

AN ORDINANCE

AMENDING CHAPTER 7.5, ARTICLE IV, OF THE CHARLESTON COUNTY CODE OF ORDINANCES, THE CHARLESTON COUNTY GREENBELT BANK ORDINANCE, NUMBER 1424, AS AMENDED

WHEREAS, on December 20, 2005, County Council adopted Ordinance No. 1424 (the "Ordinance") establishing policies of Greenbelt Programs, which is funded from revenues from the Greenbelt portions of the 2004 and 2016 sales tax programs; and

WHEREAS, Ordinance No. 1424 requires indemnification as to title in the amount of any grants it makes to Eligible Greenbelt Fund Recipients through a title insurance policy; and

WHEREAS, Ordinance No. 1424 permits the indemnification requirement to be waived by the Greenbelt Advisory Board under certain circumstances; and

WHEREAS, County staff is better equipped to make such administrative decisions and such authority to make such a decision is outside of the Board's advisory nature; and

WHEREAS, in order to carry out these purposes, Charleston County Council hereby adopts the above-stated recitals as findings of fact and hereby enacts the following ordinance to amend the Ordinance No. 1424.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF CHARLESTON COUNTY AS FOLLOWS:

SECTION I. FINDINGS INCORPORATED

The above recitals and findings are incorporated herein by reference and made a part of this Ordinance.

SECTION II. AMENDMENT TO CHARLESTON COUNTY CODE OF ORDINANCES, CHAPTER 7.5, ARTICLE IV, SECTION 7.5-129

The Charleston County Code of Ordinances, Chapter 7.5, Article IV, Section 7.5-129.(d) is hereby deleted and replaced in its entirety with the following:

Charleston County and the bank must be indemnified as to title in the amount of any grants it makes to eligible greenbelt fund recipients, and this indemnification must be secured by a title-insurance policy acceptable to the board and county council, and obtained by the grant recipient. The indemnification requirement as to title may be waived by County staff in extraordinary cases where insurable title is unobtainable, the risk of adverse claims to title are small, the land in question presents a particularly valuable conservation opportunity according to the purposes of this ordinance and the criteria of subsections 7.5-128(d), (e), and (f) and the cost of the interest in land acquired reflects the lack of insurable title.

SECTION III. EFFECTIVE DATE, SEVERABILITY

This Ordinance shall take effect immediately upon third reading. If any provision of this Ordinance or its application to any circumstances is held by a court of competent jurisdiction to be invalid for any reason, this holding does not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or application, and to this

end, the provisions of this Ordinance are severable.

ADOPTED and APPROVED in meeting duly assembled this 14th day of January 2025.

CHARLESTON COUNTY COUNCIL

By: _____
Rev. Dr. Kylon Jerome Middleton
Chairman of Charleston County Council

ATTEST:

By: _____
Kristen Salisbury
Clerk to Charleston County Council

First Reading: November 12, 2024
Second Reading: November 21, 2024
Public Hearing: January 14, 2025
Third Reading: January 14, 2025