

**STATE OF SOUTH CAROLINA
OCONEE COUNTY
ORDINANCE 2009-19**

**AN ORDINANCE AUTHORIZING THE TRANSFER OF INTEREST IN
CERTAIN OCONEE COUNTY REAL PROPERTY AND AUTHORIZING
THE EXECUTION AND DELIVERY OF AN ACCESS EASEMENT
AGREEMENT RELATED TO THE SAME; AND OTHER MATTERS
RELATED THERETO.**

WHEREAS, Oconee County, a body politic and corporate and a political subdivision of the State of South Carolina (the “County”), is the owner of that certain tract of land situate, lying and being in the County of Oconee, State of South Carolina, conveyed to the County by deed recorded in Book 15-0, Page 84, in the office of the Register of Deeds for Oconee County (“County Property”); and,

WHEREAS, Duke Energy Carolinas, LLC (“Duke Energy”) wishes to acquire from the County, a perpetual easement across, under, upon and over the County Property, at the Siren Easement Area, as defined below, to construct, maintain and operate a siren (the “Siren”), and to construct, operate and maintain across, under, upon, and over the Siren Easement Area all equipment and utility connections required by Duke Energy for the operation of the Siren, with such easement area being described as the “Siren Easement Area”, herein, containing 0.002 +/-acres, described as “Area Within Siren Easement = 100 SQ. FT. or 0.002 AC,” and the “Siren Access Easement Area”, as used herein, shall refer to those areas or parcels of land upon the Property containing 0.112+/-acres, described as “Area within Access Easement = 4,882 SQ. FT. or 0.112 AC” all as shown on a plat of survey entitled “Easement to be Acquired from Oconee County Regional Airport,” dated May 5, 2008, marked MAP: 001514-373093, attached hereto as Exhibit A and incorporated herein by reference; and,

WHEREAS, in consideration of the good and valuable consideration as stated in the easement agreement, attached hereto as Exhibit B and incorporated by this reference (“Easement Agreement”), the County desires to declare, create and establish a perpetual easement upon, over, through and across the Siren Access Easement Area and the Siren Easement Area for the benefit of Duke Energy by execution and recording of the Easement Agreement; and,

WHEREAS, the County further desires to grant to Duke Energy, the United States Nuclear Regulatory Commission, the United States Department of Homeland Security, the Federal Emergency Management Agency, the South Carolina Department of Health and Environmental Control, and the Institute of Nuclear Power Operations a perpetual easement across and upon the Siren Easement Area and the Siren Access Easement Area for the benefit of Duke Energy, the United States Nuclear Regulatory Commission, the United States Department of Homeland Security, the Federal Emergency Management Agency, the South Carolina Department of Health and Environmental Control, and the Institute of Nuclear Power Operations for the purpose of testing or sounding the Siren, by execution and recording of the Easement Agreement; and,

WHEREAS, Section 4-9-30(2) of the Code of Laws of South Carolina, 1976, as amended, (the “Code”) authorizes the County to transfer or otherwise dispose of interests in real property.

NOW, THEREFORE, be it ordained by Oconee County Council, in meeting duly assembled, that:

1. Oconee County Council authorizes the conveyance to Duke Energy, the United States Nuclear Regulatory Commission, the United States Department of Homeland Security, the Federal Emergency Management Agency, the South Carolina Department of Health and Environmental Control, and the Institute of Nuclear Power Operations of those certain easement interests across the County Property as are more particularly described in the Easement Agreement.
2. The Oconee County Administrator is hereby authorized and directed to execute the Easement Agreement, and to take all other steps and actions as are necessary or appropriate to transfer said easement interests in the County Property to Duke Energy, the United States Nuclear Regulatory Commission, the United States Department of Homeland Security, the Federal Emergency Management Agency, the South Carolina Department of Health and Environmental Control, and the Institute of Nuclear Power Operations, respectively.
3. Should any portion of this Ordinance be deemed unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such determination shall not affect the remaining terms and provisions of this ordinance, all of which are hereby deemed separable.
4. All orders, resolutions, and enactments of Oconee County Council inconsistent herewith are, to the extent of such inconsistency only, hereby repealed, revoked, and rescinded.
5. This ordinance shall take effect and be in full force and effect from and after third reading and enactment by Oconee County Council.

ORDAINED in meeting, duly assembled, this ___ day of ___, 2009.

FOR OCONEE COUNTY:

Reginald T. Dexter, Chairman
Oconee County, South Carolina

ATTEST:

Elizabeth G. Hulse
Oconee County Clerk to Council

First Reading:
Second Reading:
Public Hearing:
Third Reading: