

## STAFF REPORT OF FINDINGS

**TO:** Transportation Committee  
**FROM:** Mack Kelly, County Engineer  
**DATE:** October 25, 2011

### Doug Hollow Abandonment & Closure

#### Facts

The process for road closure and abandonment is to follow the requirements as listed in the ordinance referenced below. Summary of Investigations:

	<b>The County needs to determine:</b>	<b>Determination</b>	<b>Attachment</b>
1	Whether Doug Hollow Road is or has ever been a county road.	Maintenance responsibilities for a portion of Doug Hollow Road was transferred from the SCDOT to Oconee County.	1 & 2
2	If the section of Doug Hollow Road is still a County road.	Yes, a section of Doug Hollow Road is a County road.	1
3	If the section of road is in use by the general public or if the road has been practically abandoned.	The section of Doug Hollow Road is still in use by the general public.	
4	If documentation is available relating to the status of the access easement.	Documentation is available.	1 & 2
5	If other information is available to assist County Council in evaluating the best interest for the Oconee County public.	Comments were obtained from the posting of a sign indicating that a section of Doug Hollow Road was proposed for abandonment and closure.	3

#### Pertinent Ordinance or Regulation

Oconee County Code of Ordinances Section 26-9 (Attachment 4) and Resolution 2011-07 (Attachment 5).

#### Recommendations

None. Presented as a matter of information.



FILED FOR RECORD  
OCONEE COUNTY, S.C.  
REGISTER OF DEEDS

STATE OF SOUTH CAROLINA  
2011 SEP 13 A 8 48  
COUNTY OF OCONEE

QUITCLAIM DEED

WHEREAS, pursuant to Section 57-5-340, Code of Laws of South Carolina, 1976, as amended, the South Carolina Department of Transportation has authority to dispose of the premises hereinbelow described, which premises are no longer required for purposes of the South Carolina Department of Transportation; Now Therefore,

KNOW ALL MEN BY THESE PRESENTS, that the South Carolina Department of Transportation ("Grantor"), for and in consideration of the sum of Five and no/100 Dollars (\$5.00) to it in hand paid, receipt of which is hereby acknowledged, does hereby remise, release and quitclaim unto Oconee County ("Grantee") all its right, title, interest in or to the following described property:

All that certain piece, parcel, or tract of land, and all improvements thereon, situate, lying, and being known as the abandoned portion of Road S-15 (Doug Hollow Road) (formerly a portion of SC Route 183) near Walhalla, in Oconee County, State of South Carolina, and being shown on the South Carolina Department of Transportation Plans for Route 183, Project Number 779-B, sheet 13, and also being further shown on that certain sketch prepared by Cottingham & Associates, Inc. dated February 15, 2011, a copy of which is labeled as Exhibit A and attached hereto and made a part hereof. Said property is described as being within the variable right of way of the abandoned portion of Road S-15 for approximately 0.10 of a mile, commencing near the intersection of Road S-15 and Kelley Ridge Road and terminating at the end of site maintenance at Lake Keowee. The abandoned portion of Road S-15 was removed from the SC State Highway System by approval of the Highway Commission on August 18, 2011. Reference is also made to that certain Consent Order dated August 18, 2011 and filed August 12, 2011 under Case No. 2011-CP-37-0458, Oconee County, South Carolina vs. Lake Keowee Investors, Inc., et al., in the Office of the Clerk of Court for Oconee County.

Pursuant to S. C. Code Section 30-5-35(a) no derivation clause is required on a quitclaim or non-warranty deed of real property.

Grantee's Address: 415 South Pine Street  
Walhalla, SC 29691

This conveyance is being made subject to any and all existing public utility rights of user, reservations, easements, rights of way, control of access, zoning ordinances and restrictions or protective covenants that may appear on record or on the premises, other than those hereby released.

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 said premises before mentioned unto Oconee County, its successors and assigns, forever.

REMAINDER OF PAGE LEFT BLANK INTENTIONALLY  
SIGNATURE PAGE TO FOLLOW

OCONEE COUNTY  
STATE TAX \_\_\_\_\_  
COUNTY TAX \_\_\_\_\_  
EXEMPT

CERTIFIED TRUE COPY  
Register of Deeds  
Oconee County, S.C.

By: [Signature]  
Date: 9/20/2011

002516  
NE  
pm  
SCDOT  
PO Box 191  
Cola, SC  
29202







FILED FOR RECORD  
OCONEE COUNTY, S.C.  
REGISTER OF DEEDS

2011 SEP 13 A 8:46

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF OCONEE )

South Carolina Department )  
of Transportation, )  
Grantor )  
to )  
Oconee County, )  
Grantee. )

**AFFIDAVIT OF TRUE CONSIDERATION**

Personally appeared before me the undersigned Affiant, who being duly sworn, says that she is an employee of the Grantor and is familiar with the deed above referenced dated September 9, 2011, and the true consideration for the transfer is Five and no/100 Dollars (\$5.00).

To the best of Affiant's knowledge, this transfer is not exempt from the deed recording fee required by Section 12-24-10 of the S. C. Code of Laws, 1976, as amended. Pursuant to Section 12-24-20 of the Code of Laws, 1976, as amended, because this deed is a deed from the State, the deed-recording fee is the liability of the Grantee.

SWORN TO BEFORE ME  
this 9<sup>th</sup> day of September, 2011

Kathryn E. Copeland  
(Signature)

Karen A. Alexander  
Notary Public for South Carolina  
My commission expires: 7/27/19

Kathryn E. Copeland  
(Type or Print Name of Affiant)

REQUEST FOR REMOVAL OF ROAD  
FROM STATE HIGHWAY SYSTEM  
(REVISED 11-5-2007)

**DESCRIPTION OF SECTION OF ROAD TO BE REMOVED**

COUNTY: Oconee ROAD NUMBER: S-37-15

ROAD NAME: Doug Hollow Road

LENGTH TO BE REMOVED: 0.090 MILES

BEGINNING POINT: "C" as noted on attached sketch by Cottingham & Assoc., Inc.

ENDING POINT: "A" as noted on attached sketch by Cottingham & Assoc. Inc

**DESCRIPTION: (PLEASE ATTACH LOCATION MAP)**

Doug Hollow Road begins at intersection SC Hwy 130 and SC Hwy 183  
Doug Hollow Road ends at boundary of Lake Keowee. See also  
location map attached.

**ACCEPTANCE OF MAINTENANCE RESPONSIBILITY BY OTHER ENTITY**

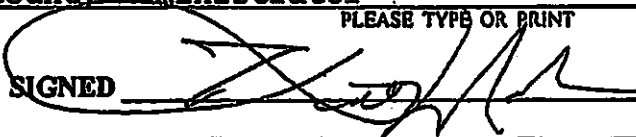
IT IS REQUESTED THAT THE ABOVE DESCRIBED ROAD BE REMOVED FROM THE STATE HIGHWAY SYSTEM. OWNERSHIP AND MAINTENANCE OF THIS ROAD WILL BECOME THE RESPONSIBILITY OF Oconee County

(INSERT COUNTY/CITY/SCHOOL DISTRICT NAME)

**COUNTY/CITY/SCHOOL DISTRICT OR AGENCY OFFICIAL**

NAME: T. Scott Moulder  
PLEASE TYPE OR PRINT

TITLE: County Administrator  
PLEASE TYPE OR PRINT

SIGNED  DATE: 8/15/11

**NOTE TO DISTRICT ENGINEERING ADMINISTRATOR:**  
**THIS COMPLETED FORM AND MAP SHOULD BE FORWARDED TO:**

DIRECTOR OF TRAFFIC ENGINEERING  
SCDOT  
955 PARK STREET, P.O. BOX 191  
COLUMBIA, S. C. 29202

**BASIS FOR REMOVAL**  
**[TO BE COMPLETED BY SCDOT]**

**CHECK ONE OF THE (3) THREE OPTIONS BELOW AND COMPLETE**

1.  **ABANDONMENT OF SECTION OF RELOCATED HIGHWAY**

2.  **DELETION AND REMOVAL OF ROADS FROM THE SECONDARY SYSTEM (SWAP MILES ONLY)**

**ROADS TO BE ADDED IN SWAP OF MILES:**

<b><u>ROAD(S) NUMBER</u></b>	<b><u>ROAD MILEAGE</u></b>		<b><u>AVERAGE DAILY TRAFFIC (ADT)</u></b>		<b><u>NUMBER OF LANES</u></b>		<b><u>TRAFFIC IMPORTANCE</u></b>
_____	_____	x	_____	/	_____	=	_____
_____	_____	x	_____	/	_____	=	_____

**ROADS TO BE DELETED IN SWAP OF MILES:**

<b><u>ROAD(S) NUMBER</u></b>	<b><u>ROAD MILEAGE</u></b>		<b><u>AVERAGE DAILY TRAFFIC (ADT)</u></b>		<b><u>NUMBER OF LANES</u></b>		<b><u>TRAFFIC IMPORTANCE</u></b>
_____	_____	x	_____	/	_____	=	_____
_____	_____	x	_____	/	_____	=	_____

**NOTE: ROADS TO BE ADDED MUST BE OF HIGHER TRAFFIC IMPORTANCE THAN ROADS TO BE DELETED AS DETERMINED BY THE CALCULATIONS ABOVE.**

3.  **ABANDONMENT OF RIGHT-OF-WAY (REMOVAL OF ROADS FROM STATE HWY. SYSTEM ONLY)**

**DETERMINATION OF RIGHT-OF-WAY NEED (CHECK APPROPRIATE BOX(ES) BELOW)**

YES NO

PROPERTY IS REQUIRED FOR SCDOT RIGHT-OF-WAY.

PROPERTY IS REQUIRED FOR DEPARTMENT PURPOSES.

ABANDONMENT IS IN THE INTEREST OF THE PUBLIC AND SCDOT.

ABANDONMENT ADVERSELY AFFECTS THE INDIVIDUAL RIGHTS OF OTHERS.

**(ACCEPTANCE OF MAINTENANCE RESPONSIBILITY (ON PAGE 1) MUST BE COMPLETED OR LETTER ATTACHED.)**

REQUEST SUBMITTED BY: \_\_\_\_\_  
 NAME SIGNATURE DATE

CONCURRENCE BY: \_\_\_\_\_  
 NAME SIGNATURE DATE

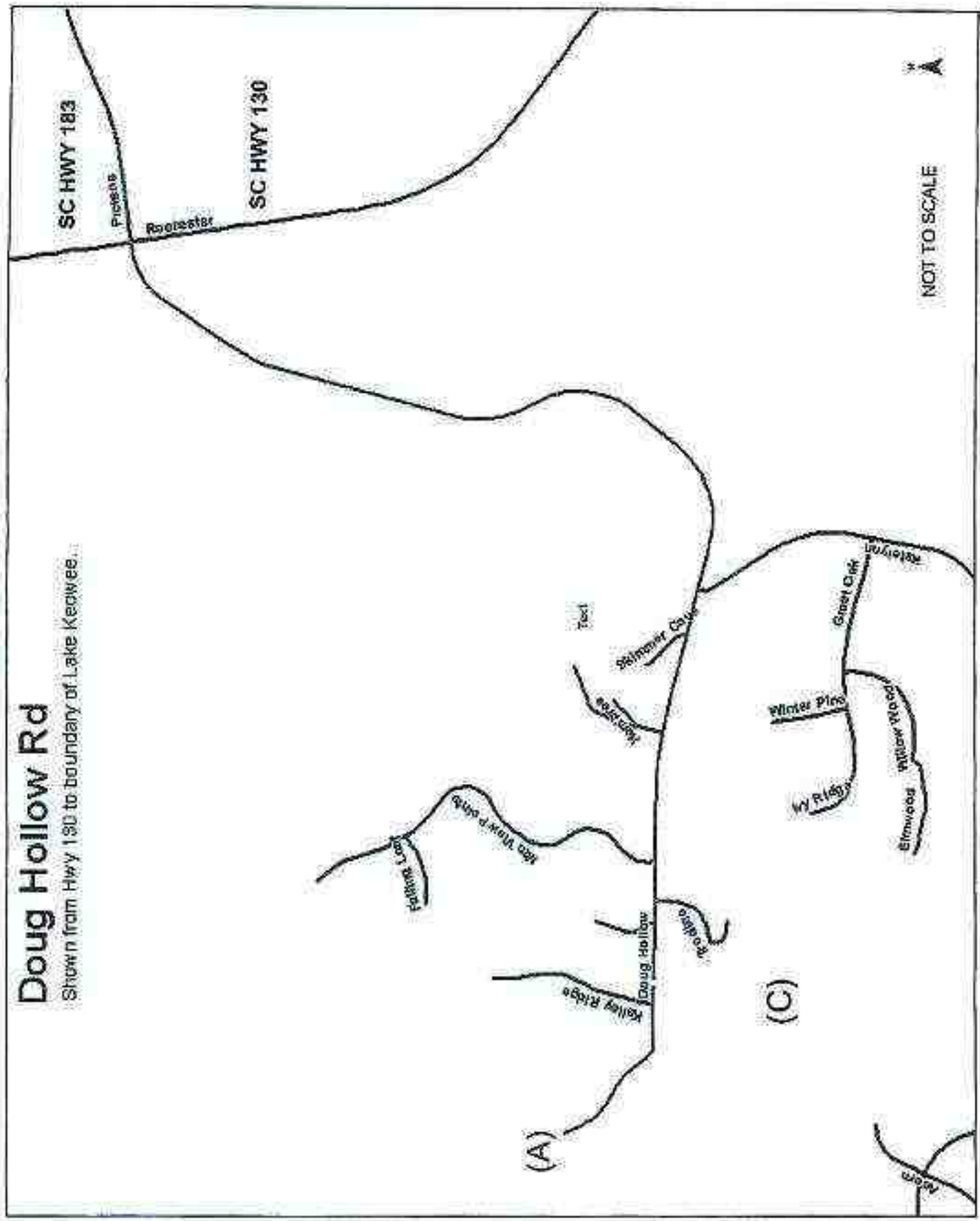
**FOR PRIMARY ROUTES ONLY:**

APPROVAL BY: \_\_\_\_\_  
 DIRECTOR OF TRAFFIC ENGINEERING DATE



# Doug Hollow Rd

Shown from Hwy 130 to boundary of Lake Keowee.



NOT TO SCALE

(A)

(C)

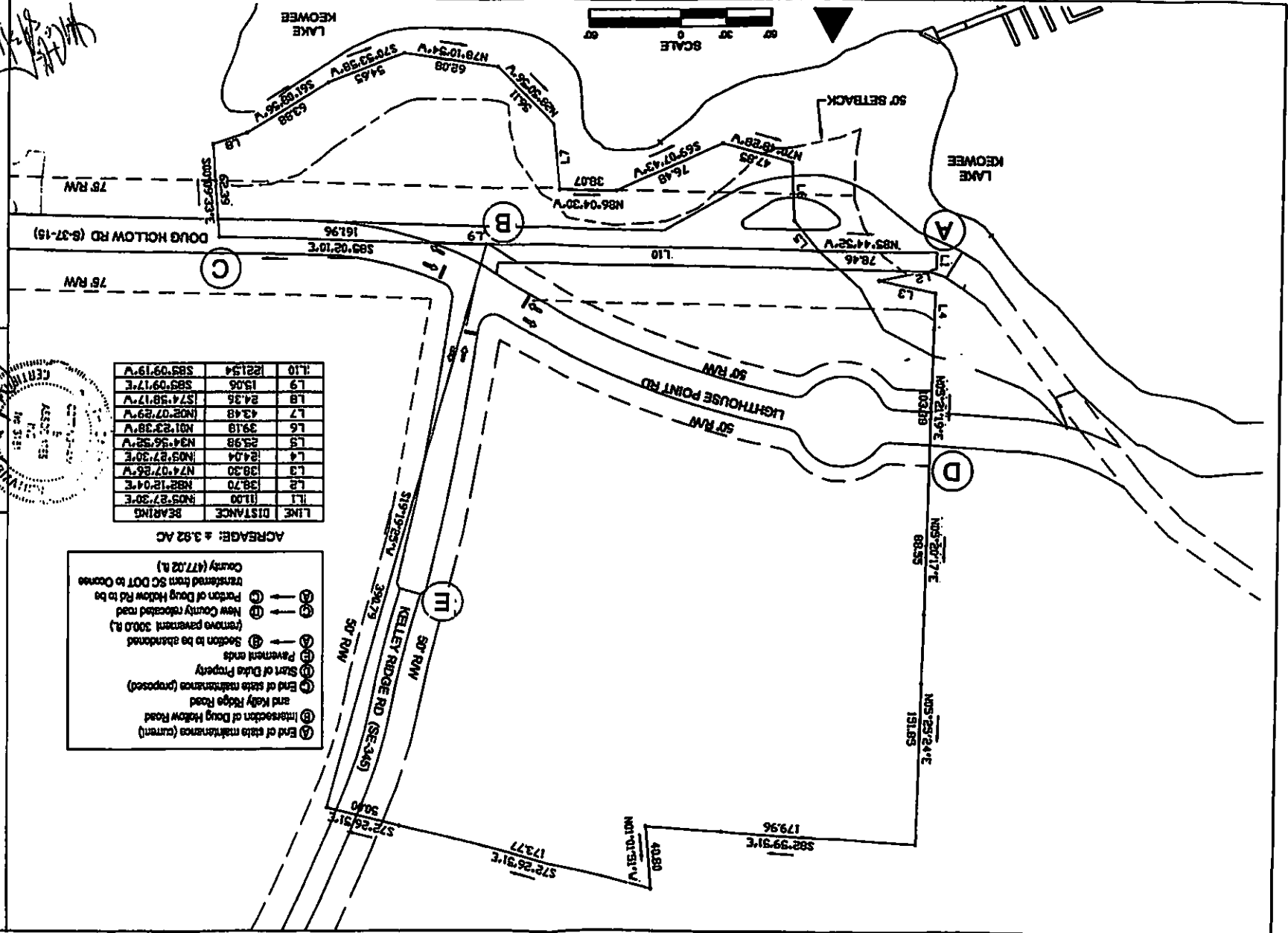
(B)

**COTTINGHAM & Associates, Inc.**  
**J. RICHARD COTTINGHAM, P.E., P.L.S.**  
 ENGINEERING, SURVEYING & CONSTRUCTION  
 907 CARRIGAN CT • SENECA, SC 29672  
 PHONE: (864) 883-4483 • FAX: (864) 883-2408  
 MOBILE: (864) 710-1406 • EMAIL: richard@cottingham.com

**D**

**LEGAL DESCRIPTION OF SITE**

NO.	DATE	REASON	PROJECT



Doug Hollow Rd-Public Comments/Requests

October 14, 2011

Attachment 3

Date of Contact	Name	Address	Phone Number	Comments/Questions	County Response
9/22/2011	Leanne Tervis		864-624-9627	What are the plans for road? Why is county taking over? At whose expense?	County taking over starting from before Kelley Ridge Rd down to cul de sac. Mr. Dick Cottingham will be relocating this portion of the road and paving back and approximately 200' up Kelley Ridge Rd. County is only taking over maintenance after upgrade by Mr. Cottingham so the maintenance will be the only expense for county. Ms. Tervis had other questions pertaining to Kelley Ridge Rd being paved. Mr. Kelly will investigate and get back with her.
10/12/2011	Nancy Porter		864-882-7952	Does not want road closed, it will cut off access to the lake for the people who have lived there all of their lives.	
10/12/2011	Ralph Porter		864-903-9946	Does not feel the road should be closed so people can cross the road	
Letter Received on 10/5/11	Barry Steele	971 Fishermans Cove Dr, Seneca		Please do not re-route Doug Hollow Rd. Road serves several purposes: History, Access and SC Citizens Heritage	

Summary of Sign Posting Dates:

Date Public Notice Sign Erected: September 21, 2011

Date Public Notice Sign Removed: October 14, 2011

THE BOARD OF DIRECTORS OF THE  
 COMPANY HAS REVIEWED THE  
 INFORMATION CONTAINED  
 HEREIN AND HAS DETERMINED  
 THAT THE INFORMATION IS  
 TRUE AND CORRECT.

<p>STATE OF CALIFORNIA</p>	<p>COUNTY OF LOS ANGELES</p>	<p>IN SENATE</p>	<p>BEFORE ME, the undersigned authority, on this _____ day of _____, 20____, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, acknowledged to me that he executed the same for the purposes and consideration therein expressed.</p>	<p>My commission expires _____</p>	<p>NOTARY PUBLIC</p>	<p>My commission expires _____</p>	<p>_____</p>	<p>_____</p>	<p>_____</p>	<p>_____</p>	<p>_____</p>	<p>_____</p>
----------------------------	------------------------------	------------------	---	------------------------------------	----------------------	------------------------------------	--------------	--------------	--------------	--------------	--------------	--------------

JAMES C. ...

My commission expires \_\_\_\_\_

# Road Work Request

Name - MACK KELLY

Request # - 52340

Tel -

Alternate Tel -

Road Name - DOUG HOLLOW RD

Road Number - S-15

City - SENECA

Location - NORTH ON ROCHESTER HWY FROM SENECA, WILL BE THE FIRST STREET ON THE LEFT PAST KATELYNN LN, CAN BE ACCESSED FROM PICKENS HWY FROM WALHALLA

Problem - INSTALL THREE ROAD ABANDONMENT SIGNS ON THE COUNTY PORTION OF THE ROAD.

