

RESOLUTION R-2006-044

Release and Abandonment of A Portion of the City's Existing 15' Storm Drainage Easement Along Richland County TMS#16412-08-01& 02; Identified as 59 Hampton Springs Court & 55 Hampton Springs Court; CIP Project #SD8301; CF#250-217 & cf#196-17

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WHEREAS, storm drainage lines and easements were conveyed to the City of Columbia in the deed to storm drainage lines for Hamptonwood, Phase I from C. P. Development Co., Inc. on April 10, 2002 and recorded in the Office of the Register of Deeds for Richland County on April 11, 2002 in Record Book R-649, page 718; and,

WHEREAS, thereafter it was determined that the structure on property identified as 59 Hampton Springs Court encroached within the City's existing 15' storm drainage easement on the said property; and,

WHEREAS, private parties will modify the existing storm drainage by constructing a swale to channel the stormwater to the City of Columbia's storm drainage system which the City of Columbia will locate and construct in the new easements granted to the City of Columbia; and,

WHEREAS, private parties will cause that portion of the existing storm drainage line within the existing easement being released and abandoned hereby to be filled with flowable fill, removed or otherwise secured against failure or collapse as may be necessary to protect the encroaching structure from damage; and,

WHEREAS, the current owners of 59 Hampton Springs Court have agreed to and shall be responsible for maintaining the swale, and have bound themselves and their heirs and assigns to do so; and,

WHEREAS, new easements have been granted to the City of Columbia along 59 Hampton Springs Court and 55 Hampton Springs Court for modification of the existing storm drainage line to eliminate the said encroachment and accept the stormwater from the privately maintained swale; and

WHEREAS, a request has been made for the City of Columbia to release and abandon that portion of the existing storm drainage easement along the subject property where the swale is to be constructed and which will no longer be necessary for the operation and maintenance of the City of Columbia's storm drainage system on the aforesaid lot; NOW, THEREFORE,

BE IT RESOLVED by the Mayor and City Council this 10th day of January, 2007, for and in consideration of the sum of One (\$1.00) Dollar, each to the other paid, and the

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granting of storm drainage easements to the City of Columbia and the agreement of the current owners of 59 Hampton Springs Court and their heirs and assigns to be responsible for maintaining the swale, the receipt and sufficiency of which are hereby acknowledged, the City Manager is hereby authorized to execute a release and abandonment instrument from the City of Columbia that remises, releases and forever quitclaims unto KATHLEEN M. PLOWDEN & MARJORIE E. PLOWDEN (owners of 59 Hampton Springs Court) and GLENN C. MARCUS & MICHELLE G. MARCUS (owners of 55 Hampton Springs Court), their heirs, personal representatives, successors and assigns, that portion of the City of Columbia's existing 15' storm drainage easement along 59 Hampton Springs Court and 55 Hampton Springs Court, being more clearly shown on the drawing attached hereto and made a part hereof as Exhibits "A" and "B".

Said drawings also being on file in the Department of Utilities and Engineering under file reference #250-217.

Requested by:

Utilities and Engineering Department



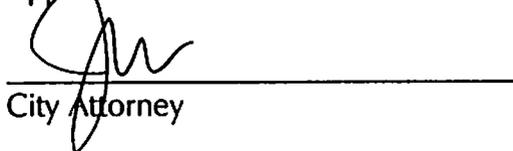
Mayor

Approved by:



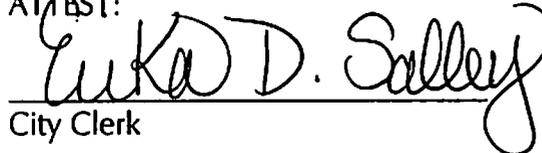
City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

Introduced: 1/10/2007

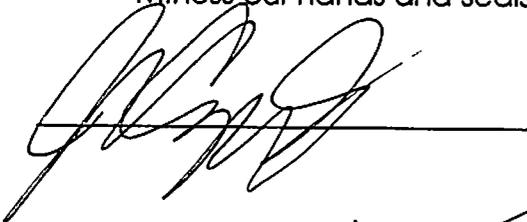
Final Reading: 1/10/2007

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

AGREEMENT

For and in consideration of the sum of One and no/100 (\$1.00) Dollar and the abandonment of an existing easement, the receipt of which and sufficiency of which is hereby acknowledged, the undersigned, being the current owners of 59 Hampton Springs Court (TMS# 16412-08-01), agree and hereby bind themselves and their heirs and assigns to be responsible for the operation and maintenance of a swale to be constructed on the aforesaid property. The undersigned further agree that the swale is located on privately owned property and shall not be and is not required to be operated or maintained by any public entity, including the City of Columbia unless agreed to in writing.

Witness our hands and seals this 8th day of December, 2006.



