

The State of South Carolina

COUNTY OF DillonRoute No. Road S-156 Docket No. 17.323(1) 154/85 - 180/47 Lt.Approx. survey station, from (2) 195/73 to 198/92 Lt.

KNOW ALL MEN BY THESE PRESENTS, That I (or we) _____

W. E. Lupo ✓

Right of Way Easement

in consideration of the sum of One Dollar, to me (or us) in hand paid, and other valuable consideration at and before sealing and delivering thereof, by the South Carolina Highway Department, receipt of which is hereby acknowledged, have granted, bargained, sold, and released, and by these presents do grant, bargain, sell, and release, unto the said South Carolina Highway Department, its successors and assigns, a right-of-way for the

construction of a section of the State Highway from Road S-22to Road S-58

Name of Place.

on Route No. Road S-156 State and

Name of Place.

County aforesaid, as shown by plans prepared by the State Highway Department, on and over all lands which I (or we) may own in whole or in part, for the purpose of locating, constructing, improving, and maintaining the above described highway with the bridges and causeways thereon, and the right to construct and maintain controlled access facilities to said highway.

Bounded by lands of (1) Mrs. Hardy Gaddy on west, E. Neil Arnette on east,

Show only the Land Owners along the Highway.

(2) Union Methodist Church on west, Other lands of grantor on east, and others.

Said right-of-way to have a width of 66 feet, that is 33 feet on each side of the center line of the Highway except where a greater width is necessary for short distances on account of large cuts or fills and drainage structures.

"Special Provisions:" This right-of-way is granted along revised alignment as shown on revised plan sheet No. 19 by using an eight degree curve at P. I. Station 184/32.8, shifting centerline three feet left at Sta. 191/92 and five feet right at Sta. 198/92 forming new P. I.'s at these stations. Also granted herein is one one hundred foot triangular sight area left Sta. 198/92. This easement supersedes condemnation of 10-18-61.

Together with, all and singular, the rights, members, hereditaments and appurtenances thereunto belonging, or in any wise incident or appertaining. It is agreed that buildings, fences, signs or other obstructions will not be erected by me (or us), my heirs, assigns or administrators within the limits of the right-of-way herein conveyed and that such buildings and fences as are now within the limits of the right-of-way herein conveyed will be moved from the right-of-way and restored in as good condition as before moving at the expense of the State Highway Department of the State of South Carolina.

TO HAVE AND TO HOLD, all and singular, the said right-of-way and the rights hereinbefore granted, unto the said South Carolina State Highway Department, its successors and assigns forever.

IN WITNESS WHEREOF, I (or we) have hereunto set my (or our) hand and seal this 19th. day of October in the year of our Lord, One Thousand Nine Hundred and sixty-one.

Signed, sealed and delivered in the presence of:

W. C. Fore
Hardy Gaddy

W. E. Lupo (L. S.)

NOTE: All Right-of-Way Agreements must be in writing and are subject to rejection by the South Carolina State Highway Department.

The State of South Carolina

COUNTY OF DillonPersonally appeared W. C. Foreand made oath that he saw the within named W. E. Lupo

Print or Typewrite Name.

sign, seal and, as his act and deed, deliver the within written easement; and that he with Hardy Gaddy witnessed the execution thereof.

Sworn to before me this 20th.day of October A. D., 1961

Paul A. McKenney (L. S.)
 Notary Public for S. C.

W. C. Fore
 Witness sign here.

W. E. Lupo
1-15-62
B

The State of South Carolina

COUNTY OF _____

I, _____ Notary Public for S. C.

do hereby certify unto whom it may concern, that Mrs. _____

the wife of the within named _____, did this day appear before me, and upon being privately and separately examined by me, did declare that she does, freely, voluntarily, and without any compulsion, dread or fear of any person or persons whomsoever, renounce, release, and forever relinquish unto the within named South Carolina State Highway Department, its successors and assigns, all her interest and estate, and also her right and claim of dower of, in and to, all and singular, the premises within mentioned and released.

Given under my hand and seal, this _____ day of _____
Anno Domini, 19____.

Signature of Wife.

Sworn to before me this _____ day of _____ A. D., 19____.

