ORDINANCE NUMBER 21-2019

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTIES OWNED BY ALLEN CULLUM LOCATED AT 997 AND 999 VICTOR HILL ROAD BY ONE HUNDRED PERCENT PETITION; AND TO ESTABLISH A ZONING CLASSIFICATION OF I-1 (INDUSTRIAL DISTRICT) FOR SAID PROPERTIES.

WHEREAS, Allen Cullum is the sole owner of properties located at 997 and 999 Victor Hill 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 Numbers 5-24-00-043.04 and 5-24-00-043.05 containing approximately 5.5 +/- acres attached hereto marked as Exhibit C, the National Flood Insurance Program Flood Insurance Rate Map Numbers 45083C0216D attached hereto marked as Exhibit D; and

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

WHEREAS, Allen Cullum has petitioned the City of Greer to annex his 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 adjoin the city limits; and

WHEREAS, the property owner has requested that the subject properties 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 5.5 acres +/- properties shown in red on the attached map owned by Allen Cullum located at 997 and 999 Victor Hill Road as described on the attached map as Spartanburg County Parcel Numbers 5-24-00-043.04 and 5-24-00-043.05 are hereby annexed into the corporate city limits of the City of Greer.

2. **ZONING ASSIGNMENT:** The above referenced properties 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 properties shall be designated as Employment Center 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 45083C0216D.

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

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 Wryley Bettis

First Reading: June 11, 2019
Second and
Final Reading: August 13, 2019

APPROVED AS TO FORM:

[Signature]
John B. Duggan, Esquire
City Attorney
Grantee’s Address: 3949 Maple Avenue, #410  
Dallas, TX 75219-3254

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS that John Anthony Hamby and Lynn H. James (collectively, “Grantors”), in consideration of Ten and No/100ths Dollars ($10.00), to the Grantors in hand paid at and before the sealing of these presents by the Grantee, the receipt of which is hereby acknowledged, has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto Cullum GSP 081, LP, a South Carolina limited partnership (“Grantee”), its successors and assigns, the following described properties, to-wit:

All those certain pieces, parcels or lots of land situate, lying and being in the County of Spartanburg, State of South Carolina, and being more fully and particularly described on Exhibit A, attached hereto and incorporated herein by this reference.

Spartanburg County TMS Nos. 5-24-00-043.04 & 5-24-00-043.05

Said premises are conveyed SUBJECT TO all applicable easements, rights of way, restrictions and covenants of record; those easements and rights of way actually existing on the ground and affecting said premises; such matters as would be revealed by a current survey and inspection of the premises; and any applicable zoning and other governmental laws, ordinances and regulations.

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 successors and assigns forever. And, the GRANTORS DO HEREBY bind the Grantors and the Grantors’ heirs, successors, executors and administrators to WARRANT and forever defend all and singular said premises unto the Grantee and the Grantee’s successors and assigns against the Grantors and the Grantors’ heirs, successors and against every person whomsoever lawfully claiming or to claim the same or any part thereof.
Exhibit A

All that certain piece, parcel or tract of land situate, lying and being on the northern side of Victor Hill Road in the County of Spartanburg, State of South Carolina, containing 5.73 acres, more or less, as shown and more fully described on plat of survey entitled “Topographic and Boundary Survey for Cullum GSP 081, LP” prepared by EAS Professionals, Inc. dated June 5, 2019, and having according to such plat of survey the following metes and bounds to-wit:

Beginning at an old bolt in the centerline of Victor Hill Road at the corner of the within described tract and property now or formerly of Cullum GSP 081, LP thence running along the line of property now or former of Cullum GSP 081, LP N 8-52-13 E. for a distance of 639.67 feet to a 1/2" solid rod found; thence continuing with the line of the property of Cullum GSP 081, LP, N, 44-16-34 E. for a distance of 261.20 feet to a 1/2" solid rod found; thence turning and continuing with the line of property of Cullum GSP 081, LP, S. 30-41-35 E. for a distance of 393.90 feet to a 1/2" solid rod found; thence turning and continuing with the line of property of Cullum GSP 081, LP the following courses and distances: S. 45-46-25 W. for a distance of 98.07 feet to a 1/2” solid rod found; S. 38-05-14 W. for a distance of 37.52 to a 1/2” solid rod found; S. 34-03-19 W. for a distance of 33.78 feet to a 1/2” solid rod found; S. 9-23-54 W. for a distance of 136.56 feet to a 1/2” solid rod found; S. 6-43-51 W. for a distance of 180.10 to a 1/2” rebar set and S. 6-43-51 W. 33.02 for a distance of 33.02 feet to an old nail in the centerline of Victor Hill Road; thence turning and running with the centerline of Victor Hill Road, N. 81-09-01 W. 302.87 feet to an old bolt, the point of beginning.

The above described property being the same property conveyed by Deed of Distribution of the Estate of John Harold Hamby to the Grantors named herein, dated December 20, 2018, and recorded in the Office of the Register of Deeds for Spartanburg County, South Carolina on December 27, 2018, in Deed Book 122-E at Page 873.

Spartanburg County T.M.S. Nos. 5-24-00-043.04 & 5-24-00-043.05
IN WITNESS WHEREOF, the Grantors have caused their hand and seal to be affixed hereto and these presents to be subscribed this 12th day of August, 2019.

