

40-77

The State of South Carolina

COUNTY OF Richland

ROUTE NO. I-20/26/126

RESOLUTION
OF
BOARD OF CONDEMNATION

DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION

vs.

Mrs. Marjorie H. Eleazer, 411 Lawand Drive, Columbia, S.C.
copy: Mr. A. Camden Lewis, Attorney at Law, 1529 Laurel St., Columbia, S.C.

*SUPERSEDED
SEE: FEE SIMPLE DEED
DATED: MAY 31, 1984.*

After due notice served upon the above-named person, firm or corporation that a right-of-way would be condemned for the construction of File No. 3240.378

between Survey Stations 15+72.58 and 17+38.91 on the left and right line 90

and compensation fixed and damages assessed therefore and after full hearing of all testimony and arguments and careful consideration of all questions involved.

Be it Resolved by this Board of Condemnation that, after taking into consideration the benefits accruing to the landowner by the construction or improvement of the highway, the value of the lands being taken together with any special damages occasioned by the construction or improvement of the highway and deducting the total value of the benefits from the total value of the damages in accordance with the statutes, the members of this

Board find that the damages exceeds the benefits and we therefore make an award of

PAYMENT REQUESTED 5-2-83
Seventy Nine Thousand Seven Hundred Fifty and no/100 Dollars (\$79,750.00) for 8,750 square feet of land, a portion of the brick residence, and all improvements within the right of way, including rights of access as may be needed for controlled-access facilities and with fee simple title to the land and improvements thereon.

Any appeal by the landowner from this Award shall be served by mail or otherwise upon the Department within twenty days after the receipt of this Resolution in accordance with the provisions of Section 57-5-500.

Signed by the Board of Condemnation at Columbia, S.C.,
this 31st day of May, 19 83

Note:
This being a portion of the premises heretofore conveyed to Marjorie H, Eleazer by will of Herman J. Eleazer as recorded in the Judge of Probate office in Richland County in Drawer 1201, Package 36978 and dated 7-17-81.

[Signature]
Chairman
[Signature]
Member
[Signature]
Member

APPEALED 6-8-83
Settled by the Attorney General
Office for \$120,000.00 CK No.
946870 to Senior Assistant Attorney
General M. Richbourg Roberson on
8-31-83

Recd. 5-2-83

COUNTY OF: RICHLAND

Sworn to before me this

Edward V Kell

Charles E. Boyd
Notary Public for South Carolina
My Commission Expires November 8, 1989

[illegible]

The State of South Carolina

COUNTY OF Richland

ROUTE NO. I-20/26/126 Connector

NOTICE OF CONDEMNATION
OF PROPERTY IN FEE SIMPLE ON
CONTROLLED-ACCESS HIGHWAY

TO: Mrs. Marjorie H. Eleazer, 411 Lawand Drive, Columbia, S.C.
copy: Mr. A. Camden Lewis, Attorney at Law, 1529 Laurel St., Columbia, S.C.

PLEASE TAKE NOTICE,

That the South Carolina State Highway Department and requires a right of way for a public highway through and across lands in which the above-named person, firm or corporation claims title or some interest. Fee simple title to the lands within the right of way is required by the State Highway Department, including rights of access, as may be needed for controlled-access facilities. Said lands are located in the County and State aforesaid as shown by plans of the State Highway Department for the construction of a section of Route I-20/26/126 Connector between

and

known as ~~DISCONTINUED~~ File No. 3240.378 , and are described as follows:

All that parcel or strip of land, with the improvements thereon, if any, within 45 feet on the right of line 90 between survey stations 15+72.58 and 17+38.91 and to include all property owned by the condemnee on the south or left of line 90 survey centerline extending to Lawand Drive, including that portion of the brick residence within the right of way; being bounded by Lawand Drive on the west; Michael W. Funderburk on the South; other lands of the condemnee on the east and north.

