Re-record

BK4120PG043

Saluda River

STATE OF SOUTH CAROLINA)
) SCENIC EASEMENT
COUNTIES OF LEXINGTON AND RICHLAND)

KNOW ALL MEN BY THESE PRESENTS that the South Carolina Electric & Gas Company (the "Grantor"), for itself, its successors, heirs, executors, administrators and assigns, hereby enters into and declares this Scenic Easement (the "Easement") with and on behalf of the State of South Carolina (the "Grantee") as represented by the State Budget and Control Board as provided under Sections 49-29-100 and 27-8-10 et seq., Code of Laws of South Carolina, 1976, as amended, its successors, heirs, executors, administrators and assigns.

WITNESSETH:

WHEREAS, the Grantor is the owner in fee simple of a tract(s) of land, hereinafter described, abutting and contiguous to a portion of the Saluda River in Lexington and Richland Counties, such riverain area possessing unique scenic, recreational, geologic, fish and wildlife, historic, and cultural values, being a particularly unique resource considering its proximity to the densely populated counties of Lexington and Richland; and

WHEREAS, the tract(s) lies within the Project Boundary Line of Federal Energy Regulatory Commission (FERC) Project No. 516; and

WHEREAS, the South Carolina General Assembly, in formal action on May 31, 1991, ratified designation of the Saluda River from below the Lake Murray Dam to the confluence with the Broad River a Class III State Scenic River; and

WHEREAS, the Grantor recognizes the benefits inuring to the Grantee in the perpetual maintenance of portions of the aforesaid tract adjacent and contiguous to the Saluda River in a condition of limited development; and

WHEREAS, the Grantor is desirous of setting aside and restricting portions of the aforesaid tract, now and in the future, so as to preserve such area in a

state of limited development as provided under the South Carolina Scenic Rivers Act and corresponding plans and regulations pursuant to the Scenic Rivers Act; and

WHEREAS, the setting aside and restricting of portions of the aforesaid tracts by the Grantor will provide the aforesaid tracts and the Grantor the benefits and protection authorized by the South Carolina Scenic Rivers Act and regulations issued pursuant thereto.

NOW THEREFORE, the Grantor, for and in consideration of the sum of one dollar ($1.00) the receipt of which is hereby acknowledged, and further, for and in consideration of the mutual covenants contained herein, does hereby grant and convey to the Grantee, its successors and assigns, an easement, subject to the rights and duties hereinafter set forth:

SECTION I

DESCRIPTION OF GRANT

A. In accordance with the purposes, intent and express provisions of the South Carolina Scenic Rivers Act, these affirmative or negative limitations, restrictions, and uses as are set forth herein shall hereby constitute the limitations, restrictions and uses of the below described tracts and shall constitute covenants to run with such land and shall be binding on all parties, their successors and assigns. In addition, the South Carolina Department of Natural Resources (the "Management Agency") is responsible for administering the State Scenic River program and shall periodically monitor compliance with this Easement.

B. It is understood and agreed that these covenants, limitations, restrictions, and uses shall apply to and run with the lands (hereinafter referred to as the Restricted Property) identified on the survey plat identified as

Attachment A which is specifically incorporated herein and made a part hereof by reference. Except where otherwise specifically indicated on Attachment A, the Restricted property includes tracts of land generally one hundred feet (100') in width (less, where Grantor's ownership interests extend to less than one hundred feet (100')), commencing at the point of mean high stage along the Saluda River where those tracts identified in Attachment A abut the point of the mean high stage.

C. It is further understood and agreed that as soon as practicable after the approval by the FERC of this Scenic Easement, Grantor and Grantee will sign a recordable copy of the survey plat and record same, upon which the survey, including any plats or maps thereof, shall be deemed to be a part of this Easement.

D. The derivations of Grantor's properties over which the Easement herein is granted is shown on Attachment B, Derivations, attached to and made a part hereof.

SECTION II

STRUCTURES AND FACILITIES

A. Boundary Markers: The State of South Carolina may place survey monuments, boundary markers, or other appropriate identifying structures at the corners or other strategic locations within the Restricted Property.

B. Fences and Barriers: Fences and barriers determined by Grantor to be necessary are permitted. To the extent possible, any such fences and barriers shall be in a form and constructed so that no detrimental effect on the movement of wildlife or on natural or aesthetic qualities will occur.

