ORDINANCE NUMBER 22-2017

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTIES OWNED BY HELEN E. ATKINS (ALSO KNOW AS HELEN E. WESTMORELAND) LOCATED ON BURNS ROAD BY ONE HUNDRED PERCENT PETITION; AND TO ESTABLISH A ZONING CLASSIFICATION OF R-12 (SINGLE FAMILY RESIDENTIAL) FOR SAID PROPERTY

WHEREAS, Helen E. Atkins (also known as Helen E. Westmoreland) is the owner of properties located on Burns Road more particularly described on the legal description attached hereto marked as Exhibit A, the plat attached hereto marked as Exhibit B, the map attached hereto marked as Spartanburg County Parcel Numbers 5-35-00-061.00 and 5-35-00-061.01 containing approximately 60.296 +/- acres attached hereto marked as Exhibit C and the National Flood Insurance Program Flood Insurance Rate Map No. 45083C0331D attached hereto marked as Exhibit D; and

WHEREAS, the properties currently have zero (0) occupants; and

WHEREAS, Helen E. Atkins (also known as Helen E. Westmoreland) has petitioned the City of Greer to annex her properties by one-hundred percent (100%) petition; and

WHEREAS, the properties are now outside the city limits of Greer but adjoins the city limits; and

WHEREAS, the property owner has requested the subject property be zoned R-12 (Single Family Residential); and

WHEREAS, the requested zoning is consistent with the land uses in the general area and the land planning of the city.
NOW, THEREFORE, be it ordained by the Mayor and Council of the City of Greer, South Carolina, as follows:

1. **ANNEXATION:** The 60.206 +/- acres of properties shown in red on the attached map owned by Helen E. Atkins (also known as Helen E. Westmoreland) located on Burns Road more particularly described on the attached map as Spartanburg County Parcel Numbers 5-35-00-061.00 and 5-35-00-061.01 are hereby annexed into the corporate city limits of the City of Greer.

2. **ANNEXATION OF 1,456 FEET OF BURNS ROAD ROADWAY:** 1,456 feet of Burns Road along the edge of the annexed property owned by Helen E. Atkins (also known as Helen E. Westmoreland) as shown in Exhibit C are hereby annexed into the corporate limits of the City of Greer.

3. **ZONING ASSIGNMENT:** The above referenced properties shall be zoned R-12 (Single Family Residential) pending confirmation or rezoning pursuant to the applicable City of Greer Zoning Ordinance.

4. **LAND USE MAP:** The above reference properties shall be designated as Residential Land Use 2 Community on the Land Use Map contained within the 2010 Comprehensive Plan for the City of Greer.

5. **FLOOD INSURANCE RATE MAP:** This ordinance shall adopt The National Flood Insurance Program Flood Insurance Rate Map Number 45083C0331D.

6. **DISTRICT ASSIGNMENT:** The above referenced properties shall be assigned to City Council District #3.

This ordinance shall be effective upon second reading approval thereof.

**CITY OF GREER, SOUTH CAROLINA**

[Signature]

Richard W. Darner, Mayor

Ordinance Number 22-2017
Annexation Burns Rd
Page 2 of 3
ATTEST:

Tammela Duncan, Municipal Clerk

Introduced by: Councilman Wryley Bettis

First Reading: July 11, 2017

Second and Final Reading: October 10, 2017

Approved as to Form:

John B. Duggan, City Attorney
KNOW ALL MEN BY THESE PRESENTS, that I, MICHAEL W. ATKINS, in Spartanburg County State of South Carolina in consideration of TEN DOLLARS AND ZERO CENTS ($10.00) LOVE AND AFFECTION, to me in hand paid at and before the sealing of these presents by HELEN E. ATKINS, her heirs, successors and assigns forever, the receipt and sufficiency of which are hereby acknowledged, have granted, bargained, sold and released, and by these Presents do grant, bargain, sell and release, subject to the easements, restrictions, reservations and conditions ("Exceptions") set forth below unto the said HELEN E. ATKINS, her heirs, successors and assigns forever subject to the below stated Exceptions, the following described real estate, to wit:

All his interest in all that certain piece, parcel or lot of land, with all improvements thereon, situate lying and being in the State of South Carolina, County of Spartanburg being shown and designated as containing 59.21 acres, more or less on a plat for MICHAEL W. ATKINS AND HELEN B. ATKINS prepared by I.A. Romo, PLS, dated December 20, 2002 and recorded December 30, 2002 in Plat Book 153 at Page 492, in the Office of the Register of Deeds for Spartanburg County. For a more complete and accurate description reference is hereby made to the aforementioned plat.

This being the same property conveyed to MICHAEL W. ATKINS and HELEN E. ATKINS by deed dated August 28, 2006 and recorded December 30, 2002 in Deed Book 77-A at Page 780 in the Office of the Register of Deeds for Spartanburg County.