Kathleen Plowden
Kathleen M. Plowden



Marjorie E Plowden
Marjorie E. Plowden

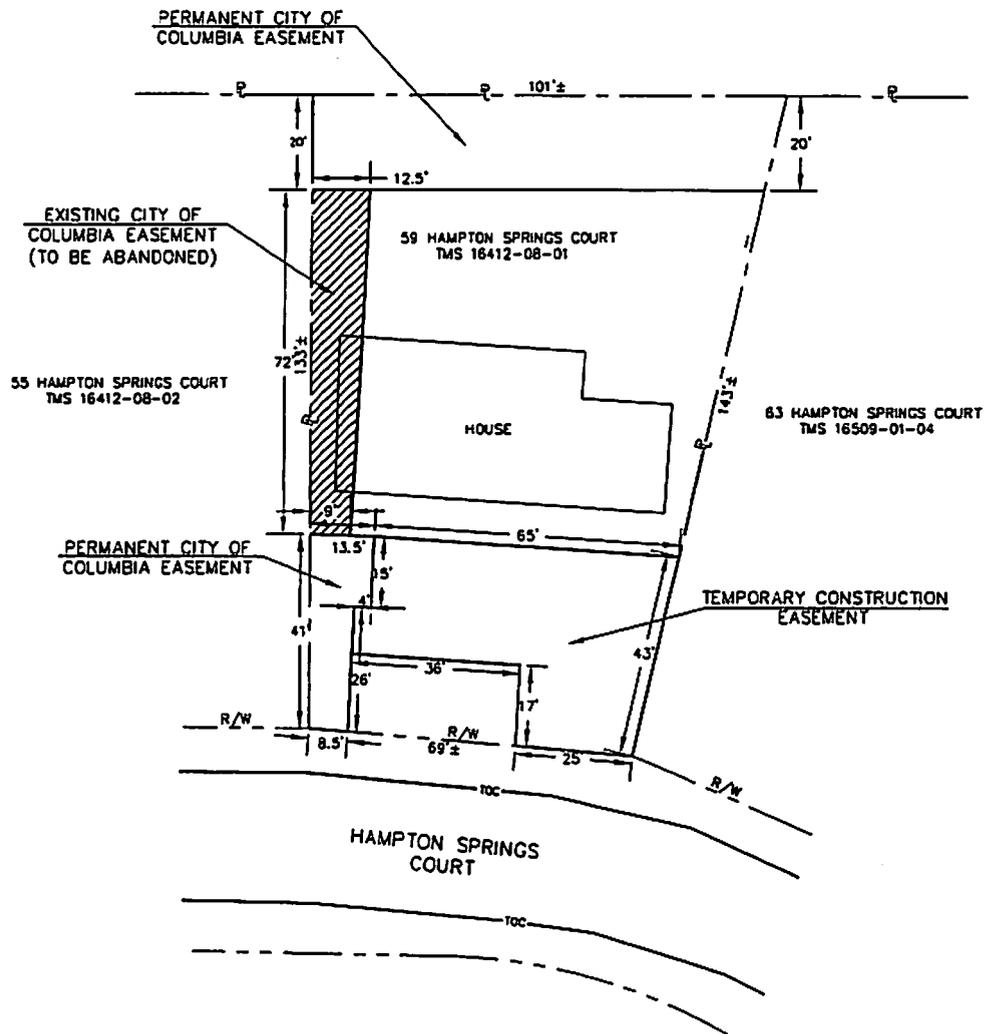
STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

ACKNOWLEDGMENT

The foregoing agreement was acknowledged before me this 8th day of December, 2006 by the within-named owners.

David C. McMichael
Notary Public for South Carolina

My Commission Expires: 8-31-08



N/F
 KATHLEEN M. PLOWDEN AND
 MARJORIE E. PLOWDEN
 59 HAMPTON SPRINGS COURT
 COLUMBIA, SC 29209
 TMS# 16412-08-01
 TOTAL PERMANENT EASEMENT=
 0.02 ACRES (TO BE ABANDONED)

DRAWING BASED ON COMPILATIONS ONLY.
 NO PROPERTY SURVEY PERFORMED.
 RICHLAND COUNTY TMS 16412; LATEST EDITION.

CF# 250-217

CITY OF COLUMBIA DEPARTMENT OF ENGINEERING COLUMBIA, SOUTH CAROLINA		
SCALE: NTS	APPROVED BY: <i>W. Bourne</i>	DRAWN BY: JPM
DATE: 10/13/06		
STORM DRAIN EASEMENT TO BE ABANDONED FOR 59 HAMPTON SPRINGS COURT		
PROJECT NO.: SD8301	DWG.No. 1 OF 2	
REVISION NO.:	DATE:	