C. Signs: Commercial advertising signs are prohibited within the Restricted Property.

D. Roads: Access to the river through construction of new roads and through existing roads, as well as landings and other structures related to recreational use of the Restricted Property is permitted upon approval of the Management Agency, provided such improvements are compatible with the maintenance of scenic vistas from the river and its banks. Construction of paralleling roads and bridges for motor vehicles crossing the river is prohibited within the Restricted Property.

E. Buildings: The Grantor shall not construct any new buildings for commercial, residential, or industrial use within the Restricted Property, except those necessary for FERC project purposes. The Grantor may maintain or restore any existing buildings, provided that such buildings are consistent with the scenic nature of the Restricted Property.

F. Docks, Wharves, or Bulkheads: Construction of public or private noncommercial docks, wharves, boat ramps, or bulkheads is permitted upon approval of the Management Agency and pursuant to State law, provided such structures are compatible with the maintenance of scenic vistas from the river and its banks.

G. Utilities:

1. The Grantor, after compliance with Section 49-29-170, Code of Laws of South Carolina as amended, may, as it deems necessary, operate, maintain, alter, upgrade, replace or remove, add power lines, telecommunications lines, gas pipelines, and other utility related lines and pipelines, and associated structures and facilities within the Restricted Property, including the relocation and creation of additional utility corridors. This right includes the right to construct and maintain necessary access routes to these facilities.

2. The Grantor may grant or assign, as it deems necessary, its

utility rights, as provided herein, in whole or in part, to other parties.

3. The Grantor and its assigns shall exercise the rights specified under Section II(G)(1) in such a manner as to minimize any adverse effect upon the natural value of the Restricted Property and to avoid, whenever practicable, any impairment of the scenic nature of the Restricted Property.

H. Impoundments: Construction of new impoundments is prohibited.

I. Drainage: No new drainage ditches shall be excavated. Existing drainage may be maintained in a functional state, in accordance with guidelines of the Management Agency.

J. Lagoons: Construction of waste treatment lagoons, ponds, or other such facilities is prohibited within the Restricted Property.

K. Maintenance: Maintenance of structures and facilities, not otherwise prohibited by this Easement, is permitted, provided that such maintenance does not increase, extend, or cause such structures or facilities to result in prohibited activities. Roads and trails may be resurfaced.

L. Firebreaks: Construction of firebreaks is allowed within the Restricted Property.

SECTION III

LAND MANAGEMENT PRACTICES

A. Mining and Mineral Exploration: Mining and mineral exploration are prohibited within the Restricted Property except for scientific research unrelated to mining.

B. Timber Harvesting: Commercial and noncommercial timber harvesting by Grantor are permitted pursuant to best management practices for forestry as administered by the South Carolina Forestry Commission or its successor agency, provided such harvesting is compatible with the maintenance

of scenic vistas from the river and its banks. Selective removal of diseased or insect infested timber is permitted to protect the remainder of the area.

C. Landscape Management: Landscaping by Grantor designed to prevent severe erosion or damage to the property or significant detriment to existing or permitted uses is allowed, provided that such landscaping is compatible with the maintenance of scenic vistas from the river and its banks. Vegetative screening should be used where appropriate to enhance and maintain the scenic vista from the river and its banks. Landscaping requiring the placement of fill shall require the prior approval of the Management Agency and shall be pursuant to local, state, and federal law.

D. Motor Vehicles: The Grantor may operate motor vehicles for the purpose of exercising any right held by Grantor under this Easement.

E. Dumping: Dumping or placing of soil or other substances or materials as landfill, unless permitted as landscaping, and dumping or placing of trash, waste, or unsightly or offensive material within the Restricted Property are prohibited.

SECTION IV

WATER MANAGEMENT PRACTICES

A. Discharges: New sewer discharges into the waters within the Restricted Property are allowed, upon notification to the management agency, provided other provisions of the South Carolina Scenic Rivers Act are not violated. The discharge must be approved and permitted by the South Carolina Department of Health and Environmental Control or its successor agency to insure compliance with treatment technology and water quality requirements. Adverse scenic impacts shall be minimized to the extent possible.

B. Wells: Wells may be constructed within the Restricted Property with

the approval of the Management Agency.

C. Stream Alteration: No damming, diking, soil deposition, or channelization is permitted. Aquatic weed control, bank stabilization, stream snagging and maintenance, and flood damage cleanup are allowed with approval of the Management Agency.

D. Water Withdrawal: Water withdrawal, including the construction of water intakes, is allowed upon approval of the Management Agency and pursuant to applicable State and Federal law. Water intake structures shall be constructed to minimize the visual impact.

