

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: October 4, 2021

Agenda Item: 7C	Prepared By: Chris Noury, City Attorney
Agenda Section: New Business: Ordinance. First Reading	Date: September 27, 2021
Subject: An ordinance to close and abandon a portion of Water Lilly Road for the expansion of the North Myrtle Beach Park and Sports Complex	Division: Legal

Background:

In August of 2019, the City acquired approximately 96.11 acres adjacent to both sides of Water Lilly Road (also spelled as Water Lily Road) for the purpose of expanding the North Myrtle Beach Park and Sports Complex. The plan for the Park expansion is to construct the new section of the park over the ROW for Water Lilly Road after the ROW is abandoned.

The section of Water Lilly Road to be abandoned extends from its existing terminus which stops at the current location of the Park and Sports Complex and extends to the point where Water Lilly intersects with the extension of the future section of Champions Boulevard (see attachment).

Section 5-27-150 of the Code of Laws of South Carolina provides City Council with the authority to close and abandon public streets for the improvement and convenience of the City. It must be determined that the street segment is no longer needed for public convenience and that it does not provide essential access to private property.

As referenced above, the City owns all of the property on both sides of the segment of Water Lilly Road to be abandoned; therefore, other than the City's property, there are no other parcels of private property that receive access from the above referenced segment of Water Lilly Road.

In addition, the Departments of Public Works, Public Safety, and Planning and Development have indicated the above referenced section of Water Lilly Road is not required for public use and convenience.

Recommended Action:

Approve the proposed ordinance on first reading

Reviewed by City Manager		Reviewed by City Attorney
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Council Action:
Motion By _____ 2nd By _____ To _____

ORDINANCE

AN ORDINANCE OF THE CITY OF NORTH MYRTLE BEACH CLOSING A PORTION OF WATER LILLY ROAD PUBLIC RIGHT-OF-WAY PURSUANT TO SECTION 5-27-150 OF THE CODE OF LAWS OF SOUTH CAROLINA

Whereas, The City of North Myrtle Beach, a municipality containing more than 5,000 inhabitants, owns all property adjacent to the portion of Water Lilly Road (WLR) (also spelled as Water Lily Road) regarding the segment of WLR from its terminus at the current location of the North Myrtle Beach Park and Sports Complex to the point where WLR intersects with the extension of the future section of Champions Boulevard (see attachment, Exhibit A); and

Whereas, the North Myrtle Beach Departments of Public Works, Public Safety and Planning and Development have advised City Council that the above referenced section of Water Lilly Road is not required for public use or convenience; and

Whereas, there are no other parcels of private property that are accessed from the segment of WLR proposed for closure; and

Whereas, closure of the above referenced segment of WLR is necessary for the improvement of the City’s Park and Sports Complex, an amenity available to the City’s residents and visitors.

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

Section I: Pursuant to Section 5-27-150 of the Code of Laws of South Carolina, North Myrtle Beach City Council finds that it is necessary to close the segment of Water Lilly Road as depicted on the attached rendering (identified as Exhibit A) for the improvement of the City.

Section II. The North Myrtle Beach City Council further finds that the above referenced segment of Water Lilly Road is no longer required for public use or convenience.

Section III. Pursuant to the authority granted under the Code of Laws of the State of South Carolina, Section 5-27-150, the North Myrtle Beach City Council hereby closes the segment of Water Lilly Road referenced above.

Section IV. The City Manager is authorized to sign the documents necessary to close the above referenced segment of Water Lilly Road.

