

ORDINANCE NUMBER 2885

AN ORDINANCE AUTHORIZING THE TRANSFER TO SOUTH CAROLINA EDUCATIONAL TELEVISION COMMISSION (SCETV) OF A COMMUNICATIONS TOWER AND RELATED EQUIPMENT AND LICENSES, LOCATED NEAR WEDGEFIELD ON A TWO-ACRE SITE IN MANCHESTER STATE FOREST, OWNED BY THE STATE FORESTRY COMMISSION

- WHEREAS,** the City of Sumter, South Carolina (the “City”) is the owner of a certain communications tower, an adjacent ground-level structure and telecommunications equipment and other personalty and fixtures related to the operation and maintenance of the tower (the tower, structure, equipment and other personalty and fixtures, collectively referred to as the “Wedgefield Tower”); and
- WHEREAS,** the Wedgefield Tower is located on a two-acre site (the “Site”) near Wedgefield in Manchester State Forest on property of the State Forestry Commission; and
- WHEREAS,** the Site, which was previously leased to the City, has now been leased to SCETV by the State Forestry Commission; and
- WHEREAS,** there are various entities with rights to utilize the Wedgefield Tower under separate license agreements with the City (collectively, the “Licenses”); and
- WHEREAS,** the City desires to transfer the Wedgefield Tower and assign the related Licenses to SCETV, in accordance with the attached Bill of Sale and Assignment; and
- WHEREAS,** SCETV has agreed to accept the transfer of the Wedgefield Tower as well as an assignment of the Licenses and to assume the obligations of the City as owner of the Wedgefield Tower and assignee of the Licenses; and
- WHEREAS,** in order for this transaction to take place, the City Manager must sign the Bill of Sale and Assignment on behalf of and by order of Sumter City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUMTER, SOUTH CAROLINA, AT ITS REGULAR MEETING DULY ASSEMBLED, AND BY THE AUTHORITY THEREOF:

- I. That the City of Sumter is hereby authorized to transfer the Wedgefield Tower and assign the Licenses to the South Carolina Educational Television Commission in accordance with the attached Bill of Sale and Assignment.
2. That the City Manager be and is hereby authorized to negotiate, execute, and deliver all necessary bills of sale, assignments, agreements, papers, instruments, certificates, and other documents as may be necessary to carry out such transfer and assignment and the authorizations contained in this Ordinance.

ADOPTED IN COUNCIL ASSEMBLED THIS 15TH DAY OF JULY, 2025.

CITY OF SUMTER, SOUTH CAROLINA

David P. Merchant, Mayor

James B. Blassingame, Mayor Pro Tempore

Calvin K. Hastie Sr., Councilman

Colin C. Davis, Councilman

Gifford M. Shaw, Councilman

Anthony Gibson, Councilman

Rebecca Lynn Kennedy, Councilwoman

ATTEST:

Linda D. Hammett, City Clerk

First Reading: June 17, 2025

Second/Final Reading: July 15, 2025

STATE OF SOUTH CAROLINA)
)
COUNTY OF SUMTER)
_____)

BILL OF SALE AND ASSIGNMENT
Transfer of Personalty, Fixtures and Licenses

Wedgefield Tower
Manchester State Forest
Sumter County, South Carolina

BILL OF SALE AND ASSIGNMENT, dated as of October 1, 2024, by the **City of Sumter, South Carolina**, a political subdivision of the State of South Carolina, as Seller, Transferor and Assignor ("City") and the **South Carolina Educational Commission**, a statutory commission of the South Carolina state government, as Purchaser, Transferee and Assignee ("SCETV").

RECITALS

- A. The City is the owner of a certain communications tower, an adjacent ground-level structure and telecommunications equipment and other personalty and fixtures related to the operation and maintenance of the tower (the tower, structure, equipment and other personalty and fixtures, collectively referred to herein as the "Wedgefield Tower").
- B. The Wedgefield Tower is located on the following property (the "Site"):
All that certain piece, parcel or tract of land, containing two acres, more or less, situate, lying and being in Manchester State Forest on property of the State Forestry Commission on Megahertz Road southwest of Wedgefield in Sumter County, South Carolina.
The exact center of said parcel is 33° 50' 53.628" N and 80° 32' 09.168" W.
- C. The Site was previously leased to the City and is now leased to SCETV by the State Forestry Commission (the "Lease").
- D. In addition to the City, there are various entities with rights to utilize the Wedgefield Tower under separate license agreements with the City (collectively, the "Licenses").
- E. The City desires to make a donation of the Wedgefield Tower and transfer and assign to SCETV all its right, title and interest in the Wedgefield Tower and Licenses.
- F. SCETV has agreed to accept the transfer of the Wedgefield Tower as well as an assignment of the Licenses and to assume the obligations of the City with regard to the Wedgefield Tower and the Licenses from and after the Effective Date.

NOW, THEREFORE, in consideration of the nominal sum of Ten Dollars and the City's desire to make a donation for the benefit of SCETV, and in further consideration of SCETV's acceptance of the responsibilities attendant to ownership of the Tower Complex from and after the Effective Date:

1. Bill of Sale. The City hereby grants, sells, assigns, transfers, conveys, and delivers to SCETV all of the City's right, title, and interest in and to all tangible personal property and fixtures herein referenced as the Wedgefield Tower, including but not limited to the communications tower, the adjacent

ground-level structure and telecommunications equipment and all other personalty and fixtures located at or upon the Site related to the operation and maintenance of the tower. To have and to hold said personal property and fixtures unto SCETV and SCETV's successors and assigns forever.

2. Assignment of Licenses. The City hereby assigns and transfers all of the City's right, title, and interest in any and all Licenses related to the Wedgefield Tower to SCETV and SCETV's successors and assigns forever.

3. Acceptance by SCETV. The transfer of the Wedgefield Tower and the related assignment of Licenses was approved and acceptance formally authorized at the September 11, 2024 meeting of the South Carolina Educational Television Commission. S.C. Code § 1-11-65(B).

4. Effective Date. The agreement between the City and SCETV as to all essential terms herein was reached early in 2024 and operational control of the Wedgefield Tower has been exercised by SCETV since that time. However, formal transfer could not be fully carried out until a lease of the Site was finalized between the State Commission of Forestry and SCETV and approved by the S.C. Department of Administration, Real Estate Service, which occurred early in 2025. Execution and approval of the Lease by all parties was a prerequisite before the antenna registration number (ASR) for the Tower could be transferred from the City to SCETV by the Federal Communications Commission (FCC). Since operational control has been vested in SCETV for more than a year, the parties agree that October 1, 2024, following formal approval by the South Carolina Educational Television Commission, is an appropriate Effective Date for the transfer and assignment contemplated herein.

IN WITNESS WHEREOF, the City of Sumter has caused these presents to be executed in its name by its duly authorized City Manager as attested by the City's Clerk and the City's seal affixed this ____ day of _____ in the year Two Thousand and Twenty-five.

Signed, Sealed and Delivered
in the Presence of

[witness #1]

[witness #2]

CITY OF SUMTER

By: _____ (L.S.)
Deron L. McCormick
City Manager

ATTEST:

By: _____ (L.S.)
Linda D. Hammett
City Clerk

[here affix Seal of City of Sumter]

Wedgefield Tower - Transfer to ETV 1104 01
Bill of Sale and Assignment