Start Date - 9/21/2011

Initial - DM

Completed By - CP Craig

Date - 9,21,11

# Road Work Request

Name - MACK KELLY

Request # - 52344

Tel -

Alternate Tel -

Road Name - DOUG HOLLOW RD

Road Number - S-15

City - SENECA

Location - NORTH ON ROCHESTER HWY FROM SENECA, WILL BE THE FIRST STREET ON THE LEFT PAST KATELYNN LN, CAN BE ACCESSED FROM PICKENS HWY FROM WALHALLA

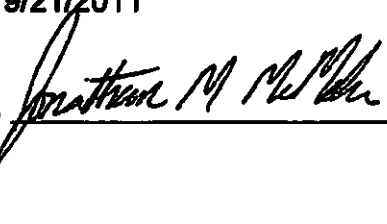
Problem - REMOVE THE ROAD ABANDONMENT SIGNS AND SAVE THE SIGNS FOR FUTURE USE.

*REMOVE ON 14 OCT 11*

Start Date - 9/21/2011

Initial - DM

Completed By -



Date -

10 / 14 / 11

Barry Steele  
971 Fishermans Cove Dr  
Seneca, SC 29672

October 1, 2011

Ref: Doug Hollow Rd  
Oconee County Roads & Bridges Dept  
15022 Wells Hwy  
Seneca, SC 29678

Hello,

Please, **DO NOT** close or re-route Doug Hollow Road.

Doug Hollow Road, previously known as "The Walhalla Hwy" or "HWY 183" before the lake was built has been in place long before you, I or our parents were born. It is a SC state-built & maintained road which is solid and has been serving local residents both before and since the construction of Lake Keowee.

The road serves several purposes for the area:

**History:** This road is a reminder to visitors, both new & old of how Oconee County appeared before the lake was built, some 50 years ago. The road which disappears into the lake and appears on the other side helps young people imagine the countryside and small creek that once traveled through this area.

**Access:** The local residents and others often drive Doug Hollow Road to the water's edge to watch some of the most beautiful sunsets in SC. This road is the only public location where you can stop and watch the sun set. The dam & levee on Highway 130 offer a spectacular view, yet are incredibly dangerous when drivers either stop or watch the sunset while driving. Please do not take this treasure from the Oconee Citizens and give it to a small private group.

**SC Citizen's Heritage:** This high quality road was built by the state of SC and paid for by the residents of SC. It would be malfeasance to give away public property to a private entity and deprive the residents of the use of the road for which they've paid.

Please, **DO NOT** close or re-route Doug Hollow Road.



Barry Steele  
Resident.

1947  
1948  
1949

1950

1951  
1952  
1953  
1954

The following information was obtained from the records of the  
Department of the Interior, Bureau of Land Management, and  
the Bureau of Reclamation, regarding the land in question.

The land in question was acquired by the United States  
Government in 1908, and was then transferred to the  
Bureau of Land Management in 1946.

The land in question was then transferred to the  
Bureau of Reclamation in 1954, and was then  
transferred to the Bureau of Land Management in 1956.

The land in question was then transferred to the  
Bureau of Land Management in 1956, and was then  
transferred to the Bureau of Reclamation in 1958.

1959

*John F. Jones*

Special Agent  
in Charge





## Sheila Okelley

---

**From:** Marie Turpin  
**Sent:** Wednesday, October 12, 2011 2:17 PM  
**To:** Sheila Okelley  
**Subject:** DOUG HOLLOW

Nancy Porter 882-7952 --- Does not want the road closed it will cut off access to the lake for the people who have lived there all of their lives

Ralph Porter 903-9946 --- Does not feel the road should be closed so people can cross the road

*Mario R Turpin*

Oconee County Roads and Bridges  
15022 Wells Hwy  
Seneca, SC 29678  
864-885-1861 (office)  
864-886-1071 (fax)

Citizen Question/Comment Form

Road Name Doug Hollow Rd

Date 9/22/11

Name Leann Terwis

Address \_\_\_\_\_

Contact Phone # 864-624-9627

Questions/Comments:

- 1) What are the plans for Doug Hollow?
- 2) Why is the County taking over Doug Hollow?
- 3) At whose expense?

Response:

OC Employee Mark Kelly

Date 9/22/11

Returned Call  Sent Letter \_\_\_\_\_

Response to Questions/Comments:

Continue Pavement

1) As explained to Mrs. Terwis that the county would be taking over the section of Doug Hollow to give <sup>to</sup> Mike Kelly Judge Rd and go down to back to back - the Mike Kelly Road will be a 200' wide city street to be built and paving back approx 500' to Mike Kelly Road.

2) County will take over maintenance after signed by the Commission - it will be for only 1 year.

3) Mrs. Terwis had other questions so we have to look to it a point of time. Please call Mike Kelly, call back. Captain Robert Kelly about 11/11. Call Specialist

