ANNEXATION ORDINANCE NUMBER 37-2012

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY OWNED BY SCOTT AND DIANE MILKS LOCATED AT 161 JOE LEONARD ROAD BY ONE HUNDRED PERCENT PETITION; AND TO ESTABLISH A ZONING CLASSIFICATION OF R7.5 (RESIDENTIAL SINGLE FAMILY) FOR SAID PROPERTY

WHEREAS, Scott and Diane Milks are the owners of property located at 161 Joe Leonard Road more particularly described on the legal description attached hereto marked as Exhibit A, the plat attached hereto marked as Exhibit B, the Spartanburg County Tax Map as Parcel No. 9-07-00-035.05 containing approximately 17.85 acres attached hereto marked as Exhibit C and the National Flood Insurance Program Flood Insurance Rate Map No. 45083C0327D attached hereto marked as Exhibit D; and

WHEREAS, the property is currently vacant; and

WHEREAS, Scott and Diane Milks 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 R7.5 (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 Scott and Diane Milks located at 161 Joe Leonard Road, more particularly described on the attached Spartanburg County Tax Map as Parcel No. 9-07-00-035.5 containing approximately 17.85 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 R7.5 (Residential Single Family) pending confirmation or rezoning pursuant to the applicable City of Greer Zoning Ordinance.

3. **FUTURE LAND USE MAP:** The above reference properties shall be designated as Residential Land Use 2 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 45083C0327D.

5. **DISTRICT ASSIGNMENT:** The above referenced properties shall be assigned to City Council District #3.

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

Ordinance Number 37-2012
Annexation 161 Joe Leonard Road
Page 2 of 3
ATTEST:

Tammela Duncan, Municipal Clerk

Introduced by: Councilman Jay Arrowood
First Reading: November 13, 2012
Second and Final Reading: November 27, 2012

Approved as to Form:

John B. Duggan, City Attorney
Petition for Annexation

The persons whose signatures appear below are freeholders owning real property in an area, which is contiguous to the City of Greer and which, is proposed to be annexed into the City. The freeholder(s) of property located on or at Joe Leonard Rd, more particularly described on the deed (or legal description) attached hereto marked as Exhibit A; the plat attached hereto marked as Exhibit B; Tax Parcel Map with Number 9-07-00-035.05 attached hereto marked as Exhibit C containing approximately 17.359 acres; identify that area more particularly. That highlighted or marked portion is incorporated by reference as a description of the area. By their signatures, the freeholders petition the City Council to annex the entire area.

This petition is submitted under the provisions of S.C. Code §§ 5-3-150(3), authorizing the City Council to annex an area when presented with a petition signed by one hundred (100%) percent of the freeholders owning one hundred (100%) percent of the assessed value of real property in an area proposed to be annexed. This petition and all signatures thereto shall be open for public inspection on demand at the City Hall, located at the address set forth above. If the petition is still in circulation or signatures, or otherwise not available, at the time demand is made, then it shall be made available as soon thereafter as reasonably practical. Any person who seeks to challenge the annexation, and who has standing to do so, should act in accord with the requirements of Chapter 3 of Title 5 of the South Carolina Code.

DATE OF PETITION: This petition is dated this 17th day of October, 2012 before the first signature below is attached. By law, all necessary signatures must be completed within six (6) months of the identified date; but this petition shall be deemed complete if the requisite number of signatures is acquired sooner.

Print Name: Scott P. Milks
Signature: 
Address: 2131 Weddrell Rd Suite 2100, Suite 2100, 154 Greenville, SC
Witness: 
Date: 10/17/2012
Parcel Address: Joe Leonard Rd
Tax Map Number: 9-07-00-035.05

Print Name: Diane M. Milks
Signature: 
Address: 
Witness: 
Date: 10/17/2012
Parcel Address: 
Tax Map Number: (See Attached Exhibits A, B & C)
Babb & Brown, P.C. 838 West Butler Road, Greenville, SC 29607 - (864)222-0020

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

E. CURTIS HARTNEY and MARY W. HARTNEY

In considere of TWO HUNDRED SIXTY FIVE THOUSAND DOLLARS ($265,000.00)

All that piece, parcel or lot of land, lying and being in the State of South Carolina, County of Spartanburg, being known and designated as Tract 3 on a Survey for P. D. Eichelberger by W. N. Wise dated May 5, 1924, recorded in the R.O.C. Office for Spartanburg County in Plat Book 79 at page 206. Also, as shown on the plat entitled "SURVEY OF SCOTT P. AND DIANE M. MILKB" recorded in the R.O.C. Office for Spartanburg County in Plat Book 92 at page 146, on June 22, 2000, reference to which is made for a complete description of limits and bounds.

All that being the same property conveyed to E. Curtis Hartney and Mary W. Hartney by deed of Fleming M. Allen and Marjorie W. Allen dated 2-12-81, recorded in the R.O.C. for Spartanburg County in Deed Book 41F at page 633 on June 15, 1981

This conveyance is asked to a fee simple, et al., in good and just title unto the granter(s) for the sum of $265,000.00, to have and to hold the premises to the grantee(s) forever. And the grantee(s) do(s) hereby bind the grantor(s) and the grantor(s) heirs and successors, and administrators to warrant and forever defend all and singular the premises unto the grantee(s) and the grantee(s) heirs and successors, and assigns and to every person whomsoever lawfully claiming or to claim the same or any part thereof.

WITNESS the grantee(s) hand(s) and seal(s) this 10th day of June, 2000.

S.C. Notary Public

[Signatures and Seal]

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

I, the undersigned notary, do hereby certify that the above named grantee(s) personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Notary Public for Greenville County

[Signature and Seal]

10-27-2007

Exhibit A
STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

KNOW ALL MEN BY THESE PRESENTS, that  MILDRED E. BAUER,

in consideration of ONE HUNDRED NINETY-FIVE THOUSAND FIVE HUNDRED & NO/100 ($195,500.00)

in receipt of which is hereby acknowledged, have granted, bargained, sold and released and by these presents do grant, bargain, sell and release unto SCOTT P. MILKS AND DIANE M. MILKS, THEIR HEIRS AND assigns FOREVER:

All that certain piece, parcel or tract of land lying and being in the County of Spartanburg, State of South Carolina located on the easterly side of Joe Leonard Road being shown and designated as TRACT 2, B.P. DILLARD ESTATE containing 13.917 acres on a plat entitled “SCOTT P. MILKS AND DIANE M. MILKS - JOE LEONARD ROAD” prepared by Fant Engineering & Surveying Co., Inc., dated November 8, 2004 and recorded in the RMC Office for Spartanburg County, SC in Plat Book 157, at Page 36. Reference is hereby made to said plat for a more complete metes and bounds description thereof.

This being the same property conveyed unto the grantor herein and John L. Bauer by deed of Paul J. Whitaker and Peggy Whitaker dated February 24, 1977 and recorded February 28, 1977 in Deed Book 44-K, at Page 238 in the RMC Office for Spartanburg County, SC, John Lowell Bauer died testate as is evidenced by Probate Court File 92-886. See Also Deed of Distribution recorded April 14, 1995 in Deed Book 62-R, at Page 440.

The within conveyance is made subject to any and all rights of way, easements, covenants, conditions, restrictions, rights-of-way and zoning ordinances which may appear of record, on the recorded plat(s) or actually existing on the ground affecting said property.

ADDRESS OF GRANTEE: 161 Joe Leonard Rd.
Greer, SC 29651

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 or successors and assigns, forever. And, the grantors do hereby bind the grantor and the grantor's heirs or successors, executors and administrators to warrant and forever defend all and singular said premises unto the grantee and the grantee's heirs or successors and against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Tax map # 9-07-00-035.04
WITNESS the grantor's hand and seal this 10th day of November, 2004.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

[Signatures]

***************

STATE OF SOUTH CAROLINA )
COUNTY OF GREENVILLE )

PERSONALLY appeared before me the undersigned witness and made oath that (s)he saw the within named GRANTOR sign, seal and as her act and deed deliver the within written Deed and that (s)he with the other witness subscribed above, witnessed the execution thereof.