SECTION V

MANAGEMENT OF VISITORS AND USE

A. Private Use: The right to pursue all activities not contrary to the provisions of the South Carolina Scenic Rivers Act or regulations of the Management Agency, are retained by the Grantor. This Agreement shall not preclude the Grantor from exercising any riparian rights, so long as the exercise of such rights is not expressly limited, conditioned, or contravened by any other part of this Easement.

B. Right of Entry: The Grantee may enter the Restricted Property, at reasonable times, to implement the terms of and ascertain compliance with this Easement.

C. Public Access: The Grantee shall have no right to grant a right of public access to the Restricted Property, and nothing in the Easement is to be construed as affording the public a right of access to the Restricted Property.

D. Hunting: Hunting is not allowed within the Restricted Property.

E. Firearms: Firearms are not allowed within the Lower Saluda River

Scenic Corridor, except by law enforcement personnel in the performance of official duties or official training.

SECTION VI

DURATION OF EASEMENT

A. The purpose of the restrictions provided herein is to insure that the Restricted Property be used and perpetually maintained as a Recreational River Area, as provided under the South Carolina Scenic Rivers Act. It is the intent of the parties to bind themselves and any successor owners or occupants; and that the covenants, limitations, restrictions, and uses herein provided be applicable to any subsequent deed, lease, conveyance, or contract concerning the Restricted Property. The right to invoke and enforce these covenants is in addition to the enforcement remedies expressly provided under the South Carolina Scenic Rivers Act.

B. Right of Termination: In the event that, as a direct or indirect result of State Scenic River status, a minimum release requirement is imposed on the Saluda Hydroelectric Project (FERC Project 516) located at the Lake Murray (Saluda) Dam, the Grantor may, at its option, terminate this Easement and, upon such termination, all restrictions and limitations placed upon the Grantor's use of the Restricted Property by this Easement or by the inclusion of the Saluda River in the Scenic Rivers System shall be void. Termination shall be by notice to the management agency, a copy of which shall be recorded in the Offices of the Registers of Mesne Conveyances for Lexington and Richland Counties.

SECTION VII

MISCELLANEOUS PROVISIONS

A. Effect of Headings: The heading of the various sections and

subsections of this Easement are inserted only for convenience of reference and are not intended, nor shall they be construed, to modify, define, limit, or expand the provisions of the Easement.

B. Federal Energy Regulatory Commission License: Portions of the Restricted Property are within the project boundary for Federal Energy Regulatory Commission (FERC) Project 516. These portions of the Restricted Property shall remain subject to the requirements of the FERC Project 516 License and the continuing jurisdiction of the FERC.

C. Effective Date: This Easement shall become effective upon execution by the Grantor and the Grantee and recording by Grantee in the Offices of the Registers of Mesne Conveyances for Lexington and Richland Counties.

IN WITNESS WHEREOF, this Easement has been executed by the Grantor and accepted by the Grantee this 15th day of May, 1996.

WITNESS

SOUTH CAROLINA ELECTRIC & GAS COMPANY

By: Martin K. Phalen

Title: Vice President - Human Resources and Administration

SOUTH CAROLINA BUDGET AND CONTROL BOARD

By: David M. Beasley

Title: Governor

STATE OF SOUTH CAROLINA)
) PROBATE
COUNTY OF RICHLAND)

PERSONALLY appeared before me Randolph R. Mahan and made oath that he saw the within South Carolina Electric & Gas Company, by Martin K. Phalen its Vice-president, sign, seal and as his act and deed deliver the within written Easement and that he, along with Vickie G. Smith witnessed the execution thereof.

Randolph R. Mahan

SWORN to and subscribed before me

this 15th day of May, 1996

Kathryn F Free (Seal)
Notary Public for South Carolina

My Commission expires: 2/22/03.

STATE OF SOUTH CAROLINA)
) PROBATE
COUNTY OF RICHLAND)

Personally appeared before me Nancy B. Weeks and made oath that she saw the within South Carolina Budget and Control Board, by David M. Beasley, its Governor, sign, seal and as his act and deed deliver the within written Easement and that she along with Melba C. Wilson witnessed the execution thereof.

Nancy B Weeks

SWORN to and subscribed before me

this 1st day of OCTOBER, 1996

James L Coar (Seal)
Notary Public for South Carolina

My Commission expires: 2-14-05.

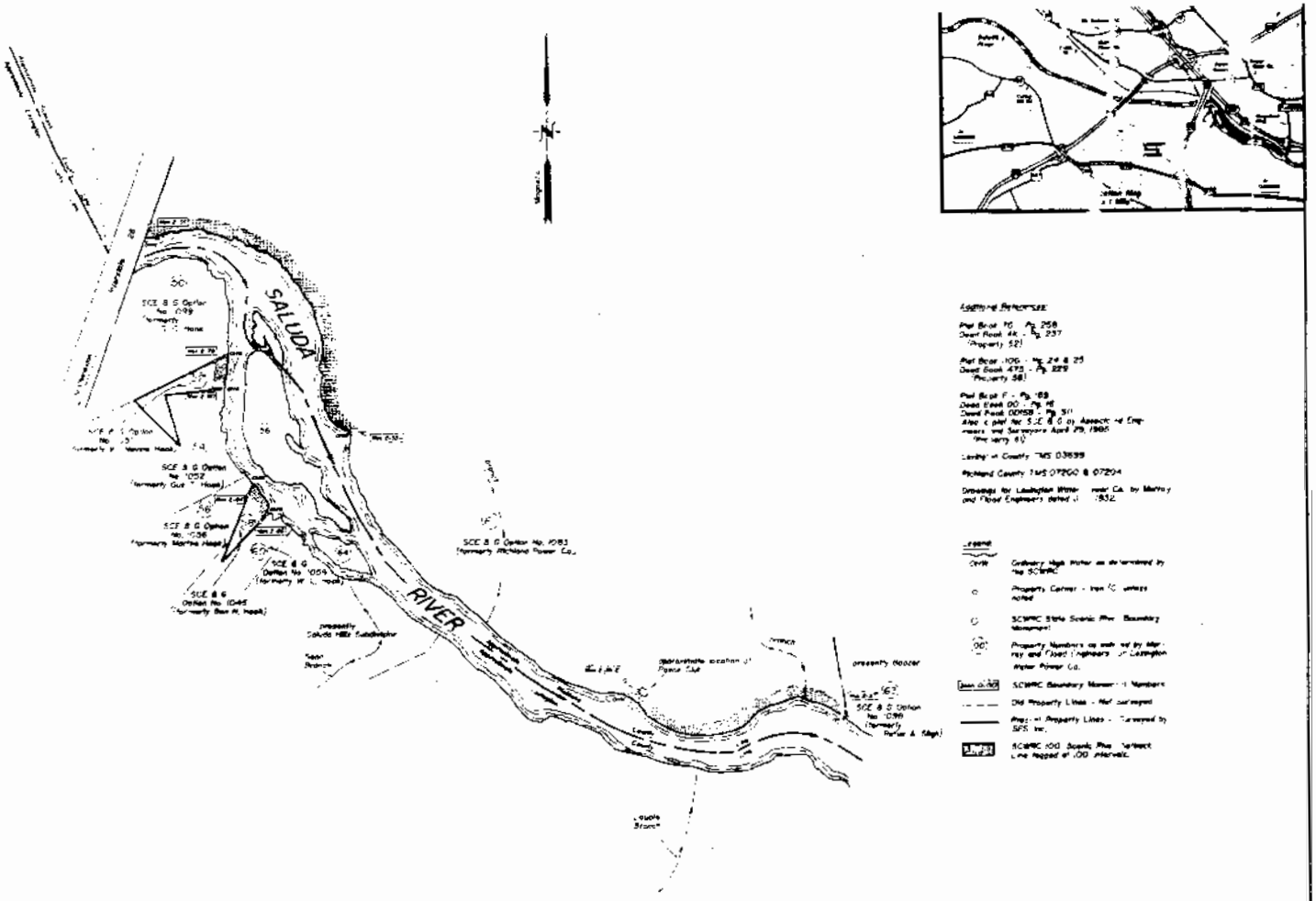
Attachment A
to
Scenic Easement*

S.C. Water Resources Commission

Saluda River Scenic River Corridor
Plat of Land Bounded By Property Lines
Lexington and Richland Counties

Prepared by Survey & Engineering Services, Inc.
December 19, 1986
4 Sheets

*Scenic Easement originally recorded April 11, 1997 and re-recorded with Attachments A and B on August 21, 2015.



