ANNEXATION ORDINANCE NUMBER 1-2013

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY PREVIOUSLY OWNED BY BLOSTE MADDEN, CURRENTLY OWNED BY SUBER ROAD PROPERTIES, LLC LOCATED AT 1770 GIBBS SHOALS ROAD BY ONE HUNDRED PERCENT PETITION; AND TO ESTABLISH A ZONING CLASSIFICATION OF R-5 (GARDEN COURT OR PATIO HOUSE) FOR SAID PROPERTY

WHEREAS, Bloste Madden is the previous owner and Suber Road Properties, LLC is the current owner of property located at 1770 Gibbs Shoals Road more particularly described on the legal description attached hereto marked as Exhibit A, the plat attached hereto marked as Exhibit B, the Greenville County Tax Map as Parcel No. 0535030102100 containing approximately .267 acres attached hereto marked as Exhibit C and the National Flood Insurance Program Flood Insurance Rate Map No. 45045C363D attached hereto marked as Exhibit D; and

WHEREAS, the property currently has two (2) occupants; and

WHEREAS, Bloste Madden and Suber Road Properties, LLC petitioned the City of Greer to annex the 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-5 (Garden Court or Patio House); 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,
NOW, THEREFORE, be it ordained by the Mayor and Council of the City of Greer, South Carolina, as follows:

1. **ANNEXATION:** The property previously owned by Bloste Madden and currently owned by Suber Road Properties, LLC located at 1770 Gibbs Shoals Road, more particularly described on the attached Greenville County Tax Map as Parcel No. 0535030102100 containing approximately .267 acres, is hereby annexed into the corporate city limits of the City of Greer. Also, included herein is the adjoining right-of-way of Gibbs Shoals Road (75') and East Suber Road (275') as shown on the attached map marked as Exhibit C.

2. **ZONING ASSIGNMENT:** The above referenced property shall be zoned R-5 (Garden Court or Patio House) 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 45045C0363D.

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

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**

Ordinance Number 1-2013
Annexation 1770 Gibbs Shoals Rd
Page 2 of 3
ATTEST:

Tammela Duncan, Municipal Clerk

Introduced by: Councilman Wryley Bettis
First Reading: January 8, 2013
Second and Final Reading: May 14, 2013

Approved as to Form:

John B. Duggan, City Attorney
State of South Carolina,  
County of Greenville

Grantee Address: 1312 Devenger Road Greer, SC 29650

KNOW ALL MEN BY THESE PRESENTS, THAT

Joanne M. Jones, PR of the Estate of James Madden, Sr., by Louise Madden by her duly appointed Conservator, Rosa Lee Walker (2103-GS-23-00028) and Rosa Lee Walker, individually

In the State aforesaid for and in consideration of the sum of

Sixty Thousand dollars & no cents ($50,000.00)

To them in hand paid at and before the sealing of these presents by

Suber Road Properties, LLC

in the State aforesaid, County aforesaid the receipt whereof is hereby acknowledged, have/has granted, bargained, sold and released, and by these Presents do(es) grant, bargain, sell and release unto the said Suber Road Properties, LLC the following described property to wit

SEE ATTACHED "EXHIBIT A"

TOGETHER with all and singular, the Rights, Members, Hereditaments and Appertenances to the 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 Suber Road Properties, LLC its Heirs and Assigns forever

AND Joanne M. Jones, PR of the Estate of James Madden, Sr., Louise Madden by her duly appointed Conservator, Rosa Lee Walker (2103-GS-23-00028) and Rosa Lee Walker do(es) hereby bind themselves and their Heirs, Assigns, Executors and Personal Representatives to warrant and forever defend, all and singular, the said Premises unto the said Suber Road Properties, LLC its Heirs and Assigns, against themselves and their Heirs and Assigns, and all persons whomsoever is or may be lawfully claiming, or to claim the same or any part thereof.

WITNESS my/out Hand(s) and Seal(s), this March 16, 2013

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

[Signature]
(L. S.) Joanne M. Jones, PR of the Estate of James Madden, Sr.

[Signature]
(L. S.) Louise Madden by her duly appointed Conservator, Rosa Lee Walker (2103-GS-23-00028)

[Signature]
(L. S.) Rosa Lee Walker, individually
The State of South Carolina,
Greenville County.

PERSONALLY appeared before me the undersigned witness and made oath that he/she saw the within named Joanne M. Jones, PR of the Estate of James Madden, Sr., Louise Madden by her duly appointed Conservator, Rosa Lee Walker (2103-GS-23-000128) and Rosa Lee Walker, sign, seal, and as their act and deed, deliver the within written deed, and that he/she did the notary public witnessed the execution thereof.

SWORN to before me, this April 22, 2013

Notary Public of South Carolina
My Commission Expires 3-25-18

(SEAL)
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 Gibbs Shoals Road, Greer, South Carolina 29650, bearing County Tax Map Number 0535,03-01-021,00, was transferred by Joanne M. Jones, PR of the Estate of James Madden, Sr., Louise Madden and Rosa Lee Walker to Suher Road Properties, LLC on April 22, 2013.

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.)

If exempt under exemption #14 as described in the Information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty? Check Yes [ ] or No [ ]

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 $60,000.00.
   (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 A Yes, the amount of the outstanding balance of this lien or encumbrance is: None.

