

ORDINANCE NO. 2023-6

AN ORDINANCE FOR THE CITY OF FOREST ACRES, STATE OF SOUTH CAROLINA, APPROVING THE SALE OF PROPERTY LOCATED AT THE JUNCTION OF WOODLEIGH ROAD AND WITTERING DRIVE AND IDENTIFIED AS NX4329 WOODLEIGH ROAD, RICHLAND COUNTY TAX MAP NUMBER R13912-02-14.

WHEREAS, on or about August 2, 1973, David W. Robinson and others executed a quitclaim deed conveying to the Town of Forest Acres, now the City of Forest Acres, title to a parcel of real property located on the western side of the junction of Woodleigh Road and Wittering Drive, such parcel being currently identified in Richland County records as NX4329 Woodleigh Road, Tax Map No. R13912-02-14 (“the Parcel”); and,

WHEREAS, the aforementioned quitclaim deed from David W. Robinson and others to the Town of Forest Acres was recorded with the deeds office for Richland County on or before March 29, 1974, in Book D310 at Page 991; and,

WHEREAS, an unrecorded plat of the Parcel prepared for the City by Baxter Land Surveying Co., Inc., dated March 22, 2011, indicated that the Parcel is 0.218 acres in area, with width and road frontage of approximately fifty (50’) feet and depth of approximately one hundred ninety (190’) feet; and,

WHEREAS, City Council finds that the City does not make and, to the knowledge of City Council, has in the past not made any operational or public use of the Parcel, and the dimensions and other attributes of the Parcel render it inappropriate for any such operational or public use and generally limit its utility for any independent use or development; and,

WHEREAS, City Council finds that the Parcel has never been dedicated, established, or used as a public right-of-way; and,

WHEREAS, City Council finds that the City does not have any current or future need for the Parcel, and that the minimal value of the Parcel to the City, if any, does not justify the burdens and liabilities of retaining ownership; and,

WHEREAS, the owner of the neighboring property to the south identified as 4329 Woodleigh Road, Tax Map No. R13912-02-15, (“the Neighboring Owner”) has expressed interest in purchasing the Parcel from the City; and,

WHEREAS, the Neighboring Owner has provided to the City an appraisal report, prepared by a licensed appraiser approved by the City Attorney, estimating the market value of the Parcel to be \$8,800.00; and,

WHEREAS, City Council finds, upon diligent review of the referenced appraisal report and consideration of the value of the Parcel, that the aforementioned appraised value represents the fair, adequate, reasonably equivalent value of the Parcel; and,

WHEREAS, the City Council finds that it is in the best interest of the City of Forest Acres, and in the public interest, that the City convey the Parcel to the Neighboring Owner by quitclaim deed for the aforementioned appraised value.

NOW, THEREFORE, pursuant to the power vested in the Council by virtue of Sections 5-7-30, 5-7-40, and 5-7-260, South Carolina Code of Laws, 1976, as amended, and Section 2-102 of the City of Forest Acres Code of Ordinances:

BE IT ORDAINED BY THE CITY COUNCIL, City of Forest Acres as follows:

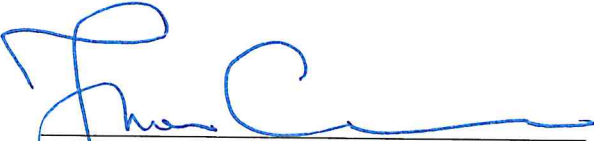
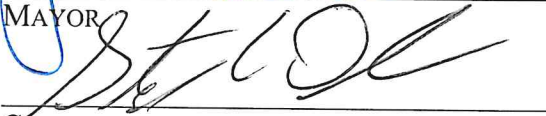
Section 1. City Council ratifies and approves the findings of fact recited above.

Section 2. City Council authorizes the sale of the Parcel (identified as approximately 0.218 acre located on the western side of the junction of Woodleigh Road and Wittering Drive, Richland County Tax Map No. R13912-02-14) to the owner of the abutting property to the south, for consideration to be paid to the City in the amount of the appraised value of **\$8,800**. The conveyance shall be made by quitclaim deed from the City of Forest Acres to **Katharine M. Hubbard, as Trustee of the Katharine M. Hubbard Revocable Trust dated December 11, 2000, as Amended** (“Buyer”), or to such other current record owner of such neighboring property as may be identified and approved by the City Attorney at the time of closing. The deed shall be executed by the Mayor on behalf of the City, attested to by the City Clerk, and approved as to form by the City Attorney, and shall include provision for reservation to the adjoining neighbor to the north of rights to any existing partial access drive encroachment. The City Attorney is authorized and directed to draft the deed and handle the closing of the conveyance, but all recording fees and taxes shall be the responsibility of the Buyer.

Section 3. If any one or more of the provisions of this Ordinance should be contrary to law, then such provision shall be deemed severable from the remaining provisions, and shall in no way affect the validity of the other provisions of this Ordinance.

Effective Date. The effective date of this ordinance shall be immediately upon its passage.

ORDAINED AND ENACTED under the Corporate Seal of the City of Forest Acres, State of South Carolina, this 25th day of July 2023.


MAYOR

COUNCILPERSON

Ben Nant
COUNCILPERSON

[Signature]
COUNCILPERSON

Dave D. Earl
COUNCILPERSON

ATTEST: [Signature] City Clerk

Approval of City Attorney as to form: William C. Dill

Person Requesting Ordinance: City Attorney

First Reading: June 13, 2023

Second Reading: July 25, 2023