

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: October 7, 2024

Agenda Item: 7C	Prepared by: Chris Noury, City Attorney
Agenda Section: New Business: Ordinance. First Reading	Date: September 26, 2024
Subject: To reconvey to Meritage Homes of the Carolinas the streets and drainage system identified as Copper Creek Loop and Dunes Point Way in the Waterside neighborhood which were deeded incorrectly to the City as public ROWs instead of remaining private ROWs	Division: Legal

Background:

Meritage Homes of the Carolinas incorrectly recorded a Deed of Dedication. The City should reconvey to Meritage Homes of the Carolinas the streets identified as Copper Creek Loop and Dunes Points Way (and the drainage systems associated with these streets) which were incorrectly conveyed to the City as public streets.

The above referenced streets were accepted by the North Myrtle Beach Planning Commission as *private streets* and the recorded plat for this area indicates the streets *are private*.

To correct this issue, the City will convey the above referenced streets back to Meritage Homes by quitclaim deed (attached for Council’s review).

Recommended Action:

Approve or deny the proposed ordinance on first reading

Reviewed by Department Head	Reviewed by City Manager	Reviewed by City Attorney

Council Action:

Motion By _____ 2nd By _____ To _____

AN ORDINANCE

AN ORDINANCE OF THE CITY OF NORTH MYRTLE BEACH TO RECONVEY TO MERITAGE HOMES OF THE CAROLINAS THE STREETS IDENTIFIED AS COPPER CREEK LOOP AND DUNES POINT WAY (AND THE DRAINAGE SYSTEMS ASSOCIATED WITH THESE STREETS) WHICH WERE INCORRECTLY CONVEYED TO THE CITY BY DEED OF DEDICATION AS PUBLIC STREETS

WHEREAS, Meritage Homes of the Carolinas was involved in the development of the Waterside neighborhood; and

WHEREAS, the streets identified as Copper Creek Loop and Dunes Point Way were presented to the North Myrtle Beach Planning Commission as private streets; and

WHEREAS, the North Myrtle Beach Planning Commission accepted the above referenced streets as private streets; and

WHEREAS, a plat was recorded which depicts the above referenced streets as private streets; and

WHEREAS, Meritage Homes incorrectly filed a deed of dedication regarding the above referenced streets as public streets; and

WHEREAS, to correct the record regarding the status of the streets, it is necessary for the City to convey back to Meritage Homes the above referenced streets as private streets.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL FOR THE CITY OF NORTH MYRTLE BEACH:

SECTION 1: The quitclaim deed to convey the above referenced streets to Meritage Homes of the Carolinas, Inc. is hereby approved.

SECTION 2: The Acting/Interim City Manager is authorized to sign the quitclaim deed and other documents that may be necessary to complete the transaction.

SECTION 3: The ordinance shall be effective upon the date of passage.

DONE, RATIFIED AND PASSED THIS _____ DAY OF _____, 2024.

ATTEST:

Mayor Marilyn Hatley

City Clerk

APPROVED AS TO FORM:

City Attorney

FIRST READING: 10.7.2024

SECOND READING: _____

REVIEWED:

Acting/Interim City Manager

ORDINANCE: _____

Prepared By:

Maynard Nexsen PC
1101 Johnson Avenue, Suite 300
Myrtle Beach, SC 29577
017622-00003 (DS/jlf)

NO TITLE SEARCH PERFORMED BY PREPARING ATTORNEY

STATE OF SOUTH CAROLINA)
)
) **QUITCLAIM DEED**
COUNTY OF HORRY)

WHEREAS, a certain Road & Drainage Dedication Deed was recorded on July 23, 2024 in Deed Book 4835 at Page 1597, in the Horry County Registrar of Deeds Office (the "**Dedication Deed**") conveying certain real property from Meritage Homes of the Carolinas to the City of North Myrtle Beach, which is more particularly described as Copper Creek Loop and Dunes Point Way in **Exhibit A** attached hereto and incorporated herein by reference (the "**Property**"); and

WHEREAS, the Property described therein purported to be of a public nature and conveyed for the purpose of the dedication of Copper Creek Loop and Dunes Point Way to the City of North Myrtle Beach; and

WHEREAS, subsequent to the recording of the Dedication Deed it was discovered that the Property was private in nature, and not for the benefit of the public; and

WHEREAS, it is now the desire of the parties hereto to have the City of North Myrtle Beach return the Property, consisting of Copper Creek Loop and Dunes Point Way, and any drainage related thereto, to Meritage Homes of the Carolinas including all rights and all obligations for maintenance of Copper Creek Loop and Dunes Point Way.