6. The deed recording fee is computed as follows:
   (a) Place the amount listed in item 4 above here: $60,000.00
   (b) Place the amount listed in item 5 above here: 0
   (c) Subtract Line 6(b) from Line 6(a) and place result here: $60,000.00

7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording, fee due is: $222,000.

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

9. I understand that I am 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.

   ________________________________
   Notary Public for South Carolina
   My Commission Expires: 3-15-2010

   ________________________________
   Responsible Person Connected with the Transaction
   Joanne M. Jones, Personal Representative
   Print or Type Name Here

SWORN to before me this 22nd day of April, 2013
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 royalty. Consideration paid or to be paid in money's worth includes, but is not limited to, other royalty, 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 royalty being transferred in determining fair market value of the consideration. In the case of royalty transferred between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, and in the case of royalty transferred to a trust or a distribution to a trust beneficiary, value means the royalty's fair market value. A deduction from value is allowed for the amount of any lien or encumbrance existing on the royalty, before the transfer and remaining on the royalty 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 fair market value:

1. Transferring royalty in which the value of the royalty, as defined in Section 1245-39, is equal to or less than one hundred dollars,
2. Transferring royalty 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 royalty in which no gain or loss is recognized by reason of Section 1041 of the Internal Revenue Code as defined in Section 1245-39,
5. Transferring royalty in order to partition royalty as long as no consideration is paid for the transfer other than the interests in the royalty that are being exchanged in order to partition the royalty,
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 royalty 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 royalty 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 royalty is transferred to another corporation, a partnership, or trust,
9. Transferring royalty 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 grantee's interest in the partnership or trust,
10. Contracting to transfer royalty as a part of a contract for the sale of timber to be cut,
11. Transferring royalty in a merger or consolidation of a royalty company with another royalty company, and,
12. That constitute a contract for the sale of timber to be cut and in which the value of the royalty, as defined in Section 1245-39, is equal to or less than one hundred dollars,
13. Transferring royalty to a mortgage to the mortgagee whether as a deed in lieu of foreclosure executed by the mortgagee or deed pursuant to foreclosure proceedings,
14. Transferring royalty to an agent of the royalty company in which the royalty 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 transferring the royalty,
15. Transferring royalty to a trust or corporation for the benefit of a person or persons who are beneficiaries of the royalty company, 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 transferring the royalty.

References to Federal Power Act (26 U.S.C. 78(f)(1)) and which is formed to operate or to take functional control of electric transmission assets as defined in the Federal Power Act.
Exhibit "A"

All that piece, parcel or lot of land lying and being situate, on the West side of Gibbs Shoals Road, and on the North side of Old Greenville-Spartanburg Road, in Chick Springs Township, County of Greenville, State of South Carolina, and having the following courses and distances, to wit:

Beginning at a nail and stopper in the center of the Gibbs Shoals Road, at the intersection of the Old Greenville-Spartanburg Road, and running thence with the Old Greenville-Spartanburg Road, S. 50-00 W. 254 feet to a point in the said road; thence N. 32-15 W. 102.5 feet to an iron pin; thence N. 52-47 E. 264.5 feet to a nail west of bank of road; thence with the center of the Gibbs Shoals Road, S. 25-00 E. 91 feet to the beginning corner.

This being the same property conveyed to Junior Madden, James Madden, Sr. Louise Madden and Rosa Lee Walker, a Life Estate with all right to use and control the hereafter described real property during their life-time. Upon the death of Junior Madden, Louise Madden and Rosa Lee Walker, title to vest in James Madden Sr., and his heirs and successors in fee simple absolute. The said Junior Madden and James Madden Sr. subsequently died thereby extinguishing their life estate interests. James Madden Sr. died testate on July 12, 2010 as seen filed in the Probate Court Office for Greenville County, South Carolina (Case No. 2010-ES-23-01481); leaving James Madden, Jr. and Joanne M. Jones as heirs to his estate.

LESS AND EXCEPT HOWEVER: 7521 Square (0.173 acres) of land and all improvements thereon, if any. Herein conveyed is property being described as follows: within 33 feet of the Survey Centerline on the left side of East Suber Road (S23-540) between approximate survey stations 10 = 00 and 12 + 0.278. Also, herein conveyed is property for a 25 foot x 50 foot triangular area left of approximate survey station 12 + 00 at the intersection of Gibbs Shoals Road (S23-164) and E. Suber Road (S23-540) on Gibbs Shoals Road. Also, herein conveyed is property described as follows: Within 33 feet of the construction centerline of Gibbs Shoals Road (S23-164) on the left between approximate survey station 24 + 24.84 and 24 + 48.

This being the same property conveyed to Greenville Legislative Delegation Transportation Committee, by deed of James Madden, Sr., Junior Madden, Louise Madden, Rosa Lee Walker dated March 1, 2004 and recorded on November 18, 2004 in the Register of Deeds Office for Greenville County, South Carolina in Deed Book 2117 at Page 1748.

TMS# 0535.03-01-021 00
January 2, 2013

NO RECORDED PLAT FOUND ON FILE AT GREENVILLE COUNTY REGISTER OF DEEDS FOR PARCEL 0535030102100

Glenn M. Pace
Planning & Zoning Coordinator