ORDINANCE NUMBER 1-2016

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTIES OWNED BY NANCY M. COX LOCATED AT 2960 EAST GAP CREEK ROAD BY ONE HUNDRED PERCENT PETITION; AND TO ESTABLISH A ZONING CLASSIFICATION OF R-12 (RESIDENTIAL SINGLE FAMILY) FOR SAID PROPERTY

WHEREAS, Nancy M. Cox is the owner of properties located at 2960 East Gap Creek 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 Greenville County Parcel Numbers 0536010104000 and 0536010105705 containing approximately 17.5 +/− acres attached hereto marked as Exhibit C and the National Flood Insurance Program Flood Insurance Rate Map No. 45045C0351E attached hereto marked as Exhibit D; and

WHEREAS, the properties currently have four (4) occupants; and

WHEREAS, Nancy M. Cox 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 that the subject properties be zoned R-12 (Residential Single Family); 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 following properties owned by Nancy M. Cox located at 2960 East Gap Creek Road more particularly described on the attached map as Greenville County Parcel Numbers 0536010104000 and 0536010105705 containing approximately 17.5 +/- acres are hereby annexed into the corporate city limits of the City of Greer.

2. **ANNEXATION OF EAST GAP CREEK ROAD AND COUNTRY CLUB ROAD ROADWAY:** All of East Gap Creek Road (S-23-96) 1,442 feet and Country Club Road (S-23-137) 459 feet along the edge of the annexed property owned by Nancy M. Cox defined in Exhibit A and Exhibit B which adjoins said annexed property is also hereby annexed into the corporate limits of the City of Greer effective immediately upon second reading of this ordinance.

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

4. **FUTURE LAND USE MAP:** The above reference property shall be designated as Residential Land Use 3 Community on the 2010 Future Land Use Map contained within the 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 45045C0351E.

6. **DISTRICT ASSIGNMENT:** The above referenced property shall be assigned to City Council District #4.

This ordinance shall be effective upon second reading approval thereof.

**CITY OF GREER, SOUTH CAROLINA**

[Signature]

Richard W. Danner, Mayor
ATTEST:

Tammela Duncan, Municipal Clerk

Introduced by: Councilwoman Kimberly Bookert

First Reading: January 12, 2016

Second and Final Reading: February 9, 2016

Approved as to Form:

John B. Duggan, City Attorney
LIMITED WARRANTY DEED

KNOWN ALL MEN BY THESE PRESENTS, that NANCY M. COX (hereinafter called "Grantor"), for and in consideration of $1.00 and no other consideration, does by these presents grant, release and convey unto NANCY M. COX, AS TRUSTEE UNDER THE NANCY M. COX REVOCABLE TRUST AGREEMENT DATED MARCH 23, 2012, BY NANCY M. COX, AS SETTLOR AND AS TRUSTEE, having an address of 1241 Summit Drive, Lexington, Kentucky 40502 (hereinafter called "Grantee"), her successors, heirs and assigns, certain real property located in Greenville County, South Carolina and more fully described on Exhibit "A" attached hereto and incorporated herein, to-wit (the "Property").

TOGETHER with all and singular the rights, members, hereditaments and appurtenances to the Property belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular the Property unto Grantee, her successors, heirs and assigns, forever. And the Grantor does hereby bind herself and her heirs, successors and assigns, to warrant and forever defend all and singular the premises unto the Grantee, her successors, heirs and assigns against Grantor and her heirs, successors and assigns and against every person whomsoever lawfully claiming or claim to the same, or any part thereof by, through or under Grantor.

Grantee, or her successors in trust, takes title to the Property as Trustee, with full power and authority to sell, mortgage or otherwise deal with the Property, including the power and authority to execute deeds, mortgages, leases, releases or other documents relating to the Property. Any purchaser or mortgagee of the Property shall not be required to look to the application of the proceeds of sale or mortgage, and there shall be no duty upon anyone dealing with the Grantee or her successors in trust to inquire into the necessity or expediency of any act of the Grantee or of the disposition of any monies paid to the Grantee or of the provisions of the trust agreement under which the Grantee acts.
IN WITNESS WHEREOF, the Grantor has executed this instrument this 25 day of March, 2012.

Nancy M. Cox

Jordan Osborn
(Signature & Printed Name of 1st Witness)

Erica Boone
(Signature & Printed Name of 2nd Witness /Notary Public)

COMMONWEALTH OF KENTUCKY )
COUNTY OF FAYETTE ) SS:

I, Henry C.T. Richardson, the undersigned Notary Public, in and for said County and State do hereby certify that Nancy M. Cox, personally appeared before me this 25 day of March, 2012 and acknowledged the due execution of the foregoing instrument.

