ANNEXATION ORDINANCE NUMBER 24-2012

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY OWNED BY DONALD AND DENNIS DILLARD LOCATED ON DILLARD ROAD BY ONE HUNDRED PERCENT PETITION; AND TO ESTABLISH A ZONING CLASSIFICATION OF DRD (DESIGN REVIEW DISTRICT) FOR SAID PROPERTY

WHEREAS, Donald and Dennis Dillard are the owners of property located on Dillard 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. 0534010102204 containing approximately 7.55 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 property is currently vacant; and

WHEREAS, Donald and Dennis Dillard have 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 DRD (Design Review District); 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 Donald and Dennis Dillard located on Dillard Road, more particularly described on the attached Greenville County Tax Map as Parcel No. 0534010102204 containing approximately 7.55 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 DRD (Design Review District) 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 Residential Land Use 3 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 45045C0363D.

5. **DISTRICT ASSIGNMENT:** The above referenced properties 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**

[Signature]

Richard W. Danner, Mayor
ATTEST:

Tammela Duncan, Municipal Clerk

Introduced by: Councilman Wayne Griffin

First Reading: August 14, 2012

Second and Final Reading: August 28, 2012

Approved as to Form:

John B. Duggan, City Attorney
TITLE TO REAL ESTATE - Offices of HILL, WYATT & BANNISTER, Attorneys at Law, 100 William St., Greenville, S.C.

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

KNOW ALL MEN BY THESE PRESENTS, the parties of the first part, H. J. L. Moore, Martha D. Smith and Rachel D. Wyatt,

EXCHANGE OF INTEREST IN REAL ESTATE VARYED AT:
in consideration of ONE HUNDRED FIFTY FIVE THOUSAND FIVE HUNDRED ($155,550.00) dollars, the receipt of which is hereby acknowledged, have granted, conveyed, released, and released unto the parties of the second part, Franko H. Dillard, Lillie V. Dillard, and the heirs and assigns, forever, all of our right, title and interest (the same being one-half (1/2) in and to the following described real estate.

PARCEL 1. All that certain piece, parcel or tract of land, located on the northerly side of Dillard Road, near the City of Greer, S. C., and having Nineteen and 1/100 (19.0) acres according to a survey made by Freeland & Associates, Engineers and Land Surveyors, dated May 10, 1986, and captioned "Survey for H. J. L. Moore", said survey plat is attached hereto and made a part hereof marked Exhibit "A", which shows the extent and bounds of said tract.

PARCEL 2. All that certain piece, parcel or tract of land, located on the northerly side of Dillard Road and the westerly side of Crab Shoals Road, near the City of Greer, S. C., and having eleven and 93/100 (11.93) acres according to a survey made by Freeland & Associates, Engineers and Land Surveyors, dated May 10, 1986, and captioned "Survey for H. J. L. Moore", said survey plat is attached hereto and made a part hereof marked Exhibit "B", which shows the extent and bounds of said tract.

This conveyance is made subject to all easements and rights-of-way of record and/or actually located on the premises.

This is in part of the property conveyed to H. J. L. Moore (the grantee herein), a one-third (1/3) interest, by deed recorded February 5, 1986, in Deed Book 266, page 326 and by H. J. L. Moore, Jr., to H. J. L. Moore, dated February 5, 1986, in Deed Book 266, page 325. Subsequent thereto, H. J. L. Moore died testate and devised his entire estate to the grantees and grantees, subject to a life estate to his wife, Bell McCollom Dillard, who died in 1981, all of which will appear from the records of the Probate Court Office for Greenville County.

Together with all and singular the rights, powers, privileges, and appurtenances to said premises belonging or in any way belonging to the said premises, and every part thereof, and the possession and enjoyment thereof. The undersigned witnesses and make oath that the within written deed and all other records and documents recorded thereof, all to be recorded, are true copies thereof, and that the same is a true and complete record of the premises conveyed.

