

**BAMBERG COUNTY, SOUTH CAROLINA**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND BAMBERG COUNTY ORDINANCE #18-17-4 LIMITED REGARDS AND PARTICULARS, ONLY, SO AS TO ADD AN ERRONEOUSLY OMITTED ROAD TO THE COUNTY ROAD LIST; AND OTHER MATTERS RELATED THERETO**

WHEREAS, Section 57-17-10 of the South Carolina Code of Laws, 1976, as amended (the “Code), provides that the governing body of a county shall have control and supervision of all county designated roads contained therein; and

WHEREAS, Bamberg County (the “County”), South Carolina, a body politic and corporate and a political subdivision of the State of South Carolina (the “State”), acting by and through its governing body, the Bamberg County Council (the “County Council”), commissioned a thorough study and report in order to identify all roadways in Bamberg County, to properly categorize such roadways, and to recommend priorities for the upkeep and repair of such roadways; and

WHEREAS, based on such study, Bamberg County created an exhaustive and exclusive master list (the “Master List”) of all County roads in the Bamberg County road system, entitled *Alphabetical Roadway Maintenance List*, dated January 23, 2015; and

WHEREAS, Bamberg County, acting by and through the Bamberg County Council, in accordance with Section 57-17-10 of the Code, and through Bamberg County Ordinance No. 18-15-4, adopted by County Council on September 14<sup>th</sup>, 2015, adopted the Master List as the definitive designation of roads in the County road system, designated roads on the Master List as County roads, and specified that other roads could be added to the Master List only by County Council and only in accordance with specific circumstances and procedures spelled out in other County ordinances and regulations, including, without limitation, the various road provisions and standards of the Bamberg County Code of Ordinances; and

WHEREAS, it has come to the attention of County staff and personnel, and subsequently to Bamberg County Council that Cardinal Road (the “Road”), a road with the following characteristics:

Roadway	Length (miles)	Roadway Type	Roadway Width	Number of Lanes	Council District	County Road Number	Number of Homes
Cardinal Road	0.17	paved	50'r/w	2	4-Donaldson	C-7654	15

is a County road and should have been included on the Master List, for the following reasons:

- a. It appears that the State built the Road many years ago;
- b. The entire Road was originally a dirt road
- c. Following the adoption of the Master List by Ordinance 18-15-4, the County has not maintained the Road, incorrectly believing that the Road was not a County Road, because it was not included on the Master List
- d. There is not a deeded right of way for any part of the Road, the County part or the State part, with all of the Road being a public road by prescriptive easement

WHEREAS, due to all of the foregoing, Bamberg County, acting by and through its County Council, desires to find that Cardinal Road is, and has been, a County road, and to amend the County Master List of county roads, last adopted by Ordinance 18-15-4, by adding Cardinal Road, C-7654, to the Master List, as having been erroneously excluded by Ordinance 18-15-4, and to redate the Master List, so that there will not be any confusion as to which Master List is current at any given point in time.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY BAMBERG COUNTY COUNCIL, in meeting duly assembled, as follows:**

1. The entire preamble and recitations of this Ordinance are hereby adopted by Bamberg County Council as findings of fact, underlying the adoption of this Ordinance.
2. Cardinal Road is hereby determined and declared to be, and to have been, a County Road, and the Master List is hereby amended to add Cardinal Road, C-7654, with the characteristics as listed above, to the Master List, and the Master List will be redated, the date of this Ordinance, to be the current Master List until such time as it may be amended again, at which point it will be redated again.
3. County staff are hereby directed to obtain proper maintenance and drainage easements and rights of way for Cardinal Road before resuming County maintenance of the Road.
4. A revised Master List, including Cardinal Road, C-7654, and dated the date of this Ordinance, is attached hereto as **Attachment A**.
5. This Ordinance shall be properly codified in the Bamberg County Code of Ordinances.
6. All other parts and provisions of the Bamberg County Code of Ordinances not amended hereby, either explicitly or by implication, remain in full force and effect.
7. Should any part or provision of this Ordinance be deemed unconstitutional or unenforceable by any court of competent jurisdiction, such determination shall not affect the rest and remainder of this Ordinance, all of which is hereby deemed separable.
8. All ordinances, orders, resolutions, and actions of Bamberg County Council inconsistent herewith are, to the extent of such inconsistency only, hereby repealed, revoked, and rescinded.

9 This Ordinance shall take effect and be in full force and effect from and after third reading and enactment by Bamberg County Council.

**ORDAINED** in meeting, duly assembled, this \_\_\_\_ day of \_\_\_\_\_, 2022.

**ATTEST:**

\_\_\_\_\_  
Rose Shepherd, Clerk to County Council

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Chairman, Spencer Donaldson

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_

Public Hearing: \_\_\_\_\_