ANNEXATION ORDINANCE NUMBER 21-2012

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY OWNED BY THE CITY OF GREER LOCATED AT 3511 BRUSHY CREEK ROAD BY ONE HUNDRED PERCENT PETITION; AND TO ESTABLISH A ZONING CLASSIFICATION OF R-20 (RESIDENTIAL SINGLE FAMILY) FOR SAID PROPERTY

WHEREAS, the City of Greer is the owner of property located at 3511 Brushy Creek 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. G005000100800 containing approximately 1.2 acres attached hereto marked as Exhibit C and the National Flood Insurance Program Flood Insurance Rate Map No. 45045C0361D 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-20 (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 3511 Brushy
Creek Road, more particularly described on the attached Greenville County Tax Map as Parcel No. G005000100800 containing approximately 1.2 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-20 (Residential Single Family) 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 and Community 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 45045C0361D.

5. **DISTRICT ASSIGNMENT:** The above referenced properties shall be assigned to City Council District #1.

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

**ATTEST:**

[Signature]
Tammela Duncan, Municipal Clerk

Ordsend Number 21-2012
Annexation 3511 Brushy Creek Road
Page 2 of 3
Introduced by: Councilwoman Judy Albert
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

LIMITED WARRANTY DEED

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

KNOW ALL MEN BY THESE PRESENTS, that MARY ELLEN LESLEY (Grantor) in consideration of Eighty-Five Thousand and No/100 ($85,000.00) Dollars, 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 (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

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, administrators forever, and Grantors do hereby bind Grantors and Grantors' 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 Grantors and the Grantors' heirs, successors and assigns and against every person claiming by, through or under Grantor, but not further or otherwise.
WITNESS the Grantor's hand this 11th day of May, 2012.

SIGNED, sealed and delivered
in the presence of:

[Signature]

MARY ELLEN LESLEY

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 MARY ELLEN LESLEY personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and seal this 11th day of May, 2012.

[Signature]

Notary Public for South Carolina
Newberry County
My Commission Expires: 8/29/2015
EXHIBIT “A”

All that piece, parcel or lot of land, lying and being in the State of South Carolina, County of Greenville, Chick Springs Township, on the Brushy Creek Road, West of the Town of Greer, S.C., and having the following metes and bounds, to-wit:

BEGINNING at an iron pin in the said road, L. R., Greer corner and running thence S. 65 W. 225 feet to an iron pin in the same road; thence N. 33 30 W., 210 feet to an iron pin; thence N. 65-00 E., 210 feet to an iron pin on the line of the City of Greer lands; thence with said line, S. 37-30 E., 210 feet to the beginning corner and containing 1.02 acres, including the right of way, more or less, as shown by Plat Book 24-S at Page 58.

This being the same property conveyed to Mary Ellen Lesley by Deed of Distribution from the Estate of Enzella Rose Leobold Lesley dated April 8, 2011, and recorded May 23, 2011 in Deed Book 2388 at page 4805 in the Greenville County Register of Deeds Office. Donna Lee Adkins, intestate heir of the Estate of Enzella Rose Leobold Lesley, conveyed her right, title, and interest to the property that she received through the Estate of Enzella Rose Leobold Lesley (see Oconee County Probate File No. 2011-ES-37-00244) to Mary Ellen Lesley by a Quit Claim Deed dated May 19, 2011 and recorded May 23, 2011 in Deed Book 2388 at Page 4812.

TMS: G5-1-8
STATE OF SOUTH CAROLINA )
COUNTY OF GREER ) 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. G005000100800 and was transferred by Mary Ellen Lesley to the City of Greer.

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 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: $0
   (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: $0

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,
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 interests 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 item 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 public bodies or to a state, its agencies, 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 to which no gain or loss is recognized by reason of Section 1014 of the Internal Revenue Code as defined in Section 12-4-40(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, 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 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. "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 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 12-4-40(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 quiet title used to confirm title already vested in the grantee, as long as no consideration is paid or to be paid under the corrective or quiet deed,

13) transferring realty subject to a mortgage to the mortgagee whether by a deed in lieu of foreclosure executed by the mortgagee 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 public 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.
Note: Improvements on this lot are not in a flood hazard area.

24-S-58

SURVEY FOR
MARY ELLEN LESLEY
NEAR GREER, GREENVILLE CO., S.C.
SCALE: 1" = 50' 8 APR 1973

The same being shown as property described in the RMC Office Greenville County, S. C. in Deed Book 924 at Page 62D. Also known as PROPERTY OF MARY ELLEN LESLEY and recorded in Plat Book 247 at Page 57.

I hereby state that to the best of my knowledge, information, and belief, the survey shown herein 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 "B" survey as specified therein; also there are no visible encroachments or projections other than shown.

John A. Marschke, RLS/13167

CAROLINA SURVEYING CO.
112 Manly St.
Greenville, S. C. (803)235-0108

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