

YORK COUNTY ASSESSOR
Tax Map:
655-00-00-107
Date: 10/03/2024



CONDEMNATION ORDER
RECORDING FEES \$0.00

E H

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS
C/A NO. 2023-CP-46-

COUNTY OF YORK

Road/Route SC Route 160 / I-77
Project ID No. P029270
Tract 49

PRESENTED & RECORDED:
10-03-2024 10:32:43 AM
BK: RB 21544
PG: 350 - 353
ANGIE M BRYANT
CLERK OF COURT
YORK COUNTY, SC
BY: ABIGAYLE LANIER CLERK

South Carolina Department of Transportation

Condemnor,

CONDEMNATION NOTICE
AND
TENDER OF PAYMENT

VS.

Atlantic Avenue Realty, LLC,

(JURY TRIAL DEMANDED)

Landowner(s),

This condemnation has been ended pursuant
to a Release Agreement in the amount of
\$45,000.00 and Order dated
July 16, 2024 and signed by
Judge Daniel D. Hall and
filed July 16, 2024.

and

Circle K. Stores Inc., Lessee, York County
Treasurer, Tax Lien,

Other Condemnee(s).

Angie Bryant / JD
Angie Bryant, Clerk of Court
York County

TO: THE LANDOWNER(S) AND OTHER CONDEMNEE(S) ABOVE NAMED:

COPY TO: Williams and Walsh Attorneys at Law, Attn: Abigail B. Walsh
652 Rutledge Ave, Unit B, Charleston, South Carolina 29403

Pursuant to the South Carolina Eminent Domain Procedure Act, Section 28-2-10,
et seq., Code of Laws of South Carolina, 1976, as amended, you are hereby notified as
follows:

1. The South Carolina Department of Transportation (SCDOT) is the Condemnor herein and seeks to acquire the real property described herein for public purposes.
2. Atlantic Avenue Realty, LLC is named as Landowner(s) in this action by virtue of their claim(s) of title (or other interests) as shown by that certain deed dated February 15, 2008, from Atlantic Avenue Associates L.P. and recorded February 28,

2008, in Deed Book 9839, Page 251, in the Office of the Clerk of Court for York County.

3. **Circle K. Stores, Inc., is made a party in this action as "Other Condemnee(s)" by virtue of their claim(s) of interest in that certain Lease recorded in the RMC for York County, in Book 7742, Page 67.**

4. York County Treasurer is made a party in this action as "Other Condemnee(s)" by virtue of its claims of interest in that **certain past due property taxes for 2022.**

5. The following is a description of the real property subject to this action and a description of the interest sought to be acquired in and to the property by the Condemner:

All that parcel or strip of land, to establish a temporary right of way, containing 0.072 acre/3, 140 square feet, more or less, and all improvements thereon, if any shown as the "Area of Temporary Right of Way" on Exhibit A, attached hereto and made a part hereof, between approximate survey stations 103+00 and 106+00 right of SC Route 160. Temporary right of way herein condemned shall be reverted back to the condemnee upon completion and acceptance of this project.

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6. The SCDOT is vested with the power of eminent domain pursuant to Section 57-5-320 and Section 28-2-60, Code of Laws of South Carolina, 1976, as amended.

7. The property sought herein is to be acquired for public purposes, more particularly for the construction of **Roadway Improvements on SC Route 160 over I-77.**

8. This action is brought pursuant to Section 28-2-240, Code of Laws of South Carolina, 1976, as amended.

9. The SCDOT has complied with the requirements set forth in Section 28-2-70(a), Code of Laws of South Carolina, 1976, as amended, by having the subject property appraised and making the appraisal available to the Landowner(s) where required by law, and certifies to the Court that a negotiated resolution has been attempted prior to the commencement of this action, or pursuant to Section 12-28-2940, Code of Laws of South Carolina, 1976, as amended, an appraisal of this property was not required.

Condemnation Notice and Tender of Payment (continued)

10. Project plans may be inspected at the office of **South Carolina Department of Transportation, York County Maintenance, 338 Robertson Road West, Rock Hill, South Carolina 29730, under Project ID Number P029270, SC Route 160 over I-77, Tract 49.**

11. THE CONDEMNOR HAS DETERMINED JUST COMPENSATION FOR THE PROPERTY AND RIGHTS TO BE ACQUIRED HEREUNDER, INCLUDING ALL DAMAGES (IF ANY), TO BE THE SUM OF **TWENTY FOUR THOUSAND THREE HUNDRED AND NO/100 DOLLARS (\$24,300.00)** AND HEREBY TENDERS PAYMENT THEREOF TO THE LANDOWNER(S).

12. Payment of this amount will be made to the Landowner(s) if within thirty (30) days of service of this Condemnation Notice, the Landowner(s) in writing requests payment, and agrees to execute any instruments necessary to convey to the Condemnor the property interests and rights described hereinabove. The Agreement and Request for Payment must be sent by first class certified mail with return receipt requested or delivered in person to Director, Rights of Way, South Carolina Department of Transportation, 955 Park Street, Columbia, South Carolina 29202. If no Agreement and Request for Payment is received by the Condemnor within the thirty (30) day period, the tender is considered rejected.

13. If the tender is rejected, the Condemnor has the right to file this Condemnation Notice with the Clerk of Court of the County where the property is situated and deposit the tender amount with the Clerk. The Condemnor shall give the Landowner(s) and Other Condemnee(s) notice that it has done so and may then proceed to take possession of the property interests and exercise the rights described in this Condemnation Notice.

14. AN ACTION CHALLENGING THE CONDEMNOR'S RIGHT TO ACQUIRE THE PROPERTY AND RIGHTS DESCRIBED HEREIN MUST BE COMMENCED IN A SEPARATE PROCEEDING IN THE COURT OF COMMON PLEAS WITHIN THIRTY DAYS OF THIS CONDEMNATION NOTICE, OR THE LANDOWNER(S) WILL BE CONSIDERED TO HAVE WAIVED THE CHALLENGE.

15. THE CONDEMNOR HAS ELECTED NOT TO UTILIZE THE APPRAISAL PANEL PROCEDURE. Therefore, if the tender herein is rejected, the Condemnor shall

Condemnation Notice and Tender of Payment (continued)

notify the Clerk of Court and shall demand a trial to determine the amount of just compensation to be paid. A copy of that notice must be served on the Landowner(s). That notice shall state whether the Condemnor demands a trial by jury or by the Court without a jury. The Landowner(s) has the right to demand a trial by jury. The case may not be called for trial before sixty (60) days after the service of that notice, but it may thereafter be given priority for trial over other civil cases. The Clerk of Court shall give the Landowner(s) written notice by mail of the call of the case for trial.

16. THEREFORE, IF THE TENDER HEREIN IS REJECTED, THE LANDOWNER(S) IS ADVISED TO OBTAIN LEGAL COUNSEL AT ONCE, IF NOT ALREADY OBTAINED.

17. In the event the Landowner(s) accepts the amount tendered in this Notice, the attached Agreement and Request for Payment form should be signed and returned to the Condemnor within thirty (30) days of your receipt of this Notice.

BY: s/Ryan F. McCarty
Ryan F. McCarty, SC Bar # 74198
Attorney for Condemnor (SCDOT)
Killoren, Kissinger, Dantin, Denton, &
Dunham, PC.
P.O. Box 3547
Spartanburg, SC 29304-3547
Telephone: 864-585-5100

Spartanburg, South Carolina
April 7, 2023