ANNEXATION ORDINANCE NUMBER 37-2013

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY OWNED BY THE CITY OF GREER LOCATED AT 1725, 1726 AND 1727 AMERICAN LEGION ROAD BY ONE HUNDRED PERCENT PETITION; AND TO ESTABLISH A ZONING CLASSIFICATION OF R-7.5 (RESIDENTIAL – SINGLE FAMILY) FOR SAID PROPERTY

WHEREAS, the City of Greer is the owner of property located at 1725, 1726, 1727 American Legion 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. G0180000202000, G018000202100 and G018000202200 containing approximately .43 +/- acres attached hereto marked as Exhibit C and the National Flood Insurance Program Flood Insurance Rate Map No. 45045C0353D attached hereto marked as Exhibit D; and

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

WHEREAS, the City of Greer has petitioned the City of Greer to annex its 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 owner has requested that the subject property be zoned R-7.5 (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 property owned by the City of Greer located at 1725, 1726 and 1727 American Legion Road more particularly described on the attached map as Greenville County Parcel Nos. G018000202000, G018000202100, G018000202200 containing approximately 4.3 +/- acres are hereby annexed into the corporate city limits of the City of Greer. Also, included herein are the adjoining right-of-ways of American Legion Road, Gravely Road and Northview Drive as shown on the attached map of the property to be annexed.

2. **ZONING ASSIGNMENT:** The above referenced property shall be zoned R-7.5 (Residential – Single Family) 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 Residential Land Use 3 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 45045C0353D.

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

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

Richard W. Danner, Mayor

ATTEST:

Tammela Duncan, Municipal Clerk

Introduced by: Councilwoman Judy Albert

First Reading: November 26, 2013

Second and Final Reading: December 10, 2013

Approved as to Form:

John B. Duggan, City Attorney
GENERAL WARRANTY
TITLE TO REAL ESTATE

STATE OF SOUTH CAROLINA ) Grantee's address:
) 301 E. Poinsett St.  
COUNTY OF GREENVILLE ) Greer, SC 29651

KNOW ALL MEN BY THESE PRESENTS, that Shirley Hix ("Grantor"), in consideration of Thirteen Thousand Eight Hundred and No/100 ($13,800.00) Dollars, and no other consideration, the receipt of which is hereby acknowledged, having granted, bargained, sold, and released, by these presents do grant, bargain, sell and release unto the City of Greer ("Grantee"), its heirs and assigns forever, all of her right, title and interest in and to the following described property:

See attached Exhibit "A" description of property, which is incorporated herein by reference

TAX MAP NO(S.): G018000202000; G018000202100; G018000202200

This conveyance is subject to any and all existing reservations, easements, rights of way, zoning ordinances and restrictive covenants that may appear of record 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, and the Grantee's heirs, successors, executors and administrators forever, and Grantor does hereby bind Grantor and Grantor's heirs, successors, executors and administrators to warrant and forever defend all and singular said premises unto the Grantee and the Grantee's heirs, successors and assigns against the Grantor and the Grantor's heirs, successors and assigns and against every person whomsoever lawfully claiming or to claim the same or any part thereof.
WITNESS the Grantor's hand this 26th day of March, 2013.

SIGNED, sealed and delivered
in the presence of:

[Signatures]

SHIRLEY HIX

STATE OF SOUTH CAROLINA  )
COUNTY OF GREENVILLE  )

ACKNOWLEDGEMENT

I, the undersigned, a Notary Public in and for the State of South Carolina, do hereby certify that SHIRLEY HIX personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and seal this 26th day of March, 2013.

[Signature]
Notary Public for South Carolina
Greenville County
EXHIBIT "A"

PROPERTY DESCRIPTION

ALL that piece, parcel or lot of land in the State of South Carolina, County of Greenville, being known as Forrest Hills, a development by the Greer Community Post of the American Legion #115, according to a survey of J. Q. Bruce, R.S. prepared in October, 1955, and recorded herewith in the Office of R.M.C. for Greenville County and being more particularly described in said plat, and being all of LOTS #3, 4, and 5,

This being a portion of the same property conveyed to Shirley Hix, her heirs and assigns, on July 20, 2002 and recorded on August 23, 2002 in Deed Book 2006 at Page 1522 in the Greenville County Register of Deeds office.
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 in Spartanburg County bearing Greenville County Tax Map Nos.: G018000202000; G018000202100; G018000202200 and was transferred by Shirley Hix to the City of Greer on March 26, 2013.

3. Check one of the following: The deed is
   (A) ___ SUBJECT to the deed recording fees as a transfer for consideration paid or to be paid in money or money’s worth in the amount of $__________.
   (B) ___ SUBJECT to the deed recording fees 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. The fee is computed on the fair market value of the realty which is $__________.
   (C) X ___ EXEMPT from the deed recording fee because of Exemption Number 2. (See Exemptions on back) [If exempt skip Items 4-7 and go to Item 8.]

4. Check one of the following if either Item 3(A) or 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) Amount listed in Item 4, above: $__________
   (b) Amount listed in Item 5, above (if none shown, 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 Attorney for Grantee/Grantor.
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.

By: Daniel R. Hughes, Attorney for Grantor
(SEAL)

SWORN to before me this 26th
day of March, 2013
Notary Public for SC
My Commission Expires: 9-25-2022

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 entity'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, (LLC & CHPT 11)
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), (DIVORCE)
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 exchanged in order to effect the partition;
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 as a stockholder, partner, or trust beneficiary of the entity or so as to become a stockholder, partner or trust beneficiary as long as 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, except for transfers from one family trust to another family trust without consideration, 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, as long as no consideration is paid for the transfer other than a reduction in the grantee'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. "Family" means the grantor and the grantor's spouse, parents, grandparents, siblings, brothers, children, stepchildren, grandchildren, and the spouses and lineal descendants of any of them, and the grantor's and grantor's spouse's heirs under a statute of descent and distribution. A family partnership or a family trust also includes charitable entities, other family partnerships and family trusts of the grantor, and charitable remainder and charitable lead trusts, if all the beneficiaries are charitable entities or members of the grantor's family. 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,
12) that constitute a corrective deed or a quitclaim deed used to confirm title already vested in the grantee, as long as no consideration is paid or is to be paid under the corrective or quitclaim deed,
13) transferring realty subject to a mortgage to the mortgagee 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 property 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.