S. C. Water Resources Commission

Saluda River Scenic River Corridor

Plat Of Land Bounded By Property Lines

2 - 35 to 2 - 37 & 2 - 78 to 2 - 86

Lexington & Richland Counties South Carolina

SURVEY & ENGINEERING SERVICES, INC.

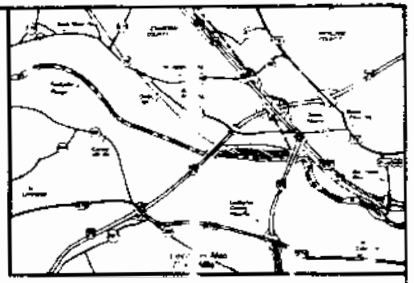
P. O. Box 3263

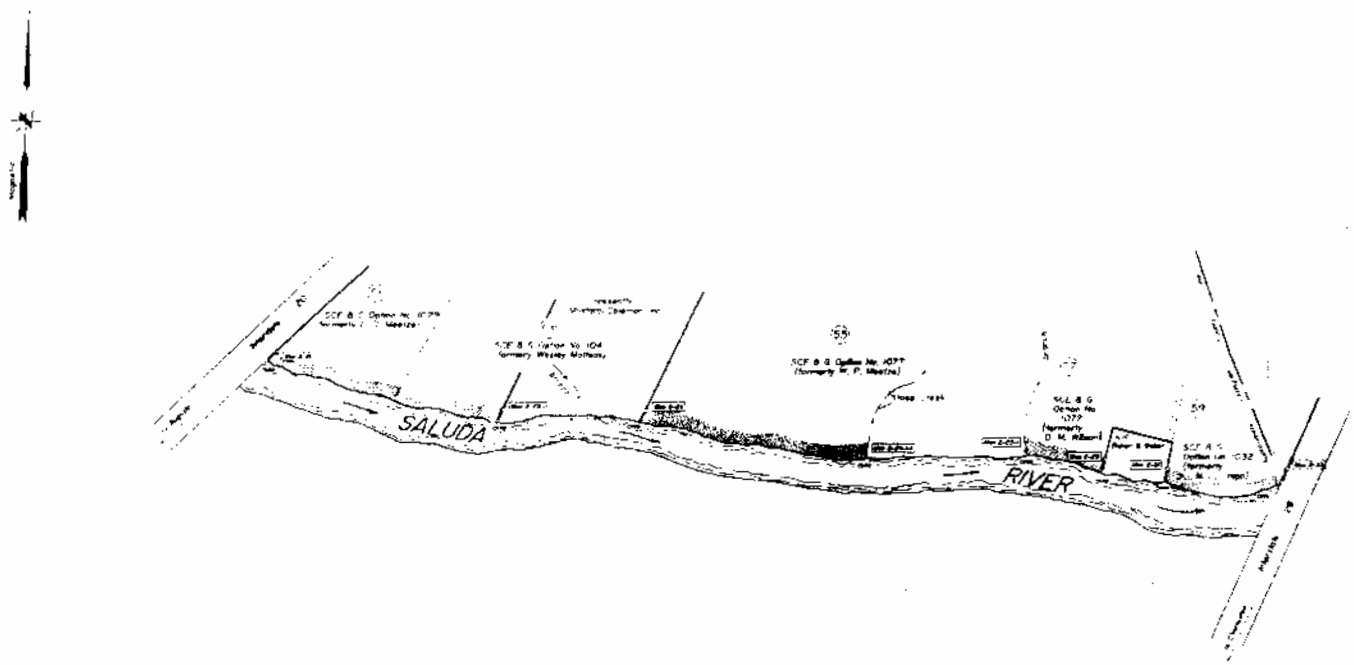
2028 Platt Springs Rd.

West Columbia, S. C.

(803) 794-8214

Sheet 1 of 4





Additional References

Plat Book 122C - Pg. 77
Deed Book 22C - Pg. 74
(Property 53)

Deed Book 4K - Pg. 45
(Property 57 - Plat Inset)

Deed Book 4K - Pg. 06
Deed Book 160 - Pg. 147
(Property 59 - Plat Inset)

Lexington County TMP 03697

Drawings for Lexington Water Power Co. by Murray and Flood Engineers dated June 1932

Legend

Ordinary High Water as determined by the SCWRC

Property Corner - Iron (C) unless noted

SCWRC State Scenic River Boundary Monument

Property Numbers as indexed by Murray and Flood Engineers for Lexington Water Power Co.

SCWRC Boundary Monument Numbers

Old Property Lines - Not Surveyed

Present Property Lines - Surveyed by SES, Inc.

