

Sponsor(s) : County Council
First Reading : February 7, 2023
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A
Second Reading : March 14, 2023
Public Hearing : April 4, 2023
Third Reading : April 4, 2023
Effective Date : Immediately

I, Kaela Brinson, Council Clerk,
certify that this Ordinance was
advertised for Public Hearing on
March 17, 2023.

ORDINANCE NO. 23-O-04

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[An Ordinance Authorizing Colleton County to Join with the Walterboro – Colleton County Airport Commission and the City of Walterboro in Conveying 26.5 Acres of a Portion of Real Property Identified by T.M.S. No. 132-00-00-018 to Fuller Properties, LLC.]

WHEREAS:

1. The Walterboro - Colleton County Airport Commission has determined that the real estate described hereinbelow is surplus to the needs for the purposes of the Act establishing the Walterboro - Colleton County Airport Commission and that there are no restrictions on the use or disposal of such real property under the deed from the United States of America; and
2. The Walterboro - Colleton County Airport Commission has determined that a desirable industry to be operated by Fuller Properties, LLC wishes to locate a facility upon the real estate described hereinbelow and that the establishment of the industry will be economically beneficial to the citizenry of the county and has requested the real estate described herein below be conveyed to Fuller Properties, LLC for a consideration of Two Hundred Twelve Thousand Three Hundred Eighty-Eight and no/100 Dollars (\$212,388), all by its resolution duly adopted; and
3. The Walterboro - Colleton County Airport Commission has determined that the real estate described hereinbelow should be conveyed to Fuller Properties, LLC for said consideration, subject to certain conditions and restrictions and has requested that the City of Walterboro and the County of Colleton join in a conveyance of the real estate described hereinbelow to Fuller Properties, LLC for said consideration, subject to certain conditions and restrictions, all by its resolution duly adopted.

NOW THEREFORE BE IT ORDAINED BY THE COLLETON COUNTY COUNCIL DULY ASSEMBLED THAT:

1. Colleton County joins with the City of Walterboro and the Walterboro-Colleton County Airport Commission in conveying to Fuller Properties, LLC, for a consideration of Two Hundred Twelve Thousand Three Hundred Eighty-Eight and no/100 Dollars (\$212,388), all by its resolution duly adopted the following described property:

Being a portion of the 60.8+- acre parcel of land being designated as Colleton County TMS No. 132-00-00-018 in which the fee-simple title therein is now jointly owned and held and vested in the names of the City of Walterboro f/k/a the Town

of Walterboro (A South Carolina Municipal Corporation) and the County of Colleton (A body politic and a corporate and political subdivision of the State of South Carolina), and pursuant to and in accordance with Act #584 of the General Assembly of the State of South Carolina of 1946, as amended by Act #789 of the General Assembly of the State of South Carolina of 1948 and by Act #21 of the General Assembly of the State of South Carolina of 1965 and by Act # 1031 of the General Assembly of the State of South Carolina of 1966 and by Act # 1150 of the General Assembly of the State of South Carolina of 1968, the above-described real property is subject and entrusted to the ongoing and continuing care and custody and management and supervision and control of the "Walterboro - Colleton County Airport Commission"; and the above-described real estate is a portion of the real property previously transferred and conveyed to the Town of Walterboro and the County of Colleton, as the Grantees, by a Quit Claim Deed from the United States of America acting by and through the Federal Works Agency, as the Grantor, dated January 29, 1947 and recorded on March 19, 1947 with the Colleton County Clerk of Court's Office in Deed Book 97, at Pages 43-45, and is also a portion of the real property previously transferred and conveyed to the Town of Walterboro and the County of Colleton, as the named Grantees, acting by and through the "Walterboro - Colleton County Airport Commission", by a Quit Claim Deed from the United States of America acting by and through the War Assets Administration, as the Grantor, dated April 18, 1947 and recorded on April 23, 1947 with the Colleton County Clerk of Court's Office in Deed Book 97, at Pages 117-123; and the above-described real estate is subject to the covenants and conditions and restrictions and reservations as stated and set forth in the aforesaid Quit Claim Deed dated 1/29/1947 and recorded on 3/19/1947 in Colleton County Deed Book 97, at Page 43, and as stated and set forth in the aforesaid Quit Claim Deed dated 4/18/1947 and recorded on 4/23/1947 in Colleton County Deed Book 97, at Page 117, and also as provided in and by and under the subsequent Modification Deed that was executed on September 25, 1950 by the United States of America acting by and through the Federal Security Administrator, as the Grantor, unto and in favor of the Town of Walterboro and the County of Colleton, South Carolina, as the Grantees, and that was thereafter recorded on November 8, 1950 with the Colleton County Clerk of Court's Office in Deed Book 105, at Page 431, and that thereby modified certain conditions and covenants and restrictions and reservations as contained in the above-referenced prior Quit Claim Deed dated 1/29/1947 and recorded on 3/19/1947 in Colleton County Deed Book 97, at Page 43; and the United States of America acting by and through the Administrator of General Services, as the Grantor, thereafter transferred and conveyed unto and in favor of the Town of Walterboro, South Carolina and the County of Colleton, South Carolina, as the Grantees, all coal and iron and oil and gas and other minerals in and on and upon the land as previously described in and by and under Colleton County Deed Book 97, at Pages 43-45, by the execution of a Quit Claim Deed dated September 13, 1966 and recorded on September 23, 1966 with the Colleton County Clerk of Court's Office in Deed Book 141, at Page 488.

2. The Deed conveying said property to Fuller Properties, LLC is to be made subject to such conditions, reservations and restrictions as the Walterboro-Colleton County Airport Commission determines to be appropriate.
3. The County Administrator is hereby authorized, empowered and directed on behalf of Colleton County to execute and deliver said Deed, and to execute such other documents as may be necessary or desirable in connection with the Conveyance of the property.
4. The proceeds from the sale of the property shall be retained by the Walterboro - Colleton County Airport Commission.
5. All provisions in other County Ordinances in conflict with this Ordinance are hereby repealed.
6. If any provisions of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this Ordinance are severable.

ATTEST:

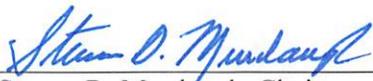


Kaela Brinson, Clerk to Council



Approved as to Form
Sean P. Thornton, County Attorney

SIGNED:



Steven D. Murdaugh, Chairman

COUNCIL VOTE: *Unanimous*
OPPOSED: