

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: May 19, 2025

Agenda Item: 6A	Prepared by: Chris Noury, City Attorney	
Agenda Section: Unfinished Business: Ordinance. Second Reading	Date: May 9, 2025	
Subject: An ordinance regarding the conveyance of 4 small parcels (no parcel larger than 0.029 acres), one at each corner of the intersection of 6 th Avenue South and Highway 17, to the South Carolina Department of Transportation	Division: Legal	
<p><u>Housekeeping Item:</u> In 2010 and 2011, the City acquired 4 small parcels of land (one at each corner of the intersection) for the 6th Avenue South and Highway 17 Intersection improvement project. The City was working with the SCDOT regarding the project, and it was agreed that the land acquired by the City would be conveyed to the SCDOT as Highway 17 in North Myrtle Beach is controlled by the SCDOT.</p> <p>At the time, staff with the SCDOT indicated <i>SCDOT Staff</i> would prepare the deed for the transfer from NMB to the SCDOT. However, the deed was <i>not</i> forwarded to the City from the SCDOT.</p> <p>Staff with the SCDOT <i>recently</i> contacted the NMB Public Works Department regarding the conveyance and NMB staff reviewed the history with SCDOT staff. Thereafter, the SCDOT forwarded to the City the attached deed to convey the four parcels.</p> <p>The deed includes Exhibit A, which depicts the location and size of each parcel at the 6th Avenue South and Highway 17 intersection.</p> <p><u>Recommended Action:</u> Approve or deny the proposed ordinance on second reading</p>		
Reviewed by Department Head	Reviewed by Interim City Manager	Reviewed by City Attorney
Council Action: Motion By _____ 2 nd By _____ To _____		

ORDINANCE

AN ORDINANCE OF THE CITY OF NORTH MYRTLE BEACH TO CONVEY FOUR SMALL PARCELS OF LAND, ONE PARCEL AT EACH CORNER OF THE INTERSECTION OF 6TH AVENUE SOUTH AND HIGHWAY 17 IN NORTH MYRTLE BEACH, TO THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION

WHEREAS, the City and the SCDOT were jointly involved in the 6th Avenue South and Highway 17 intersection improvement project; and

WHEREAS, the City agreed it would convey to the SCDOT the four small parcels that the City acquired for the intersection improvement project; and

WHEREAS, the deed along with Exhibit A, which is a rendering depicting the size and location of the four parcels to be conveyed to the SCDOT, is attached to this Ordinance.

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

Section I: The conveyance of the four above-mentioned parcels to the SCDOT is hereby approved.

Section II: The Interim City Manager is authorized to sign the documents necessary to complete the transaction to convey the four parcels to the SCDOT.

Section III: This Ordinance shall be effective upon the date of passage.

DONE, RATIFIED AND PASSED THIS _____ DAY OF MAY 2025.

ATTEST:

Mayor Marilyn Hatley

City Clerk

APPROVED AS TO FORM:

City Attorney

FIRST READING: 5.5.2025

SECOND READING: 5.19.2025

REVIEWED:

Interim City Manager

ORDINANCE: 25-21

THE STATE OF SOUTH CAROLINA

COUNTY OF HORRY

Road/Route **US 17-6th Avenue**
 File **26.037228A**
 PID **0037228**
 Tract(s) **1A**

TITLE TO REAL ESTATE

Approximate Survey Stations

7+00	To	12+00 Rt.
6th Avenue South		
8+00	To	11+00 Lt.
6 th Avenue South		

KNOW ALL MEN BY THESE PRESENTS, That I (or we) **City of North Myrtle Beach - 1018 Second Avenue South, North Myrtle Beach, South Carolina 29582** in consideration of the sum of **Five and No/100 Dollars (\$5.00)** and other valuable consideration to me (or us) in hand paid at and before the sealing and delivering thereof, by the South Carolina Department of Transportation, Columbia, South Carolina, receipt of which is hereby acknowledged, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release, unto the said South Carolina Department of Transportation, its successors and assigns, all that certain real property of the Grantor in fee simple absolute **from 0.08 mile north of US 17-6th Avenue to 0.12 miles south of US 17 on 6th Avenue South**, State and County aforesaid, as shown on plans prepared by the South Carolina Department of Transportation and dated **September 1, 2009**.

SPECIAL PROVISIONS:

The above consideration is for all that certain parcel of land containing 0.074 acre (3,247 SF), more or less, and all improvements thereon, if any owned by the City of North Myrtle Beach, shown as the "Area of Acquisition" on Exhibit A, attached hereto and made a part herof.

