

September 9, 2020 – Presented for Approval

R2020-40: TO ACCEPT THE DEDICATION OF A PORTION OF A CERTAIN ROADWAY KNOWN AS KINGFISHER DRIVE (PUBLIC R/W VARIES), AND A ROUNDABOUT CONTAINING PORTIONS OF CERTAIN ROADWAYS KNOWN AS GOLDFINCH DRIVE (PUBLIC R/W VARIES), PIPING PLOVER LANE (PUBLIC R/W VARIES), AND RETAIL ROAD (PUBLIC R/W VARIES) WITHIN THE CLEMSON TRACT & BELLE HARBOR PHASE 3 SUBDIVISION.

Applicant/Purpose: Garrison MB Land LLC (owner) / to accept certain streets in the Belle Harbor Phase 3 subdivision into the City's road network.

Brief:

- This is a companion Resolution w/ R2020-37. Both Garrison and Lennar Carolinas are current owners of record for these ROWs.
- The owner has constructed a ROW w/ varying widths known as Kingfisher Drive, & a roundabout w/ w/ portions of ROW's w/ varying widths known as Goldfinch Drive, Piping Plover Lane, & Retail Rodd in the Clemson Tract & Belle Harbor Phase 3 subdivision.
- Public utilities have been located w/in, along, & above the ROWs.
- Streets comply w/ current standards & construction requirements.
- Owner has provided executed dedication deed for the transfer of the roadways.

Issues:

- None identified.
- Proposed resolution is consistent w/long-standing City policy & practice.

Public Notification: Normal meeting notifications.

Alternatives: None considered.

Financial Impact:

- Typical costs associated w/ roadway maintenance.
- As the roads age these costs will increase.

Manager's Recommendation: I recommend approval

Attachment(s): Proposed Resolution, Subdivision Plat, Deed.

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

TO ACCEPT THE DEDICATION OF A PORTION OF
A CERTAIN ROADWAY KNOWN AS KINGFISHER
DRIVE (PUBLIC R/W VARIES), AND A
ROUNDBOUT CONTAINING PORTIONS OF
CERTAIN ROADWAYS KNOWN AS GOLDFINCH
DRIVE (PUBLIC R/W VARIES), PIPING PLOVER
LANE (PUBLIC R/W VARIES), AND RETAIL ROAD
(PUBLIC R/W VARIES) WITHIN THE CLEMSON
TRACT AND BELLE HARBOR PHASE 3
SUBDIVISION

WHEREAS, Garrison MB Land LLC, has dedicated a portion of a certain roadway known as
Kingfisher Drive, and a roundabout containing portions of certain roadways known as
Goldfinch Drive, Piping Plover Lane, and Retail Road within the Clemson Tract & Belle Harbor
Phase 3 Subdivision to the public.

WHEREAS, a portion of that certain roadway and roundabout is shown on the following RIGHT
OF WAY & SUBDIVISION PLAT OF: "PARCELS 2, 4, & 5 OF THE CLEMSON TRACT & BELLE
HARBOR PH. 3", prepared by Thomas & Hutton dated April 08, 2019 with a revision date of
June 12, 2020 and recorded on July 24, 2020 in Plat Book 294 at Page 104 in the Register of
Deeds Office for Horry County, South Carolina, which said roadway and roundabout being
more particularly identified as "RIGHT-OF-WAY AREA 2", "RIGHT-OF-WAY AREA 3", "RIGHT-
OF-WAY AREA 4 (KINGFISHER DRIVE)", and shown on the above mentioned final plat; and,

WHEREAS, the City Council finds that it will benefit the public to accept the dedication of the
above described roadways.

NOW THEREFORE, it is resolved that the City of Myrtle Beach hereby accepts dedication and
responsibility of certain roadways as described above.

SIGNED, SEALED and DATED, this 9TH day of September, 2020.

