

ORDINANCE NO. 03-489

**AN ORDINANCE AUTHORIZING
A PERMANENT EASEMENT AND RIGHT-OF-WAY TO
FARMERS TELEPHONE COOPERATIVE, INC.**

WHEREAS, Sumter County currently owns property on Hazel Street identified as Tax Parcel No. 228-06-02-020; and

WHEREAS, Farmers Telephone Cooperative, Inc., seeks to establish a switch station on a part of the property measuring 50 feet on Hazel Street and extending back a uniform width to a dept of 40 feet; and

WHEREAS, Sumter County does not need the property for any public purpose; and

WHEREAS, Farmers Telephone Cooperative, Inc., has agreed to maintain the property and any structure established on the property in accordance with the provisions contained in the Right of Way Easement, a copy of which is attached hereto, the terms of which are incorporated herein by reference; and

WHEREAS, Farmers Telephone Cooperative, Inc., has agreed to provide certain services free of charge to Sumter County in return for this permanent easement and right-of-way, the terms of which are included in the Right of Way Easement; and

WHEREAS, FTC Diversified Services, Inc. is a wholly-owned subsidiary of FTC Management Group, Inc., which is a wholly-owned subsidiary of Farmer's Telephone Cooperative, Inc., and

WHEREAS, it is in the public's interest for Sumter County Council to convey this property upon these terms being the most favorable to Sumter County.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF SUMTER COUNTY, SOUTH CAROLINA, AT ITS REGULAR MEETING DULY ASSEMBLED AND BY THE AUTHORITY THEREOF:

That Sumter County convey to FTC Diversified Services, Inc., an easement and right-of-way located on Hasel Street according to the attached RIGHT OF WAY EASEMENT.

**THE COUNTY COUNCIL FOR SUMTER COUNTY
SOUTH CAROLINA**

BY: _____

— Naomi Sanders

ITS: Chairman

ATTEST:

BY: _____

Mary W. Blanding

ITS: Clerk to County Council

First Reading: January 28, 2003

Second Reading: February 11, 2003

Public Hearing Held: February 11, 2003

Third Reading and Adoption: February 25, 2003

southern and western side of said easement. Any structure erected or placed on the easement will have a 4-on-12 pitch roof covered with architectural grade shingles. The exterior walls will be covered with brick to match the brick on the exterior walls of Patriot Hall as approved by Sumter County. The door to the structure will be covered by a stoop with a roof to match the architecture of the structure. The easement will be landscaped according to a plan drawn by Sumter County to enhance the appearance, security and safety of the structure. FTC Diversified Services, Inc., its successors and assigns will provide and maintain three (3) high-speed internet access lines to the Sumter County facility, known as Patriot Hall, located on tax parcel #228-06-02-020, for seven years of service. If FTC Diversified Services, Inc. ever discontinues using the easement for the purposes for which it is being granted, the easement shall expire by its own terms. In the event the easement expires, FTC Diversified Services, Inc, its successors or assigns will sign any quitclaim deed or other document to clear the title to the property or will be liable for the fees and costs for any action required to clear the title to the property.

This easement includes the right of ingress and egress to and from said land at any time for the purpose of exercising any of the rights herein granted, together with the rights and privileges necessary for the full enjoyment and use thereof, including the right to trim or remove, and to keep clear such trees, underbrush and buildings or structures as, in the judgment of the said company's agent, may in any way interfere with the construction, maintenance, and operation of said lines or endanger the same or the operating thereof.

The undersigned agree that all poles, wires, CATV, and other facilities, including all telephone equipment, installed on the above described lands or in any building on said premises at FTC Diversified's, expense shall remain the property of FTC Diversified, removable at the option of FTC Diversified Services, Inc.

TO HAVE AND TO HOLD the same to the said FTC Diversified Services, Inc., its successors and assigns forever, subject, however, to the foregoing provisions.

EASEMENT

From

Sumter County

To

FARMERS TELEPHONE COOPERATIVE, INC.

I hereby certify that the within Easement was filed for record in my office at _____ M.
O'clock on the ___ day of _____, 2003, and was immediately entered upon
the proper indexes and duly recorded in Book _____ of Deeds, page _____;

Register of Deeds for Sumter County.

I hereby certify that the within Easement has been this _____
day of _____, 2003, Recorded in Book _____ of
Deeds; page _____;

Auditor for Sumter County.