ORDINANCE NUMBER 3-2016

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY OWNED BY KEM, LLC LOCATED ON SOUTH BUNCOMBE ROAD BY ONE HUNDRED PERCENT PETITION; AND TO ESTABLISH A ZONING CLASSIFICATION OF C-3 (COMMERCIAL) FOR SAID PROPERTY

WHEREAS, KEM, LLC are the owners of property located on South Buncombe 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 Number G006000100104 containing approximately 3.388 +/- acres attached hereto marked as Exhibit C and the National Flood Insurance Program Flood Insurance Rate Map No. 45045C0334E attached hereto marked as Exhibit D; and

WHEREAS, the property currently has zero (0) occupants; and

WHEREAS, KEM, LLC has petitioned the City of Greer to annex their property by one-hundred percent (100%) petition; and

WHEREAS, the property is now outside the city limits of Greer but adjoins the city limits; and

WHEREAS, the property owners have requested that the subject property be zoned C-3 (Commercial); 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 property owned by KEM, LLC located on South Buncombe Road more particularly described on the attached map as Greenville County Parcel Number G006000100104 containing approximately 3.388 +/- acres are hereby annexed into the corporate city limits of the City of Greer.

2. **ZONING ASSIGNMENT:** The above referenced property shall be zoned C-3 (Commercial) pending confirmation or rezoning pursuant to the applicable City of Greer Zoning Ordinance.

3. **FUTURE LAND USE MAP:** The above reference property shall be designated as Employment Center Community on the 2010 Future Land Use Map contained within the Comprehensive Plan for the City of Greer.

4. **FLOOD INSURANCE RATE MAP:** This ordinance shall adopt The National Flood Insurance Program Flood Insurance Rate Map Number 45045C0334E.

5. **DISTRICT ASSIGNMENT:** The above referenced property shall be assigned to City Council District #5.

This ordinance shall be effective upon second reading approval thereof.

**CITY OF GREER, SOUTH CAROLINA**

Richard W. Danner, Mayor

**ATTEST:**

Tammela Duncan, Municipal Clerk

Introduced by: Councilman Jay Arrowood

First Reading: February 9, 2016

Ordinance Number 3-2016
Annexation South Buncombe Rd
Page 2 of 3
Second and
Final Reading: March 8, 2016

Approved as to Form:

John B. Duggan, City Attorney
STATE OF SOUTH CAROLINA  

COUNTY OF GREENVILLE  

SPECIAL WARRANTY DEED  

KNOW ALL MEN BY THESE PRESENTS, that KAREN MCCLARAN in consideration of ONE DOLLAR AND NO/100\$S, the receipt of which is hereby acknowledged, has granted, bargained, sold and released, and by these presents, does grant, bargain, sell and release unto,  

KEM, LLC  

All of that parcel or tract of land, with all improvements thereon or to be constructed thereon, in Chick Springs Township of Greenville County, located near the corporate limits of the City of Greer and west therefrom, lying on the northeast side of the Old Buncombe Road and on the southeast side of the Old Chick Springs Road (now Lancaster Avenue), being shown on a plat made for Tom Duncan Pontiac, Inc. by H. S. Brockman, Surveyor, dated June 4, 1968 and being shown on a more recent survey entitled, "TOM DUNCAN PONTIAC INC." prepared by Chapman Surveying Co., Inc. dated July 13, 2010 and recorded in the ROD Office for Greenville County in Plat Book 1109 at Page 50; and containing according to said survey, 5.08 acres, more or less. Reference being made to said plat for a more complete description as to metes and bounds.  

This being the same property as conveyed to Karen McClaran by deed of Greer State Bank recorded January 26, 2011 in said ROD Office in Deed Book 2383 at Page 2636.  

This property is conveyed subject to all restrictions, reservations, zoning ordinances or easements that may appear of record on the recorded plat(s) or on the premises.  

Together with all and singular the rights, members, hereditaments and appurtenances to said premises belonging or in any wise incident or appertaining; to have and to hold all and singular the premises before mentioned unto the Grantee(s) and the Grantee's(s') heirs or successors and assigns, forever.  

Witness the Grantor's (s') Hand(s) and Seal(s) this 15th day of February, 2011  

[Signatures]  

Witness  

Witness  

State of South Carolina  )  
County of Greenville  )  

Acknowledgement  

The undersigned Notary Public for the State of South Carolina does hereby certify that Karen McClaran personally appeared before me this day and acknowledged the due execution of the foregoing instrument.  

Witness my hand and seal this 15th day of February, 2011.  

[Signatures]  

Notary Public for South Carolina  
My Commission expires 7/10/2017
STATE OF SOUTH CAROLINA  
COUNTY OF Greenville 

Affidavit

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on this affidavit and I understand such information.

2. The property being transferred is located at Greenville, by Karen McClaran to KEM, LLC.

3. Check one of the following: The deed is
   (a) ______ subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money’s worth.
   (b) ______ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
   (c) √ ______ exempt from the deed recording fee because (see information section of affidavit): (If exempt, please skip items 4 – 7 and go to item 8 of this affidavit.)