(L. S.)
Notary Public for S. C.

The State of South Carolina

MORTGAGE RELEASE

COUNTY OF _____

KNOW ALL MEN BY THESE PRESENTS, That I (or we) _____ do for certain valuable consideration release from the lien and operation of my (or our) mortgage the right-of-way conveyed by the within easement so that the said right-of-way shall be free and unaffected by said mortgage.

Witness our hand and seal this _____ day of _____, 19____.

In the presence of:

RESOLUTION

WHEREAS, This easement contains certain special provisions which are subject to rejection by the State Highway Department, and

WHEREAS, It is recommended to this Board that the special provisions be investigated and approved, therefore

BE IT RESOLVED by this Board of Condemnation that after its investigation it is satisfied that the easement with the special provisions should be accepted by the State Highway Department and the easement is approved for acceptance by the

State Highway Department this _____ day of _____, 19____.

Members of Board of Condemnation.

The State of South Carolina

COUNTY OF Dillon

ROAD
~~ROUTE~~ NO. S-156

RESOLUTION
OF
BOARD OF CONDEMNATION

SOUTH CAROLINA STATE HIGHWAY DEPARTMENT

vs.

W. E. Lupo, R.F.D. 3, Dillon, S. C.

After due notice served upon the above-named person, firm or corporation that a right-of-way would be condemned for the construction of Docket No. 17.326

between Survey Stations 154+85 and 180+47 on the left
195+73 and 199+56 on the left

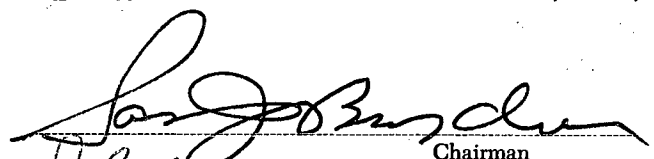
and compensation fixed and damages assessed therefor and after full hearing of all testimony and arguments and careful consideration of all questions involved.

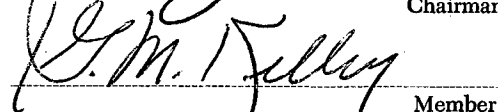
Be it Resolved by this Board of Condemnation that, after taking into consideration the benefits accruing to the landowner by the construction or improvement of the highway, the value of the lands being taken together with any special damages occasioned by the construction or improvement of the highway and deducting the total value of the benefits from the total value of the damages in accordance with the statutes, the members of this Board find that the benefit exceeds the damage and we therefore make an award of

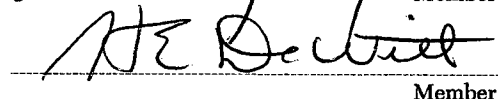
(No cash consideration)

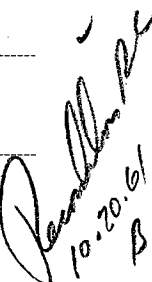
Signed by the Board of Condemnation at
this 18th day of October, 19 61

Dillon, S. C.,


Chairman


Member


Member


10.20.61
B

COUNTY OF: ~~Knox~~ Richland

Sworn to before me this

20th day of October 1961 .

W. E. Tatum Jr.

George V. Bolling
Notary Public for South Carolina

[illegible]

The State of South Carolina

COUNTY OF Dillon
ROAD
~~ROUTE~~ NO. S-156

NOTICE OF CONDEMNATION

TO: W. E. Lupo, R.F.D. 3, Dillon, S. C.

PLEASE TAKE NOTICE,

That the South Carolina State Highway Department and requires a right-of-way for a public highway through and across lands in which the above-named person, firm or corporation claims title or some interest. Said lands being located in the County and State aforesaid as shown Road

by plans of the State Highway Department for the construction of a section of ~~Route~~ No. S-156

between Road S-40 and Road S-58

known as Docket No. 17.326

✓ All that parcel or strip of land coming within 33 feet of the centerline of the survey on the left, or east side, between survey stations 154+85 and 180+47, and being bounded east by other lands of W. E. Lupo, south by lands of Neil Regan Arnette, West by Road S-156 and north by lands of (Mrs) Minnie G. Bailey.

