

BEAUFORT COUNTY ORDINANCE NO.: 2005-27

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF COUNTY OWNED REAL PROPERTY TO THE LOWCOUNTRY HABITAT FOR HUMANITY, INC.

WHEREAS, the County of Beaufort is the owner of 0.537 acres of real property lying and being in the City of Beaufort, County of Beaufort, State of South Carolina and shown on a plat, more particularly designated as a portion of Block 135, City of Beaufort, containing 0.537 acres, more or less, and lying in the northeast corner of the intersection of Prince and Hamar Streets in the City of Beaufort, South Carolina, a more accurate and complete description as to courses, metes, distances and bounds, reference may be had to an individual plat prepared for the South Carolina Department of Mental Health by A.H. Schwacke, III, R.L. S. #13855, dated January 24, 1991, and which is incorporated by reference herein as if set forth verbatim ("the property.")

WHEREAS, LowCountry Habitat for Humanity, Inc., is a nationally recognized charitable non-profit corporation created and existing for the purposes of fostering, promoting, and constructing affordable and low-income housing; and

WHEREAS, the County of Beaufort by and through its Affordable Housing Committee is engaged in the proper, public and governmental function of fostering, promoting and constructing affordable and low- income housing; and

WHEREAS, the Beaufort County Council finds that a conveyance of "the property" herein described to the LowCountry Habitat for Humanity, Inc. in exchange for and conditioned upon the LowCountry Habitat for Humanity, Inc. constructing or causing to be constructed no less than four units of affordable and, or, low-income housing is in the public interest and furthers the governmental function of promoting the general health, welfare and economic prosperity of the citizens of the County of Beaufort, South Carolina; and

WHEREAS, S.C. Code Ann. §4-9-30(2) (1976, as amended) authorizes the County of Beaufort to sell or otherwise dispose of county owned real property pursuant to the provisions set forth in S.C. Code §4-9-120 and 4-9-130 (1976, as amended).

NOW, THEREFORE BE IT RESOLVED BY THE BEAUFORT COUNTY COUNCIL IN PUBLIC MEETING DULY ASSEMBLED:

SECTION 1. Based upon the foregoing, the Beaufort County Council finds it appropriate and in the best interests of the County to enact this ordinance for the purposes of authorizing the conveyance of the county owned real property described above to the LowCountry Habitat for Humanity, Inc. in exchange for and conditioned upon the LowCountry Habitat for Humanity, Inc. constructing or causing to be constructed no less than four units of affordable and, or, low-income housing on said property. The deed of conveyance to provide that as a condition of the

conveyance the LowCountry Habitat for Humanity, Inc. agrees that should it not use the conveyed land for construction of affordable and low-income housing with no less than four units, the property shall immediately revert to the County of Beaufort.

SECTION 2. This Ordinance was introduced and read at three (3) public meetings of the Beaufort County Council on three (3) separate days with an interval of not less than seven (7) days between the second and third readings and a public hearing was conducted upon timely and proper public notice all of which occurred on the dates shown below.

SECTION 3. The Beaufort County Administrator is authorized by this Ordinance to execute the documents necessary and proper to carry out the intent of this Ordinance.

SECTION 4: If any section, phrase, sentence or portion of this Ordinance is, for any reason, held, deemed or considered to be invalid, illegal, unenforceable, then such section, phrase, sentence or portion thereof shall be deemed separate, distinct and an independent provision and shall not affect the remaining portion thereof.

Adopted this 25th day of July, 2005.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: Wm. Weston J. Newton
Wm. Weston J. Newton, Chairman

APPROVED AS TO FORM:

Kelly J. Golden
Kelly J. Golden, Staff Attorney

ATTEST:

Suzanne M. Rainey
Suzanne M. Rainey, Clerk to Council

First Reading: By Title Only: March 28, 2005
Second Reading: April 11, 2005
Public Hearing: July 25, 2005
Third and Final Reading: July 25, 2005

4/8/05
NC
Staff Attorney

BEAUFORT COUNTY SC- ROD
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DATE: 10/13/2005 12:10:58 PM
INST # 2005087839 RCPT# 368521

