ORDINANCE NUMBER 3-2019

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY OWNED BY ELIZABETH GLENN STATON LOCATED ON LISTER ROAD BY ONE HUNDRED PERCENT PETITION; AND TO ESTABLISH A ZONING CLASSIFICATION OF I-1 (INDUSTRIAL DISTRICT) FOR SAID PROPERTY.

WHEREAS, Elizabeth Glenn Staton is the sole owner of property located on Lister 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 Spartanburg County Parcel Number 5-14-00-041.00 containing approximately 1.25 +/- acres attached hereto marked as Exhibit C, the National Flood Insurance Program Flood Insurance Rate Map Numbers 45045C0358E attached hereto marked as Exhibit D; and

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

WHEREAS, Elizabeth Glenn Staton has petitioned the City of Greer to annex her 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 I-1 (Industrial 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 1.25 acres +/- property shown in red on the attached map owned by Elizabeth Glenn Staton located on Lister Road as described on the attached map as Spartanburg County Parcel Numbers (1) 5-14-00-041.00 is hereby annexed into the corporate city limits of the City of Greer.

2. **ZONING ASSIGNMENT:** The above referenced property shall be zoned I-1 (Industrial District) 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 2 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 45045C0358E.

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

This ordinance shall be effective contingent upon closing of the sale of said property by the owner to Clarius Partners, LLC or its designated or affiliated company on or before October 31, 2019.

**CITY OF GREER, SOUTH CAROLINA**

[Signature]

Richard W. Danner, Mayor

**ATTEST:**

[Signature]

Tammela Duncan, Municipal Clerk

Introduced by: Councilmember Kimberly Bookert

First Reading: January 8, 2019
Second and
Final Reading: January 22, 2019

APPROVED AS TO FORM:

Michael E. Kozlarek, Esq.
Kozlarek Law LLC
STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

KNOW ALL MEN BY THESE PRESENTS, that Deborah Ann Seay, a/k/a Deborah A. Seay, in consideration of Ten Dollars ($10.00) Love and Affection the receipt of which is hereby acknowledged, has (have) granted, bargained, sold, and released, and by these presents, do(es) grant, bargain, sell and release unto Elizabeth Glenn Staton, her heirs and assigns forever:

All that pieces, parcels or lots of land in Beech Springs Township, Spartanburg County, South Carolina, about three (3) miles East of the Town of Greer, located on the southwest side of county road S-220 and fronting thereon for a distance of One Hundred Fifty (150) feet, consisting of 1.36 acres, more or less, as shown on survey for Deborah A. Seay prepared by Sinclair & Associates, Inc. dated May 11, 2001, last revised September 28, 2001, and recorded in the RMC Office for Spartanburg County in Plat Book 150, Page 940. For a more complete and particular description reference is made to the aforesaid plat and record thereof.

This being the same property conveyed to Deborah Ann Seay by deed of William C. Seay, Jr. dated December 5, 1989 and recorded in Deed Book 45-A, Page 594 (1 acre); AND the same property conveyed to Deborah A. Seay by deed of Brenda S. Frost dated February 28, 2002 and recorded in Deed Book 75-J, Page 426 (0.36 acre); all in the RMC Office for Spartanburg County, SC.

TOGETHER with all and singular the rights, members, hereditaments and appurtenances to said premises belonging or in anywise incident or appertaining;

TO HAVE AND TO HOLD all and singular the said premises before-mentioned unto the said 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), executors and administrators to warrant and forever defend all and singular the said premises unto the Grantee(s) and the Grantee(s)' heirs (or successors) and assigns, against the Grantor(s) and the Grantor(s)' heirs (or successors) and against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to restrictions and easements of record, if any.

WITNESS the Grantor(s)' hand(s) and seal(s) this 10th day of November, 2011.

SIGNED, sealed and delivered
in the Presence of:

[Signature]
Witness

[Signature]
Witness

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

ACKNOWLEDGMENT

I, [Notary Public], a Notary Public for the State of South Carolina, do hereby certify that Deborah Ann Seay, a/k/a Deborah A. Seay, personally appeared before me and acknowledged the due execution of the foregoing deed this 10th day of November, 2011.