Also all that parcel or strip of land coming within 33 feet of the centerline of the survey on the left, or north side, between survey stations 195+73 and 199+56, and being bounded east by other lands of W. E. Lupo, south by Road S-156, west by lands of Union Methodist Church, and north by other lands of W. E. Lupo; said Right of Way herein condemned is along relocation as shown on plans by heavy dashed line.

Also condemned herein is one 100 foot triangular sight area at intersection of Road S-156 and Road S-58.

The above described property will be condemned and a right-of-way established by the State Highway Department, and

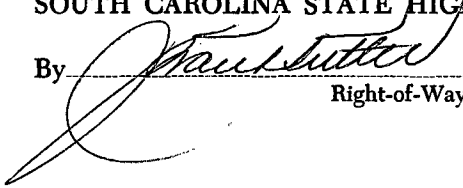
YOU WILL TAKE FURTHER NOTICE, That a public hearing will be held at 12:30 (XXX) (P.M.) on the 18th day of October, 1961, at Dillon County Court House in the Grand Jury Room in the Town of

Dillon, S. C. to ascertain the amount of damages in excess of benefits as a result of using said lands for the proposed highway improvement.

Columbia, S. C.

Date October 2nd, 1961

SOUTH CAROLINA STATE HIGHWAY DEPARTMENT

By  Right-of-Way Engineer

COUNTY OF: Kershaw

Sworn to before me this

W. R. Turtas Jr.

[illegible]

STATE OF SOUTH CAROLINA)
COUNTY OF DILLON)

Condemnation Proceeding

Roads S-156 & S-176

Docket No. 17.326

South Carolina Highway Department)

vs.)

Testimony

W.E. Lupo)

After due notice a hearing was held before a Board of Condemnation composed of Honorable S.J. Brogdon, Honorable G.M. Kelley and Honorable H.E. DeWitt in the Dillon County Courthouse in the City of Dillon, South Carolina, on the 18th day of October, 1961 at 12:30 P.M. The State Highway Department was represented by Mr. W.L. DePass, Jr. The defendant, W.E. Lupo, appeared for himself. The State Highway Department was represented by Mr. W.L. DePass, Jr.

According to Mr. DePass, the right of way through this property will take approximately 1-6/10 acres of land, between stations 154.85 and 180.47 on left side of road, and between stations 195.73 and 199.56 on left side of road.

Mr. W.E. Lupo, being first duly sworn, testified as follows:

Mr. Brogdon: We have looked over the property and I believe they will take about 1-6/10 acres of your land?

Mr. Lupo: About that, I think.

Mr. Brogdon: Tell us your objections, if any, of this road going through your property.

Mr. Lupo: Since I have not had an opportunity to discuss it with you I would like to discuss the matter with reference to the road in general. I am certainly in favor of a road. I have no objection to progress for me or my neighbors, and would like to see if a compromise can't be worked out agreeable with us all.

Mr. Brogdon: What do you mean by a compromise?

Mr. Lupo: My only objection is that the right-of-way which was laid out crossed over a section of my yard in front of my house. The front steps of my house were within ten feet of the edge of the road and this was prior to the time that the road was to be paved. To keep myself out of the road I had to move my house off the road forty feet after the road was built. In determining the right-of-way, Mr. Law at that time agreed to take the porches of my house into consideration, and it was contemplated at that time that this road would continue on the same plan of the road which is being built now. When this road was being built it was thought that it would go in this same direction.

Mr. Brogdon: (Indicates on map). This is the plan for the road as it now stands.

Mr. Lupo: I am not here to fight this road. We want the road, but I thought at the time that here at the bridge we could stay out of my yard and go ahead with the plans for the road as it was before.

Mr. Brogdon: How much of your yard will it take altogether?

Mr. Lupo: I don't know. If you can go along with the plans as the road was previously laid out, it would be perfectly satisfactory with me.

Mr. Brogdon: Is there anything else you would like to say?

Mr. Lupo: No.

Mr. Brogdon: We will notify you of our findings, and you will have twenty days in which to appeal the case.

Hearing ended.

Reported and transcribed by Louise S. Medlin.