ORDINANCE NO.: 2000-022

Closing and transfer of a portion of the 800, 900, 1000 and 1100 blocks of Wheat Street; the western portion of the 400 and 500 blocks of Lincoln Street; and, the 400 and 500 blocks of Park Street

WHEREAS, the University of South Carolina ("USC") is the owner of properties located adjacent to the 800, 900, 1000 and 1100 blocks of Wheat Street; the western portion of the 400 and 500 blocks of Lincoln Street; and, the 400 and 500 blocks of Park Street and is desirous of developing the area into an arena and conference center; and,

WHEREAS, USC's plans would require the closing and transfer to it of a portion of the 800, 900, 1000 and 1100 blocks of Wheat Street; the western portion of the 400 and 500 blocks of Lincoln Street; and, the 400 and 500 blocks of Park Street adjacent to its property; and,

WHEREAS, the City Council deems it advisable and in the best interests of the public to close and convey the designated portion of the 800, 900, 1000 and 1100 blocks of Wheat Street; the western portion of the 400 and 500 blocks of Lincoln Street; and, the 400 and 500 blocks of Park Street;

ORIGINAL STAMPED IN RED

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Columbia, South Carolina, this 29th day of March, 2000, that from and after the passage of this ordinance, that 800, 900, 1000 and 1100 blocks of Wheat Street; the western portion of the 400 and 500 blocks of Lincoln Street; and, the 400 and 500 blocks of Park Street as shown on the attached drawing shall be closed for the use of the general public and the portion of the streets sold to USC for Five and No/100 ($5.00) Dollars.

Requested by:

University of South Carolina

MAYOR

Approved by:

City Manager

Approved as to form:

City Attorney

ATTEST:

City Clerk

Introduced: 3/23/2000
Final Reading: 3/29/2000

MEMORANDUM

Office of the City Attorney

TO: Vivian Krigline, City Clerk

FROM: Shari Ardis, Legal Admin. Coordinator

DATE: May 17, 2000

RE: USC Wellness Center - Ordinance 2000-022
(Closing and transfer of a portion of the 800, 900, 1000 and 1100 blocks of Wheat Street; the western portion of the 400 and 500 blocks of Lincoln Street; and, the 400 and 500 blocks of Park Street)

Attached please find the original Special Warranty Deed regarding the above. Please place this document in the City's permanent records.

/sla
Enclosure

cc: Cathy Alexander, Finance Director
w/enclosure

Book 00400-2790
2000029285 04/14/2000 14:45:31:90 Deed
Fee: $0.00 County Tax: $0.00 State Tax: $0.00 EXEMPT

2000029285 John G Norris Richland County ROD

TMS # 8915-5-3

Grantee's Address:

1737 Main Street
Columbia, South Carolina 29201

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

SPECIAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that **The University of South Carolina Development Foundation** (herein "Grantor"), for and in consideration of Five and 00/100 ($5.00) Dollars, to Grantor in hand paid by **City of Columbia** (herein "Grantee"), the receipt of which is hereby acknowledged, but subject to the easements, conditions, restrictions and other matters, as hereinafter set forth, has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto the said:

CITY OF COLUMBIA

All that certain piece, parcel or tract of land, with the improvements thereon, situate, lying and being in Columbia, Richland County, South Carolina, containing 0.344 acres, more or less, and being more fully shown and described on a plat surveyed for The University of South Carolina Development Foundation by B.P. Barber & Associates, Inc., dated November 23, 1999, and recorded in the ROD Office for Richland County in Record Book 378 at page 1103, said property having the following courses, metes, measurements, and boundaries as shown on the aforesaid plat, to wit:

Beginning at a ⅝ rebar located at the intersection of the northern right-of-way of Green Street (Road S-40-176) and the eastern right-of-way of Gadsden Street (Road S-40-1537); thence from said point of beginning running along the eastern boundary of the right-of-way of Gadsden Street N 13° 28' 36" W for a distance of 201.87 feet to a ⅝" rebar; thence turning and running along property shown on the aforesaid plat as Norfolk Southern Railroad N 76° 31' 24" E for a distance of 51.10 feet to a ⅝" rebar; thence turning and continuing along property shown on the aforesaid plat as Norfolk Southern Railroad on a curve to the left in a direction of S 26° 40' 21" E for a chord distance of 207.64 feet (said curve having an arc distance of 207.65 feet and a radius of 5779.65 feet) to a ⅝" rebar, which ⅝" rebar is located on the northern boundary of the right-of-way of Green Street; thence turning and running along the northern boundary of the right-of-way of Green Street S 76° 41' 25" W for a

distance of 98.50 feet to a ⅝" rebar, this being the point of beginning.

Derivation: Deed of Carolina Bonded Storage Co. dated January 21, 2000 and recorded in Deed Book 378 at page 1111.

This conveyance is made subject to the following:

(1) The premises are conveyed in an "As Is" condition, without warranty express or implied, except the special warranty of title;

(2) Such facts which an accurate survey or physical inspection of the property will show; and

(3) valid, existing covenants, easements, and restrictions, if any.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the said Grantee forever.

AND Grantor does hereby bind Grantor and Grantor's successors and assigns, to warrant and forever defend all and singular the said premises, subject to those matters hereinabove referred to, unto Grantee, its successors and assigns, against claims of, or by, Grantor and all other persons lawfully claiming or to claim the same, or any part thereof, by through, or under Grantor, but not otherwise.

WITNESS the hand and seal of the undersigned this 31st day of March, 2000.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

The University of South Carolina Development Foundation

By: Susie H. VanHuss (SEAL)
Susie H. VanHuss
Its: Executive Director

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

PROBATE

PERSONALLY APPEARED before me the undersigned witness and made oath that s/he saw the within named **Grantor**, by Susie H. VanHuss, its Executive Director, sign, seal and as Grantor's act and deed, deliver the within written Special Warranty Deed for the uses and purposes therein described, and that s/he with the other witness whose name appears above witnessed the execution thereof.

SWORN to before me this 31st day of March, 2000.

Tracey Cybell

Notary Public for S.C.
My Commission Expires: 07/26/09

dsm/d30/7876.801SWD22100

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

AFFIDAVIT

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. Property located at **801 Green Street, Columbia, South Carolina,** Richland County Tax Map Number 8915-5-3, was transferred by the **The University of South Carolina Development Foundation to City of Columbia** on **March** 31 **, 2000.**

The transaction was (Check one):

_X_ an arm's length real property transaction and the sales price paid or to be paid in money or money's worth was **$ 340,000.00.**

____ **not** an arm's length real property transaction and the fair market value of the property is $_____.*

The above transaction is exempt, or partially exempt from the recording fee as set forth in S.C. Code Ann. Section 12-24-10 et.seq. because the deed is (See back of Affidavit):_____
_____
_____ .

As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as:
_____.

I further understand that a person required to furnish this affidavit who wilfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined no more than one thousand dollars or imprisoned not more than one year, or both.

_____
Purchaser, Legal Representative of the Purchaser, or other Responsible Person Connected with the Transaction

SWORN to before me this 31st)
day of March, 2000.)
)
_____)
Notary Public for S.C.)
My Commission Expires: 3/11/2004

*The fee is based on the real property's value. Value means the realty's fair market value. In arm's length real property transactions, this value is the sales price to be paid in money or money's worth (e.g. stocks, personal property, other realty, forgiveness of debt, mortgages assumed or placed on the realty as a result of the transaction). However, a deduction is allowed from this value for the amount of any lien or encumbrance existing on land, tenement, or realty before the transfer and remaining on it after the transfer.