ORDINANCE NUMBER 1-2019

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTIES OWNED BY WILLIAM AND MARSHA JOHNSON AND ELLA SUDDUTH NICHOLS LOCATED AT 1689 GIBB SHOALS ROAD AND 122 NICHOLS DRIVE BY ONE HUNDRED PERCENT PETITION; AND TO ESTABLISH A ZONING CLASSIFICATION OF DRD (DESIGN REVIEW DISTRICT) FOR SAID PROPERTIES.

WHEREAS, (1) William and Marsha Johnson and (2) Ella Sudduth Nichols are the sole owners of properties located at (1) 1689 Gibb Shoals Road and (2) 122 Nichols Drive 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 Numbers (1) 0535030101501, 0535030101500 and (2) 50528030102000 containing approximately 21.48 +/- acres attached hereto marked as Exhibit C, the National Flood Insurance Program Flood Insurance Rate Map Numbers 45045C0363E attached hereto marked as Exhibit D; and

WHEREAS, the properties currently have zero (0) occupants; and

WHEREAS, (1) William and Marsha Johnson and (2) Ella Sudduth Nichols have petitioned the City of Greer to annex their properties by one-hundred percent (100%) method provided for by South Carolina Code Section 5-3-150(3); and

WHEREAS, the properties are now outside the city limits of Greer but adjoins the city limits; and

WHEREAS, the property owners have requested that the subject properties 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 21.48 acres +/- properties shown in red on the attached map owned by (1) William and Marsha Johnson and (2) Ella Sudduth Nichols located at (1) 1689 Gibb Shoals Road and (2) 122 Nichols Drive as described on the attached map as Greenville County Parcel Numbers (1) 0535030101501, 0535030101500 and (2) 0528030102000 are hereby annexed into the corporate 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. **LAND USE MAP:** The above reference properties shall be designated as Residential Land Use 3 Community 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 45045C0363E.

5. **DISTRICT ASSIGNMENT:** The above referenced properties shall be assigned to City Council District #6.

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:    January 8, 2019

Second and Final Reading:    April 9, 2019

APPROVED AS TO FORM:

John B. Duggan, Esquire
City Attorney
STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

EXEMPT

DEC 30 2004
BOOK 2123 PAGE 1

EXHIBIT A-1

KNOE ALL MEN BY THESE PRESENTS, that I, William Marshall Johnson, of Greenville, SC, in consideration of ONE DOLLAR ($1.00) LOVE AND AFFECTION, the receipt of which is hereby acknowledged, have granted, bargained, sold, and released, and by these presents do grant, bargain, sell and release unto my Daughter, Marsha Elaine Johnson & my Son, William Darrell Johnson, their heirs and assigns; with Grantor reserving a lifetime interest:

All that certain piece, parcel or lot of land in Chick Springs Township, Greenville County, State of South Carolina, about one mile southwest from Pleasant Grove Baptist Church, in Pleasant Grove School District, lying on the east side of the Gibbes Shoals Road, and being a part of the same land conveyed to Floride Johnson, by deed from Victoria Elmore, et al, said deed recorded in the Office of the R.M.C. for Greenville County in Deed Book 24 at page 20, and having the following courses and distances, to wit:

BEGINNING on a nail and stopper in the center of the said Gibbes Shoals Road, and on the Thomas L. Smith Estate line, and runs thence S. 52-20 E. 292 feet to a stone and iron pin on the east side of a small branch; thence with the line of the lands formerly of Johnson, S. 14-50 E. 336 feet to a stone, joint corner of Arthur Elmore lands; thence with the Elmore line S. 60-15 W. 250.5 feet to a nail and stopper in the center of the Gibbes Shoals Road; thence with the said Road N. 9-15 W. 497.5 feet to a bend; thence N. 0-54 W. 100 feet to the beginning corner, and containing Two and Forty One-Hundredths (2.44) acres, More or less.

LESS CONVEYANCES OF RECORD LEAVING A TOTAL OF 1.750 ACRES ACCORDING TO GREENVILLE COUNTY TAX RECORDS.

...continued on back of this page

SIGNED, sealed and delivered in the presence of:

William Marshall Johnson
(SEAL)

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

grantor(s) with seal and as the grantor(s)' act and deed, deliver the within written deed and that (she, with the other witness subscribed above, with) the executing thereof.

SIGNED at the 28th day of DECEMBER, 2004.

