ANNEXATION ORDINANCE NUMBER 20-2012

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY OWNED BY THE CITY OF GREER LOCATED AT 237 SUBER ROAD BY ONE HUNDRED PERCENT PETITION; AND TO ESTABLISH A ZONING CLASSIFICATION OF R-S (RESIDENTIAL SUBURBAN) FOR SAID PROPERTY

WHEREAS, the City of Greer is the owner of property located at 237 Suber 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. T010010100200 containing approximately 6.81 acres attached hereto marked as Exhibit C and the National Flood Insurance Program Flood Insurance Rate Map No. 45045C0342D attached hereto marked as Exhibit D; and

WHEREAS, the property is currently vacant; and

WHEREAS, the City of Greer 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 owner has requested that the subject property be zoned R-S (Residential Suburban); 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 237 Suber
Road, more particularly described on the attached Greenville County Tax Map as Parcel No. T010010100200 containing approximately 6.81 acres, is here by annexed into the corporation city limits of the City of Greer.

2. **ZONING ASSIGNMENT:** The above referenced properties shall be zoned R-S (Residential Suburban) pending confirmation or rezoning pursuant to the applicable City of Greer Zoning Ordinance.

3. **FUTURE LAND USE MAP:** The above reference properties shall be designated as Public 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 45045C0342D.

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

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.

**CITYOF GREER, SOUTH CAROLINA**

[Signature]
Richard W. Danner, Mayor

**ATTEST:**

[Signature]
Tammela Duncan, Municipal Clerk
Introduced by: Councilman Wayne Griffin

First Reading: July 10, 2012

Second and Final Reading: July 24, 2012

Approved as to Form:

[Signature]

John B. Duggan, City Attorney
NO TITLE EXAMINATION

GENERAL WARRANTY DEED
TITLE TO REAL ESTATE

STATE OF SOUTH CAROLINA )
COUNTY OF GREENVILLE )

Grantee’s address:
)
237 S. Suber Rd.
 )
Greer, SC 29650

KNOW ALL MEN BY THESE PRESENTS, that RACHEL ANNETTE DILL RUSSELL
(“Grantor”), in consideration of ONE HUNDRED NINETY SIX THOUSAND AND NO/100
DOLLARS ($196,000.00), 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,
a municipal corporation organized under the law of the State of South Carolina (“Grantee”), its
successors and assigns forever, all of her right, title and interest in and to the following described
property:

SEE ATTACHED EXHIBIT “A” FOR LEGAL DESCRIPTION

TAX MAP NO. T10.1-1-2

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 23rd day of March, 2012.

SIGNED, sealed and delivered
in the presence of:

[Signature]

RACHEL ANNETTE DILL RUSSELL

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 RACHEL ANNETTE DILL RUSSELL personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and seal this 23rd day of March, 2012.

[Signature]
Notary Public for South Carolina
Pickens County
My Commission Expires: 12-16-2012

Prepared by
LOVE, THORNTON, ARNOLD & THOMASON, P A
P O Box 449
457-B Pennsylvania Ave
Greer, SC 29652
Attention: Daniel R Hughes
File No: 0859 0455
EXHIBIT “A”

PROPERTY DESCRIPTION

ALL that certain piece, parcel or tract of land in Chick Springs Township, Greenville County, State of South Carolina, approximately three miles west of Greer, lying on the west side of Suber Road, and being designated as 6.80 acres on a Plat prepared by Chapman Surveying Co dated September 24, 2001 entitled Survey for James Alvin Dill, and recorded in Plat Book 1134 at Page 77 in the Greenville County Register of Deeds Office. Reference to said Plat is made for a more complete metes and bounds description.

This being the same property conveyed to James Alvin Dill, his heirs and assigns, on June 20, 2001 and recorded on June 26, 2001 in Deed Book 1957 at Page 741 in the Greenville County Register of Deeds office. By Deed of Distribution dated January 4, 2011, and filed January 7, 2011, in Deed Book 2382 at Page 5343 in the Greenville County Register of Deeds Office, all of James Alvin Dill’s right, title, and interest in the property passed to Rachel Annette Dill Russell.
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 Greenville County bearing Greenville County Tax Map No. T10.1-1-2 and was transferred by Rachel Annette Dill Russell to the City of Greer.

3. Check one of the following: The deed is

   (A) X 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 $196,000.00.

   (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 to a distribution to a trust beneficiary. The fee is computed on the fair market value of the realty which is $___________.

   (C)___ EXEMPT from the deed recording fee because of Exemption Number ____. (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) X The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of $725.20.

   (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 taxation purposes, which is $___________.

5. Check Yes or No X 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: $725.20
   (b) Amount listed in Item 5, above (if none shown, place zero here) $0
   (c) Subtract Line 6(b) from Line 6(a) and place result here: $725.20

7. The deed recording fee due is based on the amount listed on Line 6(c), above, and the deed recording fee due is: $725.20.

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,
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, (GIFT)
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 a grantor and the grantor's spouse, parents, grandparents, sisters, 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 12-6-4(XA),
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 corporation to the continuing or new corporation,
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 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
T010010100200
6.81 Acres