IN THE PRESENCE OF:

[Signatures]

Witness 1

Witness 2

STATE OF SOUTH CAROLINA §
COUNTY OF GREENVILLE §

ACKNOWLEDGMENT

I, Tamara L. Rhoades, a Notary Public for State of South Carolina, do hereby certify that John Anthony Hamby personally came before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and seal this 12th day of August, 2019.

[Signature]
Notary Public
My commission expires: 9/7/20

IN THE PRESENCE OF:

[Signatures]

Witness 1

Witness 2

STATE OF SOUTH CAROLINA §
COUNTY OF GREENVILLE §

ACKNOWLEDGMENT

I, Tamara L. Rhoades, a Notary Public for State of South Carolina, do hereby certify that Lynn H. James personally came before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and seal this 12th day of August, 2019.

[Signature]
Notary Public
My commission expires: 9/7/20
STATE OF SOUTH CAROLINA)  
COUNTY OF SPARTANBURG)  

AFFIDAVIT FOR TAXABLE OR EXEMPT TRANSFERS

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 properties being transferred is located on 997 and 999 Victor Hill Road, Greer, SC bearing Spartanburg County Tax Map Numbers 5-24-00-043.05 and 5-24-00-043.04, were transferred by Lynn H. James and John Anthony Hamby to Cullum GSP 081, LP on August __, 2019.

3. Check one of the following: The deed is
   (a) XX subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
   (b) ______ subject to the deed recording fee 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.
   (c) ______ exempt from the deed recording fee because (See Information section of affidavit):

   (if exempt, please skip items 4 - 7, and go to item 8 of this affidavit.)

   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. Check one of the following if either item 3(a) or item 3(b) above has been checked (See Information section of this affidavit):
   (a) XX The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of $625,000.
   (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 X__ 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. (This includes, pursuant to Code Section 12-59-140(E)(6), any lien or encumbrance on realty in possession of a forfeited land commission which may subsequently be waived or reduced after the transfer under a signed contract or agreement between the lien holder and the buyer existing before 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) Place the amount listed in item 4 above here: $625,000
   (b) Place the amount listed in item 5 above here
      (If no amount is listed, place zero here.) $________________
   (c) Subtract Line 6(b) from Line 6(a) and place result here: $625,000

7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is ___________.
8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as: ________________.

9. I understand that a person required to furnish this affidavit who wilfully 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.

RESPONSIBLE PARTY CONNECTED WITH THE TRANSACTION

SWORN to before me this 12th day of August, 2019

[Signature]

Lynn H. James

Notary Public for South Carolina
My Commission Expires: 9/7/20

Tamara L. Rhoades

SWORN to before me this 12th day of August, 2019

[Signature]

John Anthony Hamby

Notary Public for South Carolina
My Commission Expires: 9/7/20

Tamara L. Rhoades
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. (This includes, pursuant to Code Section 12-59-140(O)(6), any lien or encumbrance on realty in possession of a forfeited land commission which may subsequently be waived or reduced after the transfer under a signed contract or agreement between the lien holder and the buyer existing before 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;
(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 as a stockholder, partner, or trust beneficiary of the entity so as to become a stockholder, partner, or trust beneficiary of the entity 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 or transfers from a trust established for the benefit of a religious organization to the religious organization, 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 legal descendants of any of 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;
(12) that constitute a correlative 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 correlative 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 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 notation on the deed 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 take functional control of electric transmission assets as defined in the Federal Power Act.)
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 997 & 999 Victor Hill Road are 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 Numbers 5-24-00-043.04 and 5-24-00-043.05 attached hereto marked as Exhibit C containing approximately 5.5 acres; identity 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 the 8th day of MAY 2019, 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: Allen E. Gullum  Print Name:
Signature: ___________________________ Signature: ___________________________
Address: 1111 Main St, Greenville, SC 29601 Address:
Witness: ___________________________ Witness: ___________________________
Date: 5/24/19 Date:
Parcel Address: 997 & 999 Victor Hill Road Parcel Address:
Tax Map Number: 5-24-00-043.04 Tax Map Number: 5-24-00-043.05
Annexation (See attached Map & Property Description)
AN 2019-10 is an annexation and zoning request for two parcel located at 997 and 999 Victor Hill Rd. The request is to zone the parcels from Unzoned (Spartanburg County), to I-1, Industrial, for future development.

Surrounding land uses and zoning include:

North: I-1, Industrial (City of Greer) – Plastic Omnium and Lear
East: I-1, Industrial (City of Greer) – Plastic Omnium and Lear - Vacant
South: Unzoned, (Spartanburg County) – BMW Test Track
West: I-1, Industrial (City of Greer) – Rear Entrance to Plastic Omnium

The land use map in the Comprehensive Plan defines the area adjacent to this property as an Employment Center Community. These centers serve as locations for employment in the community. The types of employment centers can range from retail uses to manufacturing uses. The intent of these centers is to provide employment opportunities for city residents as well as for people who may commute to these locations for work. Employment centers can also range in scale from single use buildings to large mixed use buildings to multiple- building complexes possibly containing office, commercial, service, warehousing and industrial uses. In addition to providing employment and shopping opportunities, employment centers can also include living possibilities as well. Supportive uses such as recreational, educational, and other public uses can be found in employment centers as well. Therefore most of the city’s zoning district allowed land uses are permitted. In accordance with the guidelines set forth in this plan and after a detailed study of the area, Staff can support the proposed zoning request.

STAFF RECOMMENDATION: Approval

ACTION Mrs. Jones made a motion to approve AN2019-10. Mr. Lavender seconded the motion. The motion carried with a vote of 6 to 0.