SCWRC 100' Scenic River Setback Line logged at 100' intervals

* All monuments placed 100' from the Ordinary High Water mark as determined by the SCWRC

WRC S.C. Setback line free zone - Typical

Scale:
Date:
Drawn:
Designed:
Field Work:
Approved By:

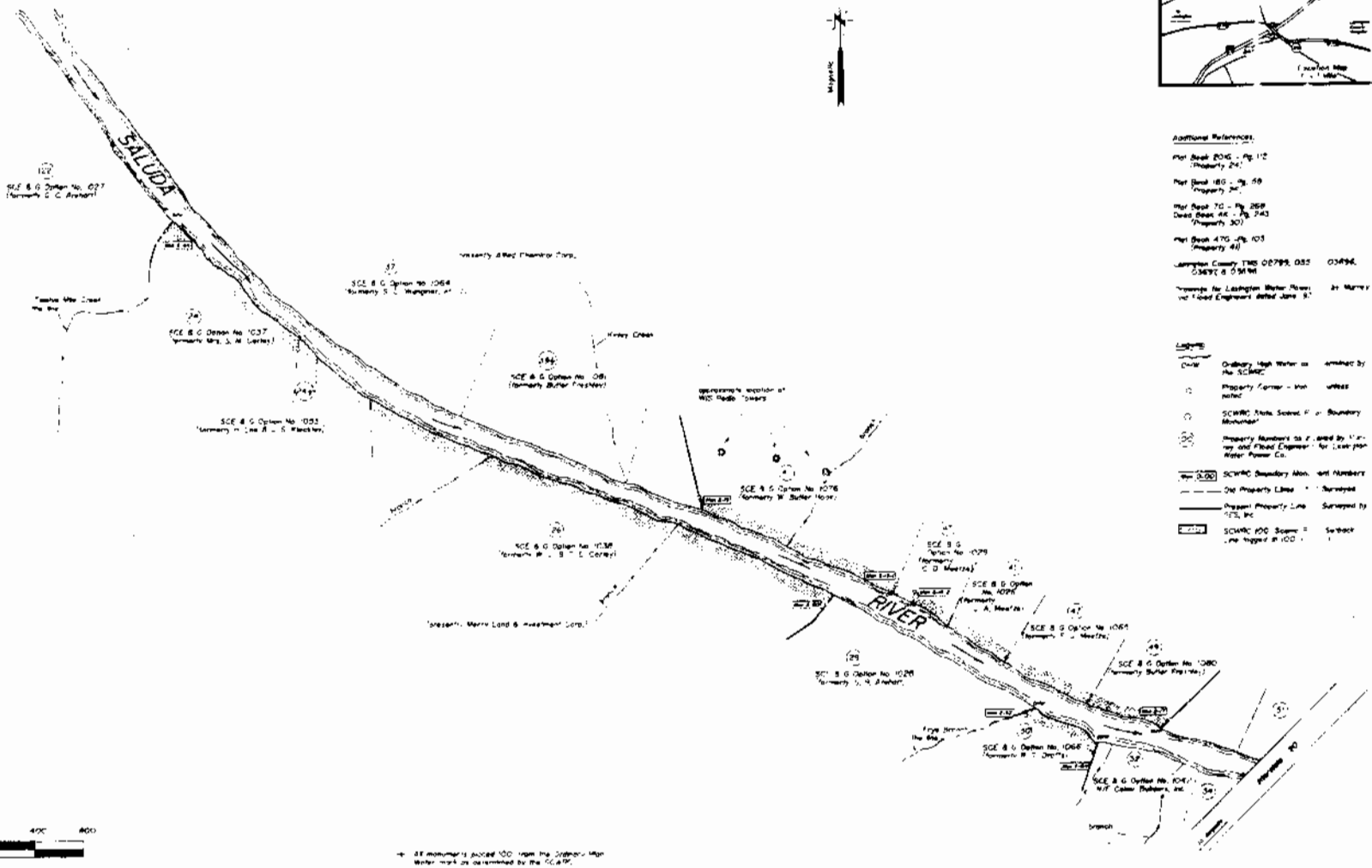
S. C. Water Resources Commission

Saluda River Scenic River Corridor
Plat Of Land Bounded By Property Lines
2 - 31 8 2 - 33
Lexington County South Carolina