All right of way herein condemned is more particularly shown on plan sheets 2A, 5 of the plans for this project and being a portion of the premises heretofore conveyed to Marjorie H. Eleazer by will of Herman J. Eleazer as recorded in the Judge of Probate office in Richland County in Drawer 1201, Package 36978 and dated 7-17-81.

Fee simple title to the above described property will be condemned and a right of way established by the State Highway Department, and

YOU WILL TAKE FURTHER NOTICE, That a public hearing will be held at 12:00 (XXM.) (P.M.) on the 31st day of May , 19 83 , at Columbia City Hall, 2nd Floor Conference Room in the Town of Columbia, S. C.

to ascertain the amount of damages in excess of benefits as a result of using said lands for the proposed highway improvement.

Columbia, S. C.

SOUTH CAROLINA STATE HIGHWAY DEPARTMENT

Date May 13 , 19 83

By S. O. Holstein, Jr.
S. O. Holstein, Jr. ~~Right of Way Engineer~~
Dir., Rights of Way

S. O. Holstein, Jr.

THE STATE OF SOUTH CAROLINA

COUNTY OF: RICHLAND

L. W. Davis being duly sworn deposes and says that he served the Notice of Condemnation on the obverse side of this paper on the Defendant (s) in the manner hereinafter stated and on the dates given after the name of the said Defendant (s) by delivering to and leaving with said Defendant (s) a copy of this Notice of Condemnation and, where service has been made by mail, by posting a copy of the Notice to the last known address.

Sworn to before me this

13th day of MAY 1983.

Charles E. Board
Notary Public for South Carolina
My Commission Expires November 8, 1989

<u>Defendant (s) Served</u>	<u>Date</u>	<u>Method</u>	<u>Place</u>
<u>MARTIN H. ELEAZER</u>	<u>5-13-83</u>	<u>CERTIFIED MAIL</u>	<u>Col. S.C.</u>
<u>A. CAMDEN LEWIS</u>	<u>5-13-83</u>	<u>REG. MAIL</u>	<u>Col. S.C.</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

STATE OF SOUTH CAROLINA)

)

EASEMENT

COUNTY OF RICHLAND)

In consideration of the sum of One (\$1) Dollar, each to the other paid, receipt of which is hereby acknowledged, It, S.C. Department of Highways and Public Transportation

does hereby grant unto the said City of Columbia, South Carolina, its successors or assigns, an easement and right-of-way 15 feet in width, with an additional width of 0 feet for construction purposes only, to construct, operate and maintain together with the right of ingress and egress at all times for the purpose of constructing, operating, and maintaining a sanitary sewer main and with the right to remove shrubbery, trees and other growth from the right-of-way and construction area provided that the property will be restored as nearly as practicable to its original condition upon completion of the construction and any trees which must be removed shall be sawed into commercial lengths and stacked adjacent to the right-of-way for the property owner, and any damaged shrubbery will be replaced with the same variety from nursery stock of a practicable size, said easement and right-of-way to run through the property which it owns or in which it has an interest, situate, lying and being

In the State of South Carolina, County of Richland, in the City of Columbia and being further identified as a portion of lot 01, block 02, sheet 7302, of tax maps prepared by the office of the Richland County Tax Assessor, LR 12/86.

A permanent easement, fifteen (15) feet in width, beginning at the intersection of the northern property line of the aforementioned lot 01 and the eastern right-of-way of Lawand Drive (S-40-1019), thence extending in a southeasterly direction adjoining and parallel to the eastern right-of-way of Lawand Drive for a distance of one hundred eighty two (182) feet to intersect the southern property line of said lot 1, thence terminating, all measurements being a little more or less.

This easement is more clearly delineated on a plat of right-of-way to be obtained for sanitary sewer construction to serve 401 Lawand Drive, Project #SSA411-8/9-G6, sheet 4 of 5, dated May 31, 1989, prepared by the Department of Utilities and Engineering, for the City of Columbia, South Carolina and being on file in the office of the City's Director of Utilities and Engineering under file reference #89-77 and contained herein as Exhibit "A".