Notary Public for South Carolina
My commission expires 7/26/09

RECORDED this day of , at 12-30-2004 010:464 M., No. , RECORDED FEE 10.37

Exhibit "A"
This being the same property conveyed to William Marshall by deed from Floride Johnson, and recorded in the Greenville County R.M.C. Office in Deed Book 383, at page 411 on July 1949. TAX MAP 0535.03-01-015.00 NO TITLE SEARCH.

NAME AND ADDRESS OF GRANTEES:
William Marshall Johnson (Life Tenant)
1689 Gibbs Shoals Road (1689 is correct)
Greer, SC 29650-4605

REMAINDER INTEREST TO:
Marsha Elaine Johnson
202 East Chase Court
Greer, SC 29651

William Darrell Johnson
1013 W. Poinsett Street
Greer, SC 29651

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

Marsha Elaine Johnson and William Darrell Johnson (Grantee-William Marshall Johnson reserves lifetime interest)

TO

Title to Real Estate

Greenville

COUNTY OF GREENVILLE
STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

KNOW ALL MEN BY THESE PRESENTS, that

I, William Marshall Johnson

in consideration of ONE DOLLAR ($1.00), Love and Affection

the receipt of which is hereby acknowledged, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto
my daughter, Martha Elaine Johnson and my son, William Benfield Johnson:

and reserving a lifetime interest for grantor (William Marshall Johnson) and his Wife, Gemodolyn D. Johnson:

All that certain piece, parcel or lot of land located in Chick Springs Township, Greenville County, State of South Carolina, about one mile southwest from Pleasant Grove Baptist Church, in Pleasent Grove School District, lying on the east side of Gibbs Shoals Road, and being a part of the same land conveyed to Floricel Johnson by deed from Victoria Elmore, et al, said deed recorded in the Office of the RMC for Greenville County in Deed Book 24 at page 20, and having the following courses and distances, to wit:

BEGINNING on a nail and stopper in the center of the said Gibbs Shoals Road, and on the Thomas L. Smith Estate line, and runs thence S. 52°20' E. 202 feet to a stone and iron pin on the east side of a small branch; thence with the line of lands formerly of Johnson, S. 14°50' E. 336 feet to a stone, joint corner of Arthur Elmore lands; thence with the Elmore line S. 69°15' W. 250.5 feet to a nail and stopper in the center of the Gibbs Shoals Road; thence with the said road N. 9°15' W. 497.5 feet to a bend; thence N. 0°54' W. 100 feet to the beginning corner, and containing Two and Forty Four One-Hundredths (2.44) acres, more or less.

This being the same property conveyed to William Marshall Johnson by Deed from Floricel Johnson and recorded in the Greenville County RMC Office in Deed Book 383 at page 411 on June 7, 1949. NO TITLE SEARCH.

SIGNED, sealed and delivered in the presence of

Katurah Campbell

Lorn Campbell

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

Personally appeared the undersigned witnesses and made oath that (she) saw the within named grantor(s) sign, seal and as the grantor(s) act and deed, deliver the within written deed and that (she), with the other witnesses subscribed above, supervised the execution thereof.


Katurah Campbell
Notary Public for South Carolina

My commission expires 7/26/09

RECORDED the 22nd day of January, 2003.
STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE MATTER OF: CLARENCE EVANS NICHOLS - Deceased
CASE NUMBER: 01ES2301881

DEED OF DISTRIBUTION

WHEREAS, the decedent died on 5/25/01; and,

WHEREAS, the estate of the decedent is being administered in the
Probate Court for Greenville County, South Carolina, in File Number
01ES2301881; and,

WHEREAS, the grantee herein is either a beneficiary or heir at law,
as appropriate, of the decedent; and, as confirmed by Probate Court seal
or by affidavit of licensed South Carolina attorney pursuant to S. C.
Code of Laws, 62-3-907; and

WHEREAS, the undersigned Personal Representative is the duly
appointed and qualified fiduciary in this matter; and,

NOW, THEREFORE, in accordance with the laws of the State of South
Carolina, the Personal Representative has granted, bargained, sold and
released, and by these Presents does grant, bargain, sell and release to:

Name: Ella Sudduth Nichols
Address 122 Nichols Drive
Greer, South Carolina 29650

the following described property:

Houses & ACREAGE
122 Nichols DRIVE
GREER, S.C.
TM NO. 0528.03-01-020.00

See attached EXHIBIT A for a complete legal description
thereof.

FORM #400PC (1/89)
62-3-907, 62-3-908

Page 1 of 3

1-08 7413 3 1000

Exhibit "A"
01ES2301881

TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises/Property belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises/Property unto the said XXXXXX Ella Sudduth Nichols their heirs and assigns forever.

