A meeting of the Committee on Real Estate will be held beginning at 3:30 p.m. Monday, September 26, 2022, Conference Call: 1-929-205-6099; Access Code: 835 678 884. The agenda will be as follows:

AGENDA

Invocation – Councilmember Gregg

Approval of Minutes:

September 12, 2022

a. Approval of the 1st Amendment to the Governmental Lease Agreement for 22 West Edge abating back rent from April 2, 2020, to May 31, 2020, due to impacts from COVID on subleasing/renting the space. The City will receive rent abatement in the amount of $35,200 and shall not be asked for repayment by the Landlord under any circumstances.

b. Authorization for the Mayor to execute the First Amendment to the Donation Agreement between the City and HR Charleston VI, LLC for 1.1 acres of donated land on Heriot Street. The Amendment exempts the City from mandatory membership in the Magnolia Owners Association, provides an easement for construction of future traffic improvements, and extends the closing date for the transaction. (2112-2114 Heriot Street, Charleston, SC 29401) (TMS No. 464-13-00-014, 464-13-00-012, 464-13-00-011, 464-13-00-010, and 464-13-00-023) (To be distributed under separate cover by the Housing and Community Development Department)

c. Authorization for the Mayor to execute the Second Amendment to the Magnolia Development Agreement between the City and HR Charleston I, LLC ("HRC I"), HR Charleston II, LLC ("HRC II"), HR Charleston III, LLC ("HRC III"), HR Charleston VI, LLC ("HRC VI"), HR Charleston VII, LLC ("HRC VII"), and HR Charleston IX, LLC ("HRC IX"). The Amendment stipulates that future donations of land for affordable housing shall occur within one (1) year of the completion of streets and other infrastructure improvements within the Magnolia Development. (To be distributed under separate cover by the Housing and Community Development Department) [Ordinance]

d. Please consider the following annexations:
(i) 1239 Wisteria Road (0.14 acre) (TMS# 351-12-00-085), West Ashley, (District 9). The property is owned by Janice L. Fetter.

(ii) 17 Lindendale Avenue (0.35 acre) (TMS# 418-14-00-013), West Ashley, (District 9). The property is owned by Eloise and Eric Thome.

e. Executive Session pursuant to S.C. Code Sec. 30-4-70(a)(2) to receive legal advice and consideration of potential land purchase.

f. Executive Session pursuant to S.C. Code 30-4-70(a)(2) to receive legal advice and consideration regarding any plans entered into by the City of Charleston created pursuant to S.C. Code 5-3-311. (Requested by Councilmember Waring)

In accordance with the Americans with Disabilities Act, people who need alternative formats, ASL (American Sign Language) Interpretation or other accommodation please contact Janet Schumacher at (843) 577-1389 or email to schumacherj@charleston-sc.gov three business days prior to the meeting.
COMMITTEE / COUNCIL AGENDA

TO: John J. Tecklenburg, Mayor
FROM: Matt Frohlich
DEPT. BFRC
SUBJECT: 1st AMENDMENT TO GOVERNMENTAL LEASE AGREEMENT AT 22 WEST EDGE
REQUEST: Approval of 1st Amendment to Governmental Lease Agreement for 22 West Edge abating back rent from April 2, 2020 to May 31, 2020 due to impacts from COVID on subleasing / renting the space.

COMMITTEE OF COUNCIL: Real Estate DATE: September 27, 2022

COORDINATION: This request has been coordinated with: (attach all recommendations/reviews)

<table>
<thead>
<tr>
<th>Corporate Counsel</th>
<th>Yes</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department Head</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Real Estate</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

FUNDING: Was funding previously approved? Yes ☐ No ☐ N/A ☑
If yes, provide the following:
Dept./Div.: Account #:
Balance in Account Amount needed for this item

Does this document need to be recorded at the RMC’s Office? Yes ☐ No ☑

NEED: Identify any critical time constraint(s).

CFO’s Signature: ____________________________

FISCAL IMPACT: City will receive rent abatement in the amount of $35,200 and shall not be asked for repayment by the Landlord under any circumstances.

Mayor’s Signature: ____________________________

John J. Tecklenburg, Mayor

ORIGINATING OFFICE PLEASE NOTE: A FULLY STAFFED/APPROVED (except Mayor’s Signature) PACKAGE IS DUE IN THE CLERK OF COUNCIL’S OFFICE NO LATER THAN 10:00AM THE DAY OF THE CLERK’S AGENDA MEETING.
FIRST AMENDMENT TO GOVERNMENTAL REAL ESTATE LEASE

THIS FIRST AMENDMENT TO GOVERNMENTAL REAL ESTATE LEASE (this "Amendment") is made as of the __ day of __________, 2022 (the "Effective Date") between 22 WEST EDGE OWNER, LLC, a Delaware limited liability company (hereinafter called "Landlord"), and THE CITY OF CHARLESTON, a political subdivision of the State of South Carolina (hereinafter called "Tenant").

WITNESSETH:

WHEREAS, Landlord and Tenant are parties to that certain Governmental Real Estate Lease dated May 21, 2018 (the "Lease"), pursuant to which Tenant leases 8,000 rentable square feet of floor area (the "Premises") on the Fourth Floor of an office building located at 22 West Edge, Charleston, South Carolina (the "Building"); and

WHEREAS, Landlord and Tenant have agreed to modify and amend certain terms and conditions of the Lease.

NOW, THEREFORE, for and in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Landlord and Tenant, intending to be legally bound, hereby agree as follows:

1. **Capitalized Terms.** All terms used in this Amendment with an initial capital letter which are not otherwise defined herein shall have the meanings given to such terms in the Lease.

2. **Basic Rent.** Landlord has agreed to abate the Basic Rent due under the Lease between April 2, 2020 through and including May 31, 2020 in the amount of $35,200.00. Landlord will not pursue Tenant for repayment of such abated rent under any circumstances.

3. **Lease in Full Force and Effect; No Defaults.** The Lease, as hereby amended, is hereby ratified, confirmed and continued in all respects, and all covenants, terms and conditions of the Lease, as hereby amended, are hereby incorporated herein by this reference.

4. **Governing Law.** This Amendment shall be construed and interpreted under the laws of the State of South Carolina.

5. **Transferees, Successors and Assigns.** This Amendment shall inure to the benefit of and shall be binding upon Landlord, Tenant, and their respective transferees, successors and assigns.

6. **Execution Counterparts.** This Amendment may be executed in multiple counterparts (including copies sent to a party by email in portable document format (pdf)), each of which shall be deemed an original and together which shall constitute one and the same instrument.
IN WITNESS WHEREOF, Landlord and Tenant have entered into this Amendment under seal as of the day and year first written.

LANDLORD:

22 WEST EDGE OWNER, LLC,
a Delaware limited liability company

By: [Signature]
M. McKemie Reese, Manager

TENANT:

THE CITY OF CHARLESTON,
a political subdivision of the State of South Carolina

By: __________________________
Name: __________________________
Its: __________________________
REAL ESTATE COMMITTEE
GENERAL FORM

TO: John T. Tecklenburg, Mayor
DATE: September 27, 2022

FROM: Geona Shaw Johnson
DEPT: Housing and Community Development

ADDRESS: 2112-2114 Heriot Street, Charleston, SC 29401

TMS: 464-13-00-014, 464-13-00-012, 464-13-00-011, 464-13-00-010, and 464-13-00-023

Request that the City of Charleston City Council authorize the Mayor to execute the First Amendment to the Donation Agreement between the City and HR Charleston VI, LLC for 1.1 acres of donated land on Heriot Street. The Amendment exempts the City from mandatory membership in the Magnolia Owners Association, provides an easement for construction of future traffic improvements, and extends the closing date for the transaction.

COORDINATION: The request has been coordinated with:

All supporting documentation must be included

Department Head [Signature]
Legal Dept
Property Coordinator
Property Manager

Attachments [X]

FUNDING: Was funding needed? Yes ☐ No ☐
If yes, was funding previously approved? Yes ☐ No ☐
*If approved, provide the following: Dept/Div. Acct: __________
Balance in Account ________ Amount needed for this item ________

NEED: Identify any critical time constraint(s).

