEDICATION  
AND EASEMENT  
(Sanitary Sewer Lines)

KNOW ALL MEN BY THESE PRESENTS, that SILVER CREEK VALLEY, L.P., a California limited partnership ("Grantor"), for and in consideration of the payment of ONE AND NO/100 DOLLAR (\$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 following described easement property:

See Exhibit "A" attached hereto.

TO HAVE AND TO HOLD all and singular the easement property before mentioned unto Grantee forever.

The terms "Grantor" and "Grantee" to include the plural as well as the singular, and heirs, legal representatives, successors and assigns, where the context so requires or admits. Any reference to one gender shall include the others, including the neuter. Such words of inheritance shall be applicable as are required by the gender of the Grantor and Grantee.

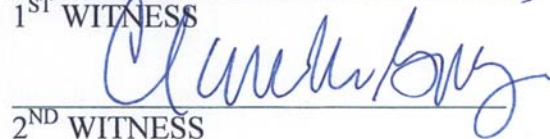
Witness the hand and seal of Grantor this day of Nov 29, 2016.

SILVER CREEK VALLEY, L.P.  
A California Limited Partnership

  
BY:

AS ITS: GENERAL PARTNER

  
1<sup>ST</sup> WITNESS

  
2<sup>ND</sup> WITNESS



SILVER CREEK VALLEY, L.P.  
A California Limited Partnership

[Signature]  
BY:  
AS ITS: GENERAL PARTNER

[Signature]  
1<sup>ST</sup> WITNESS

[Signature]  
2<sup>ND</sup> WITNESS

PROBATE

STATE OF California  
COUNTY OF Santa Clara

Before me personally appeared William B. Baron (1<sup>st</sup> witness) and made oath that (he/she) saw the within named SILVER CREEK VALLEY, L.P. sign, seal, and as its act and deed, deliver the within written Deed of Dedication and Easement; and that he/she with Claudia Gozalez (2<sup>nd</sup> witness) witnessed the execution thereof.

Sworn before me this 29 day of November, 2016.

[Signature] (1<sup>st</sup> witness)

[Signature] (Seal)  
Notary Public  
My Commission Expires:



Exhibit "A"

A non-exclusive easement in perpetuity for the use, repair, and maintenance of underground sewer lines on and under that property designated and described as "3361 S.F., 0.08 Acres, PERMANENT SANITARY SEWER EASEMENT" shown on that certain plat prepared by Southern Partners, Inc. for Robert Greg Kendrick dated February 16, 2016 which plat is recorded with the RMC of Aiken County in Plat Book 59, Page 154, etc.

TOGETHER WITH fee simple title to all sanitary sewer lines and apparatus located in, upon and under said PERMANENT SANITARY SEWER EASEMENT.

By acceptance of this deed, Grantee agrees that upon completion of any maintenance or repair of said sanitary sewer lines, Grantee shall promptly return any disturbed land to its pre- disturbed condition. Grantor reserves the right to relocate said sanitary sewer easements and the associated water and sanitary sewer lines and apparatus upon prior notice to Grantee.

STATE OF SOUTH CAROLINA

AFFIDAVIT FOR EXEMPT TRANSFERS

COUNTY OF AIKEN

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 known as a "PERMANENT SANITARY SEWER EASEMENT" on that certain plat prepared by Southern Partners, Inc. for Robert Greg Kendrick dated February 16, 2016 which plat is recorded with the RMC of Aiken County in Plat Book 59, Page 154, etc., is in Aiken County and is being transferred by Silver Creek Valley, L.P. to The City of North Augusta, South Carolina on \_\_\_\_\_.
- 3. The deed is exempt from the deed recording fee because (Information Section of Affidavit): See #2.

If exempt under exemption #14 as described in the Information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty? Check Yes \_\_\_\_\_ or No \_\_\_\_\_

4. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: **Grantor**

5. 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.