4. Check one of the following if either item 3(a) or item 3(b) above has been checked (see information section of this affidavit):
   (a) ______ The fee is computed on the consideration paid or to be paid in money or money’s worth in the amount of
   (b) ______ The fee is computed on the fair market value of the realty which is ____________________
   (c) ______ The fee is computed on the fair market value of the realty as established for property tax purposes which is ____________________

5. Check Yes ______ or No ______ to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If “yes” the amount of the outstanding balance of this lien or encumbrance is: ____________________

6. The deed recording fee is computed as follows:
   (a) Place the amount listed in item 4 above here: ____________________
   (b) Place the amount listed in item 5 above here:
      (If no amount is listed, place zero here)
   (c) Subtract line 6(b) from line 6(a) and place result here: ____________________

7. The deed recording fee due is based on the amount listed on line 6(c) above and the deed recording fee due is: ____________________

8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: ____________________

9. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

Responsibly Connected with the Transaction
Tammy S. Hill

Notary Public for
My Commission Expires: 3-16-2017
INFORMATION

Except as provided in this paragraph, the term "value" means "the consideration paid or to be paid in money or money's worth for the realty." Consideration paid or to be paid in money's worth includes, but is not limited to, other realty, personal property, stocks, bonds, partnership, interest and other intangible property, the forgiveness or cancellation of a debt, the assumption of a debt, and the surrendering of any right. The fair market value of the consideration must be used in calculating the consideration paid in money's worth. Taxpayers may elect to use the fair market value of the realty being transferred in determining fair market value of the consideration. In the case of realty transferred between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, and in the case of realty transferred to a trust or as a distribution to a trust beneficiary, "value" means the realty's fair market value. A deduction from value is allowed for the amount of any lien or encumbrance existing on the land, tenement, or realty before the transfer and remaining on the land, tenement, or realty after the transfer. Taxpayers may elect to use the fair market value for property tax purposes in determining fair market value under the provisions of the law.

Exempted from the fee are deeds.

(1) transferring realty in which the value of the realty, as defined in Code Section 12-24-30, is equal to or less than one hundred dollars;

(2) transferring realty to the federal government or to a state, its agencies and departments, and its political subdivisions, including school districts;

(3) that are otherwise exempted under the laws and Constitution of this State or of the United States;

(4) transferring realty in which no gain or loss is recognized by reason of Section 1041 of the Internal Revenue Code as defined in Section 12-6-40(A);

(5) transferring realty in order to partition realty as long as no consideration is paid for the transfer other than the interests in the realty that are being exchanged in order to partition the realty;

(6) transferring an individual grave space at a cemetery owned by a cemetery company licensed under Chapter 55 of Title 39,

(7) that constitute a contract for the sale of timber to be cut;

(8) transferring realty to a corporation, a partnership, or a trust in order to become, or as, a stockholder, partner, or trust beneficiary of the entity provided no consideration is paid for the transfer other than stock in the corporation, interest in the partnership, beneficiary interest in the trust, or the increase in value in such stock or interest held by the grantor. However, the transfer of realty from a corporation, a partnership, or a trust to a stockholder, partner, or trust beneficiary of the entity is subject to the fee even if the realty is transferred to another corporation, a partnership, or trust;

(9) transferring realty from a family partnership to a partner or from a family trust to a beneficiary, provided no consideration is paid for the transfer other than a reduction in the grantor's interest in the partnership or trust. A "family partnership" is a partnership whose partners are all members of the same family. A "family trust" is a trust in which the beneficiaries are all members of the same family. The beneficiaries of a family trust may also include charitable entities. "Family" means the grantor and the grantor's spouse, parents, grandparents, sisters, brothers, children, stepchildren, grandchildren, and the spouses and lineal descendants of any of the above. A "charitable entity" means an entity which may receive deductible contributions under Section 170 of the Internal Revenue Code as defined in Section 12-6-40(A);

(10) transferring realty in a statutory merger or consolidation from a constituent corporation to the continuing or new corporation;

(11) transferring realty in a merger or consolidation from a constituent partnership to the continuing or new partnership; and

(12) that constitute a corrective deed or a quitclaim deed used to confirm title already vested in the grantee, provided that no consideration of any kind is paid or is to be paid under the corrective or quitclaim deed;

(13) transferring realty subject to a mortgage to the mortgagor whether by a deed in lieu of foreclosure executed by the mortgagor or deed executed pursuant to foreclosure proceedings;

(14) transferring realty from an agent to the agent's principal in which the realty was purchased with funds of the principal, provided that a notarized document is also filed with the deed that establishes the fact that the agent and principal relationship existed at the time of the original purchase as well as for the purpose of purchasing the realty;

(15) transferring title to facilities for transmitting electricity that is transferred, sold, or exchanged by electrical utilities, municipalities, electric cooperatives, or political subdivisions to a limited liability company which is subject to regulation under the Federal Power Act (16 U.S.C. Section 791(a)) and which is formed to operate or to take functional control of electric transmission assets as defined in the Federal Power Act.
Subject Property
Addition to G0060000100104
Acres: 3.388 portion of 7.333 acres

Ordinance 03-2016
FIRM FLOOD INSURANCE RATE MAP
GREENVILLE COUNTY, SOUTH CAROLINA
AND INCORPORATED AREAS

PANEL 334 OF 625
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)
CONTAINS:

COMMUNITY  NUMBER  PANEL  SUFIX
GREENVILLE COUNTY  450089  0334  E
GREEN, CITY OF  490020  0334  E

Notice to User: The Map Number shown below should be used when placing map orders. The Community Number shown above should be used on insurance applications for the insured community.

MAP NUMBER
45045C0334E

MAP REVISED
AUGUST 18, 2014

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using FIRMette - Desktop version 3.0. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. Further information about National Flood Insurance Program flood hazard maps is available at http://www.msc.fema.gov/.