Oconee County Engineer Signature

*Mark Kelly*

## Attachment 4

**Sec. 26-9. - Road closure and abandonment.**

- (a) Prior to any request for abandonment and closure of an Oconee County public road being brought before county council, county staff, including, without limitation, the Oconee County Roads and Bridges Department, will conduct a thorough investigation, adequate to determine: whether the road in question is, or ever has been, a county road; whether the road still is a county road; whether the road is still in general public use or has been practically abandoned; whether the county has any documentation relating to the status of the road, such as a dedication of right-of-way or easement, or a deed, or whether such road was subject to a prescriptive easement or easement by usage; whether there is any other information which would assist county council in determining whether the best interests of the Oconee County public will be served by consenting to the abandonment and closure of the road in question or by not so consenting. As a part of the investigatory process addressed herein, the Oconee County Roads and Bridges Department will post, adjacent to the road in question, a sign, marked so as to be as conspicuous as possible, prominently providing notice that the road, or portion thereof abutting the sign, is proposed for abandonment and closure, soliciting citizen comments concerning such proposed abandonment and closure, and providing notice of address and telephone number at the Oconee County Public Works Department to which concerned citizens may forward comments concerning such proposed abandonment and closure.
- (b) Following the investigation referred to in paragraph 1, supra, county staff will make a recommendation to the Transportation Committee of Oconee County Council, which, in turn, will make a recommendation to Oconee County Council as to whether the request for abandonment and closure should be honored or not, and provide the results of the staff investigation to county council for its use and final determination whether the county will consent to such abandonment and closure. Included with the recommendation will be any public comments received and the recommendation(s) of county staff and the transportation committee.
- (c) County council shall then, in public meeting, make a determination as to whether the request for abandonment and closure should be consented to by the County, acting by and through county council, and shall signify its decision by motion, if such decision be negative, and shall signify its decision by resolution of county council, if such decision be positive.
- (d) If county council consents to the abandonment and closure of a county public road, as addressed herein, the resolution of county council consenting to such abandonment and closure shall state, with particularity, the road, or section thereof, to be closed; the basis for county council's decision to consent to the abandonment and closure of the road; and the absolute requirement that, prior to the road, or portion thereof, in question being closed, the primary private party(ies) in interest (unless the county, itself, is the party requesting the road closure, in which case the county will be the primary party in interest to comply with this section) shall fully comply with all applicable law, including, without limitation, S.C. Code 1976, § 57-9-10, as amended, and shall provide all required notice and service of process. Only upon the meeting of such conditions and the fulfillment of such procedures will the county council consent to such abandonment and closure be considered final, and that shall be stated in such resolution.

(Ord. No. 2010-28, §§ 1—5, 10-19-2010)

**STATE OF SOUTH CAROLINA  
OCONEE COUNTY  
RESOLUTION R2011-07**

**A RESOLUTION AUTHORIZING THE INITIATION OF A DECLARATORY JUDGMENT ACTION TO DETERMINE LEGAL INTERESTS IN CERTAIN REAL PROPERTY; CONDITIONALLY ACCEPTING TRANSFER OF CERTAIN RIGHT-OF-WAY FROM THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION; AND OTHER MATTERS RELATED THERETO.**

**WHEREAS**, public records indicate that Lake Keowee Investors, Inc. (the "Developer") owns certain real property (the "Developer Property") in Oconee County; and,

**WHEREAS**, an existing public roadway commonly known as Doug Hollow Road (the "Road") is currently controlled and maintained by the South Carolina Department of Transportation ("SCDOT"); and,

**WHEREAS**, the Developer has presented plans to Oconee County to build a restaurant on the Developer Property, and as a part of such plans, the Developer desires to relocate the portion of the Road and abandon a section of that portion of the road that exclusively crosses the Developer Property, as is more specifically shown on Exhibit A, attached hereto and incorporated herein by this reference (the "Portion of the Road"); and,

**WHEREAS**, the Developer has requested that Oconee County accept a certain portion of the Road from SCDOT so that the portion of the Road may be efficiently and determinatively abandoned and relocated; and,

**WHEREAS**, during the March 15, 2011 meeting of Oconee County Council, and in other public statements, several citizens expressed concern that certain rights that they may have in the Portion of the Road, or ancillary to the Portion of the Road, may be impacted by an abandonment and relocation of the Portion of the Road; and,

**WHEREAS**, while Oconee County believes that the general plans set forth by the Developer will have a positive impact on Oconee County and its citizens, Oconee County does not desire to negatively impact legitimate property rights citizens may have in the Portion of the Road, or ancillary to the Portion of the Road, by and through an abandonment and relocation of a Portion of the Road; and,

**WHEREAS**, Oconee County believes that the most efficient way to determine the legitimate property rights citizens may have in the Portion of the Road, or ancillary to the Portion of the Road, is by initiating a declaratory action whereby the property rights in the Portion of the Road, or ancillary to the Portion of the Road, can be determined by a proper judicial process, giving all parties the opportunity to be heard and have their property rights determined by the judicial system; and,

**WHEREAS**, to that end, Oconee County desires that the Oconee County Administrator and legal counsel for Oconee County seek a judicial determination and declaratory judgment from the Court of Common Pleas for the 10<sup>th</sup> Judicial Circuit, the Oconee County Master-In-Equity, or other court of competent jurisdiction (collectively referred to as the "Court" whether one or more) regarding the respective property rights in, and ancillary to, the Portion of the Road; and,

**WHEREAS**, Oconee County desires to have such property rights, if any, determined by the Court at the outset, so that Oconee County may determine whether or not Oconee County will accept the Portion of the Road from SCDOT and initiate procedures appropriate for the abandonment and relocation of the Portion of the Road and the eventual acceptance of the relocated road as a County Road; and,

**WHEREAS**, should it be determined by the Court that no property rights exist in the Portion of the Road that will legally prevent a relocation of the Portion of the Road, or, in Oconee County's sole determination, make a relocation of the Portion of the Road impractical, then Oconee County wishes and intends to

- (1) accept the Portion of the Road from SCDOT,
- (2) authorize construction of the relocated road, and
- (3) accept the relocated road as a County Road if and when the relocated road is constructed in accordance with approved plans; and,

**WHEREAS**, so that all interested parties and the public understand the general process for the acceptance, abandonment and relocation of the Portion of the Road, such process, if implemented at all, in whole or in part, will be as follows:

