ORDINANCE NUMBER 38-2018

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY OWNED BY WASHINGTON BAPTIST CHURCH LOCATED AT 2308 EAST GAP CREEK ROAD BY ONE HUNDRED PERCENT PETITION; AND TO ESTABLISH A ZONING CLASSIFICATION OF R-12 (SINGLE-FAMILY RESIDENTIAL) FOR SAID PROPERTY.

WHEREAS, Washington Baptist Church is the sole owner of property located at 2308 East Gap Creek Road more particularly described on the legal description attached hereto marked as Exhibit A, the plat attached hereto marked as Exhibit B, the map attached hereto marked as Greenville County Parcel Number 536010105000 (portion) and Spartanburg County Parcel Numbers 0536010105000 (portion) and 9-02-00-001.00 containing approximately 29.25 +/- acres attached hereto marked as Exhibit C, the National Flood Insurance Program Flood Insurance Rate Map Numbers 45045C0351E and 45283C0205D attached hereto marked as Exhibit D; and

WHEREAS, the property currently has zero (0) occupants; and

WHEREAS, Washington Baptist Church has petitioned the City of Greer to annex their property by one-hundred percent (100%) method provided for by South Carolina Code Section 5-3-150(3); 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-12 (Single-Family Residential); 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 29.25 acres +/- property shown in red on the attached map owned by Washington Baptist Church located at 2308 East Gap Creek Road as described on the attached map as Greenville County Parcel Number 536010105000 (portion) and Spartanburg County Parcel Numbers 053601010500 (portion) and 9-02-00-001.00 is hereby annexed into the corporate city limits of the City of Greer.

2. **ZONING ASSIGNMENT:** The above referenced property shall be zoned R-12 (Single-Family Residential) pending confirmation or rezoning pursuant to the applicable City of Greer Zoning Ordinance.

3. **LAND USE MAP:** The above reference property shall be designated as Residential Land Use 3 on the Land Use Map contained within the 2010 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 Numbers 45045C0351E and 45083C0205D.

5. **DISTRICT ASSIGNMENT:** The above referenced properties shall be assigned to City Council District #4.

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
Introduced by: Councilmember Jay Arrowood
First Reading: November 13, 2018
Second and Final Reading: December 11, 2018

Approved as to Form:

[Signature]
John B. Duggan, Esquire
City Attorney
"EXHIBIT A"

Legal Description – Estate of Nelle Lister Few, Deceased

Greenville County Property

Tax Map No. 0536.01-01-050.00

2308 E. Gap Creek Road, Greer, SC 29651

All that piece, parcel or tract of land, situate, lying and being in the State of South Carolina, County of Greenville, located on Gap Creek Road, Greer, SC and being shown as tract No. 2 on a survey entitled, "Plat of SUBDIVISION – A.H. MILLER TRACT" (27.1 acres, more or less) dated December 1918 surveyed and platted by H. S. Brockman, Surveyor and recorded on October 24, 1963 in Plat Book RR at page 145 in the Office of the Register of Deeds for Greenville County, and according to tax map records containing 24.50 acres, more or less.

This is the identical property conveyed to E. M. Lister by deed of E. C. Howell on November 7, 1922 recorded November 18, 1922 in Deed Book 88 at page 13. The said E. M. Lister (also known as Edgar Monroe Lister) died testate on 4-27-65 in Greenville County, see Probate File 903-24, leaving the property to his children, James David Lister, Nelle Lister and Flossie Folsom Lister. The said James David Lister died testate 6-18-86 in Greenville County, see Probate File 86ES230964 leaving his interest in this property to Nelle Lister Few and Flossie Folsome Lister; and Flossie Folsome Lister died testate 6-18-86 in Greenville County, see Probate File 86ES2300965 leaving her interest in this property to Nelle Lister Few, so Nelle Lister Few owned a 100% interest in property at the time of her death. Nelle Lister Few died testate in Greenville County on January 24, 2013 leaving this property to Washington Baptist Church, see Estate File 2013ES2300850, for details.
STATE OF SOUTH CAROLINA
COUNTY OF GREENCEVILLE

IN THE MATTER OF:
NELLE LISTER FEW
(Decedent)

IN THE PROBATE COURT
DEED OF DISTRIBUTION
(Real Property Only)
NOT A WARRANTY DEED

CASE NUMBER: 2014ES4200354

County where property is located if not above County: Greenville

The undersigned states as follows:

Decedent died on JANUARY 24, 2013; and probate of the Estate is being administered in the Probate Court for
GREENVILLE County, South Carolina, in File #2013ES2300050. I was appointed Personal Representative on APRIL 18, 2013. Decedent owned real property described as follows:

