ORDINANCE NUMBER 5-2019

AN ORDINANCE TO CHANGE THE ZONING CLASSIFICATION OF PROPERTY OWNED BY PAUL BRANNON AND LINDA LISTER LOCATED ON LISTER ROAD FROM R-12 (RESIDENTIAL, SINGLE, FAMILY DISTRICT) TO I-1 (INDUSTRIAL DISTRICT).

The City Council of Greer makes the following findings:

This ordinance pertains to certain property owned by Paul Brannon and Linda Lister located on Lister Road and more clearly identified by the attached City of Greer Map specifying Spartanburg County Parcel Number 5-14-00-040.00 containing approximately 13.63 +/- acres attached hereto marked as Exhibit A.

1. The owners desire to change the zoning classification of their property and have shown the need for such use to the Greer Planning Commission at a public hearing held on January 14, 2019.

2. To accomplish the desired change in use in the most effective manner, the zoning classification should be changed to I-1 (Industrial District).

3. The proposed use is in keeping with the general character of the surrounding property.

NOW, THEREFORE, be it ordained by the Mayor and Council of the City of Greer, South Carolina, as follows:

The zoning classification of property located on Lister Road more particularly identified by the attached City of Greer Map specifying Spartanburg County Parcel Number 5-14-00-040.00 containing approximately 13.63 +/- acres attached hereto
marked as Exhibit A shall be changed from R-12 (Residential, Single-Family District) to I-1 (Industrial District).

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 Wriley Bettis

First Reading: January 22, 2019

Second and Final Reading: February 12, 2019

Approved as to Form:

[Signature]
Michael E. Kozlarek, Esq.
Kozlarek Law LLC
Subject Property
5-14-00-040.00
Acres: 13.63

Streets
Parcels
City Limits

Ordinance 05-2019
LIMITED WARRANTY DEED

STATE OF SOUTH CAROLINA

COUNTY OF SPARTANBURG

)   )    Grantee’s address:
)   )    900 N. Michigan Avenue, Suite 1900
)   )    Chicago, IL 60611

KNOW ALL MEN BY THESE PRESENTS, that Linda H. Lister, Trustee of Trust B Under Will of Larry L. Lister dated June 9, 2000 and Paul W. Brannon (together, “Grantors”) in consideration of Ten Dollars ($10.00), and for other good and valuable consideration, the receipt of which is hereby acknowledged, by these presents do grant, bargain, sell and release unto W/C GSP JV VIII, L.L.C., a Delaware limited liability company (“Grantee”), its successors and assigns forever, all of their right, title and interest in and to the following described property:

SEE ATTACHED EXHIBIT A FOR LEGAL DESCRIPTION

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, subject only to the covenants, easements and restrictions set forth in EXHIBIT B attached hereto and incorporated herein by reference, the premises before mentioned unto the Grantee, and the Grantee’s heirs, successors, executors and administrators forever, and Grantors do hereby bind Grantors and Grantors’ heirs, successors, executors and administrators to warrant and forever defend all and singular said premises unto the Grantee and the Grantee’s heirs, successors and assigns against the Grantors and the Grantors’ heirs, successors and assigns and against every person claiming by, through or under Grantor, but not further or otherwise.
WITNESS the Grantors' hands this 24th day of April, 2019.

SIGNED, sealed and delivered in the presence of:

\[Signature\]

\[Signature\]

Linda H. Lister, Trustee of Trust B under the Will of Larry L. Lister dated June 9, 2000

Paul W. Brannon

STATE OF SOUTH CAROLINA )
COUNTY OF GREENVILLE    )

ACKNOWLEDGEMENT

I, Daniel R. Hughes, a Notary Public in and for the State of South Carolina, do hereby certify that Linda H. Lister, Trustee of Trust B Under Will of Larry Lister dated June 9, 2000 and Paul W. Brannon personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and seal this 24th day of April, 2019.

\[Signature\]

Notary Public for South Carolina

Greenville County

My Commission Expires: 10/18/2026
EXHIBIT A

All that certain Lot, Tract or Parcel of Land, lying and being situate in the City of Greer, Spartanburg County, South Carolina and being more particularly bounded and described as follows:

Commencing at the center line intersection of J. Verne Smith Parkway (S.C. HWY 80) and Lister Road, and following the line of commencement bearing North 62°33'14" East, a distance of 465.07 feet to an Iron Pin Set (IPS) 1/2" Rebar, on the Right of Way of J. Verne Smith Parkway which is the true POINT OF BEGINNING (POB); Thence following said Right-of-Way from the beginning of a curve concave to the northwest having a radius of 2,042.12 feet and a central angle of 02°45'31" and being subtended by a chord which bears North 37°09'42" East 98.31 feet to an IPS 1/2" Rebar; Thence to the beginning of a curve concave to the northwest having a radius of 1902.89 feet and a central angle of 08°41'15" and being subtended by a chord which bears North 38°56'14" East 288.25 feet to an IPS 1/2" Rebar; Thence northeasterly along a curve concave to the west having a radius of 1993.81 feet and a central angle of 21°59'55" and being subtended by a chord which bears North 17°06'20" East 760.83 feet to an IPS 1/2" Rebar; Thence leaving said Right-of-Way bearing South 63°09'52" East, a distance of 582.14 feet to an Iron Pin Found (IPF) 1" Rod Bent; Thence South 25°12'31" West, a distance of 754.01 feet to an IPF 2" Rod; Thence South 18°30'39" West, a distance of 494.79 feet to an IPF 1-1/4" Open Top Pipe; Thence North 52°44'35" West, a distance of 521.35 feet to an IPF 1/2" Rebar Bent; Thence North 52°46'10" West, a distance of 113.76 feet to the true POINT OF BEGINNING. Said parcel containing 616,786 square feet or 14.16 acres, more or less.