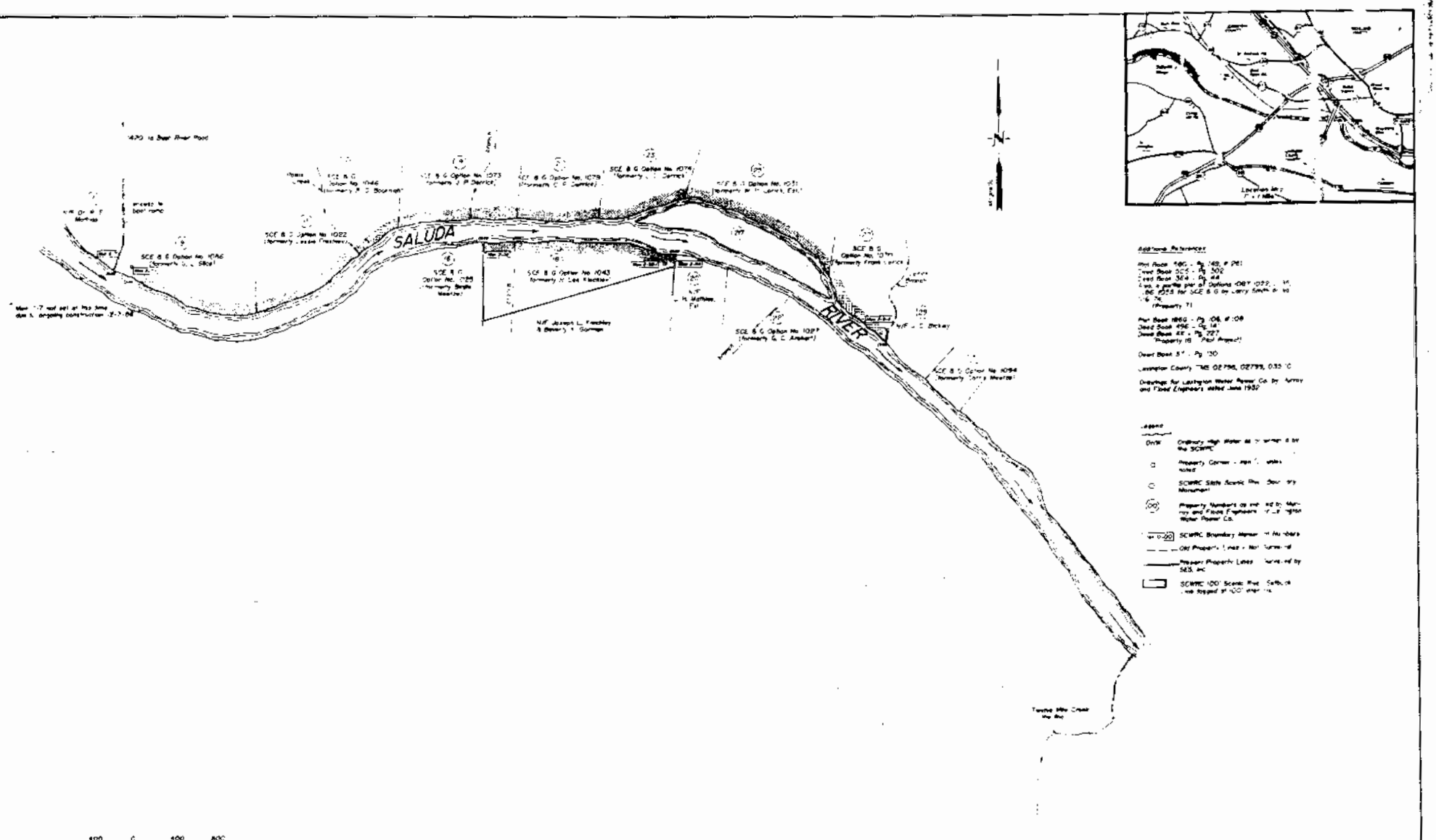
SURVEY & ENGINEERING SERVICES, INC.

