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**2021-36 (2<sup>ND</sup> READING): AUTHORIZING THE SALE OF VACANT PARCEL TO PATRICK J. HERRMANN FOR \$5,000.**

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**Applicant/Purpose:** Staff / to sell a vacant lot at the back gate for \$5,000.

**Brief:**

- When SCDOT built the US 17 overpass where Socastee Boulevard feeds into Farrow Parkway (back gate), the connection of Northgate Road to Socastee Boulevard was terminated thus creating a vacant parcel.
- Mr. Herrmann purchased the adjacent parcels from SCDOT and intends to build a new office building.
- Mr. Herrmann wishes to also purchase the City's remnant lot. The City has no need for this parcel as long as we can maintain access in order to service the underground utilities.
- No changes since 1<sup>st</sup> reading.

**Issues:**

- The sale is subject to the following terms and conditions:
  - The property is sold "AS IS WHERE-IS" condition.
  - Buyer shall be responsible for all taxes that may accrue as a result of the transfer.
  - Buyer shall pay all costs and fees associated with the sale and closing including but not limited to preparation of the deed and other documents associated with the transfer, attorney's fees, closing costs, and filing and recording fees to include deed stamps.
  - Buyer recognizes the intent of the City of Myrtle Beach to reserve to itself a utility easement over, under and across the property for all water and sewer utilities and that the sale is subject to those easements as well as existing encumbrances, liens, easements, zoning ordinances, other restrictions of record, and such facts as an accurate survey would reveal.
  - Buyer shall not build or make improvements other than asphalt or concrete or sod and unless written permission is granted by the City of Myrtle Beach and Buyer shall not use of the property in any way that interferes with the ability of the City of Myrtle Beach to access water and sewer utilities and any other underground assets.
  - City reserves the right to access the property for installation, operation, maintenance, inspection and/or repair of all water and/or sewer utilities. If the property is disturbed or damaged in connection with the installation, operation, maintenance, inspection and/or repair of utilities, the City has no liability or responsibility to repair the property or return the property to its condition prior to the damage or disturbance.

**Public Notification:** Normal meeting notification.

**Alternatives:**

- Modify the proposed ordinance.
- Deny the proposed ordinance.

**Financial Impact:**

- This property is in the City limits, therefore if the property develops as it is intended the City will see a modest increase in property taxes, business licenses and permit fees.

**Manager's Recommendation:**

- I recommend 1<sup>st</sup> reading (9.14.21).
- I recommend approval (9.28.21).

**Attachment(s):** Ordinance

ORDINANCE 2021-36

CITY OF MYRTLE BEACH )  
COUNTY OF HORRY )  
STATE OF SOUTH CAROLINA )

AUTHORIZING THE SALE OF VACANT  
PARCEL TO PATRICK J. HERRMANN  
FOR \$5,000.00

WHEREAS, the City of Myrtle Beach is the owner of property situated within the municipal limits, identified as MB1 on the plat attached as Exhibit A, which was created when the South Carolina Department of Transportation terminated the connection of Northgate Road and Socastee Boulevard; and

WHEREAS, the resulting remnant parcel measures approximately 3,266 sq. feet;

WHEREAS, Patrick J. Herrmann, who purchased adjacent property from the S.C. Department of Transportation with the intent of building a new office building and has expressed interest in purchasing the City's smaller adjacent lot; and

WHEREAS, South Carolina Code Ann. § 5-7-40 authorizes the City of Myrtle Beach to sell real property; and

WHEREAS, City Council has determined that the property is not needed for public use and the sale of the property would return the property to the tax rolls of the City; and

WHEREAS, the sale of the property is being made subject to terms and conditions including but not limited to the following:

1. The property is being sold in an "AS IS WHERE-IS" condition. The buyer is responsible for conducting any and all inspections and testing of the property at its own cost and expense.
2. No representation is made by the City of Myrtle Beach as to the utility, usability or environmental condition of the property.
3. Buyer shall be responsible for all taxes that may accrue as a result of the transfer.
4. Buyer shall pay all costs and fees associated with the sale and closing including but not limited to preparation of the deed and other documents associated with the transfer, attorney's fees, closing costs, and filing and recording fees to include deed stamps.
5. Buyer recognizes the intent of the City of Myrtle Beach to reserve to itself a utility easement over, under and across the property for all water and sewer utilities and that the sale is subject to those easements as well as existing encumbrances, liens, easements, zoning ordinances, other restrictions of record, and such facts as an accurate survey would reveal.
6. Buyer shall not build any structure on the property or make improvements other than asphalt or concrete or sod and unless written permission is granted by the City of Myrtle Beach and Buyer shall not use of the property in any way that interferes with

1 the ability of the City of Myrtle Beach to access water and sewer utilities and any other  
2 underground assets.