My commission expires: 1/7/14

Notary Public, Kentucky
State at Large

(SEAL)
EXHIBIT “A”

All that piece, parcel or lot of land, with all improvements thereon, or hereafter constructed thereon, situate, lying and being in the State of South Carolina, County of Greenville, O’Neal Township, lying at the southwesterly corner of the intersection of Gap Creek Road and Country Club Road (also known as Miller Road), containing 4.456 acres, and being more fully described on a plat entitled SURVEY FOR MARGUERITE S. COX prepared by Carolina Surveying Co. of Greenville, Inc. on September 4, 1997 and recorded in Plat Book 36L at Page 79 A & B in the Office of the Register of Deeds for Greenville County, South Carolina. Reference is made to said plat for a more complete property description.

This conveyance is made subject to restrictions, easements, rights-of-way, roadways and zoning ordinances of record affecting the Property and to such matters as would appear from a current resurvey of the Property.

Being the same property acquired by Grantor, by Limited Warranty Title to Real Estate dated September 27, 2010, from Nancy M. Cox, Trustee of the Marguerite S. Cox Revocable Management Trust u/a dated January 5, 1996, and as amended May 16, 2006, of record in Book DE 2378, Pages 3807-3811, in the Register of Deeds for Greenville County, South Carolina.

Tax Map No: 0536010105705
LIMITED WARRANTY DEED

KNOWN ALL MEN BY THESE PRESENTS, that NANCY M. COX (hereinafter called "Grantor"), for and in consideration of $1.00 and no other consideration, does by these presents grant, release and convey unto NANCY M. COX, AS TRUSTEE UNDER THE NANCY M. COX REVOCABLE TRUST AGREEMENT DATED MARCH 23, 2012, BY NANCY M. COX, AS SETTLOR AND AS TRUSTEE, having an address of 1241 Summit Drive, Lexington, Kentucky 40502 (hereinafter called "Grantee"), her successors, heirs and assigns, certain real property located in Greenville County, South Carolina and more fully described on Exhibit "A" attached hereto and incorporated herein, to-wit (the "Property").

TOGETHER with all and singular the rights, members, hereditaments and appurtenances to the Property belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular the Property unto Grantee, her successors, heirs and assigns, forever. And the Grantor does hereby bind herself and her heirs, successors and assigns, to warrant and forever defend all and singular the premises unto the Grantee, her successors, heirs and assigns against Grantor and her heirs, successors and assigns and against every person whomsoever lawfully claiming or claim to the same, or any part thereof by, through or under Grantor.

Grantee, or her successors in trust, takes title to the Property as Trustee, with full power and authority to sell, mortgage or otherwise deal with the Property, including the power and authority to execute deeds, mortgages, leases, releases or other documents relating to the Property. Any purchaser or mortgagee of the Property shall not be required to look to the application of the proceeds of sale or mortgage, and there shall be no duty upon anyone dealing with the Grantee or her successors in trust to inquire into the necessity or expediency of any act of the Grantee or of the disposition of any monies paid to the Grantee or of the provisions of the trust agreement under which the Grantee acts.
IN WITNESS WHEREOF, the Grantor has executed this instrument this 23rd day of March, 2012.

Nancy M. Cox

(Nancy M. Cox)

Erica Boone
(Signature & Printed Name of 1st Witness)

Jordan Osborn
(Signature & Printed Name of 2nd Witness /Notary Public)

COMMONWEALTH OF KENTUCKY )
) SS:
COUNTY OF FAYETTE

I, Henry J. B. Chamberlain, the undersigned Notary Public, in and for said County and State do hereby certify that Nancy M. Cox, personally appeared before me this 23rd day of March, 2012 and acknowledged the due execution of the foregoing instrument.

My commission expires: 1/17/14

Notary Public, Kentucky
State at Large

(SEAL)
EXHIBIT "A"

All that certain lot, piece or parcel of land, with all improvements thereon, located in the State of South Carolina, County of Greenville, O'Neal Township, on Gap Creek Road, shown and designated as 13.05 acres on a survey prepared by Farmer & Simpson Engineers, Inc., dated October 6, 1995, and recorded in the Register of Deeds Office for Greenville County in Deed Book 1798, at Page 69.

Being the same property acquired by Grantor, by Limited Warranty Title to Real Estate dated June 20, 2006, from Nancy M. Cox, Trustee of the Marguerite S. Cox Qualified Residence Trust u/a dated October 13, 1998, of record in Book DE 2212, Pages 584-588, in the Register of Deeds for Greenville County, South Carolina.