Section V. This Ordinance shall become 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: 10.4.2021

SECOND READING: _____

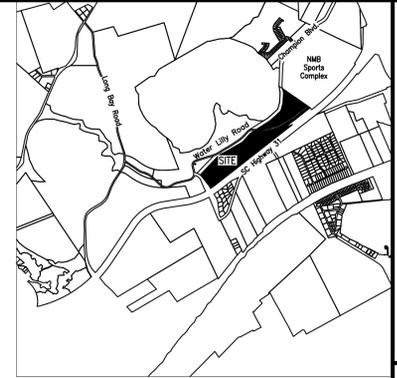
REVIEWED:

City Manager

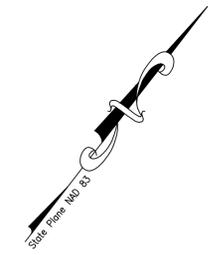
ORDINANCE: 21-42

Curve	Radius	Length	Tangent	Bearing	Chord	Delta
C1	2725.35'	224.01'	112.07'	S 54°26'17" W	223.94'	4°42'34"
C2	485.10'	81.54'	40.87'	N 35°07'08" W	81.45'	9°37'52"
C3	50.00'	44.34'	23.75'	N 14°31'39" W	42.90'	50°48'50"
C4	150.00'	55.76'	28.21'	N 00°13'47" E	55.44'	21°17'57"
C5	50.00'	48.51'	26.35'	N 17°22'18" E	46.63'	55°34'59"
C6	1290.00'	425.61'	214.78'	N 54°36'54" E	423.68'	18°54'13"
C7	1540.00'	197.06'	98.66'	N 60°24'04" E	196.93'	7°19'54"
C8	1580.93'	405.06'	203.65'	N 49°23'43" E	403.95'	14°40'48"
C9	137.50'	48.13'	24.31'	N 52°04'57" E	47.88'	20°03'17"
C10	562.50'	94.56'	47.39'	N 57°17'38" E	94.45'	9°37'55"
C11	1062.50'	1171.94'	653.62'	N 20°52'45" E	1113.43'	63°11'51"

Line	Bearing	Distance
L1	N 30°41'00" W	99.89'
L2	N 62°06'35" E	186.98'
L3	N 62°06'35" E	104.43'

