

*MINUTES OF
Budget and
Control Board
Meeting
May 3, 1985*

026795

MINUTES OF STATE BUDGET AND CONTROL BOARD MEETING

MAY 3, 1985

4:15 P. M.

TELEPHONE CONFERENCE CALL

The Budget and Control Board met by means of a telephone conference call originating from Room 601 of the Wade Hampton Office Building at 4:15 p.m. on Friday, May 3, 1985, with the following members participating:

Governor Richard W. Riley, Chairman (represented by Executive Assistant Katherine M. Hepfer);
Mr. Earle E. Morris, Jr., Comptroller General (represented by Executive Assistant Nell Abston);
Senator James M. Waddell, Jr., Vice Chairman, Senate Finance Committee (represented by staff member Myron Terry);
Representative Tom G. Mangum, Chairman, House Ways and Means Committee.

Mr. Grady L. Patterson, Jr., State Treasurer, did not participate.

Board Secretary William A. McInnis also participated in the meeting.

GENERAL SERVICES: RIGHT-OF-WAY EASEMENT (TOWN OF LYMAN)

Secretary McInnis advised the members that the easement request is a routine one insofar as he knows except that the sewer line to be located across the Middle Tyger River will serve an industrial park developed by a subsidiary of the Liberty Corporation. He also indicated that the Liberty Corporation is assisting the Town of Lyman in financing the construction of the sewer line. He also advised that the Division of General Services had indicated that the easement request was rejected initially by the Attorney General's Office because the pipeline did not provide adequate clearance above the water level in the Middle Tyger River. As a result, the project was redesigned to provide acceptable clearance and the Attorney General's Office now has agreed to the request.

Mr. McInnis advised that Senator Waddell and Mr. Morris both had indicated their intentions to vote favorably on the request and expressed their regrets that they would be unable to participate in the conference call.

Following this discussion, upon a motion by Representative Mangum, seconded by Governor Riley (through Executive Assistant Hepfer), the Board granted an easement to the Town of Lyman for the purpose of constructing, installing, operating and maintaining a ten-inch ductile sewer line across the Middle Tyger River, near the Town of Lyman, in Spartanburg County.

026796

Minutes of State Budget and Control Board Meeting
Regular Session -- May 3, 1985 -- Page 2

Information relating to this matter has been retained in these files and is identified as Exhibit 1.

The meeting was adjourned at approximately 4:20 p.m.

[Secretary's Note: In compliance with Section 9 of Act 593 of 1978 (the Freedom of Information Act), public notice of and the agenda for this meeting were posted on bulletin boards in the office of the Governor's Press Secretary in the State House, near the Board Secretary's office in the Wade Hampton Building, and in the lobby of the Wade Hampton Office Building at 4:15 p.m. on Thursday, May 2, 1985.]

026797

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

EASEMENT

THIS EASEMENT, made and entered into this 30th day of April, 1985, by and between the State of South Carolina, Budget and Control Board, as Grantor (hereinafter "STATE"), and the Town of Lyman, as Grantee (hereinafter "TOWN").

WITNESSETH

WHEREAS, TOWN is a municipality existing under the laws of the State of South Carolina. TOWN's mailing address is 59 Groce Street, Lyman, South Carolina 29365, and

WHEREAS, TOWN proposes to construct, install, operate, and maintain a 10" ductile sewer line across the Middle Tyger River, near the town of Lyman, Spartanburg County, South Carolina. The sewer line and easement area are more particularly shown and delineated on a drawing entitled "TOWN OF LYMAN, PROPOSED SEWER LINE, MIDDLE TYGER RIVER, SPARTANBURG COUNTY, S.C.", by Blackwood Associates, Inc., Engineers, dated January 18, 1985, revised April 16, 1985, sheet 1 of 1, which is attached hereto and incorporated herein by reference as Exhibit A.

WHEREAS, pursuant to Section 1-11-90 of the South Carolina Code of Laws, 1976, as amended, the STATE is empowered to grant certain rights-of-way or easements through and over riverbeds and marshlands for construction, installation, operation, and maintenance of sewer lines over, on, or under such land or marshland as are owned by the STATE; and

026798

WHEREAS, TOWN is desirous of obtaining the hereinafter described easement through and over riverbeds and marshlands in Spartanburg County, and the STATE considers the granting of such an easement to be in the public interest.

NOW, THEREFORE, the STATE as Grantor, in consideration of the sum of One (\$1.00) Dollar and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant, remise, and release unto TOWN, its successors and assigns, a right-of-way easement in, to, upon and over the below described portion of riverbed and marshland; such riverbed and marshland situate in Spartanburg County and lying below the mean high water line.