ORIGINATING OFFICE PLEASE NOTE: A FULLY STAFFED/APPROVED PACKAGE IS DUE IN THE CLERK OF COUNCIL’S OFFICE NO LATER THAN 10:00 A.M. THE DAY OF THE CLERK’S AGENDA MEETING.

*Commercial Property and Community & Housing Development have an additional form.
COMMERCIAL REAL ESTATE FORM

TO: Real Estate Committee DATE: September 27, 2022
FROM: Geona Shaw Johnson DEPT: HCD
ADDRESS: 2112-2114 Heriot Street, Charleston, SC 29403
TMS: 464-13-00-014, 464-13-00-012, 464-13-00-011, 464-13-00-010, and 464-14-00-0233

PROPERTY OWNER: HR Charleston VI, LLC,
Request that the City of Charleston City Council authorize the Mayor to execute the First Amendment to the Donation Agreement between the City and HR Charleston VI, LLC for 1.1 acres of donated land on Heriot Street. The Amendment exempts the City from mandatory membership in the Magnolia Owners Association, provides an easement for construction of future traffic improvements, and extends the closing date for the transaction.

ACTION REQUEST:

ORDINANCE: Is an ordinance required? Yes ☐ No ☐

ACTION: What action is being taken on the Property mentioned?

☐ ACQUISITION
   Seller (Property Owner) __________________________ Purchaser __________________________

☒ DONATION/TRANSFER
   Donated By: HR Charleston VI, LLC

☐ FORECLOSURE
   Terms: __________________________

☐ PURCHASE
   Terms: __________________________

☐ CONDEMNATION
   Terms: __________________________

☐ OTHER
   Terms: __________________________

☐ SALE
   Seller (Property Owner) __________________________ Purchaser __________________________

☐ NON-PROFIT ORG, please name __________________________
   Terms: __________________________

☐ OTHER
   Terms: __________________________
COMMERCIAL REAL ESTATE FORM

☐ EASEMENT  Grantor (Property Owner)  Grantee

☐ PERMANENT Terms:

☐ TEMPORARY Terms:

☐ LEASE Lessor:  Lessee:

☐ INITIAL Terms:

☐ RENEWAL Terms:

☐ AMENDMENT Terms:

☐ Improvement of Property
  Owner:
  Terms:

BACKGROUND CHECK: If Property Action Request is for the sale or lease of city property, has a background check been completed?

  Yes ☐  No ☐  N/A ☐

Results:

Signature:  ________________________________

Director Real Estate Management

ADDITIONAL: Please identify any pertinent detail (Clauses, Agreement Terms, Repeals, etc.) regarding City Property.

NEED: Identify any critical time constraint(s).
REAL ESTATE COMMITTEE
GENERAL FORM

TO: John T. Tecklenburg, Mayor DATE: September 27, 2022
FROM: Geona Shaw Johnson DEPT: Housing and Community Development
ADDRESS: Magnolia PUD Development

TMS: Request that the City of Charleston City Council authorize the Mayor to execute the Second Amendment to the Magnolia Development Agreement between the City and HR CHARLESTON I, LLC ("HRC I"), HR CHARLESTON II, LLC ("HRC II"), HR CHARLESTON III, LLC ("HRC III"), HR CHARLESTON VI, LLC ("HRC VI"), HR CHARLESTON VII, LLC ("HRC VII"), and HR CHARLESTON IX, LLC ("HRC IX"). The Amendment stipulates that future donations of land for affordable housing shall occur within one (1) year of the completion of streets and other infrastructure improvements within the Magnolia Development.

ACTION REQUEST:

COORDINATION: The request has been coordinated with:
All supporting documentation must be included

Department Head

Legal Dept

Property Coordinator

Property Manager

SIGNATURE

Attachments [X]

FUNDING: Was funding needed? Yes ☐ No ☐
If yes, was funding previously approved? Yes ☐ No ☐

*If approved, provide the following: Dept/Div. Acct: 
Balance in Account Amount needed for this item

NEED: Identify any critical time constraint(s).