IN WITNESS WHEREOF, the undersigned, as Personal Representative of the estate of the decedent, has executed this Deed of Distribution on this 14th day of NOVEMBER, 2002.

SIGNED, SEALED AND DELIVERED

IN THE PRESENCE OF

Witness

Witness

Witness

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

PERSONALLY appeared before me and made oath that s/he saw the within named Personal Representative(s) sign, seal, and as their act and deed, deliver the within written Deed of Distribution, and that s/he with witnessed the execution thereof.

SWORN to before me this 14th day of NOVEMBER, 2002

Witness Signature:

FORM #400PC (1/89)

Page 2 of 3
EXHIBIT A

All that piece, parcel or lot of land in Chick Springs Township, Greenville County, State of South Carolina, about three miles south from Greer, known as the old R.L. Johnson home-place, on branch waters of Enoree River and lying near the Gibbs Shoals Road, bounded on the north by lands now or formerly owned by Whit Smith, on the east and south by lands formerly owned by T. R. Childress, on the Southwest by lands now or formerly owned by Walker Elmore, and on the northwest by lands now or formerly owned by Mrs. Cora Hoot, having the following courses and distances according to a plat thereof made by H.S. Brockman, Surveyor, dated September 28, 1936, to wit:

BEGINNING at an iron pin by a large pine where this land corners with Boiter on the Southeast and lands of Walker Elmore on the Southwest, and runs thence N. 15-30 W. 834 feet to a stone on or near branch; thence N. 36-37 E. 1304 feet to a water oak 3x; thence S. 30 E. 285.5 feet to an iron pin; thence N. 74-45 E. 693 feet to an iron pin; thence S. 31-30 E. 81 feet to a stone; thence S. 38-40 W. 2223 feet to the beginning corner, and containing twenty-seven and 29/100 (27.29 acres), more or less.

This is the identical property conveyed to Clarence Evans Nichols by deed of J.E. McCall, dated November 20, 1946 and recorded December 3, 1946 in Deed Book 303, Page 183, in the RMC Office for Greenville County.

(Tax Map No. 0528.03-01-020.00)

LESS HOWEVER: All conveyances made out of this tract by Clarence Evans Nichols: See deed to Dennis Nichols (0.67 acres) Tax Map #0528.03-01-020.01; also Deed to Clarence Lamar Nichols dated Dec. 27, 1969, recorded July 1, 1970, Deed Book 893, Page 260 (1.28 acres) Tax Map #0528.03-01-020.2; also Deed to Jerry Paul Nichols, dated July 1, 1970, recorded July 1, 1970 in Deed Book 893, Page 272, (0.92 acres), Tax Map #0528.03-01-020.3; also Deed to Floyd Michael Pearson and Mary Jane N. Pearson, dated May 30, 1974, and recorded June 14, 1974 in Deed Book 1001, Page 1781 (1.7 acres), Tax Map #0528.03-01-020.4; and Deed to Lavonia N. Snow, dated Nov. 28, 1989, recorded Dec. 1, 1989 in Deed Book 1381, Page 195 (1.57 acres), Tax Map #0528.03-01-020.5; leaving 21.30 acres, more or less.

NO TITL.E EXAM
STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

IN THE MATTER OF:

ELLA SUDDUTH NICHOLS
(Decedent)

IN THE PROBATE COURT

CERTIFICATE OF APPOINTMENT

CASE NUMBER: 2017ES2300253

This is to certify that

FLOYD MICHAEL PEARSON

is the duly qualified

☑ PERSONAL REPRESENTATIVE
☐ SUCCESSOR PERSONAL REPRESENTATIVE
☐ SPECIAL ADMINISTRATOR

in the above matter and that this appointment, having been executed on the 8th day of March, 2017, is now in full force and effect, including authorization to receive all monies, income, principal, interest & dividends of and belonging to said estate.