This Easement of right-of-way shall be used solely for the purposes incidental with the construction, installation, operation and maintenance of said 10" ductile sewer line. The easement area is more particularly described as follows:

Beginning at pump station 0+00 and running north 54 degrees 34 minutes east a distance of 30.0'; thence south eighty-eight degrees 35 minutes east a distance of 15.0' to a point at the top of the west bank of the Tyger River; thence continuing on the same bearing, south eighty-eight degrees 35 minutes east, a distance of 64.0' to a point at the top of the east bank of the Tyger River. The total length of the right-of-way is 64', and the width of the right-of-way is 30' (20' north and 10' south).

The easement area is bounded on the west by property of the Town of Lyman, and on the east by property of Spartan Mills and is more particularly shown and delineated on a drawing entitled "TOWN OF LYMAN, PROPOSED SEWER LINE, MIDDLE TYGER RIVER, SPARTANBURG COUNTY, S.C.", by Blackwood Associates, Inc., Engineers, dated January 18, 1985, revised April 16, 1985, sheet 1 of 1, which is attached hereto and incorporated herein by reference as Exhibit A.

This easement of right-of-way is subject to all easements and rights-of-way of record or which may be revealed by inspection of the property and extends only to the STATE's prima facie ownership.

TOWN hereby agrees and covenants with the STATE that TOWN, its successors and assigns, shall not block or obstruct navigable waters or cause unreasonable adverse impact on fish, wildlife, or water quality in its use of the easement area. TOWN shall use the easement area solely for the purposes incidental with the construction, installation, operation, and maintenance of said 10" ductile sewer line and shall maintain such easement area and sewer line in good condition.

TOWN further agrees and covenants that TOWN shall indemnify and hold harmless the STATE from and against any and all liabilities, claims, causes of action and expenses including, but not limited to, reasonable costs and attorney fees resulting in personal injury or death to any person or persons or damage to any property at any time that arises from or is incident to the construction, installation, operation, maintenance, or use of the easement granted herein.

In the event of major maintenance, after construction, affecting the bed of the waterway, the South Carolina Coastal Council and the South Carolina Water Resources Commission shall be notified in writing prior thereto.

TOWN WILL COMPLY WITH AND BE BOUND BY ANY AND ALL APPLICABLE STATE STATUTES, REGULATIONS, AND TERMS AND CONDITIONS OF ANY PERMITS OR AGREEMENTS CONCERNING THIS PROJECT AND ANY AND ALL LANDS AND WATEPS INVOLVED THEREWITH.

This Easement may be terminated by the STATE, in its discretion and such interests as the STATE may have shall revert to the STATE if TOWN, its successors and assigns: (1) quits and abandons all use of such sewer line, in which case this easement of right-of-way shall terminate thirty (30) days after the date of such abandonment; or (2) continues an uncorrected violation or breach of any of the terms and conditions herein.

It is further understood and agreed that this easement is not to be construed as an easement granted to the exclusion of the STATE or to others later granted a similar right.

IN WITNESS WHEREOF, this instrument is being executed in accordance with the action of the South Carolina Budget and Control Board at its meeting held on the 3 day of May, 1985.

WITNESSES:

Kathleen M. Hepper
William A. McInnis

STATE OF SOUTH CAROLINA
BUDGET & CONTROL BOARD

BY: Richard W. Riley
Governor Richard W. Riley

TOWN OF LYMAN

Shelba G. Geddis
Jiffy B. Randolph

BY: William H. Groce
William H. Groce, Mayor

ATTORNEY GENERAL'S OFFICE

Approved: Kenneth P. Wingo

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

PERSONALLY appeared before me William A. McInnis
and made oath that he/~~she~~ saw the within named State of South
Carolina, Budget and Control Board, by Governor Richard W. Riley,
sign, seal, and as its act and deed deliver the within written
easement, and that he/~~she~~, along with Katherine M. Hepfer
witnessed the execution thereof.

William A. McInnis

SWORN to before me this 6th

day of May, 1985

Dorinda K. Williams (L.S.)
Notary Public for South Carolina

My Commission expires: 5/3/89

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

PERSONALLY appeared before me Shelba A. Geddis
and made oath that he/she saw the within named Town of Lyman by
its Mayor, William H. Groce, sign, seal, and as its act and deed
deliver the within written easement, and that he/she, along with
Jeffrey B. Randolph, witnessed the execution thereof.