- (1) In accordance with this Resolution, Oconee County will seek a declaratory judgment from the Court regarding the property rights in and ancillary to the Portion of the Road, if any.
- (2) Upon a determination by the Court that the Portion of the Road is not encumbered by direct or ancillary rights of access upon and across the Portion of the Road to and across real property adjoining Lake Keowee as to legally prevent a relocation of the Portion of the Road or, in Oconee County's sole determination, make a relocation of the Portion of the Road impractical, by and through this Resolution, Oconee County would accept transfer of the Portion of the Road from SCDOT.
- (3) If Oconee County determines, as a result of steps (1) and (2), above, to accept transfer of the Portion of the Road from SCDOT, the Developer may then seek a judicial action to abandon a section of the Portion of the Road in accordance with Section 26-9 of the Oconee County Code of Ordinances and Sections 57-9-10 through 57-9-40 of the South Carolina Code of Laws, 1976, *as amended*. Upon receipt of a proper petition to abandon the section of the Portion of the Road, Oconee County will evaluate and consider the petition for abandonment. Oconee County Council will then, by resolution, determine whether or not Oconee County will consent to the request for abandonment and closure of said section.
- (4) During the judicial action to abandon the Portion of the Road, the Developer may submit to Oconee County plans, surveys, cross-sections in accordance with Section 26-6

of the Oconee County Code of Ordinances, as well as any necessary assurances for Oconee County approval of commencement of construction of the relocated Portion of the Road if and when the Court makes a determination that the Portion of the Road shall be closed and abandoned.

(5) If and when the Court determines that the section of the Portion of the Road is closed and abandoned and if and when the plans for the relocated Portion of the Road as stated in section (4) have been approved by Oconee County, the Developer may commence construction on the relocated Portion of the Road.

(6) During the construction of the relocated Portion of the Road, the Developer shall provide adequate access to Duke Energy to Duke Energy property through, upon and across the Developer's property and ensure that Oconee County does not have to provide any additional maintenance or access to Duke Energy or otherwise.

(7) Upon completion of the construction, Oconee County intends to accept the relocated Portion of the Road as a County Road in accordance with Section 26-6 of the Oconee County Code of Ordinances if the relocated Portion of the Road meets the requirements set forth in Division 1 of Chapter 26 of the Oconee County Code of Ordinances. If, in Oconee County's sole determination, the relocated Portion of the Road does not meet the requirements set forth in Division 1 of Chapter 26 of the Oconee County Code of Ordinances, Oconee County Council will consider, by ordinance, whether or not Oconee County will accept the relocated Portion of the Road as a County Road.

**WHEREAS**, Oconee County, a body politic and corporate and a political subdivision of the State of South Carolina, acting by and through its County Council, desires to express its intent to seek a judicial determination regarding the direct or ancillary rights of access upon and across the Portion of the Road to and across real property adjoining Lake Keowee, and to authorize and direct the Oconee County Administrator and legal counsel for Oconee County to seek such judicial determinations from the Court; and,

**WHEREAS**, Oconee County, acting by and through its County Council, further desires to authorize and direct the Oconee County Administrator to accept the Portion of the Road from SCDOT if and when the Court determines the Portion of the Road is not encumbered by direct or ancillary rights of access upon and across the Portion of the Road to and across real property adjoining Lake Keowee as to legally prevent a relocation of the Portion of the Road, or, in Oconee County's sole determination, make a relocation of the Portion of the Road impractical:

**NOW, THEREFORE**, it is hereby resolved by Oconee County Council, in meeting duly assembled, that:

1. The Oconee County Administrator and legal counsel for Oconee County are hereby authorized and directed to seek a judicial determination from the Court of Common Pleas for the 10<sup>th</sup> Judicial Circuit, Oconee County Master-In-Equity, or other such court of competent jurisdiction regarding the property rights in and ancillary to the Portion of the Road, including, without limitation, direct or ancillary rights of access upon and across the Portion of the Road to and across real property adjoining Lake Keowee.

2. If and when a determination is made by a court of competent jurisdiction that the Portion of the Road is not encumbered by direct or ancillary rights of access upon and across the Portion of the Road to and across real property adjoining Lake Keowee as to legally prevent a relocation of the Portion of the Road and abandonment of a section of that portion or, in Oconee County's sole determination, make a relocation of the Portion of the Road impractical, then the Oconee County Administrator, by and through this Resolution and only upon the above conditions being met, shall be authorized and directed to accept the Portion of the Road from the SCDOT.

3. The Administrator and legal counsel for Oconee County are authorized and directed to prepare all documents and do all things which are necessary to fully implement this Resolution, so long as such acts are reasonably related to the contents and terms of this Resolution.

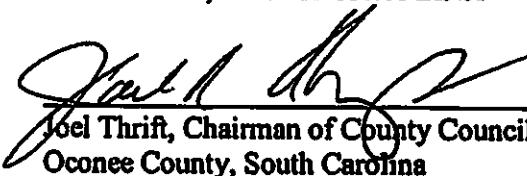
4. All orders and resolutions of Oconee County inconsistent with this Resolution are hereby revoked, rescinded, and repealed, and this Resolution shall control, to the extent of such inconsistency, only.