NOW, KNOW ALL BY THESE PRESENTS THAT, **THE CITY OF NORTH MYRTLE BEACH**, a body politic (the "**Grantor**"), for and in consideration of the sum of TEN and 00/100 (\$10.00) Dollars to Grantor in hand paid at and before the sealing of these presents by **MERITAGE HOMES OF THE CAROLINAS, INC.**, an Arizona corporation (the "**Grantee**"), the receipt and legal adequacy of which are hereby acknowledged, has remised, released and forever quitclaimed, and by these presents does remise, release and forever quitclaim unto the Grantee:

All that certain real property more fully described in **Exhibit A** attached hereto and incorporated herein by reference.

Grantee Address: 8800 E. Raintree, Suite 300, Scottsdale, AZ 85260

THIS CONVEYANCE IS MADE SUBJECT TO all matters of public record, including, but not limited to, all covenants, conditions, restrictions, reservations, easements, rights-of-way and plats.

TOGETHER WITH ALL AND SINGULAR the rights, members, hereditaments and appurtenances to the Premises belonging or in anywise incident or appertaining;

TO HAVE AND TO HOLD all and singular the Premises, and interests quitclaimed above unto the Grantee, its successors and assigns forever.

[signatures appearing on following page]

EXHIBIT A

LEGAL DESCRIPTION

ALL AND SINGULAR, that certain property located in the City of North Myrtle Beach, Horry County, South Carolina, being more particularly described as Copper Creek Loop and Dunes Point Way, as shown on the Waterside Phase 1A Final Plat last revision dated 10/27/2022 and recorded 11/10/2022 at Plat Book 308 at Page 237, and also shown in the Final Road & Drainage Record Drawing recorded July 23, 2024 in Plat Book 323 at Page 307, all in the Horry County Register of Deeds.

PIN # 389-00-00-0233 (a portion)

Being the same property conveyed to The City of North Myrtle Beach by deed of Meritage Homes of the Carolinas recorded July 23, 2024 in Deed Book 4835 at Page 1597, Horry County Records.

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

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AFFIDAVIT

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

1. I have read the information on this affidavit and I understand such information.
2. The property being transferred is identified at certain roads & drainage located in the City of North Myrtle Beach, SC and bearing PIN # 389-00-00-0233 (a portion), by THE CITY OF NORTH MYRTLE BEACH to MERITAGE HOMES OF THE CAROLINAS.
3. Check one of the following: The deed is
 - (a) _____ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
 - (b) _____ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
 - (c) XXX exempt from the deed recording fee because (See Information section of affidavit): Exemption #1, realty value is equal to or less than \$100.
4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See Information section of this affidavit):
 - (a) _____ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of _____.
 - (b) _____ The fee is computed on the fair market value of the realty which is _____.
 - (c) _____ The fee is computed on the fair market value of the realty as established for property tax purposes which is _____.
5. Check Yes _____ or No X to the following: A lien or encumbrance on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "Yes," the amount of the outstanding balance of this lien or encumbrance is _____.
6. The deed recording fee is computed as follows:
 - (a) _____ Place the amount listed in item 4 above here: \$ _____
 - (b) _____ Place the amount listed in item 5 above here: \$ _____
(If no amount is listed, place zero here.)
 - (c) _____ Subtract Line 6(b) from Line 6(a) and place result here: \$ _____
7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is \$ _____.
8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Grantor.
9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Sworn to before me this _____ day of September, 2024. _____ Notary for South Carolina My Commission Expires: [SEAL]	City of North Myrtle Beach By: _____ (SEAL) Ryan Fabbri, Acting City Manager
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