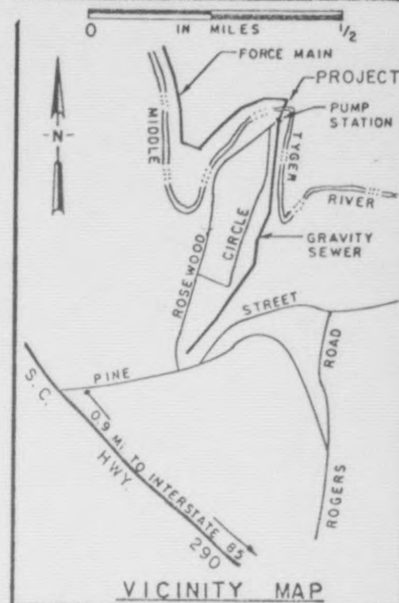
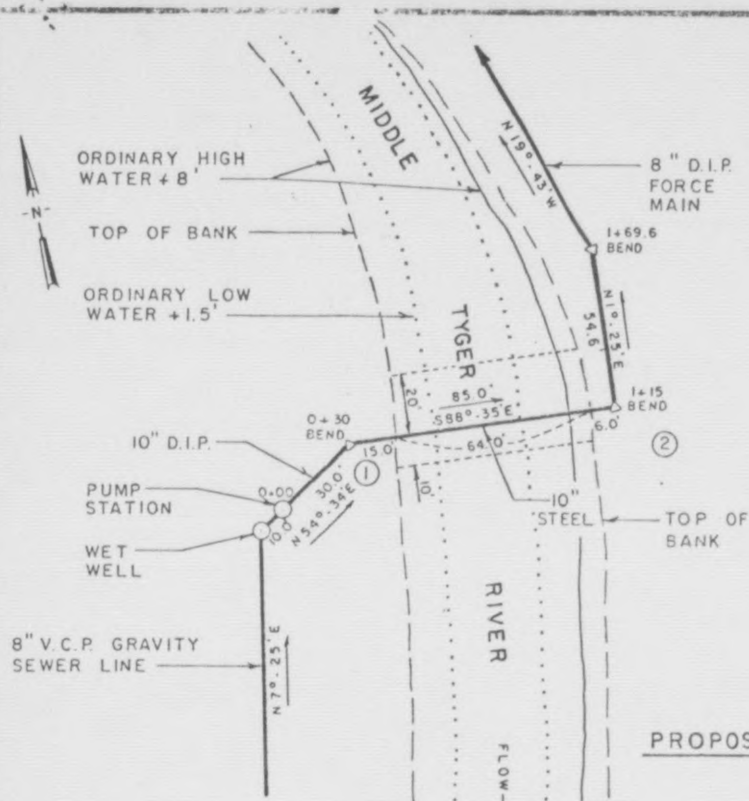
Shelba A. Geddis

SWORN to before me this 30th

day of April, 1985

John V. Stewart (L.S.)
Notary Public for South Carolina

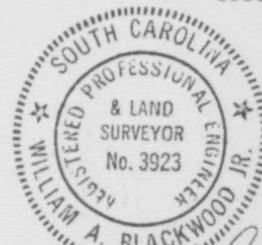
My Commission expires: 5-25-91



PROPOSED SANITARY SEWER LINE

ADJACENT PROPERTY OWNERS

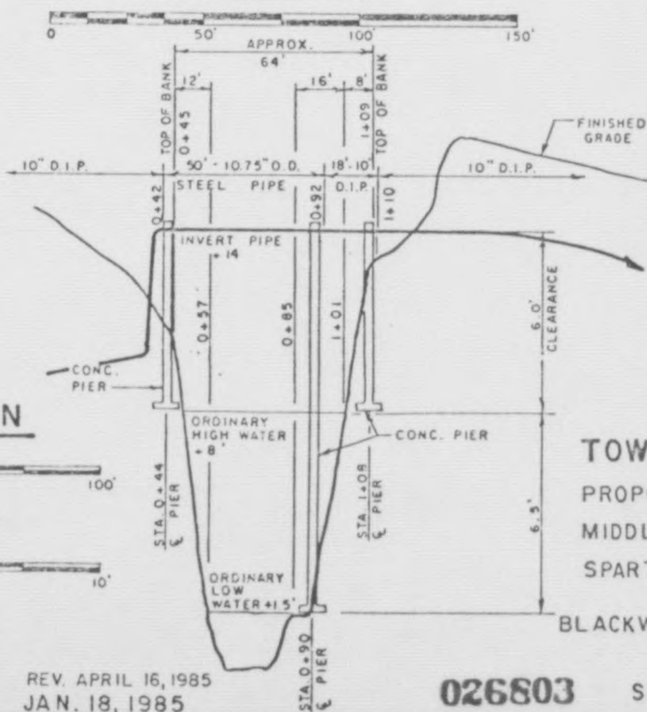
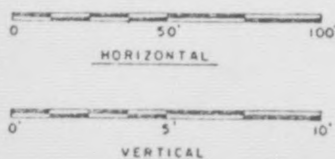
- ① TOWN OF LYMAN
59 GROCE STREET
LYMAN, S. C. 29365
- ② SPARTAN MILLS
P. O. BOX 1658
SPARTANBURG, S. C.
29304