ORIGINATING OFFICE PLEASE NOTE: A FULLY STAFFED/APPROVED PACKAGE IS DUE IN THE CLERK OF COUNCIL’S OFFICE NO LATER THAN 10:00A.M. THE DAY OF THE CLERK’S AGENDA MEETING.

*Commercial Property and Community & Housing Development have an additional form.
COMMERCIAL REAL ESTATE FORM

TO: Real Estate Committee  DATE: September 27, 2022
FROM: Geona Shaw Johnson  DEPT: HCD
ADDRESS: Magnolia PUD Development
TMS: 

PROPERTY OWNER:
Request that the City of Charleston City Council authorize the Mayor to execute the Second Amendment to the Magnolia Development Agreement between the City and HR CHARLESTON I, LLC ("HRC I"), HR CHARLESTON II, LLC ("HRC II"), HR CHARLESTON III, LLC ("HRC III"), HR CHARLESTON VI, LLC ("HRC VI"), HR CHARLESTON VII, LLC ("HRC VII"), and HR CHARLESTON IX, LLC ("HRC IX"). The Amendment stipulates that future donations of land for affordable housing shall occur within one (1) year of the completion of streets and other infrastructure improvements within the Magnolia Development.

ACTION REQUEST: 

ORDINANCE: Is an ordinance required? Yes □ No X

ACTION: What action is being taken on the Property mentioned?

☐ ACQUISITION  Seller (Property Owner) ___________________________ Purchaser ___________________________

☐ DONATION/TRANSFER
  Donated By: ___________________________

☐ FORECLOSURE
  Terms: ___________________________

☐ PURCHASE
  Terms: ___________________________

☐ CONDEMNATION
  Terms: ___________________________

☐ OTHER
  Terms: ___________________________

☐ SALE  Seller (Property Owner) ___________________________ Purchaser ___________________________

☐ NON-PROFIT ORG, please name ___________________________ Terms: ___________________________
COMMERCIAL REAL ESTATE FORM

☐ OTHER Terms: ____________________________

☐ EASEMENT Grantor (Property Owner) ____________________________

Grantee ____________________________

☐ PERMANENT Terms: ____________________________

☐ TEMPORARY Terms: ____________________________

☐ LEASE Lessor: ____________________________

Lessee: ____________________________

☐ INITIAL Terms: ____________________________

☐ RENEWAL Terms: ____________________________

☐ AMENDMENT Terms: ____________________________

X Improvement of Property

Owner: ____________________________

Terms: As outlined in the original Magnolia Development Agreement

And the attached 2nd amendment

BACKGROUND CHECK: If Property Action Request is for the sale or lease of city property, has a background check been completed?

Yes ☐ No ☐ N/A ☐ ☒

Results: ____________________________

Signature: ____________________________

Director Real Estate Management

ADDITIONAL: Please identify any pertinent detail (Clauses, Agreement Terms, Repeals, etc.) regarding City Property.

NEED: Identify any critical time constraint(s).
AN ORDINANCE

TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 1239 WISTERIA ROAD (0.14 ACRE) (TMS# 351-12-00-085), WEST ASHLEY, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON, SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 9. THE PROPERTY IS OWNED BY JANICE L. FETTER.

BE IT ORDAINED BY THE MAYOR AND THE MEMBERS OF CITY COUNCIL, IN CITY COUNCIL ASSEMBLED:

Section 1. As an incident to the adoption of this Ordinance, City Council of Charleston finds the following facts to exist:

A) Section 5-3-150, Code of Laws of South Carolina (1976) as amended, provides a method of annexing property to a city or town upon a Petition by all persons owning real estate in the area requesting annexation.

B) The City Council of Charleston has received a Petition requesting that a tract of land in Charleston County hereinafter described be annexed to and made a part of the City of Charleston, which Petition is signed by all persons owning real estate in the area requesting annexation.

C) The area comprising the said property is contiguous to the City of Charleston.