Tax Map No: 536.1-1-40.00

4632850_1.docx
That MARJORIE S. COX, hereafter referred to as Grantor, in consideration of the sum of Ten Dollars ($10.00) and no other consideration paid to Grantor by NANCY M. COX, Trustee of The Marjorie S. Cox Qualified Personal Residence Trust u/a dated October 13, 1998, hereafter referred to as Grantee, at and before the sealing of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto the said Grantee, her successors and assigns, forever:

SEE EXHIBIT A

TMS No. 536.1-1-40.00

TOGETHER, with all and singular the Rights, Members, Hereditaments and Appurtenances to the said premises belonging, or in anywise incident or appertaining;

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the Grantee and Grantee's Heirs/Successors and Assigns forever. AND Grantor does hereby bind Grantor and Grantor's Heirs, Executors and Administrators to warrant and forever defend all and singular the said premises unto Grantee and Grantee's Heirs, Successors and Assigns against Grantor and Grantor's Successors and Assigns and against every person whomsoever lawfully claiming or to claim the same or any part thereof by or through the Grantor but not otherwise.

EXEMPT

NOV 09 1998

REC FEE 10.00

2340 000001 OPER.2 11-6-98 2:10PM

93708
Witness the hand and seal of Grantor this 25th day of October, 1994.

Signed, sealed and delivered in the presence of:

[Signatures]

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

ACKNOWLEDGMENT

I, [Name], a Notary Public for the State of South Carolina, do hereby certify that MARGUERITE S. COX, the Grantor, personally appeared before me this 25th day of October, 1994 and acknowledged the due execution of the foregoing instrument.

[Signature]

Signature of Notary Public
My commission expires: 10-17-2004

\(\text{SIGNATURE}\)
EXHIBIT A

All that certain lot, piece or parcel of land, with improvements thereon, located in the State of South Carolina, County of Greenville, O'Neal Township, on Gap Creek Road, shown and designated as 13.05 acres on a survey prepared by Farmer & Simpson Engineers, Inc., dated October 6, 1995, to be recorded herewith.

This is a portion of the property conveyed to the grantee by deed of Paul D. Green and Helen Green dated August 25, 1962 and recorded in the Greenville County R.M.C. Office in Deed Book 705 at Page 254 and by deed of distribution of the Personal Representative of the Estate of Virgil Queener Cox dated February 21, 1991 and recorded in the Greenville County R.M.C. Office in Deed Book 1427 at Page 196.

Tax Parcel No.: 536.1-1-40.00

October 20, 1996
NOTE:
The improvements on this lot are not located in a designated flood hazard area.

CENTERLINE OF GAP CREEK ROAD
PREVIOUS LOCATION

MARGUERITE S. COX
TMS 536-1-1-40
PROPERTY LINE
REFERENCE DEED BOOK 705
AT PAGE 254
REFERENCE DEED BOOK 1427
AT PAGE 195
REFERENCE PLAT BOOK "C" AT PAGE 558

PROPERTY LINE
REFERENCE DEED BOOK 704
AT PAGE 348

TOTAL AREA 5.181 ACRES
LESS RD/W 0.725 ACRES
NET AREA 4.456 ACRES

50' X 50' SIGHT TRIANGLE
AS MEASURED FROM
PREVIOUS GAP CREEK RD LOCATION

CLARA WATERS ESTATE
TMS 536-1-1-56

COUNTRY CLUB ROAD
ALSO KNOWN AS MILLER ROAD

BARNETT
TMS 536-1-1-55

SOUTH CAROLINA
SURVEYING CO.
OF GREENVILLE, INC
R. S. BRUCE, PE, RLS
REG. NO. 10288

MARGUERITE S. COX
GREENVILLE COUNTY, SOUTH CAROLINA
SCALE 1" = 100' DATE 8 SEPTEMBER, 1997

BEING KNOWN AS A 5.181 ACRE TRACT OF LAND AS DESCRIBED IN DEED OF MAE WATERS TO CLARA WATERS AND
RECORDED IN THE RAC OFFICE FOR GREENVILLE COUNTY, SC
IN DEED BOOK "J" AT PAGE 536

SURVEY FOR
INez J. HOWELL, ET AL
TMS 536-1-1-54

FIELD BOOK 475/3981
DEED BOOK: 704/348
TAX MAP: 536-1-1-PART 57 DATE 08/04/97

112 MAIN STREET
GREENVILLE, SC 29601
(864) 235-0108 FAX (864) 242-0108

EXHIBIT
1 of 2
I hereby state that to the best of my knowledge, information, and belief, the survey shown heron was made in accordance with the requirements of the Minimum Standards Manual for the Practice of Land Surveying in South Carolina, and meets or exceeds the requirements for a Class A survey as specified therein; also there are no visible encroachments or projections other than those shown.