DERIVATION: The City of North Myrtle Beach acquired its interests in the above-described property by the following deeds to the designated tracts:

- (2) Deed from Catoe Villa, Inc., Donaphan Rossignol and Teresa Rossignol dated July 13, 2011 and recorded August 16, 2011 Deed Book 3535, Page 1960, in the records for Horry County and shown as Tax Map No. 144-06-01-073.
- (3) Deed from First Baptist Church of North Myrtle Beach, Inc. dated September 23, 2010 and recorded September 28, 2010 Deed Book 3482, Page 2729, in the records for Horry County and shown as Tax Map No. 144-06-01-048.
- (4) Deed from First Citizens Bank and Trust Company of South Carolina dated September 22, 2010 and recorded September 28, 2010 Deed Book 3482, Page 2735, in the records for Horry County and shown as Tax Map No. 144-10-02-183.
- (5) Deed from The Pantry, Inc. dated September 22, 2010 and recorded September 28, 2010 Deed Book 3482, Page 2732, in the records for Horry County and shown as Tax Map No. 144-10-03-001.

File 26.037228A PIN 37228 Tract 1A

Together with, all and singular, the rights, members, hereditaments and appurtenances thereunto belonging, or in any wise incident or appertaining.

And I (or we) do hereby bind myself (or ourselves), and my (or our) successors, to warrant and forever defend all and singular said premises unto said South Carolina Department of Transportation, its successors and assigns, against myself (or ourselves), and our successors in interest and anyone claiming under us and against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

TO HAVE AND TO HOLD in fee simple, absolute and singular the said property and the rights hereinbefore granted, unto the said South Carolina Department of Transportation, its successors and assigns forever.

IN WITNESS WHEREOF, I (or we) have hereunto set my (or our) hand(s) and seal(s) this _____ day of _____, in the year of our Lord, Two Thousand and _____.

Signed, sealed and delivered in the presence of:

City of North Myrtle Beach

1st Witness

By: Grantor (L.S.)
Its:

2nd Witness

By: Grantor (L.S.)
Its:

NOTE: All right of way agreements must be in writing and are subject to rejection by the South Carolina Department of Transportation.

THE STATE OF _____)
_____))
COUNTY OF _____)

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me this _____ by _____ of City of North Myrtle Beach.