Section 2. Pursuant to Section 5-3-150, Code of Laws of South Carolina (1976) as amended, the following described property be and hereby is annexed to and made part of the City of Charleston and is annexed to and made part of present District 9 of the City of Charleston, to wit:

SAID PROPERTY to be annexed, 1239 Wisteria Road, (0.14 acre) is identified by the Charleston County Assessors Office as TMS# 351-12-00-085, (see attached map) and includes all marshes, public waterways and public rights-of-way, shown within the area annexed upon a map attached hereto and made a part hereof.

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this _____ day of
____________________ in the Year of Our Lord,
____________________, in the______ Year of the Independence of
the United States of America.

By:

John J. Tecklenburg
Mayor

Attest:

Jennifer Cook
Clerk of Council
Annexation Profile

Parcel Address: 1239 Wisteria Road
Owner Names: Janice L. Fetter
Parcel ID: 3511200085

Presented to Council: 9/27/2022
Status: Received Signed Petition
Year Built: 1965
Number of Units: 1
Number of Persons: 1
Race: Caucasian
Acreage: 0.14
Current Land Use: Residential
Current Zoning: R-4
Requested Zoning: SR-2
Recommended Zoning: SR-2
Appraised Value: $267,500.00
Assessed Value: $8,700.00
Stormwater Fees: 120.00

Mailing Address: 1239 Wisteria Road
City Area: West Ashley
Subdivision: Pinecrest Gardens
Council District: 9
Within UGB: Yes

<table>
<thead>
<tr>
<th>Police</th>
<th>Located in existing service area - Team 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire</td>
<td>Located in existing service area - Station 12</td>
</tr>
<tr>
<td>Sanitation</td>
<td>Located in existing service area. One additional stop.</td>
</tr>
<tr>
<td>Storm Water</td>
<td>Contiguous to existing service area.</td>
</tr>
<tr>
<td>Streets and Sidewalks</td>
<td>No additional City-maintained right-of-way</td>
</tr>
<tr>
<td>Traffic and Transportation</td>
<td></td>
</tr>
<tr>
<td>Signalization</td>
<td>None</td>
</tr>
<tr>
<td>Signage</td>
<td>None</td>
</tr>
<tr>
<td>Pavement Markings</td>
<td>None</td>
</tr>
<tr>
<td>Charleston Water System</td>
<td>CWS service area.</td>
</tr>
<tr>
<td>Planning</td>
<td></td>
</tr>
<tr>
<td>Urban Growth Line</td>
<td>Property is a developed site within the line.</td>
</tr>
<tr>
<td>City Plan</td>
<td>Development and zoning are consistent with the City Plan.</td>
</tr>
<tr>
<td>Elevation Range</td>
<td>24-26 ft</td>
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<tr>
<td>Parks</td>
<td>Already being served.</td>
</tr>
</tbody>
</table>

Notes/Comments:

City Plan Recommendation:
The existing development and proposed zoning is consistent with the City Plan. Recommend annexation.
Annexation Map

Location: West Ashley

Property Address: 1239 Wisteria Road

Tax Map # (TMS): 3511200085

Area (Acres): 0.14

Council District: 9
STATE OF SOUTH CAROLINA )
COUNTY OF CHARLESTON )

PETITION FOR ANNEXATION

TO THE HONORABLE MAYOR AND CITY COUNCIL OF CHARLESTON

WHEREAS, SECTION 5-3-150 (3) Code of laws of South Carolina provides for the
annexation of an area or property which is contiguous to a City by filing with the municipal
governing body a petition signed by all persons owning real estate in the area requesting
annexation, and

WHEREAS, the undersigned are all persons owning real estate in the area requesting
annexation, and

WHEREAS, the area requesting annexation is described as follows, to wit:

SAID PROPERTY, located in West Ashley (approximately 14 acres) to be annexed is
identified by the Charleston County Assessors Office as Property Identification Number: TMS# 3511200085 (Address: 1239 Wisteria Road, Charleston, South Carolina, 29407).

NOW, THEREFORE, the undersigned petition the City Council of Charleston to annex the
above described area into the municipal limits of the City of Charleston.

