

SPECIAL MEETING OF FLORENCE CITY COUNCIL

TUESDAY, NOVEMBER 30, 2010 - 4:30 P.M.

CITY-COUNTY COMPLEX, CITY MANAGER'S CONFERENCE ROOM, 605

FLORENCE, SOUTH CAROLINA

AGENDA

I. CALL TO ORDER

II. INVOCATION

Pledge of Allegiance

III. INTRODUCTION OF ORDINANCE

a. Bill No. 2010-29 – First Reading

An Ordinance authorizing the acceptance of the gift of a deed from Asset Holdings Trust, LLC for parcel A, a lot as shown on a plat for Ernest L. Pennell made by Ervin Engineering Co., Inc. dated June 14, 1989 and recorded in the Office of the Clerk of Court for Florence County in Plat Book 34 at Page 414, said lot being designated as Tax Parcel 90086-02-003 in the records of the Florence County Tax Assessor, and Parcel B, a lot designated as Lots 120, 121, 103, 104, and the westernmost portion of Lot 105 as shown on a plat for Ernest L. Pennell and Cromwell C. Rawls, III made by Lind, Hicks and Associates, Surveyors, Inc. dated March 20, 2001 and recorded in the Office of the Clerk of Court for Florence County in Plat Book 76 at Page 228, said lot being designated as Tax parcel 90086-02-004 and 005 in the records of the Florence County Tax Assessor, said conveyance to be accepted subject to a lease to Palmetto Petro, LLC.

IV. ADJOURN

FLORENCE CITY COUNCIL MEETING

DATE: November 23, 2010
AGENDA ITEM: Ordinance No. 2010-29
DEPARTMENT/DIVISION: City Manager / City Attorney

I. ISSUE UNDER CONSIDERATION

The City has been approached by the Bruce and Lee Foundation and Asset Holdings Trust, LLC, an LLC established by and working with the Bruce and Lee Foundation, with an offer of a gift of real estate located at the corner of Darlington Street and Irby Street, said property being more fully described on Exhibit "A" to the proposed ordinance. Since the property is subject to a leasehold interest as shown on the documents attached to the proposed ordinance as Exhibit "B", the acceptance of the property requires the passage of an ordinance. The proposed ordinance is attached and the issue presented is whether the City should accept the offered gift of property.

II. CURRENT STATUS/PREVIOUS ACTION TAKEN

This ordinance comes before Council for first reading on November 30, 2010. If passed on first reading, it will be back on the agenda for the next Council Meeting.

III. POINTS TO CONSIDER

(a) Section 5-7-260(6) of the South Carolina Code of Laws and Section 2-26(8) of the Code of Ordinances for the City of Florence provides, in pertinent part, that property owned by the City can be leased only after approval by ordinance. Since this property is subject to a leasehold interest, acceptance of the property requires the passage of an ordinance.

(b) The property in question is the site for an active gasoline station, convenience store, and carwash. From an environmental standpoint, the City has reviewed of a Phase 1 Environmental Site Assessment dated December 11, 2008, physically inspected the site, and checked with SCDHEC regarding the current status of the four underground storage tanks on the property. The site and the tanks are currently registered and in compliance with the applicable regulations.

(c) The property is being leased to Palmetto Petro, LLC under the terms and conditions of the documents attached as Exhibit "B" to the ordinance. The Lessee (tenant) is currently in compliance with the terms of the Lease as amended.

(d) If Council decides it is in the City's best interest to accept the subject property, the proposed ordinance should be considered on first reading.

IV. STAFF RECOMMENDATION

Staff recommends acceptance of the property as a gift and stands ready to proceed in accordance with council's wishes.

V. ATTACHMENTS

Copy of the proposed ordinance with attached exhibits.