

ORDINANCE 2021/ 28

**AN ORDINANCE AUTHORIZING THE EXECUTION OF A QUIT CLAIM DEED AND
WAIVER OF REVERTER FOR REAL PROPERTY LOCATED AT 1508 OLD SHELL
ROAD WITH TMS. NO R110 011 000 105A 0000**

WHEREAS, Beaufort County (“County”) previously conveyed title in the property located at 1508 Old Shell Road with TMS No. R700 036 000 013J 0000 (“Property”) to the now known as South Carolina Department of Disabilities and Special Needs (“SCDDSN”) by deed dated February 1, 1979 and recorded in Deed Book 276 at Page 1384 in the Beaufort County Office of the Register of Deeds; and

WHEREAS, the aforementioned deed to SCDDSN included a reverter clause providing “that should the heretofore described property cease to be used by the South Carolina Department of Mental Retardation, then the property intended to be conveyed herein shall revert to the Grantor Beaufort County”; and

WHEREAS, on January 23, 2017, the Beaufort County Council approved Resolution 2017/1 which approved the request to the Beaufort County Legislative Delegation to “work diligently to pass a proviso to the South Carolina General Assembly session that would require the return of 100% of the proceeds of the future sale of the Port Royal CRCF property to Beaufort County for the express purpose of purchasing, constructing, or renovating several new small residential facilities for its residents with developmental disabilities that would both conform to compliance directives on appropriate residential settings for these persons and better enable Beaufort County to provide the necessary ongoing care for these residents in safer, more appropriate housing”; and

WHEREAS, in accordance with Beaufort County Resolution 2017/1, the South Carolina General Assembly enacted Proviso 34.14 which states that proceeds from the sale of the Property will be provided to the local Disabilities and Special Needs Board of Beaufort County to “be used by the department to purchase a new property for the local Disabilities and Special Needs Board in Beaufort County”; and

WHEREAS, the SCDDSN desires to sell the Property for Seven Hundred Sixty Thousand (\$760,000) Dollars to a private citizen; and

WHEREAS, due to the reverter clause included in the February 1, 1979 deed, the County must execute a quit claim deed conveying any interest it may have in the Property and execute a waiver of reverter in order for SCDDSN to convey a clear title to the purchaser of the property and complete the sale of the Property; and

WHEREAS, pursuant to Beaufort County Resolution 2017/1 and Proviso 34.14, when SCDDSN completes the sale of the Property, the County will receive 100% of the proceeds; and

WHEREAS, S.C. Code Ann. § 4-9-130 requires that the transfer of any interest in real property owned by the County must be authorized by the adoption of an Ordinance by Beaufort County Council.

NOW, THEREFORE, BE IT ORDAINED by Beaufort County Council hereby authorizes the County Administrator to execute a quit claim deed and waiver of reverter for the real property located at 1508 Old Shell Road with TMS No. R700 036 000 013J 0000.

Adopted this 28th day of June 2021.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: 
Joseph Passiment, Chairman

ATTEST:



Sarah W. Brock, Clerk to Council

First Reading: May 24, 2021 / 11:0

Second Reading: June 14, 2021/ 11:0

Public Hearing: June 28, 2021

Third Reading: June 28, 2021/ 11:0