FREEHOLDERS (OWNERS) SIGNED                  DATE OF SIGNATURE

Janice L. Fetter                               9/5/2022
(Signature)                                  (Date)

Janice L. Fetter
(Print Name)

(Signature)                                  (Date)

(Print Name)
AN ORDINANCE

TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 17 LINDENDALE AVENUE (0.35 ACRE) (TMS# 418-14-00-013), WEST ASHLEY, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON, SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 9. THE PROPERTY IS OWNED BY ELOISE AND ERIC THOME.

BE IT ORDAINED BY THE MAYOR AND THE MEMBERS OF CITY COUNCIL, IN CITY COUNCIL ASSEMBLED:

Section 1. As an incident to the adoption of this Ordinance, City Council of Charleston finds the following facts to exist:

A) Section 5-3-150, Code of Laws of South Carolina (1976) as amended, provides a method of annexing property to a city or town upon a Petition by all persons owning real estate in the area requesting annexation.
B) The City Council of Charleston has received a Petition requesting that a tract of land in Charleston County hereinafter described be annexed to and made a part of the City of Charleston, which Petition is signed by all persons owning real estate in the area requesting annexation.
C) The area comprising the said property is contiguous to the City of Charleston.

Section 2. Pursuant to Section 5-3-150, Code of Laws of South Carolina (1976) as amended, the following described property be and hereby is annexed to and made part of the City of Charleston and is annexed to and made part of present District 9 of the City of Charleston, to wit:

SAID PROPERTY to be annexed, 17 Lindendale Avenue, (0.35 acre) is identified by the Charleston County Assessors Office as TMS# 418-14-00-013, (see attached map) and includes all marshes, public waterways and public rights-of-way, shown within the area annexed upon a map attached hereto and made a part hereof.

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this _____ day of __________________ , in the Year of Our Lord, __________________ , in the _____ Year of the Independence of the United States of America.

By:

John J. Tecklenburg
Mayor

Attest:

Jennifer Cook
Clerk of Council
### Annexation Profile

**Parcel Address:** 17 Lindendale Avenue  
**Presented to Council:** 9/27/2022  
**Status:** Received Signed Petition  
**Year Built:** 1947  
**Number of Units:** 1  
**Number of Persons:** 5  
**Race:** Caucasian  
**Acreage:** 0.35  
**Current Land Use:** Residential  
**Current Zoning:** R-4  
**Requested Zoning:** SR-1  
**Recommended Zoning:** SR-1  
**Appraised Value:** $690,000.00  
**Assessed Value:** $26,440.00  
**Stormwater Fees:** 120.00

<table>
<thead>
<tr>
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<th>Located in existing service area - Team 4</th>
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<td><strong>Public Service</strong></td>
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<td><strong>Parks</strong></td>
<td>Already being served.</td>
</tr>
</tbody>
</table>

**Notes/Comments:**

**City Plan Recommendation:** The existing development and proposed zoning is consistent with the City Plan. Recommend annexation.
Annexation Map

Location: West Ashley

Property Address: 17 Lindendale Avenue

Tax Map # (TMS): 4181400013

Area (Acres): 0.35

Council District: 9
STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON   
PETITION FOR ANNEXATION 

TO THE HONORABLE MAYOR AND CITY COUNCIL OF CHARLESTON 

WHEREAS, SECTION 5-3-150 (3) Code of laws of South Carolina provides for the annexation of an area or property which is contiguous to a City by filing with the municipal governing body a petition signed by all persons owning real estate in the area requesting annexation, and 

WHEREAS, the undersigned are all persons owning real estate in the area requesting annexation, and 

WHEREAS, the area requesting annexation is described as follows, to wit: SAID PROPERTY, located in West Ashley (approximately 35 acres) to be annexed is identified by the Charleston County Assessors Office as Property Identification Number TMS# 4181400013 (Address: 17 Lindendale Avenue, Charleston, South Carolina, 29407). 

NOW, THEREFORE, the undersigned petition the City Council of Charleston to annex the above described area into the municipal limits of the City of Charleston. 

FREEHOLDERS (OWNERS) SIGNED 

[Signatures and Print Names]

DATE OF SIGNATURE 

9/3/2022 

(Date)