ORDINANCE NUMBER 27-2019

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTIES OWNED BY SPARTANBURG COUNTY AND DUKE POWER COMPANY LOCATED ON VICTOR AVENUE (VICTOR MILL SITE) BY ONE HUNDRED PERCENT PETITION; AND TO ESTABLISH A ZONING CLASSIFICATION OF DRD (DESIGN REVIEW DISTRICT) FOR SAID PROPERTIES.

WHEREAS, Spartanburg County and Duke Power Company are the owners of properties located on Victor Avenue 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 9-04-05-003.00, 9-04-05-003.01 and 9-04-06-147.01 containing approximately 24.39 +/- acres attached hereto marked as Exhibit C, the National Flood Insurance Program Flood Insurance Rate Map Numbers 45045C0362E and 45083C0211D attached hereto marked as Exhibit D1 and D2; and

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

WHEREAS, Spartanburg County and Duke Power Company 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 adjoin 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 24.39 acres +/- properties shown in red on the attached map owned by Spartanburg County and Duke Power Company located on Victor Avenue as described on the attached map as Spartanburg County Parcel Numbers 9-04-05-003.00, 9-04-05-003.01 and 9-04-06-147.01 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 45045C0362E and 45083C0211D.

5. DISTRICT ASSIGNMENT: The above referenced properties shall be assigned to City Council District #1.

This ordinance shall be effective upon second reading approval thereof.

CITY OF GREER, SOUTH CAROLINA

[Signature]

Richard W. Danner, Mayor
ATTEST:

Tammela Duncan, Municipal Clerk

Introduced by: Councilmember Jay Arrowood

First Reading: July 9, 2019
Second and
Final Reading: August 13, 2019

APPROVED AS TO FORM:

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

KNOW ALL PERSONS BY THESE PRESENTS, THAT the Spartanburg County Forfeited Land Commission, ("GRANTOR") in the State and County aforesaid, for and in consideration of the sum of One DOLLAR (U.S.) ($ 1.00) to it in hand paid at and before the sealing of these presents by Spartanburg County (GRANTEE"), in the State aforesaid for which the receipt whereof is hereby acknowledged, has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto the said GRANTEE, his Heirs and Assigns, forever in fee simple, the following described real property, to wit:

See Exhibit A

Spartanburg County Tax Block Map Number: 9 04-05 003.00 and 9 04-05 003.01

Grantee’s Address: County Of Spartanburg, Attn: County Administrator, Glenn Breed, 366 North Church Street, Spartanburg South Carolina, 29303

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

TO HAVE AND TO HOLD, all and singular, the said Premises before mentioned unto the said GRANTEE his Heirs and Assigns, forever in fee simple.

AND, the GRANTOR does hereby bind itself and its Successors and Assigns, to warrant and forever defend, all and singular, the said Premises unto the said GRANTEE, his Heirs and Assigns, against its Successors and Assigns, and all persons whomsoever now and hereafter lawfully claiming, or to claim the same or any part thereof.

WITNESS Grantor’s hand and Seal this 24th day of June, 2009.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

WITNESSES:

[Signature]
Typed Name:
[Typed Name]

[Signature]
Typed Name:
[Typed Name]

GRANTOR:

FORFEITED LAND COMMISSION
BY: [Signature]
Typed Name: Sharon H. West
Chairman of Forfeited Land Commission
County of Spartanburg South Carolina

DEE-2009-26626
Recorded 4 Pages on 6/25/2009 4:14:09 PM
Recording Fee: $10.00 Documentary Stamps: $0.00
Office of Register of Deeds, Spartanburg, S.C.
Stephen Ford, Register
STATE OF SOUTH CAROLINA )
COUNTY OF SPARTANBURG )

ACKNOWLEDGMENT

I, the undersigned Notary Public do certify that _______ , personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my official seal this the ______ day of ______, 2009.

________________________
Sharon H. West

Notary Public for South Carolina

My Commission Expires: ______
EXHIBIT A

Tax Block Map Number 9 04-05 003.00

All that certain piece, parcel or tract of land, containing 21.147 acres, more or less, situate, lying and being on the northern side of Hardin Street, on the northeastern side of Woodruff Road, on the southwestern side of Victor Avenue, and on the western side of 26th Street in the County of Spartanburg, State of South Carolina, as shown on a plat entitled "J. P. Stevens & Co., Inc., Victor Plant" (Drawing No. 102), dated February, 1987, prepared by Dalton & Neves Co., Inc., Engineers and having according to said plat, the following metes and bounds, to-wit:

BEGINNING at an iron pin at the intersection of Hardin Street and 26th Street at the southeastern most corner of the premises herein described, and running thence with the northern edge of the right of way for Hardin Street, the following courses and distances: N. 60-53 W. 276.7 feet to an iron pin, thence N. 57-29 W. 137.93 feet to an iron pin, thence N. 49-25 W. 561.6 feet to an iron pin; thence N. 59-14 W. 44.4 feet to an iron pin, and thence N. 78-06 W. 61.28 feet to an iron pin at the intersection of Hardin Street and Woodruff Road; thence with the northeastern edge of the right of way for Woodruff Road, the following courses and distances: N. 30-05 W. 393.85 feet to an iron pin, thence N. 41-48 W. 83.56 feet to an iron pin, thence N. 55-10 W. 165.74 feet to an iron pin; thence N. 42-13 W 75.62 feet to an iron pin, thence N. 15-51 W. 75.75 feet to an iron pin, thence N. 1-24 W. 193.69 feet to an iron pin, and thence N. 1-23 W. 287.16 feet to an iron pin at the intersection of Woodruff Road and Victor Avenue; thence with the southwestern edge of the right of way for Victor Avenue, the following courses and distances; S. 51-37 E. 183.62 feet to an iron pin, thence S. 51-34 E. 200.41 feet to an iron pin, thence S. 52.50 E. 45.6 feet to an iron pin, thence S. 55-28 E. 344.91 feet to an iron pin, and thence S. 52-35 E. 930.27 feet to an iron pin at the intersection of Victor Avenue and 26th Street; thence with the western edge of the right of way for 26th Street, S. 0-27 W. 690.33 feet to the point of beginning.

