

ORIGINAL
STAMPED IN RED

ORDINANCE NO.: 2023-075

Authorizing the City Manager to execute a Waiver and Release of Restrictive Covenant by the City of Columbia to Waive and Release a Use Restriction on Property owned by East Side Land, LLC within Columbia Industrial Park containing 1.8 acres, Richland County TMS #13512-04-06

BE IT ORDAINED by the Mayor and City Council this 18th day of July, 2023, that the City Manager is authorized to execute the attached, Waiver and Release of Restrictive Covenant by the City of Columbia, or on a form approved by the City Attorney, to waive and release a use restriction on property owned by East Side Land, LLC within Columbia Industrial Park containing 1.89 acres, Richland County TMS #13512-04-06.

Requested by:

Assistant City Manager Gentry

Approved by:



City Manager

Approved as to form:



City Attorney

Introduced: 6/20/2023

Final Reading: 7/18/2023


Mayor

ATTEST:


City Clerk

used as an “[a]utomotive storage, repair, or sales facility” (the “Use Restriction”) is hereby forever waived as to the ESL Property and the ESL Property is hereby forever released from the Use Restriction. The ESL Property may be developed and used as an automotive storage, repair, or sales facility free and clear of the Use Restriction and/or sold, transferred, or leased to a third-party for the development of and use as an automotive storage, repair, or sales facility, free and clear of the Use Restriction.

2. Effect of Waiver and Release; Binding Effect. This Waiver and Release is limited to and shall apply only to the ESL Property, and except as to the ESL Property, is not an amendment to or modification of the Declaration. The City hereby ratifies the Declaration, as affected by this Waiver and Release. This Waiver and Release shall run with the title to the ESL Property and shall be binding upon and inure to the benefit of the City and East Side Land, and their respective successors and assigns.

SIGNATURE PAGE FOLLOWS

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND) WAIVER AND RELEASE OF
) RESTRICTIVE COVENANT

Cross-reference: Book 340 at Page 239

THIS WAIVER AND RELEASE OF RESTRICTIVE COVENANT (this "Waiver and Release") is made and declared and is effective as of July 18, 2023, by THE CITY OF COLUMBIA, SOUTH CAROLINA, a municipal corporation created under the laws of the State of South Carolina (the "City").

RECITALS:

WHEREAS, the City executed that certain Declaration dated November 7, 1962, and recorded November 7, 1962, in the official land records of Richland County (the "Declaration"), to which certain real property located in Richland County comprising approximately 400 acres known as the "Columbia Industrial Park" was and is subjected;

WHEREAS, among other provisions, the Declaration contains certain use restrictions as set forth in Section 3 thereof;

WHEREAS, East Side Land, LLC, a South Carolina limited liability company ("East Side Land"), is the owner of certain real property within the Columbia Industrial Park and subject to the Declaration and which is more particularly described on Exhibit A attached hereto and incorporated herein by this reference (the "ESL Property"); and

WHEREAS, the City has agreed to waive and release the ESL Property of and from a use restriction, as set forth below.

NOW THEREFORE, in consideration of the payment of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City, pursuant to Section 14 of the Declaration, agrees and declares as follows:

1. Release of Use Restriction. The use restriction set forth in Section 3, Item C. of the Declaration, which prohibits any property (or "premises") subject to the Declaration from being

IN WITNESS WHEREOF, the undersigned, being the duly authorized _____
of the City of Columbia, South Carolina, has executed this Waiver and Release this 31 day of
July, 2023.

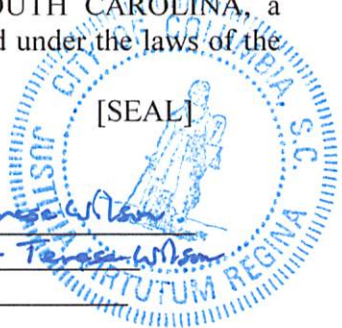
CITY OF COLUMBIA, SOUTH CAROLINA, a
municipal corporation created under the laws of the
State of South Carolina

[SEAL]

Tasha Wabo
Witness

[Signature]
Witness

By: Clint E. Shealy for Teresa Wilson
Name: Clint E. Shealy for Teresa Wilson
Its: City Manager



STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

ACKNOWLEDGMENT

I, the undersigned Notary Public, do certify that Clint E. Shealy,
Assistant City Manager of The City of Columbia, South Carolina, personally
appeared before me, and having satisfactorily proven to be the person whose name is subscribed
above, has acknowledged the due execution of the within instrument.

Witness my official seal this 31 day of July 2023.

Erika D. Hammond [SEAL]
Notary Public for South Carolina
Print Name: Erika Hammond
My commission expires: 8.17.2032

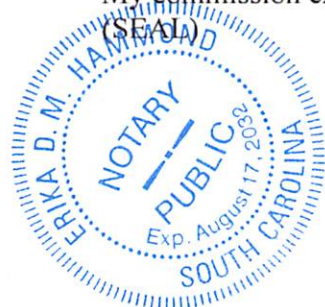


Exhibit A

ALL THAT CERTAIN PIECE, parcel or tract of land situate, lying and being in the City of Columbia, County of Richland, State of South Carolina, as shown on a survey prepared by Cox and Dinkins, Inc., dated January 13, 2000, for Blanchard Investments, Inc., recorded in the Office of the Register of Deeds for Richland County in Plat Book 389, page 1051, and containing 1.89 acres, more or less, and having the following measurements, to wit:

To find the true POINT OF BEGINNING, begin at a ½" rebar at the intersection of First Street South Extension and Second Avenue; thence turning and running N30°15'54"W along the northern Right of Way of Second Avenue for a distance of 217.65 feet to a ½" rebar, with ½" rebar is the true POINT OF BEGINNING; thence turning and running N30°16'06"W along the northern Right of Way of Second Avenue for a distance of 249.97 feet to a 1/2" rebar; thence turning and running N59°43'34"E for a distance of 349.94 feet to a ½" rod; thence turning and running S21°45'54"E for a distance of 249.91 feet to a ½" rebar; thence turning and running S59°12'42"W for a distance of 313.00 feet to ½" rebar, which is also the POINT OF BEGINNING.

TMS No. 13512-04-06

APPROVED AS TO FORM


Legal Department City of Columbia, SC

06/07/2023