

This easement of right-of-way shall be used solely for the purpose incidental with the installation, operation and maintenance of the **DESCRIPTION2**. The easement area is more particularly described as follows:

LEGAL DESCRIPTION

The easement area is more particularly shown and delineated on a drawing prepared by **SURVEYOR/FIRM**, dated **DATE**, attached hereto and incorporated herein.

This easement of right-of-way is subject to all easements and rights-of-way of record or which may be revealed by inspection of the property and extends only to the STATE's prima facie ownership.

The vertical clearance of all electrical wire, conductors, cables and live parts of equipment across all navigable waters and/or waters of the State of South Carolina shall be constructed in accordance with National Electric Safety Code (ANSI-C2-1981) Part 2, Section 23, as amended.

GRANTEE hereby agrees and covenants with the STATE that GRANTEE, its successors and assigns, shall not block or obstruct navigable waters or cause unreasonable adverse impact on fish, wildlife, or water quality in its use of the easement area. GRANTEE shall use the easement area solely for the purpose incidental with the construction, operation, and maintenance of said **DESCRIPTION2** and shall maintain such easement area and **DESCRIPTION2** in good condition.

GRANTEE further agrees and covenants that GRANTEE shall indemnify and hold harmless the STATE from and against any and all liabilities, claims, causes of action and expenses including, but not limited to, reasonable costs of attorney fees, resulting from bodily injury or death to any person or persons or damage to any property at any time that arises from or is incident to the construction, operation, maintenance, or use of the easement granted herein.

In the event of major maintenance, after construction, affecting the bed of the waterway, the South Carolina Department of Health and Environmental Control shall be notified in writing prior thereto.

GRANTEE will comply with and be bound by any and all applicable State statutes, regulations, and terms and conditions of any permits or agreements concerning this project and any and all lands and waters involved therewith.

This easement may be terminated by the STATE, in its discretion and such interests as the STATE may have shall revert to the STATE if GRANTEE, its successors and assigns: (1) quits and abandons all use of such **DESCRIPTION2** in which case this easement of right-of-way shall terminate thirty (30) days after the date of such abandonment; or (2) continues an uncorrected violation or breach of any of the terms and conditions herein.

Unless earlier terminated, this easement shall continue in force only for a period of fifty (50) years from the date of this easement, at which time it shall cease.

It is further understood and agreed that this easement is not to be construed as an easement granted to the exclusion of the STATE or to others later granted a similar right. This easement is subject to all easements, permits, restrictions and covenants of record, or of plats of record, or which may be revealed upon inspection of the property.

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IN WITNESS WHEREOF, this instrument is being executed in accordance with the action of the State Fiscal Accountability Authority at its meeting held on the _____ day of _____, 20____.

WITNESSES

STATE OF SOUTH CAROLINA,
STATE FISCAL ACCOUNTABILITY AUTHORITY

BY: _____

Governor Nikki R. Haley
Chair, State Fiscal Accountability Authority

WITNESSES

APPLICANT

BY: _____

NAME
(Print Name)

TITLE: _____ **TITLE**

S.C. ATTORNEY GENERAL'S APPROVAL

BY: _____
T. Parkin Hunter
Assistant Attorney General

DATE: _____

ACKNOWLEDGMENT

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

I, _____, Notary Public for the State of South Carolina do hereby certify that the above-named Grantor, by its Chair, Governor Nikki R. Haley, personally appeared before me this day and acknowledged the due execution of the foregoing instrument; and who is personally known to me, or who was proved to me on the basis of satisfactory evidence to be the person who executed the foregoing instrument.

Witness my hand and official seal this ____ day of _____, 20____.

(Official Signature of Notary)

Notary Public for _____ County, South Carolina

My Commission Expires: _____

(Official Seal)

ACKNOWLEDGMENT

STATE OF SOUTH CAROLINA)
)
COUNTY OF **COUNTY**)

I, _____, Notary Public for the State of South Carolina do hereby certify that the above-named Grantee, by its _____ (title), _____, personally appeared before me this day and acknowledged the due execution of the foregoing instrument; and who is personally known to me, or who was proved to me on the basis of satisfactory evidence to be the person who executed the foregoing instrument.

Witness my hand and official seal this ____ day of _____, 20____.

(Official Signature of Notary)

Notary Public for _____ County, South Carolina

My Commission Expires: _____

(Official Seal)