

**STATE OF SOUTH CAROLINA  
COUNTY OF OCONEE  
ORDINANCE 2009-011**

**AN ORDINANCE AUTHORIZING THE TRANSFER OF  
CERTAIN OCONEE COUNTY REAL PROPERTY;  
AUTHORIZING THE EXECUTION AND DELIVERY OF A  
REAL PROPERTY DEED 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”), acquired certain real property located in the City of Seneca, Oconee County, South Carolina, pursuant to two deeds from Myra M. Lindemann (hereinafter, “Grantor”) to the County, which were recorded in Oconee County Deed Book 10-V, Page 249, on July 16, 1970 and Oconee County Deed Book 11-L, Page 239, on September 5, 1972, which deeds conveyed certain real property (the “Real Property”) to Oconee County for use as a museum, art gallery, or other suitable purpose; and,

**WHEREAS**, the County has ceased to use the Real Property for the purpose(s) stated in the deed in question; and,

**WHEREAS**, the City of Seneca, Oconee County, South Carolina (the “City”), desires to use the Real Property in question for purposes similar to or consistent with the original intent of the Grantor; and,

**WHEREAS**, the deed recorded in Oconee County deed book 10-V, page 249, on July 16, 1970, purports to include a reverter clause, indicating that the Real Property in question would revert back to Myra M. Lindemann or her heirs if Oconee County ceased using the Real Property for the purposes stated in the deed; and,

**WHEREAS**, by order of the Court of Common Pleas for the Tenth Judicial Circuit, the Honorable J. Cordell Maddox, Jr., presiding, judicial determination has been made that the sole heir (the “Heir”) of Myra M. Lindemann is Charles F. Finley, Jr., and the Heir is the sole beneficiary, if any, of the purported reverter clause in the aforesaid deed; and,

**WHEREAS**, while it is the desire of Oconee County to transfer the Real Property to the City, for continued public use, it may be necessary, because of prior commitments of the City, to transfer the Real Property to the Heir to then be conveyed by the Heir to the City; and,

**WHEREAS**, Oconee County Council hereby finds and determines that it is in the County’s best interest to convey the Real Property to or for the benefit of the City, for the purposes noted herein, if the City is able to resolve all legal issues associated with the City’s continued public use of the Real Property for public purposes, including resolving any potential residual claims associated therewith; and,

**WHEREAS**, accordingly, Oconee County, acting by and through its County Council, hereby desires to authorize the conveyance of the Real Property for continued use for public purposes as set forth herein:

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

1. Oconee County Council hereby authorizes the transfer of the Real Property to or for the benefit of the City, for the reasons and purposes described herein. If the Real Property

must first be transferred by Oconee County to the Heir, such transfer must be conditioned on the Real Property then being simultaneously conveyed by the Heir on to the City, as part of the same transaction, to be used for public purposes, it being a specific and essential part of the consideration for the conveyance of the Real Property by Oconee County that the Real Property be used by the City for public purposes.

2. The Oconee County Administrator and the Chairman of Oconee County Council are hereby authorized and directed to execute a Limited Warranty Deed in the name of Oconee County, South Carolina, for the above-referenced Real Property, and to take all of the steps and actions as are necessary or appropriate to transfer the Real Property, for the purposes and as described herein, and subject to resolving any legal issues associated therewith to the satisfaction of the Administrator, the Chairman and the County Attorney.
3. Should any part or provision of this Ordinance be deemed unconstitutional or unenforceable by any court of competent jurisdiction, such determination shall not affect the rest and remainder of this Ordinance, all of which is hereby deemed separable.
4. All ordinances, orders, resolutions, and actions 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 19<sup>th</sup> day of May, 2009.

**FOR OCONEE COUNTY:**

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Reginald T. Dexter  
Chairman, District V

**ATTEST:**

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Elizabeth G. Hulse  
Oconee County Clerk to Council

First Reading: April 14, 2009  
Second Reading: April 21, 2009  
Third Reading: May 5, 2009  
Public Hearing: May 19, 2009