Tax Map Number: 0538.01-01-050.00

Street/Property Address: 2308 E. Gap Creek Road, Greer, SC 29651

Legal Description:
See attached Legal Description, "Exhibit A" for complete description

This transfer is made pursuant to:

✓ Decedent's Will
✓ Intestacy Statute: SCPC 62-2-103
✓ Private Family Agreement: SCPC 62-3-912
✓ Disclaimer by: ________________________________
✓ Probate Court Order issued on ________________________________
✓ Other: ________________________________
In accordance with the laws of the State of South Carolina, the Personal Representative does hereby release all of the Personal Representative's right, title and interest, including statutory and/or testamentary powers, over the real property described real property to the beneficiaries named below:

Name: Washington Baptist Church  
Address: 3500 N. Highway 14  
Greer SC 29651

Name:  
Address: 

Name:  
Address: 

An additional sheet is attached for names of additional beneficiaries (check, if applicable)

IN WITNESS WHEREOF the undersigned, as Personal Representative of the above Estate, has executed this Deed of Distribution, on the 9th day of April, 2014.

SIGNED, SEALED AND DELIVERED

IN THE PRESENCE OF:
Witness:  
Print Name: John A. Rollins Jr.
Witness:  
Print Name: Judy M. Barnes

Estate of: NELLE LISTER FEW
Signature of Personal Representative:
Print Name: DARREN ARMSTRONG

Estate of: NELLE LISTER FEW
Signature of Personal Representative:
Print Name: LARRY ARMSTRONG

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE
I, LuAnn Mason, Notary Public, a notary for the State of South Carolina do hereby certify that DARREN ARMSTRONG AND LARRY ARMSTRONG, as Personal Representative of the Estate of NELLE LISTER FEW, DECEASED, personally appeared before me this day and acknowledged the due execution of the foregoing Deed of Distribution.

Witness my hand and seal this the 9TH day of APRIL, 2014.

(Signature of Notary Public)
LuAnn Mason
(Print name of Notary Public)
Notary Public for State of South Carolina
My Commission Expires: 3/19/2019

Note: It is recommended that an attorney prepare this document and determine if a title examination is necessary.
“EXHIBIT A”

Legal Description Estate of Nelle Lister Few, Deceased

Spartanburg County Property

Tax Map No. 9-02-00-001.00

Property address: Gap Creek Road, Greer SC 29651

All that certain piece, parcel or lot of land situate, lying and being in the State of South Carolina, County of Spartanburg, Beech Springs Township, near the Greer Country Club, lying on the north side of the Gap Creek Road, being bounded on the north and east by other lands, now or formerly, of B. C. Crawford, on the south by said road, and on the west by lands, now or formerly of Edd Leister, and having the following courses and distances, to-wit:

BEGINNING on an iron pin on the north margin of the said Gap Creek Road and on the Edd Leister line, and runs thence with the said line, N. 10-45 E. crossing the creek 668.7 feet to an iron pin in ditch and on said line; thence a new line, S. 56-01 E. 384 feet to an iron pin north of the said creek; thence S. 13-15 W. crossing the said creek, 532 feet to an iron pin on the north margin of the said Gap Creek Road; thence with the north margin of the said road, N. 76-45 W. 330 feet to the beginning corner, containing Four and Seventy Two One-Hundredths (4.72) acres, more or less.

This is the identical property conveyed to Freleigh Ford Few by deed of B. C. Crawford and Ruby B. Crawford on 10/30/62 recorded 11/3/62 in Deed Book 28-P at page 609 and the said Freleigh Ford Few deeded a one-half undivided interest in said property to Nelle L. Few by deed dated 1/22/69 recorded 2/6/69 in Deed Book 35-L page 612 in the R.O.D. Office for Spartanburg County. The said Freleigh Ford Few died testate on November 19, 1992 see Greenville County Probate File 93ES2300011 and Deed of Distribution recorded on March 9, 1993 in Deed Book 59-V page 566 in the R.O.D. Office for Spartanburg County.

-CONTINUED-
**ALSO:**

**Legal Description** Estate of Nelle Lister Few

**Tax Map No.** 9-02-01-012.00

**Property address:** 217 Fairway Estates Road, Greer SC 29651

All that certain piece, parcel or lot of land, situate lying and being in the State of South Carolina, County of Spartanburg, located near the Greer Country Club and being designated as all of LOT NO. THIRTEEN (13) containing 0.74 acres, more or less, as shown upon survey and plat of “Fairway Estates” prepared by W. N. Willis, Surveyors, dated August 30, 1979 and recorded in Plat Book 84 page 103 in the R.O.D. Office for Spartanburg County. Reference is hereby made to said plat for a more complete legal description thereof.