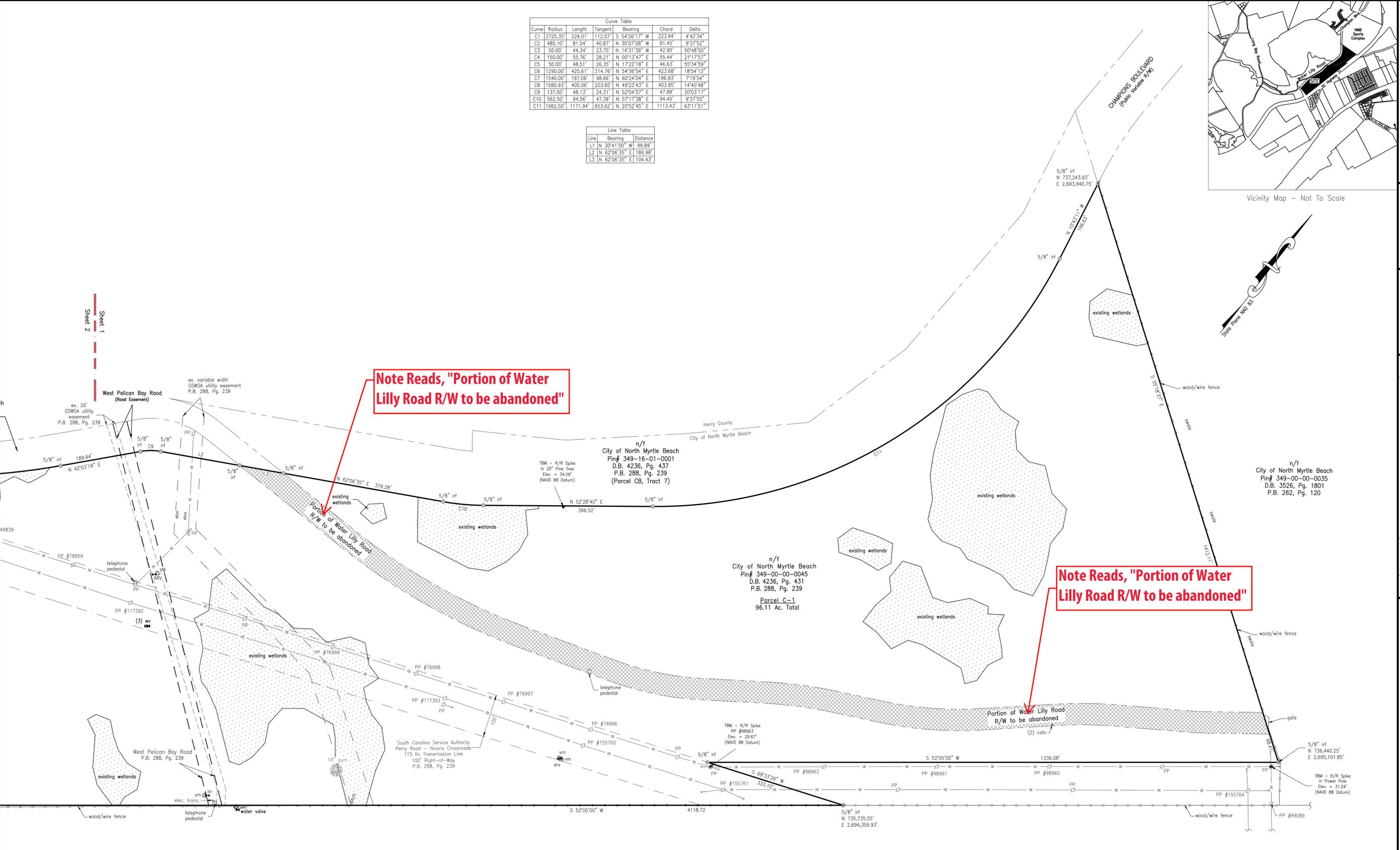


Vicinity Map - Not To Scale



Note Reads, "Portion of Water Lilly Road R/W to be abandoned"

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DDC Engineers
BOLTON & MENK, INC.
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Phone: (843) 692-3200
Email: MyrtleBeach@bolton-menk.com
www.bolton-menk.com



No.	Date	Revision	Description	By
1	200555	8/26/2021	Scale: 1" = 100'	CA

Design: Clardy
Draft: Clardy
Check: CA
Field Book:

Map of 96.11 Acres of Land
City of North Myrtle Beach, Horry County, South Carolina
Right-of-Way Abandonment Plat

Prepared For:
City of North Myrtle Beach
1018 2nd Avenue South
North Myrtle Beach, SC 29582

File No.: 200555-Road
Sheet No.: 1 of 2

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.

Christian Anderson
SCPLS No. 26205
Date

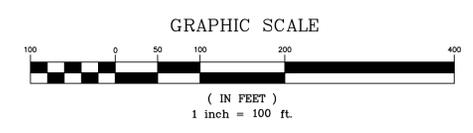
Notes

- This document represents a Right-of-Way Abandonment Plat of an existing parcel of record.
- This property is subject to all easements and restrictions of record.
- This property is located in flood zone "X" as shown on Flood Insurance Rate Map numbers 45051C0 578H & 579H dated 8/23/99.
- Existing Property ID Numbers and references for the adjoining properties are as shown (if applicable) on the face of this plat.
- No title search has been performed by this office.

- Property ID No. 349-00-00-045
- This survey is valid only if a print of the same has the original signature and embossed seal of the surveyor.
- 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.
- Bearings shown are based on NAD 83 South Carolina State Plane coordinate system and all distances are horizontal ground distances, not grid distances.
- Elevations based on NAVD 88 datum.