This being a portion of the same property conveyed to Linda H. Lister, Trustee of Trust B Under Will of Larry Lister dtd June 9, 2000 by Deed of Distribution from the Estate of Larry L. Lister (Spartanburg County Probate Case No. 2006ES420064) dtd March 13, 2007 and recorded in the Register of Deeds Office for Spartanburg County on March 14, 2007 in Deed Book 88A at Page 832 and a portion of the same property conveyed to Paul W. Brannon by Deed of Distribution from the Estate of Betty L. Brannon (Spartanburg County Probate Case No. 1997ES4201535) dtd December 9, 1997 and recorded in the Register of Deeds Office for Spartanburg County on November 18, 2005 in Deed Book 84-L at Page 185.

Spartanburg County TMS No. 5-14-00-040.00
EXHIBIT B

1. Taxes and assessments for the year 2019 and subsequent years, which are a lien but are not yet due and payable.


3. 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. South Tyger River is the northeastern boundary of the land; and
   b. Streams and wetlands.

4. Rights of upper and lower riparian owners in and to the waters of South Tyger River crossing or adjoining the land, and the natural flow thereof, free from diminution or pollution. See Plat Book 97 at Page 718 in the Office of the Register of Deeds for Spartanburg County.
STATE OF SOUTH CAROLINA )
COUNTY OF SPARTANBURG )

AFFIDAVIT

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

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

2. The property being transferred is located in Spartanburg County bearing Spartanburg County Tax Map No. 5-14-00-040.00 and was transferred by Linda H. Lister, Trustee of Trust B under Will of Larry L. Lister dtd June 9, 2000 and Paul W. Brannon to W/C GSP JV VIII, LLC, a Delaware Limited Liability Company.

3. Check one of the following: The deed is

   (A) X SUBJECT to the deed recording fees as a transfer for consideration paid or to be paid in money or money's worth in the amount of $749,650.00.

   (B) ___ SUBJECT to the deed recording fees as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary. The fee is computed on the fair market value of the realty which is $______________.

   (C) ___ EXEMPT from the deed recording fee because of Exemption Number 1. (See Exemptions on back) [If exempt skip Items 4-7 and go to Item 8.]

4. Check one of the following if either Item 3(A) or 3(B) above has been checked. (See information section of this Affidavit.)

   (A) X The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of $749,650.00.

   (B) ___ The fee is computed on the fair market value of the realty, which is $______________.

   (C) ___ The fee is computed on the fair market value of the realty as established for property tax purposes, which is $______________.

5. Check Yes ____ or No ______ to the following:

   A lien or encumbrance existed on the land, tenement or realty before the transfer and remained on the land, tenement or realty after the transfer. If "Yes", the amount of the outstanding balance of this lien or encumbrance is $______.

6. The deed recording fee is computed as follows:

   (a) Amount listed in Item 4, above: $749,650.00
   (b) Amount listed in Item 5, above (if none shown, place zero here) $ 0.00
   (c) Subtract Line 6(b) from Line 6(a) and place result here: $749,650.00

7. The deed recording fee due is based on the amount listed on Line 6(c), above, and the deed recording fee due is: $749,650.00

   2775.00

8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as Attorney for Grantor.

9. 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.

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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 calculated 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 to 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; (LLC & CHPT 11)
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); (DIVORCE)
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 exchanged in order to effect the partition;
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 as a stockholder, partner, or trust beneficiary of the entity or so as to become a stockholder, partner or trust beneficiary as long as 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, except for transfers from one family trust to another family trust without consideration, 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 a trust;
9) transferring realty from a family partnership to a partner or from a family trust to a beneficiary, as long as no consideration is paid for the transfer other than a reduction in the grantor'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. "Family" means the grantor and the grantor's spouse, parents, grandparents, sisters, brothers, children, stepchildren, grandchildren, and the spouses and lineal descendants of any of them, and the grantor's and grantor's spouse's heirs under a statute of descent and distribution. A family partnership or a family trust also includes charitable entities, other family partnerships and family trusts of the grantor, and charitable remainder and charitable lead trusts, if all the beneficiaries are charitable entities or members of the grantor's family. 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;
12) that constitute a corrective deed or a quitclaim deed used to confirm title already vested in the grantee, as long as no consideration 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 a deed in lieu of foreclosure executed by the mortgagor or deed executed 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 subdivisions 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 operate or to take functional control of electric transmission assets as defined in the Federal Power Act.