- 3 7. Buyer recognizes the right of the City of Myrtle Beach to access the property for  
4 purposes related to installation, operation, maintenance, inspection and/or repair of all  
5 water and/or sewer utilities and any other underground assets. If the property is  
6 disturbed or damaged in connection with the installation, operation, maintenance,  
7 inspection and/or repair of utilities, the City has no liability or responsibility to repair  
8 the property or return the property to its condition prior to the damage or disturbance.  
9

10  
11 NOW, THEREFORE, IT IS ORDAINED that, subject to the foregoing conditions, the City of Myrtle  
12 Beach will sell by quit claim deed the parcel identified as MB1 on the February 5, 2021 plat of  
13 W.B. Huntley, attached as Exhibit A, to Patrick J. Hermann for Five Thousand Dollars (\$5,000.00)  
14 and the City Manager is hereby authorized to execute the deed and any other documents  
15 necessary effect the sale and transfer.  
16

17 This ordinance shall become effective immediately upon its adoption.  
18

19  
20 ATTEST:

21  
22 \_\_\_\_\_  
23 BRENDA BETHUNE, MAYOR

24 \_\_\_\_\_  
25 JENNIFER ADKINS, CITY CLERK

26 1<sup>ST</sup> Reading: 9-14-2021

27 2<sup>nd</sup> Reading: 9-28-2021

DWG. NO. 24776  
DATE 02-05-2021  
DRAWN WGH  
PARTY CHGT. JBH  
TAX MAP N/A  
REF. DEED BOOK N/A  
REF. PLAT BOOK N/A

HUNTLEY  
LAND ASSOCIATES, INC.  
LAND SURVEYING  
7760 FALLEN THUNDER DRIVE  
MYRTLE BEACH, S.C. 29588  
(843) 239-8745  
huntleysurveying@gmail.com

STATE OF SOUTH CAROLINA  
HORRY COUNTY  
SOCASTEE TOWNSHIP  
PARCEL MB1  
SURVEY FOR  
PATRICK J. HERRMANN



REG. NO. 8809  
W.B. HUNTLEY II  
S.C.

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN. THIS PROPERTY IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD. THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A TITLE REPORT. NO CERTIFICATION IS MADE TO THE EXISTENCE OR NONEXISTENCE OF WETLANDS. ALL DIMENSIONS RELATING TO STRUCTURES ARE TO OUTSIDE WALLS. THIS PLAT IS THE PROPERTY OF HUNTLEY AND ASSOCIATES, INC., IS CERTIFIED ONLY TO THE PERSONS OR ENTITY NAMED HEREIN, AND MUST HAVE AN ORIGINAL SIGNATURE AND RAISED SEAL TO BE VALID.

SCALE 1" = 30'  
0' 30' 60' 90'

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C2	210.00'	104.80'	53.51'	103.71'	S 68°02'46" W	28°35'33"
C1	825.00'	129.43'	64.85'	129.30'	N 56°54'48" W	08°59'20"
CURVE	DELTA					

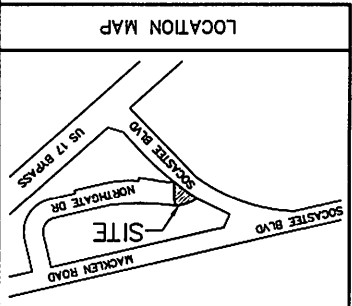
LINE	LENGTH	BEARING
L1	31.42'	S 13°09'08" E
L2	78.96'	S 03°36'56" E
LINE	TABLE	

NOTE: FLOOD ZONE LOCATIONS ARE SCALED FROM CURRENT FEMA RATE MAPS. SCALES VARY FROM 1"=500 TO 1"=2,000 AND ARE NOTED AS BEING APPROXIMATE ON SAID MAPS. HUNTLEY & ASSOCIATES, INC. DOES NOT CERTIFY TO OR ASSUME RESPONSIBILITY FOR THE ACCURACY OF THE FLOOD ZONE LINES.

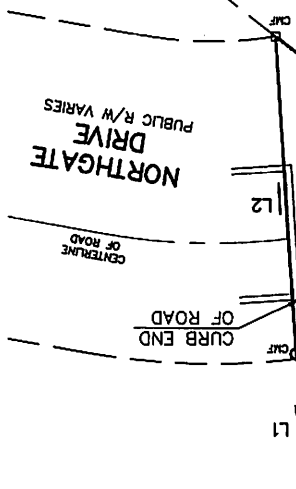
DATE: 09-30-88 ZONE: "X"  
FROM MAP #: 450104-0692-H



CUR = CONCRETE MONUMENT FOUND



SCDOT PARCEL 23  
180-09-03-029



J&P OF SOCASTEE, LLC  
PARCEL J  
441-08-03-0030  
NORTHGATE SHOPPING CENTER

SCDOT PARCEL 22  
180-09-03-024

MACKLEN ROAD  
Public R/W VARIES

S.S. HIGHWAY 707  
Socaatee BOULEVARD 707  
Public R/W VARIES

PARCEL MB1  
59.33  
SQ. FT.