

**REQUEST FOR CITY COUNCIL CONSIDERATION**

Meeting Date: March 15, 2021

Agenda Item: 7C	Prepared By: Chris Noury, City Attorney
Agenda Section: New Business: Ordinance. First Reading	Date: March 14, 2021
Subject: An ordinance to authorize the conveyance of property from the City of North Myrtle Beach to the United Parcel Service, Inc. (via its entity BT-OH, LLC)(“UPS”) in exchange for a conveyance via various property owners described below to the City to relocate the flag portion of the City’s Parkway PDD fire station lot	Division: Legal

**Background:**

The City currently owns a lot within the Parkway PDD off of Water Tower Road that the City plans to use as the location for a fire station. The lot is shaped like a flag with the flag pole portion of the lot fronting on Water Tower Road which provides access to the larger section of the property (see attached Subdivision and Recombination Plat dated as of January 28, 2021) where the fire station will be located.

UPS recently acquired the property on one side of the flag pole portion of the City’s lot and now desires to purchase the property on the other side of the City’s flag pole lot. To avoid a division of UPS’s property and to allow for potential expansion and additional parking etc., UPS has requested that the City convey the flag pole portion of its lot (approximately 0.60 acres) to UPS in exchange for UPS (via Apache Properties, LLC and Henry Road West, LLC) conveying to the City a slightly larger area (approximately 0.65 acres) adjacent to the UPS property line (see attached Subdivision and Recombination Plat dated as of January 28, 2021).

As previously stated, the exchange would allow UPS a larger, uninterrupted area for its operations while still allowing the City to access its parcel from a flag pole section of its property but at a slightly different location and with slightly more property for the fire station. The relocation also benefits the City as it will require that the access point to the property across Water Tower Road align with the access point to the City’s lot. Because of these issues, UPS had to coordinate and reach agreement with Apache Properties, LLC and Henry Road West, LLC regarding the conveyances referenced herein. No documents or agreements will be signed by the City until after the fully executed transfer documents have been presented to the City and approved for recording by the City regarding the UPS, Apache Properties, LLC and Henry Road West, LLC property transfers referenced herein.

**Recommended Action:**

Approve the ordinance on first reading

	Reviewed by City Manager	Reviewed by City Attorney
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**Council Action:**

Motion By \_\_\_\_\_ 2<sup>nd</sup> By \_\_\_\_\_ To \_\_\_\_\_

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**AN ORDINANCE**

**AN ORDINANCE TO AUTHORIZE THE CONVEYANCE OF APPROXIMATELY 0.60 ACRES OF CITY PROPERTY TO UNITED PARCEL SERVICE, INC. VIA ITS ENTITY BT-OH, LLC ("UPS") IN EXCHANGE FOR APPROXIMATELY 0.65 ACRES OF PROPERTY FROM UPS (AS DESCRIBED BELOW) TO ACCOMMODATE THE RECONFIGURATION OF THE CITY'S PROPERTY LOCATED WITHIN THE PARKWAY PDD AND THE ADJACENT UPS LOT AS WELL AS ADDITIONAL PROPERTY TO BE PURCHASED BY UPS.**

**Whereas**, UPS recently acquired property adjacent to the City's property which both parcels are located within the Parkway PDD off of Water Tower Road; and

**Whereas**, UPS desires to acquire additional property and to assist in the efficient configuration of the combined UPS property and the City property, UPS has requested that the City convey the flag pole portion of its lot (PIN # 360-14-02-0001) to UPS and UPS (via Apache Properties, LLC and Henry Road West, LLC) will have conveyed to the City a lot (PIN 389-00-00-0003) of similar size adjacent to and near the UPS property line; and

**Whereas**, the above referenced property exchange will allow the reconfiguration of the City's lot and the UPS lot and its additional property purchase to the benefit of both parties.

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

**Section 1:** The conveyance of the above referenced property is hereby approved.

**Section 2:** The City Manager is authorized to sign the documents necessary to complete the property exchange.

**Section 3:** The Ordinance shall be effective upon the date of passage.

DONE, RATIFIED AND PASSED, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

ATTEST:

\_\_\_\_\_  
Mayor Marilyn Hatley

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

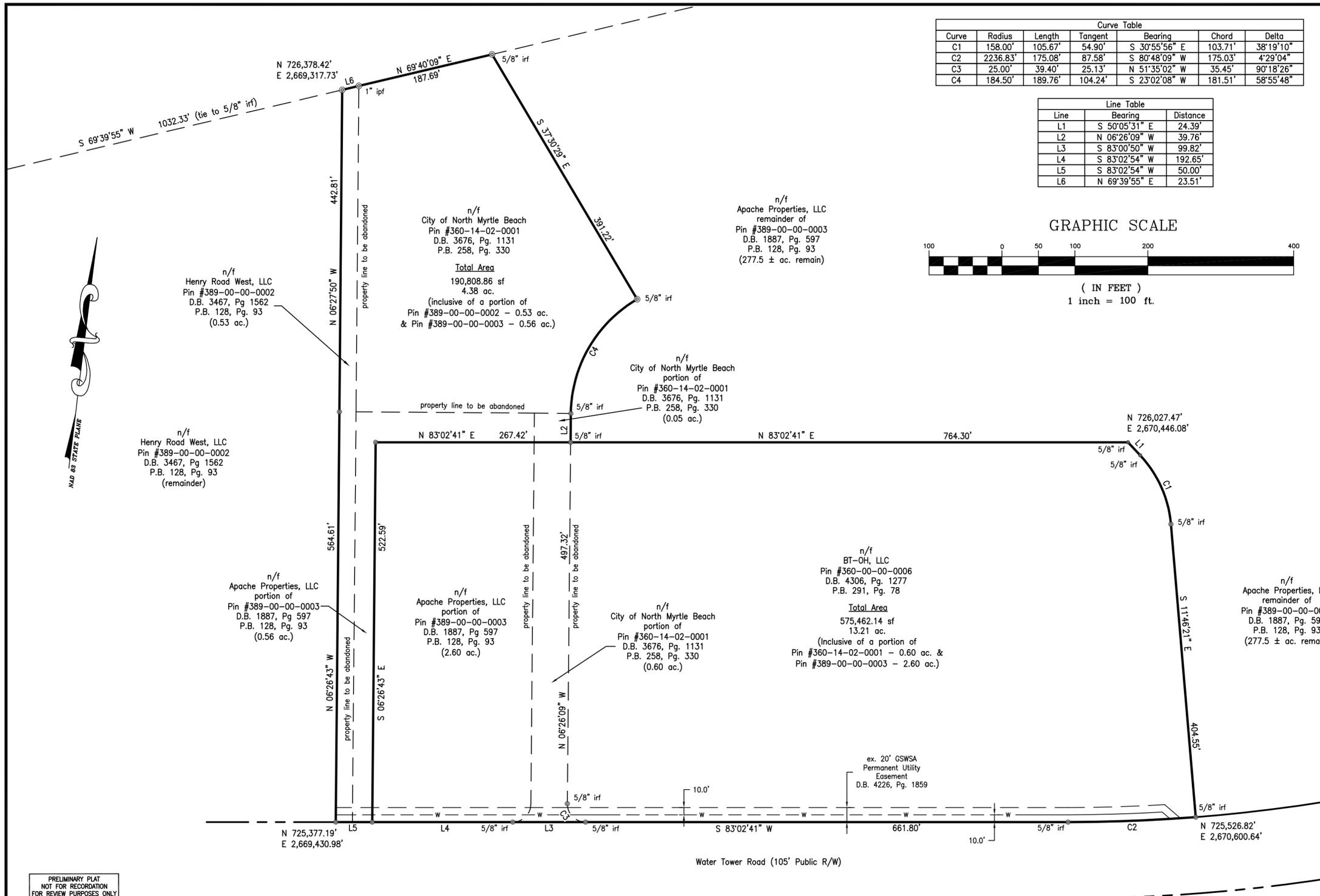
FIRST READING: 3-15-2021

SECOND READING: \_\_\_\_\_

REVIEWED:

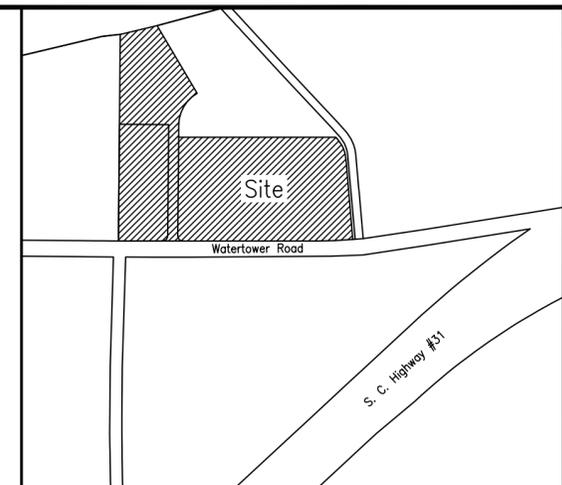
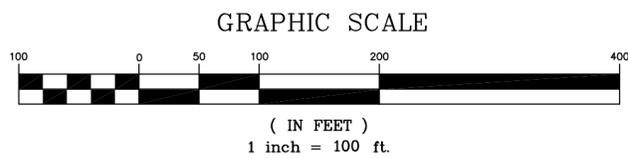
\_\_\_\_\_  
City Manager

ORDINANCE: 21-13



Curve Table						
Curve	Radius	Length	Tangent	Bearing	Chord	Delta
C1	158.00'	105.67'	54.90'	S 30°55'56" E	103.71'	38°19'10"
C2	2236.83'	175.08'	87.58'	S 80°48'09" W	175.03'	4°29'04"
C3	25.00'	39.40'	25.13'	N 51°35'02" W	35.45'	90°18'26"
C4	184.50'	189.76'	104.24'	S 23°02'08" W	181.51'	58°55'48"

