



RELINQUISHMENT PROCEDURES FOR GREENVILLE COUNTY

POLICY STATEMENT

Section I:

1. The applicant(s) (council member, property owner, firm, corporation, developers/builders, staff, etc.) are to submit application to initiate procedures for proposed maintenance relinquishment(s) by this Division (Engineering & Maintenance Division, Public Works Department) to relinquish maintenance responsibility by vacation and/or quit-claim to the applicant a portion or portions thereof and/or entire lengths of public right-of-ways, county right-of-ways, alleyways, proposed subdivision stub-outs, and the realignment of cul-de-sacs, etc. Utilizing Ordinance No. 2079, this is to amend Ordinance No. 978, adopted April 6, 1982, so as to clarify certain sections of said ordinance and Ordinance No. 1314, adopted October 9, 1984, to transfer responsibilities for the road relinquishment process to the Engineering Division of the Public Works Department, and to establish procedures for submission of Applications and Quit-Claim Deeds, to Policy Statement effective as of December 1, 1994 and revised April 2, 2007.

ROAD CLOSING

Section II:

1. These procedures do not provide for closing a right-of-way thereby extinguishing all rights of use by any individual. If the applicant desires to physically prohibit access to the right-of-way by a fence, gate, or other means, the legality of such action must be addressed by his or her own legal counsel through State Law's process.

DEFINITION OF TERMS

Section III:

1. COUNTY RIGHT-OF-WAY:
A public road or public way:
 - a. that is accepted by the governing body (Greenville County's Council) and listed in the Official Road Inventory System, i.e.; or
 - b. that is accepted by the County by Deed, Dedicated Road Right-of-Way Petition, Affidavit for Dedication or pursuant to Prescription; or
 - c. that is accepted pursuant to Ordinance #3571 - Certificate of County Engineer Acceptance

Beyond formal conveyance and acceptance by the County, the following may be indicators of accepted County Rights-of-Way:

- a. A legal notice or ad wherein request was made to the County Commissioners, County Engineer, or other official acting in the capacity to receive and accept such roadways on the County's behalf.
 - b. Written documentation from the appropriate officials of acceptance, i.e., Statement of Dedication & Transfer of Streets and Roads to the County for Public Use.
 - c. Additional proof that by action of the County (Prescriptive Rights, Easements, i.e. past or present maintenance activity) which would acknowledge roadway ownership.
2. PUBLIC RIGHT-OF-WAY:
Roadway surface being used by the traveling public and/or proposed to be used by the traveling public (either publicly or private), being paved or unpaved, being either existing or proposed alleys, roadways, stub-outs, cul-de-sacs, etc.

3. **SURPLUS RIGHT-OF-WAY:**
Roadway property in the possession of the County that was never utilized or is no longer needed for County road system purposes.
4. **ABANDONED RIGHT-OF-WAY:**
A right-of-way closed by extinguishing all rights of use by any individual. The legality of such action must be addressed by the individual's own legal counsel by adhering to State Law's process. This process must be accomplished to physically prohibit access to the right-of-way by a fence, gate, or other means.
5. **RELINQUISHMENT:**
Removes right-of-way from the County's Official Road Inventory System. Relinquishing makes no disposition of the property if the County owns the underlying fee.
6. **DEDICATION:**
The donation of land or creation of a roadway (or easement) for public use either expressly made or allowed by prescription. No dedication operates to create County right of way without an express acceptance by the County.
7. **QUIT – CLAIM DEED:**
A deed of conveyance that transfers any title, interest, or claim Greenville County may have in an easement or right-of-way, being public or county, to other party/parties, and does not profess that such title or interest is valid nor prejudice any rights of use that others may have and does not warrant Clear title or covenants for title to the land.

PROCEDURES

Section IV:

1. An application for proposed maintenance relinquishment of a certain right-of-way shall be submitted to the Engineering and Maintenance Division, along with a detailed map (8 ½" x 11" copy a tax map, plat, etc.) showing exactly what portion(s) of the roadway is to be considered for relinquishment. A recordable survey including the metes and bounds description for the portion(s) of the roadway to be considered for relinquishment will also be required following the public hearing.
 - a. To complete the application:
 - i. The application must be filled out completely.
 - ii. There must be 100% participation of all adjoining property owners and all adjoining property owners must sign the application.
 - iii. A copy of a plat including the metes and bounds description (recorded or unrecorded), tax map sheet, or current aerial photograph must identify the portion(s) of right-of-way the applicant is proposing for relinquishment. The copy must show, where applicable, accurate positions of fence lines, pavement lines, right-of-way lines, adjacent owners, and foot prints of all structures and building(s).
 - iv. A fee of \$85.00 (cash or check) must be paid at the time the application is submitted.
 - v. A recordable plat must be drawn up to be presented to the Engineering Division with a registered land surveyor's seal.
 - b. After the application has been submitted along with the \$85.00 application fee, two (2) "Proposed Relinquishment" signs are given to the applicant to be posted at the area/site upon notification by the Engineering/Maintenance Division.
 - c. The application is reviewed and all property owners' signatures are verified and the research is done before processing is initiated.

- d. Upon certification of the eligibility of the right-of-way in question, County staff will present the matter to County Council's PWI Committee. If the PWI Committee approves the plan for the relinquishment, then a public hearing will be requested from Full Council at the next scheduled Council meeting. If approved, the Public Hearing date is assigned by the Clerk to County Council.
- e. Eighteen (18) days prior to the Public Hearing, *certified letters* are mailed out to applicant(s), adjoining property owners, attorneys, etc. {these packets contain: a) public hearing notice, b) distribution memorandum, c) location map showing the proposed area of surplus right-of-way}. The notice is run in the PUBLIC NOTICES section of a local newspaper and the applicant(s) shall post the signs on both ends of the surplus right-of-way at least fifteen (15) days prior to the public hearing.
- f. If no opposition is heard during the public meeting, staff will request Council's final approval that same night, following the public hearing. If opposition is heard during the public meeting, the item will be sent back to the PWI Committee for a recommendation. Upon resolution of the opposed item, the item may be presented back to Full Council, upon the recommendation of the PWI Committee.
- g. If given final approval by County Council, the following documents are provided from the Engineering/Maintenance Division to the applicant:
 - h. A copy of the approval ordinance.
 - i. A copy of the location map and/or recordable plat.
- j. If relinquishment of the right-of-way will cause a portion of the County's roadway to remain thus becoming a dead end, the applicant will be required to deed to Greenville County and construct a turnaround (see attached) or cul-de-sac right-of-way. Also a copy of a recordable plat showing what the applicant is proposing to acquire must accompany the application and is contingent upon County Council's approval.
- k. When the Quitclaim Deed documents are received in the Engineering/Maintenance Division from the applicant(s) or adjoining property owner's attorney(s), the deeds are verified for accuracy of description and are forwarded to the County Attorney's Office for approval. Upon approval, the County Attorney will transmit the Quit-Claim Deed to the Clerk to County Council for execution and filing on behalf of the County. The Clerk will return the documents to the County Attorney's Office to be returned to the applicant for execution and filing on behalf of the grantee. This is in addition to Chapter 9 of Title 57 of the 1976 Code, which authorizes the closing of streets and roads through a Court procedure. This method specifically states that it is cumulative to other authorized methods.

RELINQUISHMENT APPLICATION FOR GREENVILLE COUNTY

APPLICANT

NAME OF ADJOINING
PROPERTY OWNER:

ADDRESS:

PHONE NO:

APPLICANT'S SIGNATURE:

SURPLUS RIGHT-OF-WAY TO BE ACQUIRED

ROAD NAME (if applicable):

TAX MAP #:

DEED BOOK/PAGE:

PLAT BOOK/PAGE:

BRIEFLY DESCRIBE PORTION OF RIGHT-OF-WAY TO BE ACQUIRED IN RELATION TO YOUR
ADJOINING PROPERTY:

DATE:

FEE PAID:

RECEIVED BY:

SIGNS GIVEN:

COUNCIL DISTRICT: _____
FIRE DISTRICT: _____
SEWER & WATER DISTRICT: _____
TELEPHONE SERVICE: _____
ELECTRIC SERVICE: _____

THERE MUST BE 100% PARTICIPATION OF ALL ADJOINING PROPERTY OWNERS AND ALL PROPERTY OWNERS MUST SIGN THE APPLICATION.

NAME: _____
ADDRESS: _____
TAX MAP NO.: _____
PHONE NO.: _____
SIGNATURE: _____

NAME: _____
ADDRESS: _____
TAX MAP NO.: _____
PHONE NO.: _____
SIGNATURE: _____

NAME: _____
ADDRESS: _____
TAX MAP NO.: _____
PHONE NO.: _____
SIGNATURE: _____

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