

RESOLUTION NO.: R-2009-082

Authorizing and approving the Interim City Manager's execution of a Waiver of the City's Right to Repurchase 4.95 acres, Richland County TMS #13512-02-01, located on The Boulevard, in the Columbia Industrial Park provided for in restrictions of record recorded in Book 405 at Page 1697

BE IT RESOLVED by the Mayor and City Council this 21st day of October, 2009, that the Interim City Manager's execution of the attached Waiver of the City's Rights to repurchase 4.95 acres, Richland County TMS #13512-02-01, located on The Boulevard, in the Columbia Industrial Park provided for in restrictions of record recorded in Book 405 at Page 1697 is authorized and approved.

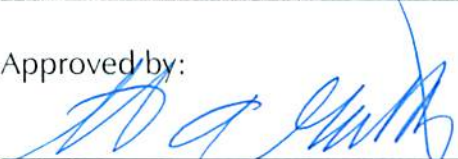
Requested by:

State of South Carolina _____



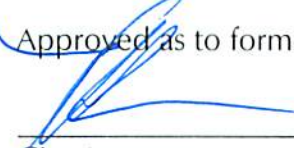
MAYOR

Approved by:



Interim City Manager

Approved as to form:



City Attorney

ATTEST:



City Clerk

Introduced: 10/21/2009
Final Reading: 10/21/2009

ORIGINAL
STAMPED IN RED

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

WAIVER OF RESTRICTIONS
COLUMBIA INDUSTRIAL PARK
Book 340 Page 239

WHEREAS, certain reservations, conditions, covenants and restrictions for the Columbia Industrial Park are set forth in that certain Declaration on behalf of the City of Columbia (the "City"), dated November 7, 1962, filed on November 7, 1962, in Book 340 at page 239 (the "Declaration");

WHEREAS, the Declaration, paragraph 1, provides for a right to re-purchase by the City of any property located in the Columbia Industrial Park on resale if no building has been constructed thereon or is being constructed thereon within two years from the date of sale by the City;

WHEREAS, the State of South Carolina purchased two tracts from the City by deed dated April 27, 2000, recorded on May 3, 2000, in Book 405 at Page 1697.

WHEREAS, the State of South Carolina has contracted to sell one of the tracts consisting of 4.95 acres, more full described as follows:

All that certain piece, parcel or lot of land, with improvements thereon, if any, situate, lying and being in the City of Columbia, County of Richland, State of South Carolina, being shown and delineated as a 4.95 acre tract on The Boulevard at Columbia Industrial Park on a plat prepared by the City of Columbia Engineering Department, David S. Sharpe, RLS, dated February 17, 1999, and recorded in the Office of the Register of Deeds for Richland County in Book 405 at Page 1700, which plat is incorporated herein by reference for a more complete and accurate description of said parcel of land, be all measurements a little more or less (the "Property").

Richland County TMS #13512-02-01

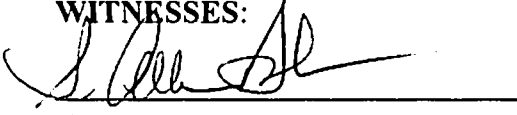
WHEREAS, the two (2) year period has expired and no building had been constructed or is being constructed on the Property.

WHEREAS, the City, as grantor, retained the right to waive its re-purchase rights contained in the Declaration.

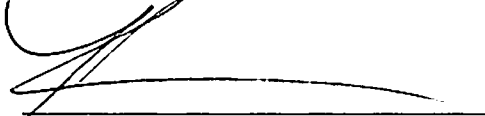
NOW THEREFORE, the City, as grantor, does hereby waive and relinquish any and all of its rights of re-purchase in and to the above Property being sold by the State of South Carolina to Cohn & Cohn Investments, LLC, its successors and assigns, and any subsequent sale of the Property.

IN WITNESS WHEREOF, this waiver and approval has been executed and sealed by the City of Columbia, hereunto this 15th day of October, 2009.

WITNESSES:

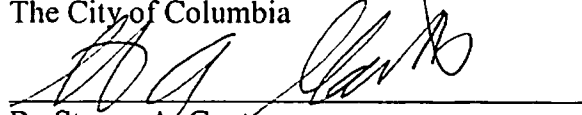


1st Witness



2nd Witness

The City of Columbia



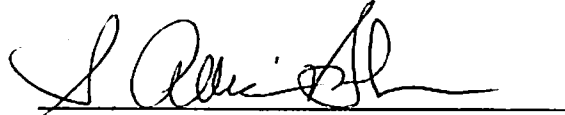
By Steven A. Gantt
Its Interim City Manager

State of South Carolina)
)
County of Richland)

PROBATE

PERSONALLY APPEARED BEFORE ME the undersigned witness and made oath that (s)he saw the within-named City of Columbia, by Steven A. Gantt, its Interim City Manager, as duly authorized by its City Council at meeting duly assembled, sign, seal, and, as its act and deed, deliver the within-written Waiver of Restrictions, and that (s)he, with the other witness subscribed above, witnessed the execution thereof.

SWORN to before me this 15th
day of October, 2009.



1st Witness

Notary Public for South Carolina
My commission expires: 12/17/17