[Signature]

SWORN to before me this 10th day of November, 2004.

[Signature] (SEAL)
Notary Public for South Carolina
My Commission Expires: 7/12/05
STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

KNOW ALL MEN BY THESE PRESENTS, that SCOTT P. MILKS AND DIANE M. MILKS

in consideration of SIX HUNDRED THIRTY THOUSAND & NO/100 ---------------------
-------- ($630,000.00)---------- DOLLARS

in receipt of which is hereby acknowledged, have granted, bargained, sold and released and by these presents do grant, bargain, sell and release unto YON HAN CHONG AND GYOUNG SOON CHOI, THEIR HEIRS AND ASSIGNS FOREVER:

SEE ATTACHED EXHIBIT A FOR LEGAL DESCRIPTION

This being a portion of the property conveyed unto the grantors herein and by deed of E. Curtis Hartney and Mary W. Hartney dated June 15, 2000 and recorded June 20, 2000 in Deed Book 72-E, at Page 339 in the RMC Office for Spartanburg County, SC.

The within conveyance is made subject to any and all rights of way, easements, covenants, conditions, restrictions, rights-of-way and zoning ordinances which may appear of record, on the recorded plat(s) or actually existing on the ground affecting said property.

ADDRESS OF GRANTEE: 161 Joe Leonard Rd.
Greer, SC 29651

SPARTANBURG COUNTY TAX MAP # p/o 9-07-00-035.17

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 or successors and assigns, forever. And, the grantors do hereby bind the grantor and the grantor's heirs or successors, executors and administrators to warrant and forever defend all and singular said premises unto the grantee and the grantee's heirs or successors and against every person whomsoever lawfully claiming or to claim the same or any part thereof.
EXHIBIT "A"
LEGAL DESCRIPTION

All that certain piece, parcel or lot of land lying and being in the State of South Carolina, County of Spartanburg, on the eastern side of Joe Leonard Road, being shown and designated as Remainder of TMS #9-07-00-035.17 Larger Portion of Pt. Tract 3, B.P. Dillard Estate, containing 8.34 acres on plat prepared by Fant Reichart and Fogleman, entitled SURVEY FOR YON CHONG, dated February 14, 2012 and recorded in the ROD Office for Spartanburg County, SC in Plat Book 123 at Page 495. Reference is hereby made to said plat for a more complete metes and bounds description thereof.

Portion of TMS 9-07-00-035.17
WITNESS the grantor's hand and seal this 15th day of February, 2012.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

[Signatures]

SCOTT P. MILKS
DIANE M. MILKS

STATE OF SOUTH CAROLINA )
COUNTY OF GREENVILLE )

PROBATE

PERSONALLY appeared before me the undersigned witness and made oath that (s)he saw the within named GRANTORS sign, seal and as their act and deed deliver the within written Deed and that (s)he with the other witness subscribed above, witnessed the execution thereof.

[Signature]

SWORN to before me this 15th day of February, 2012.

(SEAL)
Notary Public for South Carolina
My Commission Expires: 2/15/2018
Flood Insurance is available in this community. Contact the National Flood Insurance Program at 1-800-638-6622.

Exhibit D

Map Scale 1" = 500'

FIRM FLOOD INSURANCE RATE MAP
SPARTANBURG COUNTY, SOUTH CAROLINA
AND INCORPORATED AREAS

PANEL 327 OF 555
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

Contains:

COMMUNITY NUMBER PANEL SUFX
SPARTANBURG COUNTY 45073 0327 D

Notice to User: The Firm Number shown below should be used when paying for home or the Community Number shown above should be used on insurance applications to the subject community.

Map Number 45083003270
Effective Date January 6, 2011

Federal Emergency Management Agency

This is an official copy of a portion of the above-referenced flood map. It was created using FMT On Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the site block. For the latest product information about National Flood Insurance Program flood maps check the "FEMA Flood Map Store at www.msc.fema.gov"