In consideration with the granting of this easement the Grantee agrees that any utility constructed on this property will be moved at no expense to the South Carolina Department of Highways and Public Transportation if such removal is required in the future for highway purposes.

LS:pw E-XIV-2-5

TO HAVE AND TO HOLD the aforesaid rights to the grantee, its successors and assigns, as aforesaid.

And the Grantor(s) agree(s) to warrant and forever defend the above grantee rights against himself or his heirs and against any other person lawfully claiming or to claim the same or any part thereof.

IN WITNESS WHEREOF, we/I/it has have hereunto set our/my/its hand(s) and seal(s) this 13th day of July, in the year of our Lord, One Thousand Nine Hundred and Eighty -Nine.

WITNESSES:

Teresa C. Bennett
Patricia B. Duv

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

SOUTH CAROLINA DEPARTMENT OF HIGHWAYS
AND PUBLIC TRANSPORTATION

BY:

[Signature]
Executive Director

BY:

[Signature]
Secretary-Treasurer

Hereunto duly authorized and empowered. HBS

PROBATE

PERSONALLY APPEARED before me the undersigned witness, who, being duly sworn, says that (s)he saw the within-named Grantor sign, seal and deliver the within Easement, and that (s)he with the other witness whose signature appears above witnessed the execution thereof.

SWORN to before me this 13th Teresa C. Bennett
day of July, 19 89.

[Signature] (L.S.)
NOTARY PUBLIC FOR SOUTH CAROLINA

MY COMMISSION EXPIRES
My Commission Expires January 18, 1994

EXHIBIT A

TMS
07303-02-10

N/F
S.C. DEPT. OF HIGHWAYS AND PUBLIC TRANSPORTATION
P.O. DRAWER 191
COLUMBIA, S.C. 29202
TMS 07302-02-01
PERMANENT EASEMENT = 0.06 AC.

15' PERMANENT
EASEMENT

TMS
07302-02-02

TMS
07302-02-09

EXHIBIT A

PLAT BASED ON COMPILATIONS ONLY.
NO PROPERTY LINE SURVEY PERFORMED.
RICHLAND COUNTY
TMS 07302 LR 1286

R.D. Summary R.C.S. 4180

89-77

CITY OF COLUMBIA DEPARTMENT OF UTILITIES AND ENGINEERING COLUMBIA, SOUTH CAROLINA		
SCALE: NOT TO SCALE	APPROVED BY <i>W. Ebrahimi Gebre-Kidan</i>	DRAWN BY G.P.P.
DATE: 5-31-89		
RIGHT-OF-WAY TO BE OBTAINED FOR SANITARY SEWER CONSTRUCTION TO SERVE 401 LAWAND DRIVE.		
PROJECT NO. SSA 411-8/9-G6		DRAWING NO. 4 OF 5

STATE OF SOUTH CAROLINA)

)

TEMPORARY EASEMENT

COUNTY OF RICHLAND)

In consideration of the sum of One (\$1) Dollar, each to the other paid, receipt of which is hereby acknowledged, It, S.C. Department of Highways and Public Transportation

does hereby grant unto the said City of Columbia, South Carolina, its successors or assigns, a temporary easement and right-of-way 10 feet in width, for initial construction purposes only, to construct, together with the right of ingress and egress for the purpose of constructing, a sanitary sewer main and with the right to remove shrubbery, trees and other growth from the right-of-way and construction area provided that the property will be restored as nearly as practicable to its original condition upon completion of the construction and any trees which must be removed shall be sawed into commercial lengths and stacked adjacent to the right-of-way for the property owner, and any damaged shrubbery will be replaced with the same variety from nursery stock of a practicable size, said easement and right-of-way to run through the property which it owns or in which it has an interest, situate, lying and being

In the State of South Carolina, County of Richland, in the City of Columbia and being further identified as a portion of lot 01, block 02, sheet 7302, of tax maps prepared by the office of the Richland County Tax Assessor, LR 12/86.