This is the identical property conveyed to F. F. Few (also known as Freleigh Ford Few) and Nelle L. Few by deed of Alvin G. Revan on November 30, 1982 recorded November 30, 1992 in Deed Book 49-E at page 757 in the R.O.D. Office for Spartanburg County. The said Freleigh Ford Few died testate on November 19, 1992 see Greenville County Probate File 93ES2300011 and Deed of Distribution recorded on March 9, 1993 in Deed Book 59-V page 566, in the R.O.D. Office for Spartanburg County.

(No title certification-preparation of Deed of Distribution only)
State of South Carolina

County of Spartanburg

File #: 2016020058

KNOW ALL MEN BY THESE PRESENTS, that, Vincent J. DeMaria and Marguerite R. DeMaria, (hereinafter called "Grantor"), in consideration of Two Hundred Thirty Thousand and 00/100 ($230,000.00) Dollars, to the Grantor in hand paid at and before the sealing of these presents, by Andrea L. Pieuch, (hereinafter called "Grantee") in the State aforesaid, the receipt of which is hereby acknowledged, has granted, bargained, sold, and released, and by these presents does grant, bargain, sell and release unto Andrea L. Pieuch,

ALL that certain piece, parcel or tract of land together with all building and improvements located thereon, situate, lying and being in the County of Spartanburg, State of South Carolina, in Beech Springs Township, on the northern side of Gap Creek Road and containing 2.16 acres, more or less, and having the following metes and bounds, to wit:

BEGINNING at a nail and cap in the center of Gap Creek Road at the southwestermost corner of the within described property, being the joint front corner of the within described property and property now or formerly belonging to Ford Few, N. 13-15 E. 532 feet to an iron pin; thence along the line of property now or formerly belonging to George W. Davenport, S. 56-01 E. 227.5 feet to an iron pin on the west side of a proposed new road being in the line of property now or formerly belonging to Davenport; thence along the Davenport line, S. 19-15 W. 451 feet to the center to Gap Creek Road; thence along the center of Gap Creek Road, N. 76-45 W. 167 feet to a nail and cap, the point of beginning.

THIS is the same property as that conveyed to Marguerite R. DeMaria by deed of Joseph Stanley Foster recorded in the ROD Office for Spartanburg County in Deed Book 47-W at Page 690 on December 16, 1980; Marguerite R. DeMaria conveyed one-half interest to Vincent J. DeMaria by deed recorded in Deed Book 65-N at Page 177 on March 6, 1997; Vincent J. DeMaria conveyed his one-half interest to Marguerite R. DeMaria by deed recorded in Deed Book 74-Y at Page 320 on December 19, 2001; and Marguerite conveyed one-half interest to Vincent J. DeMaria by deed recorded in Deed Book 76-Y at Page 892 on December 16, 2002.

ALSO:

All that piece, parcel or strip of land, situate, lying and being in the State of South Carolina, County of Spartanburg, fronting 50' on Gap Creek Road, and being shown on a plat entitled, "Survey for Vincent J. & Marguerite R. DeMaria" prepared by Lindsey & Associates, Inc. dated September 20, 2014 and recorded in the Register of Deeds Office for Spartanburg County in Plat Book 169 at Page 69 and according to said plat containing 0.60 Acre. Reference to said plat is hereby made for a complete legal description thereof.

This being the same property conveyed to Vincent J. DeMaria and Marguerite R. DeMaria by deed of Washington Baptist Church dated November 5, 2014 and recorded November 7, 2014 in the ROD Office for Spartanburg County, SC in Book 107M at Page 432.

TMS No. 9-02-00-002.00
Property Address: 2260 Gap Creek Road, Greer, SC 29651

This conveyance is made subject to any restrictions, reservations, zoning ordinances or easements that may appear of record on the recorded plats or on the premises.

Grantee's Address: 2260 Gap Creek Road, 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 and assigns forever. And the Grantor 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.

Any reference to this instrument to the singular shall include the plural, and vice versa. Any reference to one gender shall include the others, including the neuter. Such words of inheritance shall be applicable as are required by the gender of the Grantee.
WITNESS the Grantor's hands and seals this 10th day of March, 2016.