[Seal]
Notary Public for South Carolina
My Commission Expires: [Expiration Date]

DEE-2011-39699
Recorded 3 Pages on 11/10/2011 10:29:22 AM
Recording Fee: $110.00 Documentary Stamps: $0.00
Office of Register of Deeds, Spartanburg, S.C.
Dorothy Carlisle, Register
STATE OF SOUTH CAROLINA )
   ) COUNTY OF SPARTANBURG )

AFFIDAVIT FOR EXEMPT TRANSFERS

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

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

2. The property being transferred is located at 234 Lister Road, Greer, SC 29651 bearing Spartanburg County Tax Map Number 5-14-00-041.00, was transferred by Deborah Ann Seay to Elizabeth Glenn Staton on the 10th day of November, 2011.

3. This deed is exempt from the deed recording fee because (See Information section of affidavit):
   #1--transfer for less than $100.

   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 realty? Check Yes _ or No _

4. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: 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 no more than on year, or both.

[Signature]
Responsible Person Connected with the Transaction:
Deborah Ann Seay, GRANTOR

[Signature]
Notary Public for South Carolina
My Commission Expires: 12/23/2019

-Continued-
INFORMATION

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 interest 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 lien 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 or less than one hundred dollars;
(2) transferring realty to the federal government or to a state, its agencies and departments, 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;
(4) transferring realty in which no gain or loss is recognized by reason of Section 1041 of the Internal Revenue Code as defined in Section 12-6-40(A);
(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 being exchanged in order to partition the realty;
(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 in order to become, or as, a stockholder, partner, or trust beneficiary of the entity provided no consideration is paid for the transfer other than stock in the corporation, interest in the partnership, beneficiary interest in the trust, or the increase in value in such stock or interest held by the grantor. However, 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, provided no consideration is paid for the transfer other than a reduction in the grantee'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. The beneficiaries of a family trust may also include charitable entities. "Family" means the grantor and the grantor's spouse, parents, grandparents, sisters, brothers, children, stepchildren, grandchildren, and the spouses and lineal descendants of any the above. A "charitable entity" means an entity which may receive deductible contributions under Section 170 of the Internal Revenue Code as defined in Section 12-6-40(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; and,
(12) that constitute a corrective deed or a quitclaim deed used to confirm title already vested in the grantee, provided that no consideration of any kind is paid or is to be paid under the corrective or quitclaim deed.
(13) transferring realty subject to a mortgage to the mortgagee whether by deed in lieu of foreclosure executed by the mortgagee or deed 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 political subdivision 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-operated or to take functional control of electric transmission assets as defined the Federal Power Act.
BEGINNING AT THE INTERSECTION OF J. VERNE SMITH PARKWAY AND LISTER ROAD RUNNING ALONG THE NORTHERN RIGHT-OF-WAY OF LISTER ROAD S 37°08'08" E - 30.65 FEET TO AN IRON PIN SET 1/2" REBAR; THENCE S 35°15'27" E - 102.32 FEET TO AN IRON PIN SET 1/2" REBAR; THENCE S 42°59'43" E - 470.27 FEET TO AN IRON PIN FOUND 1/4" REBAR, BEING THE POINT OF BEGINNING; THENCE ALONG THE ADJOINING PROPERTY OF NOW OR FORMERLY BRENDA S. FROST N 46°53'27" E - 322.91 FEET TO AN IRON PIN FOUND 3/4" SOLID ROD; THENCE S 28°00'06" E - 214.99 FEET TO AN IRON PIN FOUND 3/4" OPEN TOP; THENCE ALONG THE ADJOINING PROPERTY OF NOW OR FORMERLY MICHAEL G. FROST S 57°47'01" W - 272.53 FEET TO AN IRON PIN FOUND 1" OPEN TOP; THENCE RUNNING ALONG THE NORTHERN RIGHT-OF-WAY LINE OF LISTER ROAD N 42°50'11" W - 156.06 FEET TO THE POINT OF BEGINNING, SAID PROPERTY CONTAINING 1.25 ACRES (54,428 SQUARE FEET), MORE OR LESS.
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 234 Lister 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 5-14-00-041.00 attached hereto marked as Exhibit C containing approximately 1.25 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, such annexation to be expressly contingent upon the closing of the sale of the said property (cont. below)*

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 4th 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: Elizabeth Glenn Staton
Signature: Elizabeth Glenn
Address: 234 Lister Rd Greer
Witness: [Signature]
Date: 12/4/18
Parcel Address: [Address]
Tax Map Number: [Number]