This conveyance is subject to easements and restrictions affecting the subject property.
Together with all and singular Rights, Members, Hereditaments and Appurtenances to said Premises belonging or in anywise incident or appertaining.

To Have and To Hold all and singular the said Premises before mentioned unto the said HELEN E. ATKINS, her heirs, successors and assigns forever.

And I do hereby bind myself and my Heirs, Executors and Administrators to warrant and forever defend all and singular the said Premises unto the said HELEN E. ATKINS, her heirs, successors and assigns forever against myself and my Heirs, and against all persons whomsoever lawfully claiming or to claim the same or any part thereof, except as to restrictions and easements of record, if any.

WITNESS our hands and seals this 12 day of October, 2012

SIGNED, sealed and delivered in the presence of:

[Signature]
Witness #1

[Signature]
Michael W. Atkins
MICHAEL W. ATKINS

Witness #2

STATE OF SOUTH CAROLINA ) ACKNOWLEDGEMENT
COUNTY OF SPARTANBURG ) S.C. Code 30-5-30
(Effective January 1, 1995)

I, S. Frank Adams, a Notary Public for the State of South Carolina, do hereby certify that MICHAEL W. ATKINS who personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

SWORN to before me this 12 day of October, 2012

(SEAL)
Notary Public for South Carolina
My commission expires: October 4, 2017
KNOW ALL MEN BY THESE PRESENTS, that I, MICHAEL W. ATKINS, in Spartanburg County State of South Carolina in consideration of TEN DOLLARS AND ZERO CENTS ($10.00) LOVE AND AFFECTION, to me in hand paid at and before the sealing of these presents by HELEN E. ATKINS, her heirs, successors and assigns forever, the receipt and sufficiency of which are hereby acknowledged, have granted, bargained, sold and released, and by these Presents do grant, bargain, sell and release, subject to the easements, restrictions, reservations and conditions ("Exceptions") set forth below unto the said HELEN E. ATKINS, her heirs, successors and assigns forever subject to the below stated Exceptions, the following described real estate, to wit:

All his interest in all that certain piece, parcel or tract of land, together with any improvements thereto, situate, lying and being known and designated as containing .996 acres, more or less on a plat for MICHAEL W. ATKINS AND HELEN E. ATKINS prepared by S.W. Donald Land Surveying, dated August 22, 2006 and recorded September 14, 2006 in Plat Book 160 at Page 418, in the Office of the Register of Deeds for Spartanburg County. For a more complete and accurate description reference is hereby made to the aforementioned plat.

This being the same property conveyed to MICHAEL W. ATKINS and HELEN E. ATKINS by deed dated August 28, 2006 and recorded September 14, 2006 in Deed Book 86-S at Page 508 in the Office of the Register of Deeds for Spartanburg County.

This conveyance is subject to easements and restrictions affecting the subject property.
Together with all and singular Rights, Members, Hereditaments and Appurtenances to said Premises belonging or in anywise incident or appertaining.

To Have and To Hold all and singular the said Premises before mentioned unto the said HELEN E. ATKINS, her heirs, successors and assigns forever.

And I do hereby bind myself and my Heirs, Executors and Administrators to warrant and forever defend all and singular the said Premises unto the said HELEN E. ATKINS, her heirs, successors and assigns forever against myself and my Heirs, and against all persons whomsoever lawfully claiming or to claim the same or any part thereof, except as to restrictions and easements of record, if any.

WITNESS our hands and seals this 22 day of October, 2012

SIGNED, sealed and delivered in the presence of:

Witness #1

Witness #2

STATE OF SOUTH CAROLINA ) ACKNOWLEDGEMENT
COUNTY OF SPARTANBURG ) S.C. Code 30-5-30
(Effective January 1, 1995)

I, S. Frank Adams, a Notary Public for the State of South Carolina, do hereby certify that MICHAEL W. ATKINS who personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

SWORN to before me this 22 day of October, 2012

Notary Public for South Carolina
My commission expires: October 4, 2017
EXHIBIT B-2

PLAT 16160418

PARCEL 61  P/B 153/4-99

TOTAL AREA
0.996 ACRES
(SUBJ. TO ROAD & POWER LINE R/W'S)

CLOSING SURVEY FOR:
MICHAEL W. ATKINS & HELEN B. ATKINS
BEING P/D TRACT 6 OF THE J. N. DEYOUNG LANDS SUBD.

S.W. DONALD LAND SURVEYING
POST OFFICE BOX 160472
BOILING SPRINGS, SC 29316
PHONE: (864) 599-0192
FAX: (864) 599-0192

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE MINIMUM STANDARDS MANUEL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS B SURVEY AS SPECIFIED THEREIN. ALSO, THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

THE PROPERTY SHOWN HEREIN IS NOT LOCATED WITHIN THE 100 YEAR FLOOD PLAIN AS DEFINED BY THE FLOOD INSURANCE RATE MAP OF AUG. 1984.