

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF DARLINGTON )

RESOLUTION NO. 791

**MEMORANDUM OF AGREEMENT AND ROAD ACCEPTANCE**

**Lowe 5 LLC**  
**GRANTOR**

**County of Darlington**  
**GRANTEE**

WHEREAS, Lowe 5 LLC desire to dedicate certain roads herein below described to County of Darlington; and

WHEREAS, the County of Darlington is willing to accept the grant of those roads as set out herein; now therefore,

KNOW ALL MEN BY THESE PRESENTS, that Lowe 5 LLC in the State aforesaid, for in consideration of the mutual covenants herein described, do hereby agree to the following:

This is to certify that Darlington County has accepted in part the roads, streets, and drainage system in Summerville SD Ph V as shown and indicated on the Plat of Summerville SD Ph V recorded in the Office of the Clerk of Court for Darlington County in Plat Book 219 at page(s) 408, and as provided for in the deed and/or Right-of-Way Agreement, a copy of which is attached hereto. More specifically those streets accepted are as follows:

Shallowford Road

Brighton Road

This listing of streets includes only those streets paved as of the date of this Memorandum of Agreement and does not include any unpaved streets in Summerville SD Ph V as referenced. All other streets in subject subdivision may be accepted after compliance with Darlington County Ordinance Appendix A – Development Standards Article 5, and issuance of a separate Letter of Acceptance after final inspection.

As a general condition of acceptance for maintenance, the developer agrees to include as a condition of sale, protective restriction to insure that any damage to the drainage system, roadway, pavement, and appurtenances thereto shall be the legal and finding liability of the purchaser and/or his agents, or the developer will remain responsible for all such damages to the aforementioned items until all lots shall be sold or development is completed, whichever is the later.

In addition to the above, Darlington County will not be responsible for any driveway connections installed by the owners or contractors where pipe with a diameter of 15 inches or less used, where materials are not South Carolina Highway Department Standard Specifications for highway construction approved, where improperly sized pipe is used, or where concrete or asphalt driveway swales are constructed without prior written approval.

Any such installations which have to be removed to correct drainage problems will not be the responsible of Darlington County for replacement of pavement.

The Grantor further certifies that these streets are free from all encumbrances or liens.

SPECIAL CONDITIONS

Provided further that the Grantor herein understands and acknowledges that there will be no responsibility on the party of the County of Darlington for drainage of the property adjoining said street or road herein conveyed, nor will the County of Darlington be responsible for any water standing or flowing onto adjoining property or damage therefrom which arises out of or is caused by the original design or construction of said street or road.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals this

7<sup>th</sup> day of January, 2024 2025

Signed, Sealed, and Delivered in the Presence of:

DARLINGTON COUNTY

[Signature]  
1<sup>st</sup> WITNESS  
[Signature]  
2<sup>nd</sup> WITNESS

By: [Signature]  
County Council Chairman  
Attest: [Signature]  
County Administrator

STATE OF SOUTH CAROLINA )  
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AFFIDAVIT OR PROBATE

Personally appeared before me the undersigned witness and made oath that (s)he saw the within named Grantee by Bobby Hudson COUNTY COUNCIL CHAIRMAN, sign, seal and as his/her act or deed, deliver the within MEMORANDUM OF AGREEMENT AND ROAD ACCEPTANCE and that she/he with the other witness subscribed above witness the execution thereof.

[Signature]  
WITNESS - CANNOT BE NOTARY

Sworn to before me this 7<sup>th</sup> day of January, 2024 2025

[Signature]  
Notary Public for South Carolina

My Commission Expires: July 1, 2031