This survey is subject to any rights of way and easements of record, and any facts which may be disclosed by a full and accurate title search.

James Mitchell
P.O. Box 6, Page 67

STATE OF SOUTH CAROLINA
County of Greenville
State of South Carolina

TO THE BEST OF THE GREENVILLE COUNTY SCHOOL DISTRICT
Surveyed at the Request of.

Reference: Plat by H.S. Brooker Dated 1-3-48; Plat Book 1-A, Page 31

FMG-2134.1:1.45:0

Scale: 1" = 200'

Date: October 6, 1995

SURVEY AND PLAT BY
FARMER & SIMPSON ENGINEERS, INC.
121 Anderson Avenue
Anderson, SC 29621

Job #4508
Petition for Annexation

The persons whose signatures appear below are freeholders owning real property in an area, which is contiguous to the City of Greer and which, is proposed to be annexed into the City. The freeholder(s) of property located on or at E. Gap Creek Rd, more precisely described on the deed (or legal description) attached hereto marked as Exhibit A; the plat attached hereto marked as Exhibit B; Tax Parcel Map with Number 0536010105705 attached hereto marked as Exhibit C containing approximately 4.4 acres; identify that area more particularly. That highlighted or marked portion is incorporated by reference as a description of the area. By their signatures, the freeholders petition the City Council to annex the entire area.

This petition is submitted under the provisions of S.C. Code §5-3-150(3), authorizing the City Council to annex an area when presented with a petition signed by one hundred (100%) percent of the freeholders owning one hundred (100%) percent of the assessed value of real property in an area proposed to be annexed. This petition and all signatures thereto shall be open for public inspection on demand at the City Hall, located at the address set forth above. If the petition is still in circulation for signatures, or otherwise not available, at the time demand is made, then it shall be made available as soon thereafter as reasonably practical. Any person who seeks to challenge the annexation, and who has standing to do so, should act in accord with the requirements of Chapter 3 of Title 5 of the South Carolina Code.

DATE OF PETITION: This petition is dated this 21st day of November, 2015 before the first signature below is attached. By law, all necessary signatures must be completed within six (6) months of the identified date; but this petition shall be deemed complete if the requisite number of signatures is acquired sooner.

Print Name: Nancy M. Cox  
Signature: Nancy M. Cox
Address: 211 Summit Dr., Simpsonville, SC 29681
Witness: 無
Date: 11.21.15
Parcel Address: East Gap Creek Road
Tax Map Number: 0536010105705

(See Attached Exhibits A, B & C)
Petition for Annexation

The persons whose signatures appear below are freeholders owning real property in an area, which is contiguous to the City of Greer and which, is proposed to be annexed into the City. The freeholder(s) of property located on or at E. Gap Creek Rd more particularly described on the deed (or legal description) attached hereto marked as Exhibit A; the plat attached hereto marked as Exhibit B; Tax Parcel Map with Number 053601010400 attached hereto marked as Exhibit C containing approximately 13 acres; identify that area more particularly. That highlighted or marked portion is incorporated by reference as a description of the area. By their signatures, the freeholders petition the City Council to annex the entire area.

This petition is submitted under the provisions of S.C. Code §5-3-150(3), authorizing the City Council to annex an area when presented with a petition signed by one hundred (100%) percent of the freeholders owning one hundred (100%) percent of the assessed value of real property in an area proposed to be annexed. This petition and all signatures thereto shall be open for public inspection on demand at the City Hall, located at the address set forth above. If the petition is still in circulation for signatures, or otherwise not available, at the time demand is made, then it shall be made available as soon thereafter as reasonably practical. Any person who seeks to challenge the annexation, and who has standing to do so, should act in accord with the requirements of Chapter 3 of Title 5 of the South Carolina Code.

DATE OF PETITION: This petition is dated this 21 day of November 2015 before the first signature below is attached. By law, all necessary signatures must be completed within six (6) months of the identified date; but this petition shall be deemed complete if the requisite number of signatures is acquired sooner.

Print Name: Nancy M. Cox
Signature: __________________________
Address: 1241 Summit Dr, Lexington KY 40502
Witness: __________________________
Date: 11/21/15
Parcel Address: 2960 East Gap Creek Road
Tax Map Number: 053601010400

Annexation
Page 1 of 1

(See Attached Exhibits A, B & C)