Signed, sealed and delivered in the presence of:

[Signatures]

Witness #1

Witness #2

State of South Carolina

County of Greenville

ACKNOWLEDGEMENT

I, CRISTINE OYER, a Notary Public, do hereby certify that Vincent J. DeMaria and Marguerite R. DeMaria personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Sworn to before me this 10th day of

[Signature]

Notary Public

My Commission Expires: 3/25/17

[SEAL]

Instrument Prepared By:

Cristine Oyer Law Firm LLC
1154-B Haywood Road
Greenville, SC 29613
STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

IN THE MATTER OF:
NELLE LISTER FEW
(Decedent)

IN THE PROBATE COURT
DEED OF DISTRIBUTION
(Real Property Only)
NOT A WARRANTY DEED

CASE NUMBER: 2014ES4200354

County where property is located if not above County: SPARTANBURG

The undersigned states as follows:
Decedent died on JANUARY 24, 2013; and probate of the Estate is being administered in the Probate Court for
GREENVILLE County, South Carolina, in File #2013ES2300850

I was appointed Personal Representative on APRIL 18, 2013. Decedent owned real property described
as follows:

Tax Map Number: 9-02-00-001.00 AND 9-02-01-012.00
Street/Property Address: GAP CREEK RD GREER AND 217 FAIRWAY ESTATES RD GREER SC 29651

Legal Description:
SEE ATTACHED LEGAL DESCRIPTION "EXHIBIT A" FOR A COMPLETE DESCRIPTION THEREOF.

DEE-2014-15133
Recorded 4 Pages on 4/18/2014 1:02:28 PM
Recording Fee: $10.00 Documentary Stamps: $0.00
Office of Register of Deeds, Spartanburg, S.C.
Dorothy Farre, Register

DEE-2014-20276
Recorded 4 Pages on 5/23/2014 1:24:32 PM
Recording Fee: $10.00 Documentary Stamps: $0.00
Office of Register of Deeds, Spartanburg, S.C.
Dorothy Farre, Register

This transfer is made pursuant to:

✓ Decedent's Will

☐ Intestacy Statute: SCPC 62-2-103

☐ Private Family Agreement: SCPC 62-3-912

☐ Disclaimer by:

☐ Probate Court Order issued on

☐ Other:

Re-record to correct File# for Greenville Co

Typographical error
In accordance with the laws of the State of South Carolina, the Personal Representative does hereby release all of the Personal Representative's right, title and interest, including statutory and/or testamentary powers, over the real property described real property to the beneficiaries named below:

Name: Washington Baptist Church  
Address: 3500 N. Highway 14  
Greer SC  29651

Name:  
Address:  

☐ An additional sheet is attached for names of additional beneficiaries (check, if applicable)

IN WITNESS WHEREOF the undersigned, as Personal Representative of the above Estate, has executed this Deed of Distribution, on this 9th day of April, 2014.

SIGNED, SEALED AND DELIVERED

IN THE PRESENCE OF:
Witness: 
Print Name: John M. Rollins Jr.

Witness: 
Print Name: Judy M. Barnes

Estate of: NELLE LISTER FEW
Signature of Personal Representative: 
Print Name: DARREN ARMSTRONG

Estate of: NELLE LISTER FEW
Signature of Personal Representative: 
Print Name: LARRY ARMSTRONG

STATE OF SOUTH CAROLINA  )
COUNTY OF GREENVILLE  )

I, LuAnn Mason, Notary Public, a notary for the State of South Carolina do hereby certify that DARREN ARMSTRONG AND LARRY ARMSTRONG, as Personal Representative of the Estate of NELLE LISTER FEW, DECEASED, personally appeared before me this day and acknowledged the due execution of the foregoing Deed of Distribution.

Witness my hand and seal this the 9th day of APRIL, 2014.

LuAnn Mason  
(Signature of Notary Public)
LuAnn Mason  
(Print name of Notary Public)
Notary Public for State of South Carolina  
My Commission Expires: 3/19/2019

Note: It is recommended that an attorney prepare this document and determine if a title examination is necessary.
Spartanburg County
Unincorporated Areas
450176

Flood insurance is available in this area.
National Flood Insurance Program

EXHIBIT D
Spartanburg Co

MAP SCALE 1" = 1000'

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

PANEL 205 OF 555
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:
COMMUNITY NUMBER PANEL SUFFIX
SPARTANBURG COUNTY 450176 0205 D

Notice to User: The Map Number shown below should be used when placing map orders. The Community Number shown above should be used on insurance applications for the subject community.

MAP NUMBER
450830205D
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 extracted using F-AIR On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps, check the FEMA Flood Map Store at www.msc.fema.gov.
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 2308 E. Gap Creek Road 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 * attached hereto marked as Exhibit C containing approximately 29 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.

*Greenville County TM#0536010105000 & Spartanburg County TM#9-02-00-001-00

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 for 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 15th day of October, 2018 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: Ronnie Knight
Signature: Ronnie Knight
Address: 3500 N Highway 14 Greer, SC
Witness: Stephen E. Cook
Date: 10-15-2018
Parcel Address: 2308 E. Gap Creek Rd
Tax Map Number: 0536010105000 & 9-02-00-001-00

(See attached Map & Property Description)