

THE STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON/RICHLAND

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RIGHT OF ENTRY AGREEMENT

Road/Route **Carolina Crossroads**
Project ID No. **P027662**
Tract **285**

THIS AGREEMENT entered into this **28th** day of **January, 2021**, by and between **Word of God Church and Ministries, a South Carolina Corporation**, hereinafter referred to as the “the Landowner”, and South Carolina Department of Transportation, hereinafter referred to as “the Department”.

In consideration of mutual promises and covenants each running to the other, the receipt of which is hereby acknowledged, the parties agree as follows:

1. The Landowner hereby grants to the Department and its contractors the right to enter the Landowner’s property to build the above referenced highway project. It further grants to utility companies and their contractors the right to relocate utilities as necessary for the project, but only within the limits of the new right of way.
2. At such time as the right of way for the above referenced project is acquired, the Department agrees to pay just compensation.
3. The parties agree that for purposes of establishing just compensation, the date of this agreement shall be the date of taking for valuation purposes.

Tract 285

4. The granting of these rights to the Department and its contractors by the Landowner does not in any way constitute a waiver of any other rights of the parties under the Constitution, statutes, or rules and regulations relating to eminent domain and such rights are expressly reserved, except for the condition expressed in paragraph 3 above.

Word of God Church and Ministries,

A South Carolina Corporation

✓ Tony Roberson for Word of God
Landowner (L.S.)

✓ Tony Roberson for Word of God
Printed or Typed Name

✓ Business Manager
Title

South Carolina Department of Transportation

Oscar K. Rucker

Special Project Manager
Oscar K. Rucker

Assistant Director, Rights of Way for
Mega Projects, William C. Johnston

April 27, 20 21

RIGHT OF WAY AGENT’S WORKSHEET

Road/Route: Carolina CrossroadsProject ID No: P027662

County: RichlandR/W Agent: THC, Inc./Willie Johnson

Plan Sheet(s): 4F,4NN,50,51,Tract: 285

Property Address (Physical): 119 Diamond Lane, Columbia, SC 29210

OWNER’S AND ADDRESSES

Word of God Church and Ministries, a South Carolina Corporation, 119 Diamond Lane, Columbia, South Carolina 29210

Name & Mailing Address: cmollett@wogcmi.org, Bishop Davis 803-394-0082, Deacon DeMary 803-348-3496, Dea. Robinson 803-354-8227, Flo Durham (administrative assistant) 803-295-0445

Phone: Day 803-799-3535 (church)Evening _____Cell _____

MORTGAGES AND ADDRESSES

Name & Address: First Community Bank, 5455 Sunset Boulevard, Lexington, South Carolina 29072

Recorded: Book 2152Page 1536Date 9/28/16Amount \$750,000.00

☐ Lessees☐ Liens☐ Judgements☐ Property Taxes

Name(s)/Addresses: _____

OWNERSHIP

Before: 18.91Dimensions: _____

Acquisition: 0.703 AC (30,629 SF)

After: 18.207 ac

Tax Map No(s).: R07402-04-16Plat Information: Book 1621Page 3802

TITLE ABSTRACT

From	To	Date	Amount	Book	Page
Wyman Boozer Realty, Inc., a South Carolina Corporation	Word of God Church and Ministries, a South Carolina Corporation	8/4/2010	\$5.00 (2,275,000.00)	1623	3755
		8/9/2010			
		8/4/10 D 11/30/12 R Corrective Deed		1816	1536
		10/8/13 re-recorded		1901	53
S. Wyman Boozer	Wyman Boozer Realty, Inc.	3/5/1973		D276	334
Stuart D. Pittman, et al	Wyman Boozer Realty, Inc.	5/16/1969		D142	254
Anne Wilson Masters	Wyman Boozer Realty, Inc.	5/10/1968		D106	311
Bessie Inez Boozer	Wyman Boozer Realty, Inc.	4/23/1974		D313	680
William R. Shealy, Jr.	Wyman Boozer Realty, Inc.			375	89
Cecil Y. Nunamaker	Wyman Boozer Realty, Inc.	5/20/1972		D243	709
Gary A. Shull and Joe E. Berry, Jr. as Trustees under the	Wyman Boozer Realty, Inc.			1012	1472

Kathryn N. Shull Residuary Trust dated October 26, 2004					

Type Of Instrument:

☐ Easement

☒ Title

☐ Permission

☐ Other

Condemn

☒ Yes

☐ No

Advertise:

☐ Yes

☐ No

Survey

(1) From

To

(2) From

To

Stations

(3) From

To

(4) From

To

Width Of R/W

Feet, That Is

SEE

Feet On

EXHIBIT

Side Of The Centerline

OTHER SPECIAL PROVISION(S)

TRIANGULAR AREAS

Size

NA

☐ Lt

☐ Rt

Sta

At The Intersection Of

&

Size

NA

☐ Lt

☐ Rt

Sta

At The Intersection Of

&

Outfall Ditch:

☐ Construct

☐ Clean

☐ Right Of Way

☐ Rt

☐ Lt

Sta

NA

For

Feet

☐ Rt

☐ Lt

Sta

NA

For

Feet

☐ Construction Slopes:

Between Survey Stations

NA

&

☐ Relocated Centerline:

Between Survey Stations

NA

&

PRELIMINARY CONTACT

Person Contacted

Date

7-2-19

Person Present

Place Contacted

Remarks:

Mailed contact letter.

Date Brochure Delivered

1-9-2020

Date Appraisal Approved

7/17/2020

Date 100% Drawdown Offered (Federal Projects Only)

Appraisal Requested:

☒ Yes

☐ No

Additional Remarks:

DATE: 12-31-19 Contacted the administrative office, explained the campus off Broad River Road is being impacted by the Carolina Crossroads project. Bishop Davis will call to schedule appointment.

DATE: 1-5-2020 Scheduled meeting on 1-9-2020 with Bishop Davis.

DATE: 1-9-2020 Met Bishop Eric Davis at the Word of God campus, tract location. Bishop Davis is an engineer by profession and is very familiar with the proposed project. Title information, address and phone numbers were verified. Viewed the plans, located the 18.91 acre tract, showing the 0.703 acre (30,629 sf) area of acquisition. Bishop Davis said he understands and his only concern is to be paid fairly, he will not be low balled. I explained the next person to contact him will be a qualified, independent appraiser who will determine fair market valvue, once this process is completed, I will return with an offer.

7/29/2020 Mailed appraised offer of \$97,000.00.

9/8/2020 Called, spoke to Ms. Mollette. They have not received the offer, will do so and contact me. Bishop Davis called late this afternoon, he is reviewing the appraised offer and will submit a counter offer.

9/11/2020 Bishop Davis called, he is working on the counter offer. They had plans to use a portion of this property for outdoor advertising and he is using this as potential justification. I explained that unless this is the use of the property now, we cannot use this as justification. I asked could he provide any documentation of this.

9/30/2020 Called, Bishop Davis said he is waiting a response from his sign guy to get something in writing. I explained that unless a sign is there presently, the counter will not be increased based upon the possible site of an ODA. He assured me the counter will be submitted tomorrow.

10/5/2020 Received a call from Deacon Tony Robinson, wants to meet to discuss their counter offer. Meeting scheduled 10/6/2020 at 11:00 am at Word of God.

10/6/2020 Met Deacons Robinson and Demary at the church. Bishop Davis was supposed to call in, but did not. The appraised offers for tracts 211 and 285 were discussed and they said they had plans to generate income on the two lots, close to the interstate by using them for Outdoor advertising. They feel over the course of so many years, they will have lost so much revenue the church would have used to help in the community. I asked did they have any plans on file with the County, any agreements with sign companies or attorney. According to them, they have not reached that step. I explained that if they already had an ODA onsite, it would have been considered in the offers. They requested the property staked because they have plans to place a play area near the acquisition. (property has been staked) They have had the property appraised and will present their appraisal. They will work on the counter offer and present it asap.

10/14/2020 Called Deacon Robinson, unable to leave a message.

10/21/2020 Left message for Deacon Robinson and Demary requesting the counter offer.

10/28/2020 Received emailed counter offer proposal in the amount of 597,000.00 for the tracts 211 and 285 combined based upon the loss of income which would have been generated by the digital signs they 'hoped' to install on this portion of the two properties. Our appraised offer is 97,000.00 for .703 ac from tract 285 and 13,700.00 for 4,755 sf from tract 211 for a combined total of 110,700.00.