Print Name: Elizabeth Glenn Staton
Signature: Elizabeth Glenn Staton
Address: [Address]
Witness: [Signature]
Date: [Date]
Parcel Address: [Address]
Tax Map Number: [Number]

(See attached Map & Property Description)

*by the freeholder(s) herein to Clarius Partners, LLC or its designated or affiliated company so long as the closing occurs on or before October 31, 2019
STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

LIMITED WARRANTY DEED

THIS LIMITED WARRANTY DEED is made this 24th day of April, 2019 by Elizabeth Glenn Staton ("Grantor") to W/C GSP JV VIII, L.L.C., a Delaware limited liability company ("Grantee"). The designation Grantor and Grantee as used herein shall include said parties, their successors and assigns, and shall include singular, plural, masculine or neuter as require by context.

Grantor, for and in consideration of the sum of One Hundred Five Thousand and No/100 Dollars ($105,000.00) paid by Grantee to Grantor, the receipt of which is hereby acknowledged, subject to the Exceptions (as hereinafter defined), hereby grants, sells, conveys, bargains and releases to Grantee all that certain piece, parcel or lot of land in lying and being in the State of South Carolina, County of Spartanburg described on Exhibit A attached hereto and made a part hereof, together with all the improvements located thereon, and all easements, hereditaments and appurtenances thereto belonging or in anywise appertaining or rights of way relating thereto (the "Property").

This Limited Warranty Deed is made and accepted expressly subject only to (i) real estate taxes and assessments for the year 2019 and subsequent years, both general and special, not yet due and payable and (ii) easements, covenants, restrictions, and other matters set forth on Exhibit B attached hereto and made a part hereof (collectively, the "Exceptions").

TO HAVE AND TO HOLD, subject only to the Exceptions, the Property unto Grantee, forever in fee simple.

Grantor will warrant and forever defend title to the Property, subject to the Exceptions, to Grantee against the lawful claims of all persons claiming by, through or under Grantor but no others.

[Remainder of this page intentionally left blank; signature page immediately follows]
IN WITNESS WHEREOF, Grantor has executed and delivered this Limited Warranty Deed under seal as of day and year first above written.

Signed, Sealed and Delivered in the Presence of:

Daniel A. Craig
Signature of Witness

Print Name: Daniel A. Craig

SHELLY E. CARR
Signature of Witness

Print Name: Shelly E. Curry

STATE OF SOUTH CAROLINA )
COUNTY OF SPARTANBURG )

ACKNOWLEDGEMENT
(Pursuant to Sections 20-5-30(B) & (C)
of the Code of Laws of South Carolina, 1976
as amended)

I, Daniel A. Craig, a notary public of the State of South Carolina, do hereby certify that Elizabeth Glenn Staton personally appeared before this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and (where an official seal is required by law) official seal the 24th day of April, 2019.

Daniel A. Craig (SEAL)
Notary Public for South Carolina
Print Name: Daniel A. Craig
My Commission Expires: 08/25/2025
EXHIBIT A

ALL that certain piece, parcel or lot of land, situate, lying and being in Beech Springs Township, Spartanburg County, South Carolina, about three (3) miles East of the Town of Greer, located on the southwest side of county road S-220 and fronting thereon for a distance of One Hundred Fifty (150) feet, consisting of 1.36 acres, more or less, as shown on a survey prepared for Deborah A. Seay by Sinclair & Associates, Inc., dated May 11, 2001, last revised September 28, 2001, recorded in the Office of the Register of Deeds for Spartanburg County in Plat Book 151 at Page 940, reference being made to said survey for a more complete metes and bounds description hereof.

LESS, AND EXCEPT, those portions of the property that are located within the right-of-way of Lister Road as shown on survey prepared for Deborah A. Seay by Sinclair & Associates, Inc., dated May 11, 2001, last revised September 28, 2001, recorded in the Office of the Register of Deeds for Spartanburg County in Plat Book 151 at Page 940.

Tax Map No. 5-14-00-041.00

This being the same property conveyed to Grantor by deed of Deborah Ann Seay a/k/a Deborah A. Seay dated November 10, 2011, recorded on November 10, 2011 in Deed Book 99-M, Page 962 in the Office of the Register of Deeds for Spartanburg County, South Carolina.
EXHIBIT B

1. The following matters disclosed by ALTA Survey dated September 25, 2018, last revised April 9, 2019, prepared by EAS Professionals as Job No. EAS-18-8353:
   a. Overhead power lines;
   b. House; and
   c. Sheds.