TOWN OF LYMAN
PROPOSED SEWER LINE
MIDDLE TYGER RIVER
SPARTANBURG COUNTY, S. C.

BLACKWOOD ASSOCIATES INC.
ENGINEERS
SPARTANBURG, S. C.

SECTION



S T A T E B U D G E T A N D C O N T R O L B O A R D

Meeting of May 3, 1985, 4:15 P. M.

Telephone Conference Call

Room 601 Wade Hampton Office Building

REGULAR SESSION AGENDA INDEX

<u>Item Number</u>	<u>Agency</u>	<u>Subject</u>
1	General Services	Right-of-Way Easement Town of Lyman

026804

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

EASEMENT

THIS EASEMENT, made and entered into this 30th day of April, 1985, by and between the State of South Carolina, Budget and Control Board, as Grantor (hereinafter "STATE"), and the Town of Lyman, as Grantee (hereinafter "TOWN").

WITNESSETH

WHEREAS, TOWN is a municipality existing under the laws of the State of South Carolina. TOWN's mailing address is 59 Groce Street, Lyman, South Carolina 29365, and

WHEREAS, TOWN proposes to construct, install, operate, and maintain a 10" ductile sewer line across the Middle Tyger River, near the town of Lyman, Spartanburg County, South Carolina. The sewer line and easement area are more particularly shown and delineated on a drawing entitled "TOWN OF LYMAN, PROPOSED SEWER LINE, MIDDLE TYGER RIVER, SPARTANBURG COUNTY, S.C.", by Blackwood Associates, Inc., Engineers, dated January 18, 1985, revised April 16, 1985, sheet 1 of 1, which is attached hereto and incorporated herein by reference as Exhibit A.

WHEREAS, pursuant to Section 1-11-90 of the South Carolina Code of Laws, 1976, as amended, the STATE is empowered to grant certain rights-of-way or easements through and over riverbeds and marshlands for construction, installation, operation, and maintenance of sewer lines over, on, or under such land or marshland as are owned by the STATE; and

026805

WHEREAS, TOWN is desirous of obtaining the hereinafter described easement through and over riverbeds and marshlands in Spartanburg County, and the STATE considers the granting of such an easement to be in the public interest.

NOW, THEREFORE, the STATE as Grantor, in consideration of the sum of One (\$1.00) Dollar and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant, remise, and release unto TOWN, its successors and assigns, a right-of-way easement in, to, upon and over the below described portion of riverbed and marshland; such riverbed and marshland situate in Spartanburg County and lying below the mean high water line.

This Easement of right-of-way shall be used solely for the purposes incidental with the construction, installation, operation and maintenance of said 10" ductile sewer line. The easement area is more particularly described as follows:

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TOWN further agrees and covenants that TOWN shall indemnify and hold harmless the STATE from and against any and all liabilities, claims, causes of action and expenses including, but not limited to, reasonable costs and attorney fees resulting in personal injury or death to any person or persons or damage to any property at any time that arises from or is incident to the construction, installation, operation, maintenance, or use of the easement granted herein.

In the event of major maintenance, after construction, affecting the bed of the waterway, the South Carolina Coastal Council and the South Carolina Water Resources Commission shall be notified in writing prior thereto.

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It is further understood and agreed that this easement is not to be construed as an easement granted to the exclusion of the STATE or to others later granted a similar right.

IN WITNESS WHEREOF, this instrument is being executed in accordance with the action of the South Carolina Budget and Control Board at its meeting held on the _____ day of _____, 1985.

WITNESSES:

STATE OF SOUTH CAROLINA
BUDGET & CONTROL BOARD

BY: _____
Governor Richard W. Riley

TOWN OF LYMAN

Shelba A. Geddis
Jff B Randolph

BY: William H. Groce
William H. Groce, Mayor

ATTORNEY GENERAL'S OFFICE

Approved: Kenneth A. Wynn

026808

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

PERSONALLY appeared before me _____
and made oath that he/she saw the within named State of South
Carolina, Budget and Control Board, by Governor Richard W. Riley,
sign, seal, and as its act and deed deliver the within written
easement, and that he/she, along with _____
witnessed the execution thereof.