SIGNED, sealed and delivered in the presence of:

[Signatures]

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

PROBATE

Personally appeared the undersigned witnesses and made oath that the within written deed and all other records and documents recorded thereof, all to be recorded, are true copies thereof, and that the same is a true and complete record of the premises conveyed.

SWORN to before me the 13th day of Sept., 1988.

[Seal]

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

RECONCILIATION OF POWER

I, the undersigned Notary Public, residing at the place named, do hereby certify unto all whom it may concern, that the undersigned Notary Public, residing at the place named, do hereby certify unto all whom it may concern, that the undersigned Notary Public, do hereby certify unto all whom it may concern, that the undersigned Notary Public, residing at the place named, do hereby certify unto all whom it may concern, that the undersigned Notary Public, residing at the place named, do hereby certify unto all whom it may concern, that the undersigned Notary Public, residing at the place named, do hereby certify unto all whom it may concern, that the undersigned Notary Public, residing at the place named, do hereby certify unto all whom it may concern, that the undersigned Notary Public, residing at the place named, do hereby certify unto all whom it may concern, that...
Exhibit "B" attached to deed of Morris D. Smith, Martha D. Smith & Rachel D. Moon to Ben H. Dillard.
STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

KNOW ALL MEN BY THESE PRESENTS, that I, Donald B. Dillard and Dennis T. Dillard, as Successor Trustees of Trust B under the Iris H. Dillard Revocable Trust Agreement dated November 18, 2004, in consideration of One Dollar and $0.00 ($1.00) Dollar, and distribution of Trust, the receipt of which is hereby acknowledged, have granted, bargained, sold, and released, and by these presents do grant, bargain, sell and release unto Donald B. Dillard, his heirs and assigns, forever:

See attached Exhibit A

THIS conveyance is subject to all restrictions, set-back lines, roadways, zoning ordinances, easements and rights-of-way, if any, affecting the above-described property.

Grantee's Address: 34 Churchill Downs
Greenville, SC 29615

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)' heirs or successors and assigns, forever. And, the grantor(s) do(es) hereby bind the grantor(s) and the grantor(s)' heirs or successors, assigns, executors and administrators to warrant and forever defend all and singular said premises unto the grantee(s) and the grantee(s)' heirs or successors and assigns and against every person whomsoever lawfully claiming or to claim the same or any part thereof.
WITNESS the grantors' hand and seal this 9th day of July, 2009.

SIGNED, sealed and delivered
in the presence of:

[Signatures]

Donald B. Dillard, as Successor
Trustee of Trust B under the Iris H.
Dillard Revocable Trust Agreement
dated November 18, 2004

Dennis T. Dillard, as Successor
Trustee of Trust B under the Iris H.
Dillard Revocable Trust Agreement
dated November 18, 2004

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

Personally appeared the undersigned witness and made oath that (s)he saw the
within named grantor, sign, seal and as the grantors' act and deed, deliver the within written deed
and that (s)he, with the other witness subscribed above, witnessed the execution thereof.

[Signature]

(WITNESS)

SWORN to before me this
9th day of July, 2009.

[Signature]

NOTARY PUBLIC for South Carolina
My Commission Expires: 4/5/11
Exhibit A

An undivided one-fourth (1/4) interest in:

Parcel 1: An eleven and 93/100 (11.93) acre tract fronting on Gibbs Shoals Road and Dillard Road near the City of Greer, South Carolina, and for a metes and bounds description see Deed from Moise D. Smith, et al to Ben H. Dillard dated September 14, 1988, designated as Parcel 2 in said deed recorded on September 15, 1988 in the Office of the Register of Deeds for Greenville County in Deed Book 1338 at Page 123.

Parcel 2: A fourteen (14) acre tract of land located on the northerly side of Dillard Road near the City of Greer, South Carolina, and being the same property conveyed to Ben H. Dillard by deed of Moise D. Smith, et al to Ben H. Dillard dated September 14, 1988, recorded on September 15, 1988 in the Office of the Register of Deeds for Greenville County in Deed Book 1338 at Page 123, less, however, a five and 18/100 (5.18) acre tract of land previously conveyed by Ben H. Dillard to Kenneth A. Baker, et ux.