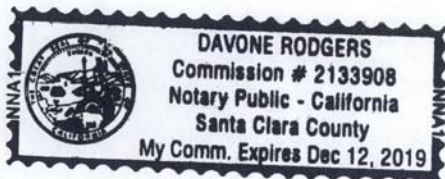
SILVER CREEK VALLEY, L.P.  
A California Limited Partnership

*Eric Brandenburg*

BY:  
AS ITS: GENERAL PARTNER

Sworn to before me this  
29 day of November, 2016

*Davone Rodgers* (Seal)  
Notary Public  
My Commission Expires: 12.12.19







### INFRASTRUCTURE IMPROVEMENTS SUBJECT TO THIS GUARANTEE

This maintenance guarantee shall extend to all infrastructure improvements 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. Sanitary sewer line and associated easement;

### 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 City's acceptance of this maintenance agreement, the improvements will not fail, for any reason, with the exception of force majeure;
- B. The Developer has submitted a cash deposit in the amount of \$1,500 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 cash deposit, 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 against the cash deposit provided for herein;
- B. The City may make claim against the full amount of the cash deposit, until such time as the City is able to make the necessary repairs to the infrastructure.
- C. Following the completion of the repairs to the infrastructure to the satisfaction of the City Engineer, any funds remaining from the cash deposit 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.

IN WITNESS WHEREOF, Robert Greg Kenrick has caused these presents to be executed this 16<sup>th</sup> day of November, 2016.

Lisa Thomas

WITNESS

By: R. Greg Kenrick

Print Name: R. Greg Kenrick

Penny D Barlow

WITNESS

ACCEPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

City of North Augusta

\_\_\_\_\_

WITNESS

By: \_\_\_\_\_

B. Todd Glover  
City Administrator

\_\_\_\_\_

WITNESS





P.O. BOX 6220  
NORTH AUGUSTA, SC 29861-6220  
(803) 819-9242

SECURITY FEDERAL  
NORTH AUGUSTA, SC 29841  
67-7182/2532

087968

11/16/2016

PAY TO THE ORDER OF CITY OF NORTH AUGUSTA

\$1,500.00

One Thousand Five Hundred and 00/100 \*\*\*\*\* DOLLARS

CITY OF NORTH AUGUSTA  
PO BOX 6400  
NORTH AUGUSTA, SC 29861-6400

VOID AFTER 90 DAYS

*R. Greg Keunk*

MEMO #2

⑈087968⑈ ⑆253271822⑆ 0208006509⑈

GREG'S GAS PLUS  
CITY OF NORTH AUGUSTA

Sewer Maintenance - Hold 24 months

11/16/2016

087968

1,500.00

Security Federal #2

1,500.00

COPY

November 18, 2016

VIA EMAIL DELIVERY

City of North Augusta, South Carolina  
ATTN: Thomas C. Zeaser, P.E.  
tzeaser@northaugusta.net

Re: Preliminary Opinion as to Real Property located at  
1402 Groves Boulevard, North Augusta, Aiken County, SC 29841  
Map & Parcel No.: 006-12-13-008

Dear Mr. Zeaser,

We are providing a Preliminary Title Opinion pursuant to your request secured by certain real property commonly known as a portion of 1402 Groves Boulevard, North Augusta, SC 29841 (the "Real Property") located in Aiken County, South Carolina, and more specifically described on Exhibit "A" attached hereto. This title opinion letter is issued November 18, 2016.

We certify that as of November 16, 2016, based on the indices to the public records pertaining to real estate maintained by the Clerk of Superior Court for Aiken County, South Carolina, that Silver Creek Valley, a California Limited Partnership, has fee simple title to the property more particularly described in the attached Exhibit A, subject only to the following exceptions:

1. Such state of facts as would be disclosed by a current and accurate survey of the premises.
2. Liens for improvements which are unrecorded and made within 90 days next preceding the date of this letter; rights of party in possession, if any; and all other matters which are not of public record which would be disclosed by a visual inspection of the premises.
3. Any claims or rights of any other person or persons not appearing as matters of record including rights of person in possession of property claiming adversely to record owner;

4. Easements granted to utility companies for the erection and placing of poles and the strings of wire, together with the incidental rights of clearing and inspection.
5. Right-of-Way Deeds in favor of governmental authorities for the purpose of constructing roads and roadways.
6. Any bankruptcy proceedings affecting the title to said property.
7. Any zoning laws or land use restrictions of said county and/or municipality.
8. Riparian rights of owners of property adjacent to any river, stream, branch, or any other waterway flowing into, arising or flowing from, or flowing through the subject property.
9. The names of married women as they appear in the chain of title and as furnished to the examining attorney; and such matters affecting title which are not indexed in such a manner that a reasonable prudent search would have revealed to the examiner.
10. No opinion rendered as to compliance with state and federal Interstate Land Sales Act, consumer credit protection, truth-in-lending laws, or any similar acts or laws; or compliance with any state or federal statutes or regulations as respects any potential environmental hazard or contamination of the property.
11. The existence of mineral or mining rights, privileges and interest in, under and upon the surface of the property under examination. While no record of any reservation of mineral rights, mining rights or claims on the surface or beneath the surface for the subject property were found to have occurred during the search period as indicated above, our examination contains to certification as to the current ownership of such rights, privileges and interest.
12. This letter excepts to any errors contained herein based on errors and omissions of court clerks and court employees and as to any matters incorrectly indexed or incorrectly recorded.
13. Subject to any and all applicable easements and restrictions of record.
14. 2016 North Augusta City taxes are not yet due and payable
15. 2016 Aiken County taxes are due by January 17, 2017 in the amount of \$55,972.55. 2017 Aiken County taxes are not yet due and payable.