P.O. Box 3263
2026 Platt Springs Rd.
West Columbia, S.C.
(803) 796-8214

Sheet 2 of 4



Scale: 1" = 400'	S. C. Water Resources Commission		SURVEY & ENGINEERING SERVICES, INC.	P. O. Box 3263	Sheet 3 of 4
Date: 19 December 1986	Saluda River Scenic River Corridor			2021 Platt Springs Rd.	
Drawn: T. Miller	Plat Of Land Bounded By Property Lines			West Columbia, S. C.	
Designed: N/A	2-15 to 2-17 & 2-44 to 2-54			(803) 796-8214	
Field Work: B. Grice, D. Swygert	Lexington County	South Carolina			
Approved By: B. Grice					



	S. C. Water Resources Commission Saluda River Scenic River Corridor Plat Of Land Bounded By Property Lines 2-7 to 2-9-5 & 2-32 to 2-34 Lexington County South Carolina		SURVEY & ENGINEERING SERVICES, INC.	P O Box 3263 2013 Platt Springs Rd West Columbia, S C. (803) 796-8214	Sheet 4 of 4

ATTACHMENT B
to
Scenic Easement*

Derivations

References South Carolina Electric and Gas Company index number, option number, landowner name, and sheet number.
2 Pages

*Scenic Easement originally recorded April 11, 1997 and re-recorded with Attachments A and B on August 21, 2015.

ATTACHMENT B - DERIVATIONS Page one of two

INDEX NO.	OPTION NO.	NAME	SHEET NO.
9	1086	G.L. Slice	A of 4 sheets
11	1022	Lessie Freshley	A of 4 sheets
17	1046	B.G. Bouknight	A of 4 sheets
19	1073	J.P. Derrick	A of 4 sheets
21	1079	C.P. Derrick	A of 4 sheets
23	1074	J.L. Derrick	A of 4 sheets
25	1031	W.H. Lorick Est	A of 4 sheets
27	1070	Frank Lorick	A of 4 sheets
18	1043	H. Lee Kleckley	A of 4 sheets
24	1037	Mrs. S. M. Corley	B of 4 sheets
26	1038	W.L. & T.E. Corley	C of 4 sheets
41	1076	W. Butler Hook	C of 4 sheets
43	1029	C.D. Meetz	C of 4 sheets
45	1026	J.A. Meetz	C of 4 sheets
47	1065	F.J. Meetz	C of 4 sheets
49	1080	Butler Freshley	C of 4 sheets
51	1029	C.D. Meetz (Included in 43)	C of 4 sheets
53	1041	Wesley Mathias	C of 4 sheets
26	1038	W.L. & T. E. Corley	C of 4 sheets
30	1066	R.T. Drafts	C of 4 sheets

55	1077	W.P. Meetz	D of 4 sheets
57	1072	D.M. Wilson	D of 4 sheets
59	1032	Mrs. Marie Trapp	D of 4 sheets
61	1083	Richland Power Co	D of 4 sheets
52	1051	W. Nevine Hook	D of 4 sheets
58	1045	Ben N. Hook Est	D of 4 sheets

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STATE OF SOUTH CAROLINA

State Budget and Control Board

OFFICE OF THE EXECUTIVE DIRECTOR

DAVID M. BEASLEY, CHAIRMAN
GOVERNOR

RICHARD A. ECKSTROM
STATE TREASURER

EARLE E. MORRIS, JR.
COMPTROLLER GENERAL

JOHN DRUMMOND
CHAIRMAN, SENATE FINANCE COMMITTEE

HENRY E. BROWN, JR.
CHAIRMAN, WAYS AND MEANS COMMITTEE

LUTHER F. CARTER
EXECUTIVE DIRECTOR

P.O. BOX 12444
COLUMBIA, SOUTH CAROLINA 29211
(803) 734-2320

CERTIFICATE OF ACCEPTANCE OF INTEREST IN REAL PROPERTY

CERTIFICATE NUMBER 97-012 **DATED** October 1, 1996

Grantor: South Carolina Electric & Gas Company
Palmetto Center
Columbia, SC 29201

Grantee: State of South Carolina
Office of General Services - Property Management
1201 Main Street, Suite 410
Columbia, SC 29201

General Description of Transaction:

County Location: Lexington

Acreage: 6 miles, more or less, of riverfront property bordering both sides of Saluda River

Purpose/project: Preservation/scenic easement.

In accordance with the provisions of §1-11-65, Code of Laws of South Carolina, the State Budget and Control Board approved the acceptance of the transfer of interest in the real property described in the documents attached from the referenced grantor to the referenced grantee at its meeting held on October 1, 1996.

SEAL

Donna Kaminer Williams
Donna Kaminer Williams
Secretary to the Board

FAX (803) 734-2117



19

FILED FOR RECORD 04/11/1997
AT 11:16A BOOK 4120 PAGE 0043
REGISTER MESNE CONVEYANCE
Lexington County, SC 0014976
Debra H. Hunter