5. This resolution shall take effect immediately upon enactment.

**RESOLVED** this 5th day of April, 2011, in meeting duly assembled.

OCONEE COUNTY, SOUTH CAROLINA


By:



Joel Thrift, Chairman of County Council  
Oconee County, South Carolina

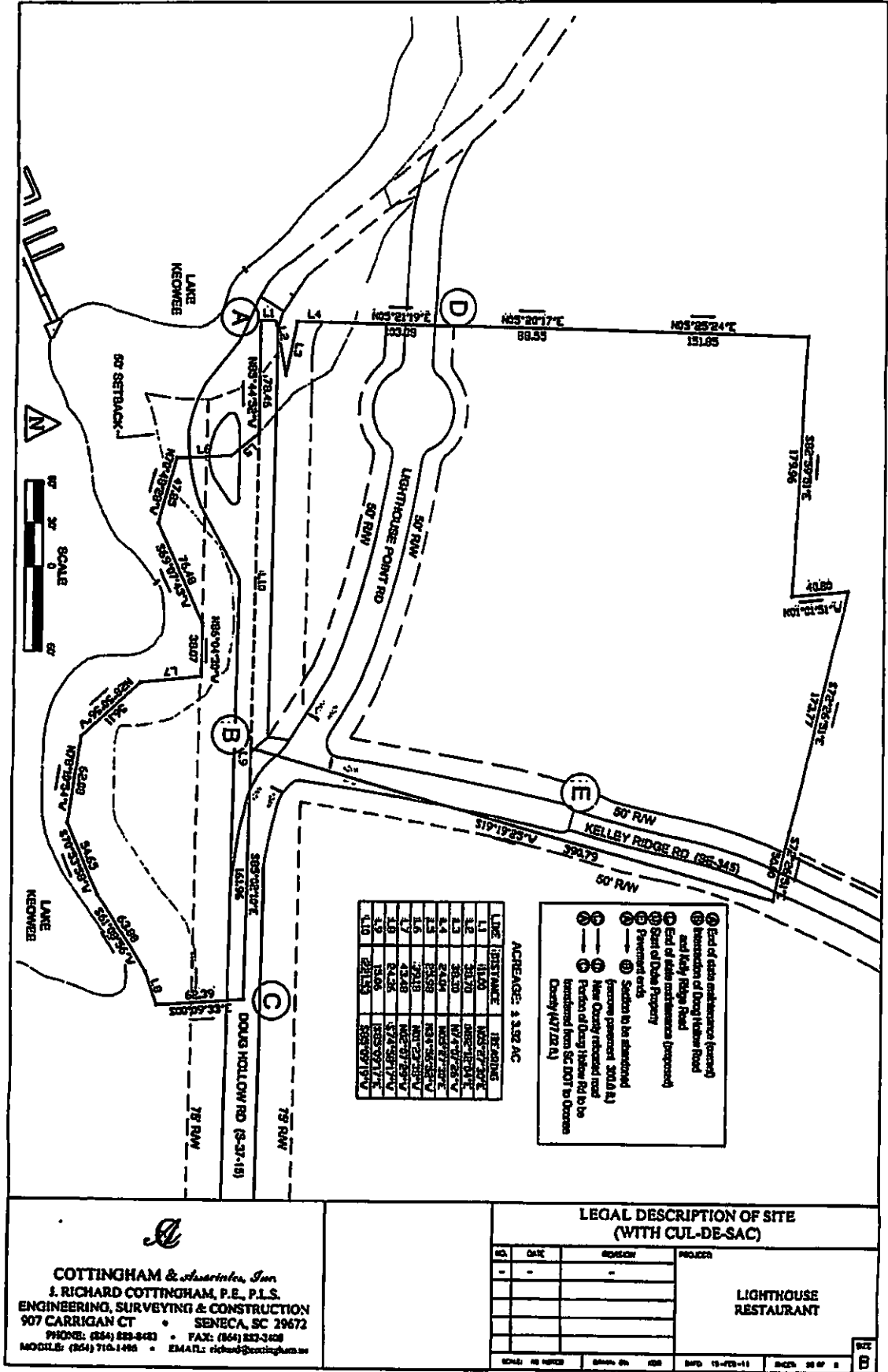
ATTEST:

By:



Elizabeth G. Hulse, Clerk to County Council  
Oconee County, South Carolina





LINE	DISTANCE	BEARING
1.1	11.00	N85°20'17"E
1.2	88.55	N85°25'24"E
1.3	173.96	S82°59'31"E
1.4	40.86	N15°13'10"W
1.5	174.77	S72°38'51"E
1.6	57.28	S72°38'51"E
1.7	394.73	S19°19'23"W
1.8	161.96	S89°32'19"E
1.9	161.96	S89°32'19"E
1.10	281.15	S89°32'19"E

- ⓐ End of easement (existing)
- ⓑ Intersection of Kelley Ridge Road and Lighthouse Point Road
- ⓒ End of utility easement (proposed)
- ⓓ Start of Deed Property
- ⓔ Proposed ends
- ⓕ Sections to be abandoned (proposed present 2018 A)
- ⓖ New Quarry indicated road
- ⓗ Portion of Kelley Ridge Rd to be abandoned from SC 001 to Orange County (4/2/22 A)

**COTTINGHAM & Associates, Inc.**  
**J. RICHARD COTTINGHAM, P.E., P.L.S.**  
 ENGINEERING, SURVEYING & CONSTRUCTION  
 907 CARRIGAN CT • SENECA, SC 29672  
 PHONE: (864) 893-4433 • FAX: (864) 893-3428  
 MOBILE: (864) 710-1486 • EMAIL: richard@cottingham.com

LEGAL DESCRIPTION OF SITE (WITH CUL-DE-SAC)			
NO.	DATE	REVISION	PROJECT
			LIGHTHOUSE RESTAURANT