RESTRICTIONS:

EXECUTED: March 8, 2017

DEBORA A. FULKNER By: LMA (initials)
PROBATE COURT JUDGE

Do not accept a copy of this certificate without the raised seal of the Probate Court.
NEW TRACT A

(EXCLUDES RW)

ALL OF PARCEL 0528039102000
17.52 ACRES

ALL OF PARCEL 0535030101500
2.19 ACRES

ALL OF PARCEL 0535030101501
1.97 ACRES

21.48 ACRES TOTAL
Statement of Intent for Blaize Ridge Subdivision

Proposed Mixed Use Development
Gibbs Shoals Rd, Greer SC

Residential Development Description

The total area of the proposed development is +/-21.48 acres and is located across from the newly developed Westhaven Subdivision on Mansfield Lane. The proposed development will contain about 3,740 feet of new public roadway and will have single entrance on Gibbs Shoals Road. The proposed development will contain approximately 85 residential units consisting of single-family detached lots and multifamily attached townhomes. The townhomes will range from 20' to 28' wide and the single family lots will average 55' wide by 110' deep.

The townhomes will be 1.5 to 2 stories and average anywhere from 1,400-2,800 sf. The single-family homes will be 2 stories and range anywhere from 2,200- 3,800 sf. All homes will utilize attached front entry garages to provide minimum 2 off-street parking spaces per unit. Additionally, 7 off-street parking spaces will be provided at a central mailbox kiosk station.

The exterior materials of homes are to include Hardi Board, Brick, or Stone. All homes are to feature energy efficient design including windows, HVAC, and appliances. The exterior colors will vary from house to house to create contrast and visual appeal. Since these homes will be for individual sale, each buyer will be able to customize the interiors freely. The homes will be offered at a competitive price to the surrounding area.

Landscaping and Common Area

The entrance of the site will be decorated with attractive landscaping including an entrance monument and annual plantings of seasonal flowers to be approved by the City of Greer Planning director. The interior and perimeter landscaping will be a combination of shade trees, evergreens, and shrubs alongside new homes to meet current City of Greer landscaping requirements. A combination 6’ berm/evergreen screen will be provided (where feasible) along the eastern property lines where site abuts existing residential homes.
The stormwater detention pond will be screened from view with evergreen tree plantings and will have fencing installed to assure safety to the residents.

Amenities for this development are to include a common area for residents to host barbeques and bon fires. Additionally, several pocket parks will be created to allow a place for children to play while also allowing a place for residents to walk their pets. A 4’ sidewalk will be installed throughout development to aid in pedestrian traffic and promote community activities. A 5’ sidewalk will be installed along all road frontage of Gibbs Shoals Road.

Community Maintenance

The Home Owners Association (HOA) will hold declaration, covenant, by-laws and rules that the community will be subject to follow. These may include future improvements or maintenance to the community. The Board of Directors for HOA will be voted upon by residents and will be responsible for upholding management under the South Carolina Law. The HOA will have a landscape maintenance company maintain all common areas including entrance and stormwater management facility areas at all times.

Public Improvements

The interior roadways within the community will have public-access. Stormwater Management, utilities, and roadways will all be installed in accordance with City of Greer requirements. A secondary emergency vehicular access will be provided to connect to Nichols Drive. Additionally, a pedestrian and fire access connection will be provided to the Sudduth Development currently under construction to the south. Public Water, Natural Gas, and Public Sewer will be provided by Greer CPW. ATT and Charter will also serve this development with high speed internet and cable television. The proposed subdivision shall have no adverse impacts to the nearby public or traffic. A traffic study will be performed and given to SC DOT for their review. Construction for the project will be supervised and will follow appropriate codes and regulations.
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 1688 Gibbs Shoals Rd, Greer SC 29650 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 0635030101500 attached hereto marked as Exhibit C containing approximately 4.16 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 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 13 day of O._____, 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: Marsha Johnson
Signature: Marsha Johnson
Address: 1688 Gibbs Shoals Rd, Greer SC 29650
Witness: Jonathan Nett
Date: 12-13-18
Parcel Address: 1688 Gibbs Shoals Rd, Greer SC 29650
Tax Map Number: 0635030101500, 0635030101500

Print Name: William Johnson
Signature: William Johnson
Address: 1688 Gibbs Shoals Rd, Greer SC 29650
Witness: Jonathan Nett
Date: 12-13-18
Parcel Address: 1688 Gibbs Shoals Rd, Greer SC 29650
Tax Map Number: 0635030101500, 0635030101500

(See attached Map & Property Description)
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 122 NICHOLS DRIVE, Greer SC 29650 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 528030102000 attached hereto marked as Exhibit C containing approximately 17.32 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 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 12 day of December, 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: Michael Pearson
Signature: 
Address: 122 Nichols Drive Greer SC 29650
Witness: Jonathan Wall
Date: 12-12-18
Parcel Address: 122 Nichols Drive Greer SC 29650
Tax Map Number: 0528030102000

(See attached Map & Property Description)