SWORN to before me this _____

day of _____, 1985

(L.S.)
Notary Public for South Carolina

My Commission expires: _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)

PERSONALLY appeared before me Shelba A. Geddis
and made oath that he/she saw the within named Town of Lyman by
its Mayor, William H. Groce, sign, seal, and as its act and deed
deliver the within written easement, and that he/she, along with
Jeffrey B. Randolph, witnessed the execution thereof.

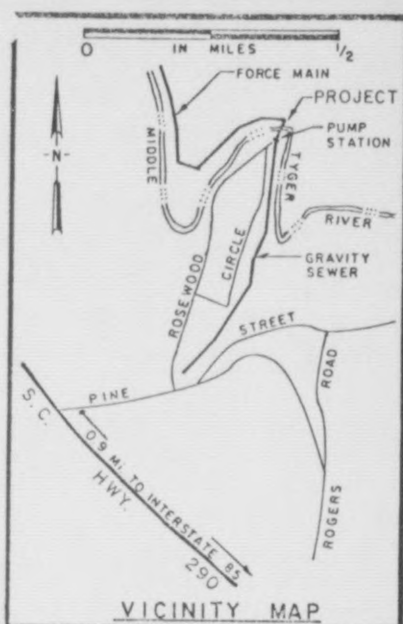
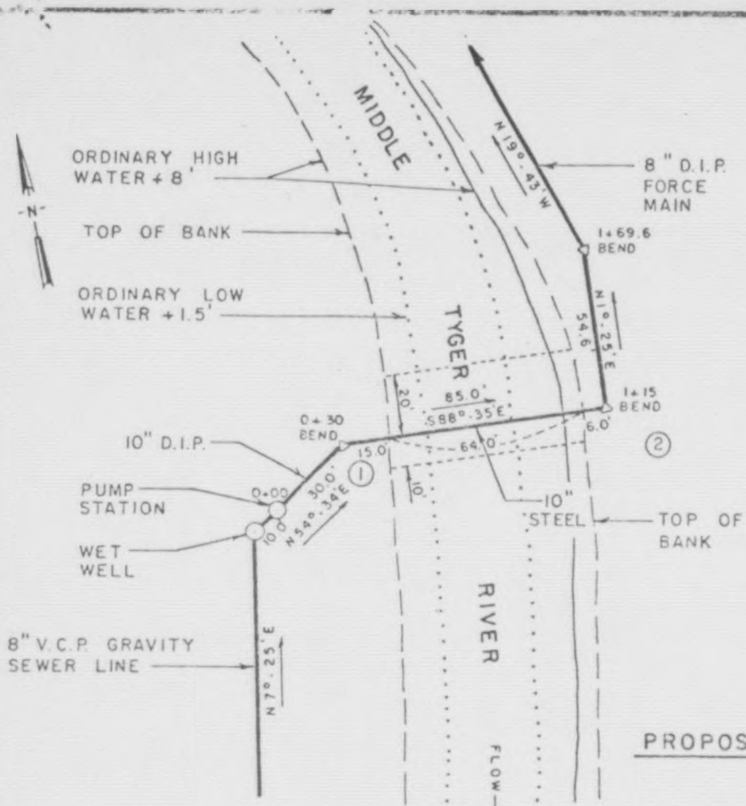
Shelba A. Geddis

SWORN to before me this 30th

day of April, 1985

John H. Stewart (L.S.)
Notary Public for South Carolina

My Commission expires: 5-25-91



PROPOSED SANITARY SEWER LINE

ADJACENT PROPERTY OWNERS

- ① TOWN OF LYMAN
59 GROCE STREET
LYMAN, S.C. 29365
- ② SPARTAN MILLS
P.O. BOX 1658
SPARTANBURG, S.C. 29304



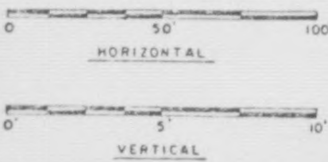
William A. Blackwood Jr.

TOWN OF LYMAN
PROPOSED SEWER LINE
MIDDLE TYGER RIVER
SPARTANBURG COUNTY, S.C.

BLACKWOOD ASSOCIATES INC.
ENGINEERS
SPARTANBURG, S.C.

026810

SECTION



REV. APRIL 16, 1985
JAN. 18, 1985

SHEET 1 OF 1

THE END

026811