



ORDINANCE NO. 2024-05

CONSENTING TO THE CLOSURE AND TRANSFER OF A CERTAIN PORTION OF A ROAD, WHICH IS DESCRIBED IN CRE HOLDINGS LLLP V. CITY OF ORANGEBURG (SC), 2024-CP-38-00383, AS "TRACT B"; RESERVING CERTAIN PUBLIC USES AND/OR EASEMENTS TO THE CITY; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City Council ("Council") of the City of Orangeburg ("City") finds:

- (a) the City may claim some right, title, interest, in or to the property described as Tract B ("Road") in CRE Holdings LLLP v. City of Orangeburg (SC), 2024-CP-38-00383 ("Road Closure Proceeding");
- (b) presently or at some point in the past, the Road may have been, or been part of, a public way;
- (c) in the Road Closure Proceeding, CRE Holdings LLLP ("Plaintiff") is seeking to have the City close the Road and/or transfer any claim of right, title, interest, in or to the Road that the City may have to Plaintiff;
- (d) based on information contained in Plaintiff's complaint in the Road Closure Proceeding, Plaintiff owns all real property immediately adjacent to and accessed from either side of the Road;
- (e) to the best of the City's knowledge, the City maintains a sewer and an electrical easement on the Road and/or real property adjacent to the Road and desires to retain such easements or to retain such electrical easement and permit Plaintiff to obtain title to the sewer easement;
- (f) the Council has reviewed and considered the Road and abandonment and transfer of the same (with retention of easement(s)) in favor of the City, such that, no traffic would be permitted on the Road, which would not appear to impact any other adjacent real property owner; and
- (g) after weighing the information received and considering the impacts and the necessity for the closure and abandonment to ensure Plaintiff's quiet enjoyment of Plaintiff's real property;

NOW, THEREFORE, the Council ordains as follows:

Section 1. To the extent of any right, title, interest in or to the Road, the City hereby closes, abandons, and quits the City's claim in favor of Plaintiff, provided, however, the City reserves any and all easements and all other existing public uses, including legal access rights to the limit of the Road for any real property owners, other than Plaintiff, whose property abuts the Road and including the City's ability to repair, maintain, and expand and/or extend such uses, of the Road, including, for example, public utilities, and authorizes the City Administrator to execute a quit claim deed in favor of Plaintiff with such reservations and such other and further documents as may be necessary and prudent to effect this Ordinance's intent, provided that by accepting the deed from City, Plaintiff shall simultaneously convey individual, perpetual access and utilities easements to, and for the benefit of, the City, which easements shall be in recordable form, provided, further, however, in lieu of providing an easement for sewer, Plaintiff is entitled to obtain title to the existing sewer line located through and under the Road to the manhole intersection located on Bayne Street from the City.

Section 2. The City Administrator and designees are authorized and directed to participate in the Road Closure Proceeding to provide for such pleadings, motions, consents, and other court filings and such other and further documents as may be necessary and prudent to effect this Ordinance's intent and to conclude the Road Closure Proceeding as efficiently as reasonably prudent and possible.

Section 3. Nothing in this Ordinance shall be construed to impact any proceeding inchoate or pending in any court, or any rights acquired, or liability incurred, or any causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 4. All Ordinances, resolutions, orders, and parts thereof in conflict with this Ordinance, are to the extent of that conflict, repealed.

Section 5. This Ordinance shall take effect and be in full force upon enactment by the Council.

ENACTED BY the City Council on June 18, 2024, and effective immediately.

Mayor

Michael C. Bush

Members of Council

Danilo P. Quatt

L. Zimmerman Keith

Richard A. Stone

Richard A. Stone

Richard A. Stone

Richard A. Stone



Attest: Linda McDaniel
City Clerk

First Reading: June 4, 2024
Second Reading: June 11, 2024
Third Reading: June 18, 2024

EXHIBIT A
DEPICTION OF ROAD [TRACT B]
(TO BE CLOSED TO PUBLIC TRAFFIC AND ABANDONED IN FAVOR OF PLAINTIFF)