16. Said property being subject to that certain Sanitary Sewer Easement Agreement given to the City of North Augusta, South Carolina recorded with the RMC of Aiken County in Book 4595, pages 1931-1942.
17. Easement granted to South Carolina Electric & Gas Company recorded in Vol. 232, Page 279, aforesaid Records.
18. Right of Way Easement granted to the Colonial Pipeline Company recorded in 103, Page 73, aforesaid Records.
19. Said property being subject to any and all easements, restrictions and covenants of record.

This letter makes no representation as to the condition of the land or its suitability for the purposes for which the land is being used at present. This letter is intended for the purpose of identifying the legal owner of said property, and any encumbrances of record in the County where the property is located which exist as of the date stated above. This preliminary opinion is based on the assumption that any documents of record upon which we have relied have each been duly authorized, properly executed, witnessed and delivered in accordance with the laws of the State of Georgia. This opinion is delivered solely for your benefit, and for the benefit of your successors and assigns and such regulatory agencies having jurisdiction over you. This opinion is preliminary and changes may be made by the Company until the final is provided.

Should you have any questions, please feel free to contact me.

Very truly yours,



Scott J. Klosinski

SJK/agb

Enclosure: Exhibit "A"

**EXHIBIT A**  
**PROPERTY DESCRIPTION**

A non-exclusive easement in perpetuity for the use, repair, and maintenance of underground sewer lines on and under that property designated and described as "3361 S.F., 0.08 Acres, PERMANENT SANITARY SEWER EASEMENT" shown on that certain plat prepared by Southern Partners, Inc. for Robert Greg Kendrick dated February 16, 2016 which plat is recorded with the RMC of Aiken County in Plat Book 59, Page 154, etc.

TOGETHER WITH fee simple title to all sanitary sewer lines and apparatus located in, upon and under said PERMANENT SANITARY SEWER EASEMENT.

City of North Augusta  
 P.O. Box 6400  
 North Augusta, SC 29861  
**APPROVED FOR RECORDING**  
 By: *[Signature]*  
 Date: 3/16/16

LINE	BEARING	DISTANCE
L1	S24°07'47"W	15.03'
L2	S65°52'04"E	20.05'
L3	S24°07'47"W	88.88'
L4	S56°36'25"E	62.22'
L5	S33°23'26"W	20.00'
L6	N56°36'25"W	79.20'
L7	N24°07'47"E	90.86'

AIKEN COUNTY GIS  
 Tax Map:  
 006-12-13-004  
 Date: 03/21/2016

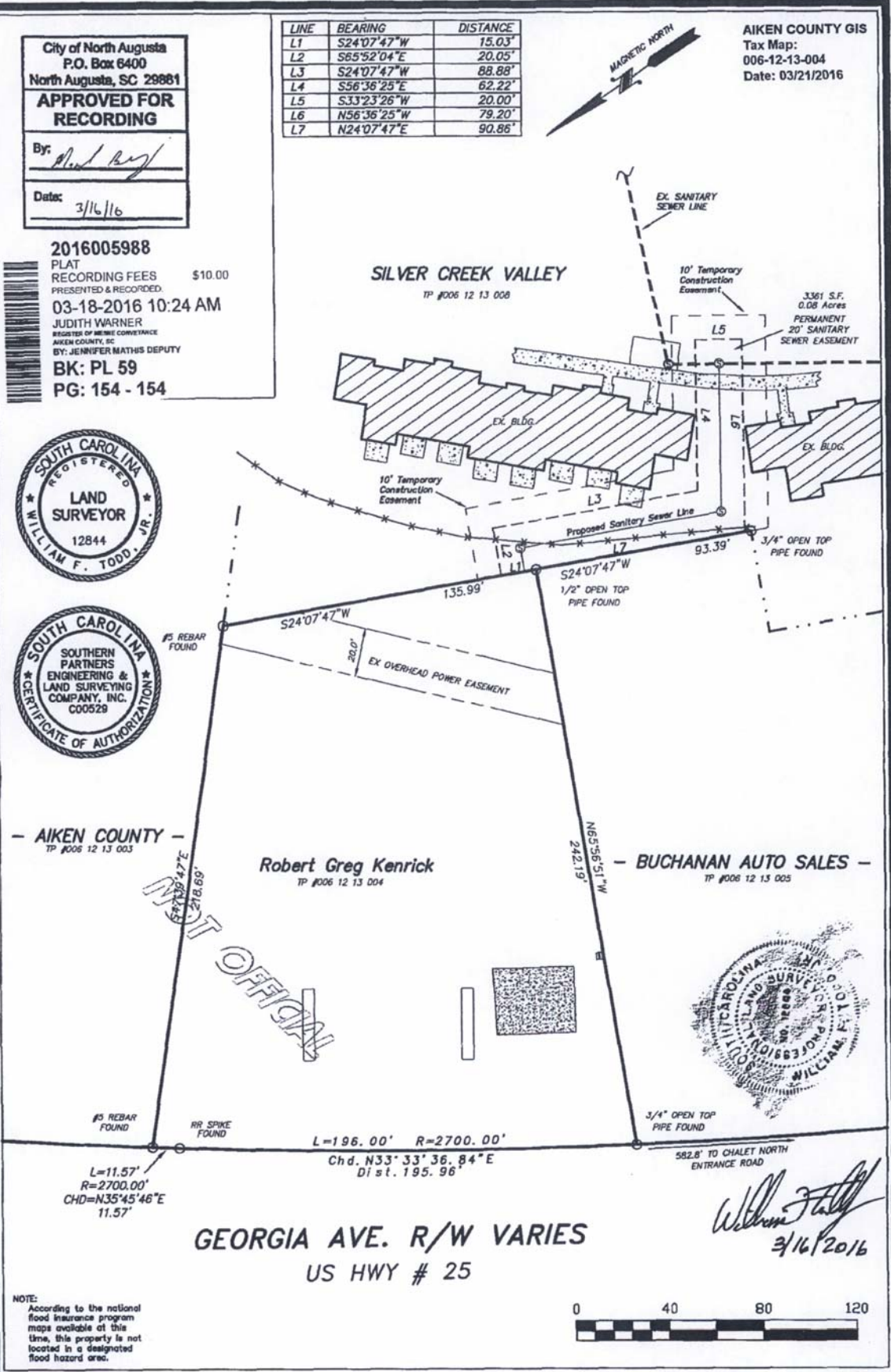
2016005988  
 PLAT  
 RECORDING FEES \$10.00  
 PRESENTED & RECORDED  
 03-18-2016 10:24 AM  
 JUDITH WARNER  
 REGISTERED PROFESSIONAL SURVEYOR  
 AIKEN COUNTY, SC  
 BY: JENNIFER MATHIS DEPUTY  
 BK: PL 59  
 PG: 154 - 154



AIKEN COUNTY  
 TP #006 12 13 003

Robert Greg Kenrick  
 TP #006 12 13 004

BUCHANAN AUTO SALES  
 TP #006 12 13 005



L=11.57'  
 R=2700.00'  
 CHD=N35°45'46"E  
 11.57'

L=196.00' R=2700.00'  
 Chd. N33°33'36.84"E  
 Dist. 195.96'

582.8' TO CHALET NORTH  
 ENTRANCE ROAD

**GEORGIA AVE. R/W VARIES  
 US HWY # 25**

*[Signature]*  
 3/16/2016

NOTE:  
 According to the national  
 flood insurance program  
 maps available at this  
 time, this property is not  
 located in a designated  
 flood hazard area.



EASEMENT PLAT	PREPARED FOR:	<b>Robert Greg Kenrick</b> 403 GEORGIA AVENUE NORTH AUGUSTA, SOUTH CAROLINA 29841	SCALE: 1" = 40'
	DESCRIPTION:	PROPERTY LOCATED IN THE CITY OF NORTH AUGUSTA NORTH AUGUSTA, (AIKEN COUNTY), SOUTH CAROLINA <b>Southern Partners, Inc.</b> ENGINEERS - SURVEYORS - PLANNERS 1233 ALBERTA WEST PARKWAY ALBERTA GEORGIA 30606 (770) 888-8888	DATE: 2-16-2016
			REV. DATE: DATE