11/4/2020 Called Deacon Robinson and informed him that their counter offer is so far above our offer, that condemnation is being considered. I requested they reconsider and submit a reasonable counter offer. I also explained that although they seek to use the loss of income for a digital sign as justification, because the sign is not there, it cannot be considered. Also explained there will be adequate property remaining to install a sign if they wish. He said they will discuss and get back to me this week. Also reminded him their appraisal has not been received to compare.

11/13/2020 Deacon Robinson called, made a revised verbal counter offer of 297,000.00 using the same justification above.

11/23/2020 I contacted Deacon Robinson, informed him the settlement offer has been increased to 150,000.00 for the entire tract of 211 (.290 ac) and the required portion of tract 285 (.703 ac). Deacon Robinson said he would contact his board immediately and discuss. He said they are very distraught and feel the offer is extremely low.

12/9/2020 I contacted Deacon Robinson, he stated the counter offer is now \$180,000.00 based upon the justifications they have presented. I reminded him our final settlement offer made on 11/23/2020 is 150,000.00 and this would include the entire tract 211 and the .703 ac of tract 285. Mr. Robinson pleaded to have the 180,000.00 considered. The new counter offer was discussed and increased to 160,000.00 for a final settlement offer. I contacted Deacon Robinson and informed him of the final settlement offer for the entire tract 211 is 25,000.00 and the final settlement offer for tract 285 (.703 ac) is 135,000.00. Further explained that due to the size of tract 285, and the appraised amount per acre, compared to the sales within the area, our limits of increase has been reached. I informed him in an effort to complete negotiations, the final settlement offer is now 160,000.00 for the two tracts as stated above. He said they will accept our final settlement offer. I told him I will request required documents prepared, however, due to the holidays approaching, it may be next year before I contact him again.

1/25/2021 Mailed the deed along with a letter requesting signature of authority. I also called Deacon Robinson, unable to leave a message.

Received signed title and letter of authority.

2/5/2021 Called Deacon Robinson

2/8/2021 Deacon Robinson returned my call. I requested a right of entry (due to the mortgage) from the church giving SCDOT permission to access the property and he agreed to have it executed. In the meantime, I will request a waiver of the mortgage agreement. I explained if a waiver is not approved, the mortgage company will have the opportunity to sign an agreement (name on the check) or a release (their name not on the consideration check). Dea. Robinson said they have a good relationship with the mortgage company, and this will not be an issue. Mailed the ROE.

2/19/2021 Called Deacon Robinson, left message that property has been staked. Also requested a return call.

2/23/2021 Called, unable to leave a message.

2/26/2021 Called, unable to leave a message. Called the church, no answer, left message.

3/4/2021 Called Robinson, left message. I called the church, spoke to the administrator who said Mr. Robinson was on a call with the bank and I should call back within 10 minutes. I called back and left another message.

3/8/2021 Contacted Mr. Robinson this morning. The right of entry has gone to the board for review. They viewed the staked property, which comes very close to the area they plan to build. The person which staked the property assured them he would come back to walk the area with them. (This is a wooded area). I informed him due to the amount of money being paid for the acquisition, a mortgage release must be signed by the mortgage company. I explained that the mortgage company signing a release would mean they did not want their name on the check but understood the acquisition. I told him I will place the form in the mail and Mr. Robinson said he will be responsible for the signatures.

3/22/2021 Called Mr. Robinson, left message requesting the status of the mortgage release and the right of entry.

3/24/2021 Called Mr. Robinson, unable to leave a message.

3/25/2021 Called Mr. Robinson, unable to leave a message. Called Word of God Church and Deacon DeMary, left message requesting a meeting. I called the administration office and scheduled meeting for 11:00 am 3/26/2021.

3/26/2021 I met with Tony Robinson and their engineer, Ken. We walked the area of acquisition which is very near their newly constructed 46,000 sf gymnasium. They plan to place play ground equipment and a walking trail in this area also and a large sediment pond is just beyond the new staked r/w. The engineer wants to know how the construction and run off from the project will affect their property and requested a meeting with the engineers. I advised Lee Thomas of this today.

4/2/2021 Delivered copy of plans to Word God.

4/14/2021 Called Mr. Robinson to request the status of the right of entry and the copy of their plans to renovate. He will contact the bank for the status of the ROE. Also, he has contacted their engineer for copies of their renovation plans, however, they may not have actual plans. Bishop Davis, pastor, who is an engineer by trade would really like to speak with one of SCDOT engineers. He said it could be a call in an effort to answer some of his questions.

4/19/2021 Brian Klauk has contacted Mr. Roberson.