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, THAT BEAUFORT COUNTY, in the State aforesaid, for and in consideration of the sum of ONE AND NO/100 (\$1.00) DOLLARS, to it in hand paid at and before the sealing of these presents by HABITAT FOR HUMANITY, INC. Post Office Box 1622, Beaufort, South Carolina 29901-1622, in the State aforesaid, for which the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, and by these Presents do grant, bargain, sell and release unto the said HABITAT FOR HUMANITY, INC, its Successors and assigns forever, the following described real property, to-wit:

SEE ATTACHED PROPERTY DESCRIPTION AS EXHIBIT "A"

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 said Premises before mentioned unto the said HABITAT FOR HUMANITY, INC its Successors and assigns forever and pursuant to the following reverter clauses:

The Grantee shall cause the conveyance of the real property subject to this deed of conveyance to be conveyed to the County of Beaufort, South Carolina upon the happening of any of the following events:

WHEREAS: Grantee fails to submit development plans to the City of Beaufort for site development approval for no less than four (4) affordable, low income houses within one (1) year of the date of this conveyance; and

WHEREAS: Grantee fails to substantially complete construction of not less than four (4) affordable, low income housing units within three (3) years of approval of the development plan by the City of Beaufort; and

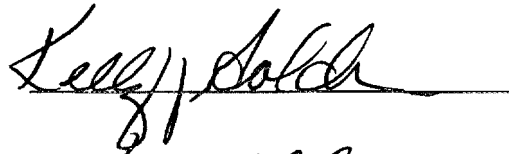
WHEREAS: If at least four (4) units of affordable housing are not completed in three (3) years after the City of Beaufort's approval, and any unused portion of the property immediately reverts to Beaufort County and Grantee shall cause a delivery of a deed for the unused portion of the property to be delivered to Beaufort County, South Carolina; and


WHEREAS: Grantee causes, permits or allows the real property subject to this deed to be leased, transferred or used for any purposes other than construction of not less than four (4) affordable, low income housing units written prior approval of Beaufort County, South Carolina.

AND, BEAUFORT COUNTY does hereby bind itself and its Successors, Assigns, Executors and Administrators, to warrant and forever defend, all and singular, the said Premises unto the said HABITAT FOR HUMANITY, INC, its Successors and Assigns, against BEAUFORT COUNTY and its Successors and Assigns, forever and all other persons lawfully claiming or to claim the same, or any part thereof.

WITNESS my Hand and Seal this 3rd day of October, 2005.

SIGNED SEALED AND DELIVERED
IN THE PRESENCE OF:





BEAUFORT COUNTY

 (SEAL)

By: Gary T. Kubic
Beaufort County Administrator

 (SEAL)

Attest: Suzanne M. Rainey
Clerk to Council

STATE OF SOUTH CAROLINA)
) ACKNOWLEDGMENT
COUNTY OF BEAUFORT)

I, Stacy D. Bradshaw, do hereby certify that Gary T. Kubic, as Beaufort County Administrator and Suzanne M. Rainey as Clerk to Council, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 13th day of October, 2005.

Stacy D. Bradshaw
Notary Public of South Carolina
My commission expires: **September 25, 2007**

EXHIBIT "A"

All that certain, piece, parcel or lot of land, with improvements thereon, situate, lying and being in the City of Beaufort, South Carolina being more particularly shown on a plat, more particularly designated as a portion of Block 135, City of Beaufort, containing 0.537 acres, more or less, and lying in the northeast corner of the intersection of Prince and Hamar Streets in the City of Beaufort. For a more complete description as to metes, bounds, courses and distances, referenced is made to a plat recorded in the Office of the Register of Deeds for Beaufort County in Deed Book 1285 at Page 1258.

This being the same property conveyed to within Grantors by deed of South Carolina Department of Mental Retardation by deed recorded in the Office of the Register of Deeds for Beaufort County in Records Book 1285 at Page 1254.

This deed was prepared by the law firm of Howell, Gibson and Hughes, P.A., Post Office Box 40, Beaufort, South Carolina 29901-0040 without the benefit of a title examination.

TMP: 120-3-157