TMS# 534.1-1-22.1 and 534.1-1-22.2

This being the same property conveyed to the Grantor herein by deed of Ben H. Dillard, as Successor Trustee under the Iris H. Dillard Revocable Trust Agreement dated November 18, 2004, dated March 30, 2007 and recorded April 25, 2007 in Deed Book 2263 at Page 1543.
STATE OF SOUTH CAROLINA  )
COUNTY OF GREENVILLE  )

AFFIDAVIT FOR EXEMPT TAXES

PERSONALLY APPEARED before me the undersigned, who being duly sworn,
deposes and states as follows:

1. I have read the information on this affidavit and I understand such information.

2. An undivided one-fourth (1/4) interest in the property bearing Tax Map No. 534.1-1-
22.1 and 534.1-1-22.2 was transferred by Donald B. Dillard and Dennis T. Dillard,
as Successor Trustees of Trust B under the Iris H. Dillard Revocable Trust
Agreement dated November 18, 2004 to Donald B. Dillard on the 9th day of July,
2009.

3. The deed is exempt from the deed recording fee because: #9—transferring reality
from a Trust to a Trust Beneficiary for no consideration other than a reduction in
Grantee’s interest in the Trust

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 reality? Check Yes or No

4. As required by S.C. Code Section 12-24-70, I state I am a responsible person who was
connected with this transaction as: Attorney for Grantor

5. 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.

E. Scott Sanders

SWORN TO before me this
10th day of July, 2009.

Notary Public for South Carolina
My Commission Expires: 9.15.18

FILED FOR RECORD IN GREENVILLE COUNTY, SC ROD
Book:DE 2359 Page:3610-3613
July 15, 2009 04:03:38 PM
Timothy J. Hamrey
AN 2012-17 is an annexation request for property located on Dillard Road. The subject property, presently vacant, is proposed to be Phase II of the Greystone Cottage Development located immediately to the west of the site. Surrounding land use and zoning include:

- Single-family development zoned PD-R in the City of Greer to the north;
- Vacant land and a single-family home zoned R-S in Greenville County to the east;
- Single-family residential development zoned PD-R in the City of Greer to the south; and
- Single family development (Greystone Cottages Phase I) zoned DRD in the City of Greer to the west.

The proposed development is to be a single-family residential community consisting of 47 detached homes primarily marketed for young professionals, empty nesters, and retirees. A homeowners association will be formed that will maintain all common areas with the development. The appearance and architectural style of the homes will be similar to that of the homes located in Greystone Cottages Phase I.

The proposed development is the second application of the DRD zoning classification in the city. The intent of the DRD district is to provide a method for inventive design and allow development not normally achieved through conventional zoning districts. The DRD is similar to the Planned Development District in that it requires a Preliminary Development Plan and a Statement of Intent, but it can be a single use development.

With regard to meeting the requirements of the DRD zoning district as identified in Section 5:19.6 of the Greer Zoning Ordinance, staff has received and reviewed the information submitted with the application and believes it has met these requirements.

Therefore staff believes that the proposed development meets the requirements of the DRD zoning district and is consistent with the goals and future land use map of the City’s Comprehensive Plan. Staff can support the proposed zoning request.

**STAFF RECOMMENDATION: APPROVAL**

The representative for the owners, Mr. Chuck Reichert with Reichert Consultants was present.

Mr. Pace presented the information and staff’s recommendations for both cases.

Discussion followed.

- Greystone Cottages was approved earlier this year for Phase I
- There are currently no sidewalks on Dillard Road

No one spoke in favor or in opposition of the request.

Motion was made by Mr. Foster to approve the request with the requirements that sidewalks are installed along Dillard Road, seconded by Mr. Martin.

*Motion to approve with stipulations as stated 5-0.*