ANNEXATION ORDINANCE NUMBER 33-2013

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTIES OWNED BY OWSLEY ENTERPRISES, LLP LOCATED ON SOUTH HIGHWAY 14 AT JOHNS ROAD BY ONE HUNDRED PERCENT PETITION; AND TO ESTABLISH A ZONING CLASSIFICATION OF C-3 (COMMERCIAL) FOR SAID PROPERTIES

WHEREAS, Owsley Enterprises, LLP is the owner of properties located on South Highway 14 at Johns 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 Nos. G05290020101502, and G0529030101603 containing approximately 2.83 +/- acres attached hereto marked as Exhibit C and the National Flood Insurance Program Flood Insurance Rate Map No. 45045C0363D attached hereto marked as Exhibit D; and

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

WHEREAS, Owsley Enterprises, LLP has petitioned the City of Greer to annex its 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 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 properties owned by Owsley Enterprises, LLP located on South Highway 14 at Johns Road more particularly described on the attached map as Greenville County Parcel Nos. G0529020101502 and G0529030101603 containing approximately 2.83 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, Regional Corridor and Super Regional Center 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 45045C0363D.

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

6. **PRECLEARANCE:** This ordinance shall be subject to pre-clearance approval by the United States Department of Justice in accordance with standard procedures for such approval, and the Municipal Clerk is herewith instructed to submit the ordinance and any necessary documentation for approval.

This ordinance shall be effective upon second reading approval thereof.

**CITY OF GREER, SOUTH CAROLINA**

[Signature]

Richard W. Danner, Mayor

Ordinance Number 33-2013
Annexation South Highway 14 at Johns Rd
Page 2 of 3
ATTEST:

Tammela Duncan, Municipal Clerk

Introduced by: Councilman Wryley Bettis

First Reading: September 24, 2013

Second and Final Reading: December 10, 2013

Approved as to Form:

John B. Duggan, City Attorney
Know All Men by These Presents, That

RICHARD MICHAEL OWSELY and wife ANNE H. OWSELY

in the State aforesaid, for and in consideration of the

OUTRIGHT GIFT

of One Dollar ($1.00) and other valuable consideration,

that we paid to Owseley Enterprises, A Partnership

in the State aforesaid receipt of which is hereby acknowledged

have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said

OWSELEY EnterPRISES, A Partnership

All those certain pieces, parcels or tracts of land, situate, lying and being in the State of South Carolina, County of Greenville, on the west side of Old Highway 14, being known and designated as part of the property of A. P. Burnett, being more particularly described as Tracts 2, containing 3.35 acres, more or less, and Tract 3, containing 3.41 acres, more or less, on plat entitled "Survey for A. P. Burnett" dated February 22, 1968 prepared by Piedmont Engineers and Architects and having, according to said plat and an additional plat entitled "Survey for Central Motor Lines, Incorporated" dated May 14, 1968 prepared by Piedmont Engineers and Architects. Being the same property conveyed by H. B. Owseley & Son, Inc. to Richard Michael Owseley dated June 14, 1974 and recorded in Book 1001, page 271 to which reference is hereby made for a more particular description, recorded June 17, 1974. This deed is subject to conditions, restrictions, easements, ad valorem taxes and encumbrances of record, all of which are assumed by the grantee.

Richard Michael Owseley transfers and conveys the aforesaid property as the agent for Richard P. Owseley for whose use and benefit the said Richard Michael Owseley has held these properties since acquisition.

Owseley Enterprises
P. O. Box 449
Charlotte, N. C. 28230

DRAWN BY: HENDERSON, HENDERSON & SHUFORD, 400 Law Bldg. Charlotte, N. C. 28202

[Signature]

[Date]
SURVEYOR'S DESCRIPTION:

Tract 1A:

That certain tract or parcel of land situated, lying and being in the County of Greenville, State of North Carolina and being more particularly described as follows:

BEGINNING at an existing concrete monument being at the intersection of the southerly margin of South Carolina Highway 14 (variable width public right-of-way) and the northwesterly margin of Concourse Way (60 foot public right-of-way); Thence with and along the said northwesterly margin of Concourse Way S 22°52'58" W a distance of 140.67 feet to an existing iron rod, a corner of the property of Real Estate Partners Greenville LLC (now or formerly) as described in Deed Book 1904, Page 9, Greenville County Public Registry (the "Registry"); Thence with and along the northeasterly boundary line of said property of Real Estate Partners Greenville LLC, and continuing with and along the boundary line of the property of Greenville Spartanburg Airport District (now or formerly) as described in Deed Book 709, Page 375 in the Registry N 44°10'27" W (passing an existing concrete monument at 113.69 feet) a distance of 189.66 feet to an existing concrete monument; Thence continuing with and along the boundary line of said Greenville Spartanburg Airport District N 00°23'27" W a distance of 97.45 feet to a new iron rod on the southerly margin of South Carolina Highway 14 (variable width public right-of-way); Thence along and with said southerly margin of South Carolina Highway 14 for the following two (2) courses and distances:

1) S 67°14'59" E a distance of 94.99 feet to an existing concrete monument;
2) S 56°06'16" E a distance of 120.39 feet to the point of BEGINNING;

having an area of 22,492 square feet or 0.5163 acres, as shown on a survey prepared by R. B. Pharr & Associates, p.a. dated February 21, 2013 (map file W-4319).

Tract 1B:

That certain tract or parcel of land situated, lying and being in the County of Greenville, State of North Carolina and being more particularly described as follows:

BEGINNING at an existing concrete monument being at the intersection of the southerly margin of South Carolina Highway 14 (variable width public right-of-way) and the northwesterly margin of Johns Road (variable width foot public right-of-way); Thence with and along said northwesterly margin of Johns Road for the following three (3) courses and distances:

1) S 01°10'18" E a distance of 38.65 feet to an existing concrete monument;
2) S 22°11'06" W a distance of 131.41 feet to an existing concrete monument;
3) S 26°24'41" W a distance of 57.24 feet to a new iron road, northeast corner of Tract 2 as described below;

Thence with and along the northeasterly boundary line of said Tract 2 N 44°10'27" W a distance of 317.41 feet to a new iron rod on the southeasterly margin of Concourse Way (60 foot public right-of-way); Thence with and along said southeasterly margin of Concourse Way N 23°02'22" E a distance of 154.21 feet to a new iron rod on the southerly margin of South Carolina Highway 14; Thence with and along said southerly margin of South Carolina Highway 14 S 56°06'16" E a distance of 283.27 feet to the point of BEGINNING;

having an area of 55,103 square feet or 1.2650 acres, as shown on a survey prepared by R. B. Pharr & Associates, p.a. dated February 21, 2013 (map file W-4319).
Tract 2:

That certain tract or parcel of land situated, lying and being in the County of Greenville, State of North Carolina and being more particularly described as follows:

BEGINNING at a new iron rod on the northwesterly margin of Johns Road (variable width foot public right-of-way), southeast corner of Tract 1B as described above; Thence with and along said northwesterly margin of Johns Road for the following two (2) courses and distances:
1) S 26°24'41" W a distance of 13.04 feet to an existing metal monument;
2) with a curve turning to the right having a radius of 1925.85 feet and an arc length of 106.89 feet (chord bearing of S 28°00'05" W and a chord length of 106.88 feet) to a new iron rod on the northerly boundary of the property of Stephen C. Smith (now or formerly), as described in Deed Book 1468, Page 34, Greenville County Public Registry (the “Registry”); Thence with and along the northerly boundary line of said property of Stephen C. Smith, and continuing with and along the boundary line of the property of Ziegler Tools Inc. (now or formerly), as described in Deed Book 1531, Page 557 in the Registry N 55°52'55" W a distance of 307.94 feet to an existing iron rod on the southeasterly margin of Concourse Way (60 foot public right-of-way); Thence with and along said southeasterly margin of Concourse Way for the following two (2) courses and distances:
1) with a curve turning to the left having a radius of 650.00 feet and an arc length of 156.84 feet (chord bearing of N 30°13'29" E and a chord length of 156.46 feet) to an existing iron rod;
2) N 23°02'22" E a distance of 26.01 feet to a new iron rod, southwest corner of Tract 1B as described above; Thence with and along the southerly boundary line of said Tract 1B S 44°10'27" E a distance of 317.41 feet to the point of BEGINNING;

