
R2020-1: TO ACCEPT THE DEDICATION OF CERTAIN ROADWAYS KNOWN AS KENSINGTON LANE (50' PUBLIC R/W), JESTER LANE (50' PUBLIC R/W), AND PORTIONS OF CERTAIN ROADWAYS KNOWN AS BUCKINGHAM AVE (50' PUBLIC R/W) AND THORNBURY DRIVE (66' PUBLIC R/W) WITHIN THE BALMORAL PHASE 1 SECTION OF THE BALMORAL SUBDIVISION

Applicant/Purpose: Beazer Homes, LLC (owner) / to accept public dedication of roadways known as Kensington Lane, Jester Lane, & portions of certain roadways known as Buckingham Ave & Thornbury Drive in Phase 1 of the Balmoral Subdivision.

Brief:

- The owner has constructed rights-of-way known as Kensington Lane (50' ROW), Jester Lane (50' ROW), a portion of Buckingham Avenue, (50' ROW), & a portion of Thornbury Drive (66' ROW) which are portions of previously constructed roadways in phase 1 of the Balmoral Subdivision.
- Public utilities have been located in, along, & above the ROW's.
- 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.
- Copy of Subdivision Plat.
- Copy of executed Deed of Dedication.

RESOLUTION R2020-1

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

TO ACCEPT THE DEDICATION OF CERTAIN
ROADWAYS KNOWN AS KENSINGTON
LANE (50' PUBLIC R/W), JESTER LANE (50'
PUBLIC R/W), AND PORTIONS OF CERTAIN
ROADWAYS KNOWN AS BUCKINGHAM
AVE (50' PUBLIC R/W), AND THORNBURY
DRIVE (66' PUBLIC R/W) WITHIN THE
BALMORAL PHASE 1 SECTION OF THE
BALMORAL SUBDIVISION

WHEREAS, Beazer Homes LLC, has dedicated of certain roadways known as Kensington Lane, and Jester Lane, also portions of certain roadways known as Buckingham Ave and Thornbury Drive within the Balmoral Phase 1 Section of the Balmoral Subdivision to the public.

WHEREAS, those certain roadways are shown on the following final plat: "BONDED FINAL PLAT OF PHASE 1 BALMORAL OF WITHERS PRESERVE", prepared by Thomas & Hutton Engineering Co. dated April 13, 2005 with a revision date of November 29, 2007 and recorded December 06, 2007 in Plat Book 233 at Page 47 in the Register of Deeds Office for Horry County, South Carolina, which said roadways being more particularly identified as "66' R/W (PUBLIC)" and "50' R/W (PUBLIC)", 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 14TH day of January, 2020.

BRENDA BETHUNE, MAYOR

ATTEST:

JENNIFER STANFORD, CITY CLERK

STATE OF SOUTH CAROLINA

)

DEED

)

COUNTY OF HORRY

)

KNOW ALL MEN BY THESE PRESENTS, that Beazer Homes, 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 AND SINGULAR those certain rights-of-way situate, lying and being in the City of Myrtle Beach, Horry County, South Carolina, designated as "Buckingham Ave. 50' R/W (Public)", "Kensington Lane 50' R/W (Public)", "Jester Lane 50' R/W (Public)" and "Thornbury Dr. 66' R/W (Public)", as shown on that certain plat prepared by Thomas & Hutton Engineering Co., entitled "Bonded Final Plat of Phase I Balmoral of Withers Preserve, City of Myrtle Beach, Horry County, South Carolina, Prepared For: MB Property Development II LLC", dated April 13, 2005 and recorded December 6, 2007 in Plat Book 233 at Page 47, in the office of the Register of Deeds for Horry County, South Carolina, reference to which is made for a more complete description.

The premises herein granted are taken from that certain property conveyed to the undersigned by deed of Myrtle Beach Loan, LLC, et. al, dated May 29, 2014, and recorded May 30, 2014, in Deed Book 3737, at Page 1868 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 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 all persons whomsoever lawfully claiming, or to claim the same, or any part thereof.

Signature page follows.

IN WITNESS WHEREOF, Grantor has caused this Deed to be signed and sealed as of the 21st day of November, 2019.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

GRANTOR

BEAZER HOMES, LLC
A Delaware Limited Liability Company

x [Signature]
(#1 witness sign here)
[Signature]
(Notary sign as #2 witness)

By: [Signature]
Name: MARK PRIWE
Its: LA + LD DEPT. HEAD

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

ACKNOWLEDGMENT

I, Kyle David Tolliff Jr. a Notary Public, do hereby certify that MARK PRIWE, as LA + LD DEPT HEAD of Beazer Homes, LLC, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal this 21st day of November, 2019.

[Signature]
Notary Public Signature

Kyle David Tolliff Jr
Notary Public Printed Name

Notary Public for South Carolina
My Commission Expires: 12-17-2020

[SEAL]

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

AFFIDAVIT FOR TAXABLE OR EXEMPT TRANSFERS

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 South Carolina, bearing Horry County Tax Map / PIN Numbers set out herein was transferred by Beazer Homes, LLC to the City of Myrtle Beach on _____, 2019.

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) ☒ exempt from the deed recording fee because (See Information section of affidavit): 2

(If exempt, please skip items 4 - 7, and go to item 8 of this affidavit.)

If exempt under exemption #14 as described in the Information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty? Check Yes _____ or No _____

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. (This includes, pursuant to Code Section 12-59-140(E)(6), any lien or encumbrance on realty in possession of a forfeited land commission which may subsequently be waived or reduced after the transfer under a signed contract or agreement between the lien holder and the buyer existing before 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: _____

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 wilfully 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.

Beazer Homes, LLC
A Delaware Limited Liability Company

SWORN to and subscribed before me this

21st day of November, 2019

Notary Public for South Carolina

My Commission Expires: 12-17-2028

Notary (L.S.): Kyle David Soloff Jr

Notary (printed name): Kyle David Soloff Jr

By: MLP

Name: MARK PREEWE

Its: LA+LO DEPT. HEAD