S.C. Highway #31 (Public R/W Varies - Carolina Boys Parkway)

Exhibit A

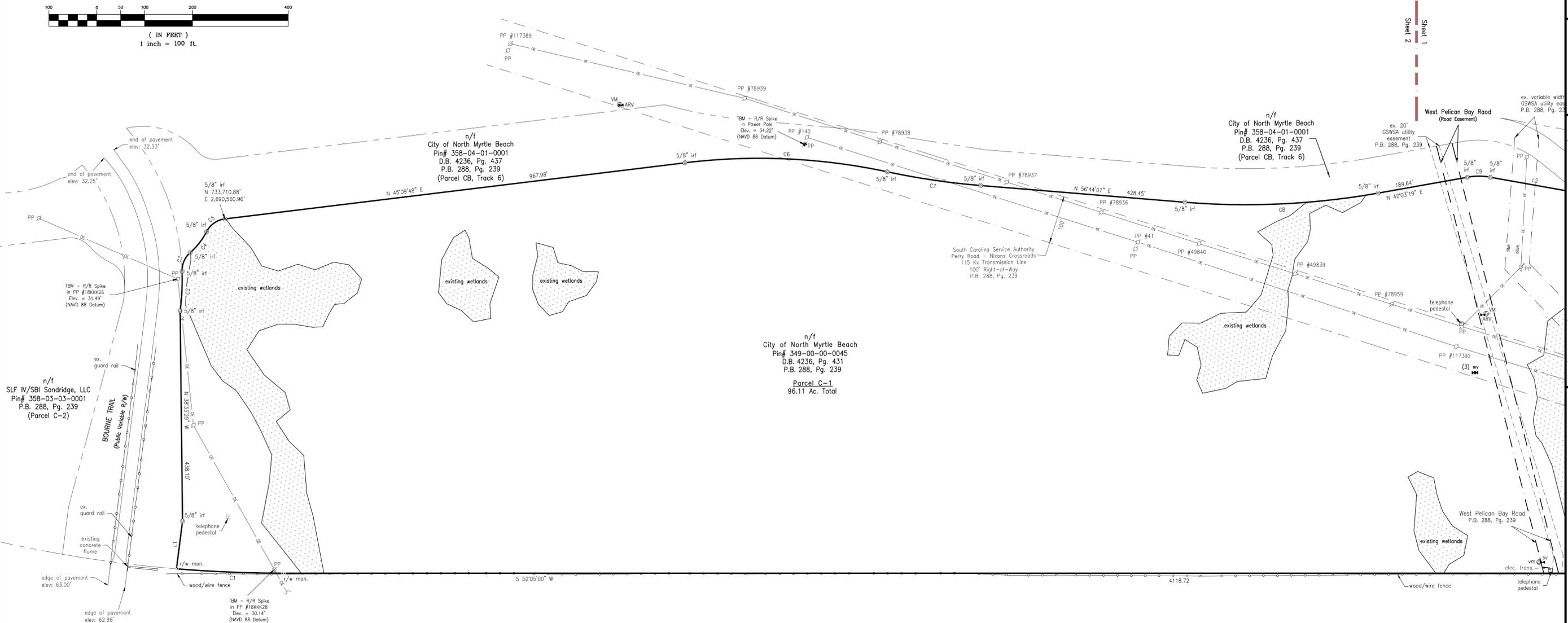
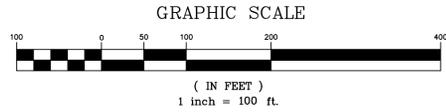


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4. Existing Property ID Numbers and references for the adjoining properties are as shown (if applicable) on the face of this plat.
5. No title search has been performed by this office.
6. Property ID No. 349-00-00-0045
7. This survey is valid only if a print of the same has the original signature and embossed seal of the surveyor.
8. 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.
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Christian Anderson SCPLS No. 26205 Date

S.C Highway #31 (Public R/W Varies - Carolina Bays Parkway)

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200555	8/26/2021	Date:	Scale: 1" = 100'	CA
		Drawn:	Check:	
		Pages:		

Map of 96.11 Acres of Land
 City of North Myrtle Beach, Horry County, South Carolina
Right-of-Way Abandonment Plat

Prepared For: City of North Myrtle Beach
 1018 2nd Avenue North
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