Line Table		
Line	Bearing	Distance
L1	S 50°05'31" E	24.39'
L2	N 06°26'09" W	39.76'
L3	S 83°00'50" W	99.82'
L4	S 83°02'54" W	192.65'
L5	S 83°02'54" W	50.00'
L6	N 69°39'55" E	23.51'



Vicinity Map 1" = 600'

**References**

1. Subdivision Plat of A 3.90 Ac. Tract of Land for the Proposed North Myrtle Beach Fire Station prepared for the City of North Myrtle Beach by Thomas & Hutton dated 3/5/13 and recorded in Plat Book 258, Page 330, Horry County Register of Deeds.
2. Survey of the Apache Tract for International Paper Realty Company by Sur-Tech Inc. dated 2/12/94 and recorded in Plat Book 128, Page 93, Horry County Register of Deeds.
3. Survey of the Henry Road West for International Paper Realty Company by Sur-Tech Inc. dated 2/12/94 and recorded in Plat Book 128, Page 94, Horry County Register of Deeds.
4. Map of 10.00 Acres of Land - Subdivision Survey prepared for United Parcel Service dated 12/23/19, revised 1/17/2020 and recorded in Plat Book 291, Page 78, Horry County Register of Deeds.

**Notes**

1. This document represents a subdivision & combination plat of an existing parcel of record.
2. This property is subject to all easements and restrictions of record.
3. This property is located in flood zone "X" as shown on Flood Insurance Rate Map number 45051C0 560H dated 8/23/99.
4. Existing Parcel ID Numbers and references for the adjoining properties are as shown (if applicable) on the face of this plat.
5. No title search has been performed by this office.
6. Parcel ID No. 389-00-00-0003, 360-14-02-0001, 360-00-00-0006 & 389-00-00-0002.
7. Bearings shown are based on NAD 83 South Carolina State Plane coordinate system and all distances are horizontal ground distances, not grid distances.
8. This survey is valid only if a print of the same has the original signature and embossed seal of the surveyor.
9. No subsurface or environmental conditions have been considered as part of this survey and no statement has been made concerning the locations of underground utilities or facilities that may affect the use or development of this property.
10. Iron pins (5/8" rebar) set at all corners unless otherwise noted.

**Certificate of Ownership and Dedication**

I (We) hereby certify that I am (We are) the owner(s) of the property shown and described hereon and that I (We) hereby adopt this plan of subdivision with my (our) free consent, establish minimum building lines and dedicate all streets, alleys, walks, parks and other sites to public or private uses as noted.

_____ Company Representative	_____ Company Representative
_____ Signature	_____ Signature
_____ Date	_____ Date

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_____ Company Representative	_____ Company Representative
_____ Signature	_____ Signature
_____ Date	_____ Date

PRELIMINARY PLAT  
NOT FOR RECORDATION  
FOR REVIEW PURPOSES ONLY

**Surveyors Certification**

It is hereby certified that this plat is true and correct to the accuracy required in Division IV, Section 20-35(C), "Degree of Accuracy"  
I hereby state that to the best of my professional knowledge, information and belief, the survey shown herein was made in accordance with the requirements of the "Standards of Practice Manual for Surveying in South Carolina" and meets or exceeds the requirements of a Class "A" survey as specified therein.

**Certificate of Availability to Public Water and Sewer Systems**

We, Grand Strand Water & Sewer Authority certify that the water supply and sewer disposal system(s) installed or proposed for installation, fully meet our requirements.

Grand Strand Water & Sewer Authority	_____ Name (Representative)
_____ Company	_____ Date
_____ Signature	_____ Date

**Certificate of Approval of Streets and Storm Drainage System**

I hereby certify that streets and a storm drainage system, meeting the full requirements of the city's subdivision regulations, has been installed or that a guarantee of the installation of the required improvements in an amount or manner acceptable to the City of North Myrtle Beach has been received.

_____ City Engineer	_____ Date
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Christian Anderson	SCPLS No. 26205	_____ Date
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**Map of Three Parcels Containing 17.59 Acres of Land**  
City of North Myrtle Beach, Horry County, South Carolina

**Subdivision & Combination Plat**

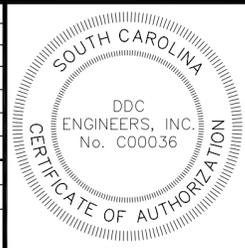
Prepared For: United Parcel Service

Drawing Number	19038S
1 of 1	

No.	Date	Revision	Description	By
2	1/28/2021	Revised per client.		RC
1	12/4/2020	Revised per client.		RC

Proj. No.	19038S	Date:	4/30/2020	Scale:	1" = 100'
Design:		Draft:	Clardy / RC	Check:	CA

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**ENGINEERS**