BRENDA BETHUNE, MAYOR

ATTEST:

JENNIFER ADKINS, CITY CLERK

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

LIMITED WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that **GARRISON MB LAND, LLC**, a Delaware limited liability company, hereinafter called the Grantor, in consideration of the premises and also in consideration of the sum of Five and 00/100 (\$5.00) dollars to the Grantor in hand paid at and before the sealing of these presents by the Grantee, hereinafter named, the 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 City of Myrtle Beach, P.O. Drawer 2468 Myrtle Beach, South Carolina 29578, hereinafter called Grantee, to wit:

All of those certain road rights-of-way labeled, depicted and described as "Right-of-Way **Area 2**," "Right-of-Way **Area 3**" and "Right-of-Way **Area 4**," all as shown on that certain plat entitled "RIGHT OF WAY & SUBDIVISION PLAT OF PARCELS 2, 4, & 5 OF THE CLEMSON TRACT & BELLE HARBOR PH. 3" dated April 8, 2019, prepared by Matthew D. Svejksky (PLS NO. 21233) of Thomas & Hutton Engineering Co. and recorded in the ROD Office for Horry County in Plat Book 294 at Page 104.

PIN / TMS #: 447-00-00-0007 (Portion)

The premises herein granted are taken from that certain property conveyed to the undersigned by deed of Project Clemson, LLC, dated July 29, 2013 and recorded in Book 3675, at Page 2208 in the Record of Deeds Office for Horry County.

Together with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the said City of Myrtle Beach, its Heirs, Successors and Assigns forever.

And the Grantor herein, subject to any matters of record or which would otherwise be apparent from a current and accurate survey thereof, hereby binds itself, themselves, its or their successors, or his, her, and their Heirs, Executors or Administrators, (as the case may be), to warrant and forever defend all and singular the said premises unto the said Grantee, its and their successors and assigns, or his, her and their Heirs and assigns, (as the case may be), against itself, themselves, and its or their successors, or his, her and their heirs, (as the case may be), and lawfully claiming, or to claim the same, or any part thereof.

[SIGNATURE PAGE FOLLOWS]

WITNESS the execution hereof by Grantor this 14th day of July, in the year of our Lord Two Thousand and Twenty.

**SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:**

GARRISON MB LAND, LLC,
a Delaware limited liability company

Sharon B. Wischur
WITNESS #1 Sharon Weisgerber

By: [Signature]

Name: Matthew Kane

Title: Vice President

[Signature]
WITNESS #2 Jimmy Card

STATE OF South Carolina)

COUNTY OF Horry)

PROBATE

PERSONALLY appeared the undersigned witness and made oath that he/she saw the within named Grantor sign, seal and as the grantor's act and deed deliver the within Deed and that deponent with the other witness whose name is subscribed above witnessed the execution thereof, and that the subscribing witness is not a party to or beneficiary of the transaction.

SWORN to before me this 14
day of July, 2020.

Sharon B. Wischur
Witness
Sharon Weisgerber

Tahirah A. Williams

Name: _____

Notary Public for _____

My Commission Expires _____



Tahirah Williams

STATE OF South Carolina
COUNTY OF Horry

AFFIDAVIT

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this affidavit and I understand such information.
2. The property being transferred is located in the City of Myrtle Beach, bearing Horry County Tax Map/Parcel Numbers 447-00-00-0007, 447-00-00-0008, 447-00-00-0010 and 447-00-06-01-0039 (portion), was transferred by Garrison MB Land, LLC to the City of Myrtle Beach on _____.
3. Check one of the following: The deed is

- (a) _____ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
- (b) _____ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
- (c) X exempt from the deed recording fee because (See Information section of affidavit):
Transfer to Government Entity.
(If exempt, please skip items 4 - 7, and go to item 8 of this affidavit.)

4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See Information section of this affidavit):

- (a) _____ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of _____.
- (b) _____ The fee is computed on the fair market value of the realty which is _____.
- (c) _____ The fee is computed on the fair market value of the realty as established for property tax purposes which is _____.

5. Check Yes _____ or NO _____ to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "Yes" the amount of the outstanding balance of this lien or encumbrance is: _____.

6. The deed recording fee is computed as follows:

- (a) Place the amount listed in item 4 above here: _____
- (b) Place the amount listed in item 5 above here: _____
(If no amount is listed, place zero here.)
- (c) Subtract line 6(b) from Line 6(a) and place result here: _____

7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: 0.00.

8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: Grantor.

9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Responsible Person Connected with the Transaction

Matthew Lane
Print or type the above name here

SWORN to before me this _____ day of July, year 2020

Notary Public for
My Commission Expires: _____