A temporary easement, ten (10) feet in width, for initial construction purposes only, beginning at the southern property line of the aforementioned lot 01, at the eastern boundary of an existing fifteen (15) feet permanent easement granted to the City of Columbia by the Grantor on July 13, 1989, and recorded in the Richland County RMC office in Deed Book 943 at page 741, thence extending in a generally northwesterly direction adjoining and parallel to aforementioned fifteen (15) feet City of Columbia permanent easement for a distance of one hundred eighty (180) feet, to intersect the northern property line of the aforementioned lot 01, thence terminating, all measurements being a little more or less.

This easement is more clearly delineated on a plat of right-of-way to be obtained for sanitary sewer construction to serve 401 Lawand Drive, Project #SSA411-8/9-G6, sheet 4 of 5, dated May 31, 1989, revised August 3, 1989, prepared by the Department of Utilities and Engineering, for the City of Columbia, South Carolina and being on file in the office of the City's Director of Utilities and Engineering under file reference #89-77 and contained herein as Exhibit "A".

LS:pw E-XIV-2-5

TMS
07303-02-10

EXHIBIT A

N/F
S.C. DEPT. OF HIGHWAYS AND PUBLIC TRANSPORTATION
P.O. DRAWER 191
COLUMBIA, S.C. 29202
TMS 07302-02-01
PERMANENT EASEMENT = 0.06 AC.

EXISTING
15' PERMANENT
EASEMENT

10' TEMPORARY
CONSTRUCTION
EASEMENT
180'± ALONG &

TMS
07302-02-02

TMS
07302-02-09

EXHIBIT A

PLAT BASED ON COMPILATIONS ONLY.
NO PROPERTY LINE SURVEY PERFORMED
RICHLAND COUNTY
TMS 07302 LR 12 86

APPROVED BY: <i>[Signature]</i> DATE: 8-3-89	REVISION: ADDED TEMPORARY CONSTRUCTION EASEMENT NOTED PERM. EASEMENT AS EXISTING.	DRAWN BY: G.P.P. DATE: 7-26-89
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CITY OF COLUMBIA
DEPARTMENT OF UTILITIES AND ENGINEERING
COLUMBIA, SOUTH CAROLINA

SCALE: NOT TO SCALE DATE: 5-31-89	APPROVED BY <i>[Signature]</i>	DRAWN BY G.P.P.
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RIGHT-OF-WAY TO BE OBTAINED FOR SANITARY SEWER
CONSTRUCTION TO SERVE 401 LAWAND DRIVE.

PROJECT NO. SSA 411-8/9-G6

DRAWING NO. 4 OF 5

89-77

TO HAVE AND TO HOLD the aforesaid rights to the grantee, its successors and assigns, as aforesaid.

And the Grantor(s) agree(s) to warrant and forever defend the above grantee rights against himself or his heirs and against any other person lawfully claiming or to claim the same or any part thereof.

IN WITNESS WHEREOF, we/I/it has have hereunto set our/my/its hand(s) and seal(s) this 1st day of November, in the year of our Lord, One Thousand Nine Hundred and Eighty -Nine.

WITNESSES:

Alvin D. Davis

Jay P. Monte

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND) PROBATE

SOUTH CAROLINA DEPARTMENT OF HIGHWAYS
AND PUBLIC TRANSPORTATION

BY: [Signature]
Executive Director

BY: [Signature]
Secretary-Treasurer

Hereunto duly authorized and empowered.

PERSONALLY APPEARED before me the undersigned witness, who, being duly sworn, says that (s)he saw the within-named Grantor sign, seal and deliver the within Easement, and that (s)he with the other witness whose signature appears above witnessed the execution thereof.

SWORN to before me this 1st day of November, 19 89.

Patricia B. Linn (L.S.)
NOTARY PUBLIC FOR SOUTH CAROLINA
MY COMMISSION EXPIRES 12-3-90