Signature of Notary Public

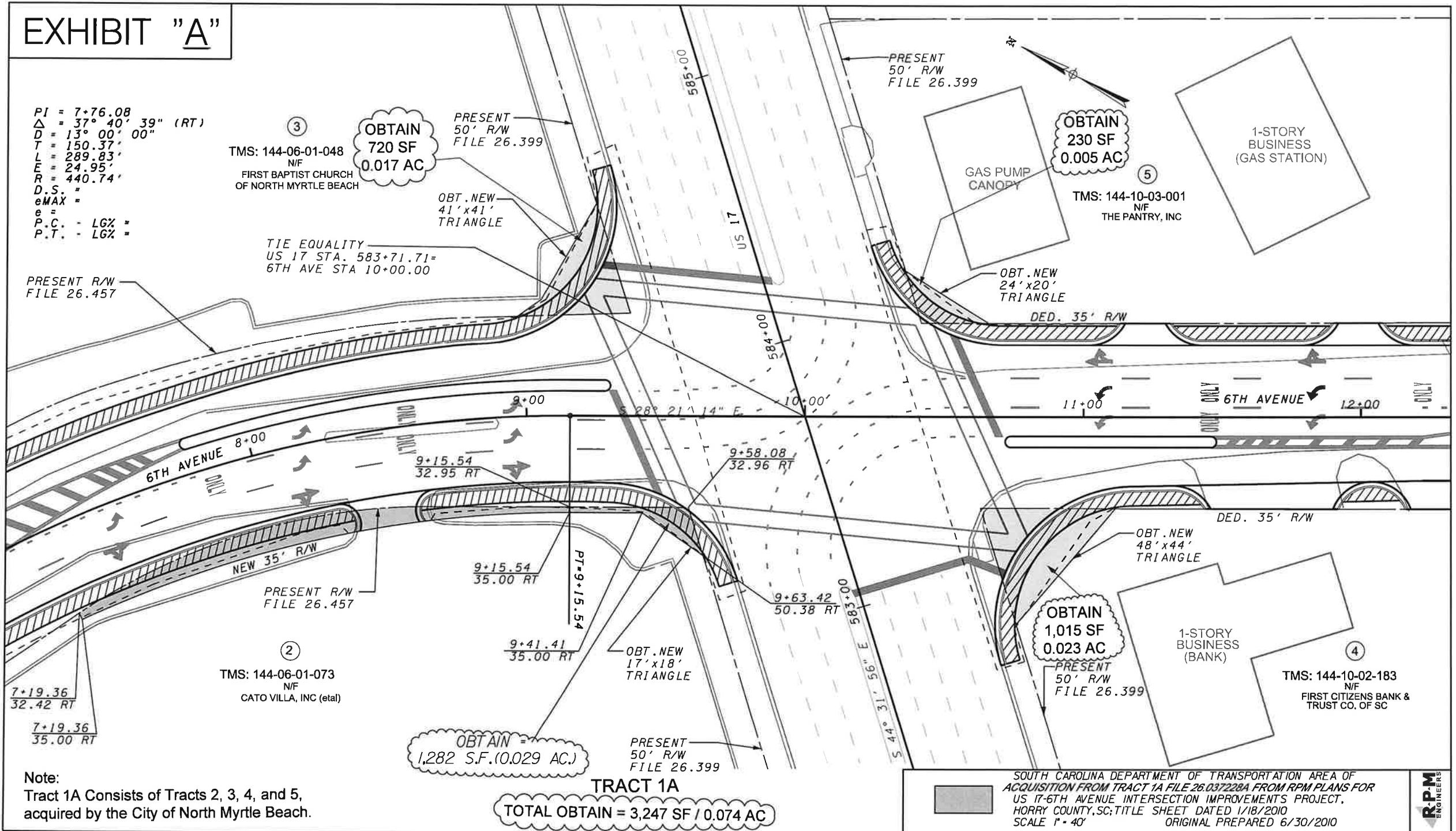
Printed Name of Notary Public

NOTARY PUBLIC FOR THE STATE OF

My Commission Expires: _____
(Affix seal if outside SC)

EXHIBIT "A"

$PI = 7+76.08$
 $\Delta = 37^{\circ} 40' 39''$ (RT)
 $D = 13^{\circ} 00' 00''$
 $T = 150.37'$
 $L = 289.83'$
 $E = 24.95'$
 $R = 440.74'$
 $D.S. =$
 $eMAX =$
 $e =$
 $P.C. - LG\% =$
 $P.T. - LG\% =$



③
OBTAIN
 720 SF
 0.017 AC
 TMS: 144-06-01-048
 N/F
 FIRST BAPTIST CHURCH
 OF NORTH MYRTLE BEACH

⑤
OBTAIN
 230 SF
 0.005 AC
 TMS: 144-10-03-001
 N/F
 THE PANTRY, INC

④
OBTAIN
 1,015 SF
 0.023 AC
 TMS: 144-10-02-183
 N/F
 FIRST CITIZENS BANK &
 TRUST CO. OF SC

OBTAIN =
 1,282 S.F. (0.029 AC.)

TRACT 1A
TOTAL OBTAIN = 3,247 SF / 0.074 AC

PRESENT R/W
FILE 26.457

TIE EQUALITY
US 17 STA. 583+71.71=
6TH AVE STA 10+00.00

PRESENT R/W
FILE 26.457

②
 TMS: 144-06-01-073
 N/F
 CATO VILLA, INC (etal)

7+19.36
32.42 RT

7+19.36
35.00 RT

9+15.54
35.00 RT

9+41.41
35.00 RT

PRESENT
50' R/W
FILE 26.399

US 17

585+00

584+00

583+00

PRESENT
50' R/W
FILE 26.399

GAS PUMP
CANOPY

OBT. NEW
24'x20'
TRIANGLE

DED. 35' R/W

1-STORY
BUSINESS
(GAS STATION)

11+00

ONLY

6TH AVENUE

12+00

ONLY

DED. 35' R/W

OBT. NEW
48'x44'
TRIANGLE

1-STORY
BUSINESS
(BANK)

PRESENT
50' R/W
FILE 26.399

TMS: 144-10-02-183
 N/F
 FIRST CITIZENS BANK &
 TRUST CO. OF SC

SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION AREA OF
 ACQUISITION FROM TRACT 1A FILE 26.037228A FROM RPM PLANS FOR
 US 17-6TH AVENUE INTERSECTION IMPROVEMENTS PROJECT,
 Horry County, SC; TITLE SHEET DATED 1/18/2010
 SCALE 1" = 40' ORIGINAL PREPARED 6/30/2010