having an area of 45,672 square feet or 1.0485 acres, as shown on a survey prepared by R. B. Pharr & Associates, p.a. dated February 21, 2013 (map file W-4319).
STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

TITLE TO REAL ESTATE

(QUIT CLAIM; NO TITLE SEARCH)

KNOW ALL MEN BY THESE PRESENTS that Paragon Real Estate (a/k/a Paragon Real Estate Enterprises, LLC), for and in consideration of Sixteen Thousand and no/100 Dollars ($16,000.00) and no other consideration, the receipt of which is hereby acknowledged, has/have granted, bargained, sold, and released and by these presents does/do hereby grant, bargain, sell and release unto Owsey Enterprises, a Partnership, its successors and assigns, forever:

All of the right, title, and interest of the Grantor in and to the following described property:

See Exhibit A attached hereto

THIS conveyance is made subject to any restrictions, rights-of-way, easements, zoning ordinances or other matters which may appear of public record or which an inspection or more recent survey of the premises would or should reveal.

GRANTEE'S ADDRESS: 10076 Calvin Hall Road
Charlotte, NC 29715

10076 Calvin Hall Road
Charlotte, NC 29715

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 ___ day of March 20, 07

SIGNED, sealed and delivered in the presence of:

Paragon Real Estate, a/k/a Paragon Real Estate Enterprises, LLC

By:

Its:

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

PERSONALLY appeared before me the undersigned witness and made oath that (s)he saw the within named Grantor(s) sign, seal and as the Grantor's(s') act(s) and deed(s) deliver the within written Title to Real Estate and that (s)he with the other witness subscribed above, witnessed the execution thereof.

SWORN to before me this ___ day of March 20, 07

Notary Public for South Carolina
My Commission Expires: 1-8-2015
EXHIBIT A

All that certain piece, parcel or lot of land lying and being in the State of South Carolina, County of Greenville, containing 1.14 acres, more or less, as shown on a plat entitled Survey for Ovsey Enterprises made by Freeland Clinkscales Associates dated November 5, 1991 recorded in Plat Book 21K at Page 33 in the Office of the Register of Deeds for Greenville County. Reference is made to said plat for a more detailed description. LESS, however, any portion previously conveyed and subject to restrictions of record.

TMS #0529.03-01-016.03

The above-described property is the same acquired by the Grantor by deed from the Tax Collector for Greenville County dated December 16, 2005 and recorded in the Office of the Register of Deeds for Greenville County on December 16, 2005 in Deed Book 2180 at Pages 78 – 899.
September 18, 2013

NO RECORDED PLAT FOUND ON FILE AT GREENVILLE COUNTY REGISTER OF DEEDS FOR PARCEL 0529020101502.

Glenn M. Pace
Planning & Zoning Coordinator
I hereby state that to the best of my knowledge, information, and belief, the survey shown hereon 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.

STATE OF SOUTH CAROLINA
GREENVILLE COUNTY

SURVEY FOR
OWSLEY ENTERPRISES

FREELAND-CLINKE SCALES
& ASSOCIATES, INC.
Engineers • Land Surveyors
323 WEST STONE AVENUE
GREENVILLE, S.C.
(803) 271-4924

REF PLAT BOOK
REF DEED BOOK
REF TAX MAP
PARTY CHIEF
DRAWN M.E.W.
DATE 11-5-91
DWG NO. 26803

THE PRINT MACHINE INC.