This being the same property conveyed to the Grantor herein by Stephen B. Ford, Interim Delinquent Tax Collector by tax deed dated June 25, 2009, and recorded in the Office of the Register of Deeds for Spartanburg County that same date. This is also the same property conveyed to Graham-Forrester Partnership, a South Carolina General Partnership by Graham, Inc. by deed dated September 6, 1996, and recorded September 9, 1996, in Deed Book 64-T, Page 212, in the Office of the Register of Deeds for Spartanburg County.

Tax Block Map Number 9 04-05 003.01

ALSO: All that certain piece, parcel or tract of land containing 3.272 acres, more or less, situate, lying and being on the northern side of Victor Avenue, on the eastern side of 5th Street, on the southern side of Wilson Street and on the western side of 7th Street, in the County of Spartanburg, State of South Carolina, being shown and designated as "Parking Lot" on a plat entitled "J. P. Stevens & Co., Inc., Victor Plant" (Drawing No. 101), dated February, 1987, prepared by Dalton & Neves Co., Inc., Engineers, recorded in the Register of Deeds Office for Spartanburg County in Plat Book 103 at Page 917 and having such metes and bounds as shown thereon, reference to said plat being made for a more complete description.

This being the same property conveyed to the Grantor herein by Stephen B. Ford, Interim Delinquent Tax Collector by tax deed dated June 25, 2009, and recorded in the Office of the Register of Deeds for Spartanburg County that same date. This is also the same property conveyed to Graham-Forrester Partnership, a South Carolina General Partnership by Graham, Inc. by deed dated September 6, 1996, and recorded September 9, 1996, in Deed Book 64-T, Page 212, in the Office of the Register of Deeds for Spartanburg County.
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
   bearing Spartanburg County Tax Map Number 9-04-05 003.00 9-04-05 003.01
   was transferred by Spartanburg County to 
   Spartanburg County
   on 25th day of June

3. The deed is exempt from the deed recording fee because (See information section of 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. As required by Code Section 12-24-70, I state that I am a responsible person who was
   connected with the transaction as:
   
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 not more than one year, or both.
   
   
   Responsible Person Connected with the Transaction
   
   Print or Type Name Here
   Scott Ford

SWORN to before me this 25th day of June 2009

My Commission Expires: 5/21/14
City of Greer
Area Not Included

Spartanburg County
Unincorporated Areas
450176

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

PANEL 211 OF 555
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)
CONTAINS:
COMMUNITY NUMBER PANEL SUFFIX
SPARTANBURG COUNTY 450176 211 0

Notice to User: The Map Number shown below should be used when ordering map copies, the FIRM Number shown should be used on insurance applications for the subject community.

MAP NUMBER
4503C0211D
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-MIT 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 FE/MA Flood Map Store at www.msc.fema.gov.
Mixed-Use Development. The development planned for this 24.4-acre tract on Victor Ave. at the intersection of Victor Ave. and 5th Street will utilize the Design Review District (DRD) zoning format and existing terrain and features of the property in a planned community that includes roughly 7 acres of common area, +/-28% of the development. The common areas will be natural areas, landscaped buffers, community amenity areas and detention areas. This development will be comprised of single-family residences (townhomes and/or Multi-Family), with a +/-2.0 acre commercial area located in the northeast corner, which will include a community area for the general public, as well as the community, to use. See preliminary drawing.

Residential Section. The residential area will consist of traditional attached Townhomes and/or some mix of Multifamily. These residences may have a mixture of sizes, with a minimum of 2 bedrooms and up and will be constructed with a variety of materials, including brick, stone, vinyl and hardiplank. Total overall residential density for this project will not exceed 10.25 units per overall site acreage. Setbacks for this section will be 15' front setbacks and a 15' exterior setback around the development.

Commercial Section. The commercial area will consist of up to 2.0 acres of property that will include a community area for the general public. The commercial building will have a 15' setback from Victor Ave., with parking in the rear. The commercial section will abide by all the uses permitted in the Central Business District zoning (C-1) as listed in the City of Greer Zoning Manual (at the date of approval). The exterior of the commercial building will be designed to be compatible with the surrounding community.

Sewer. The developer has determined that a gravity sewer line can be constructed to serve this site and no pump station will be required. The developer will construct the lines and dedicate them to the City of Greer when completed and approved.

Interconnectivity. Sidewalks will be provided on one side of all roads within this community as well as along the frontage of Victor Ave. There will also be a sidewalk connection between the residential and commercial section.
**Group Ownership Association.** Prior to the first sale of a residence or occupancy of any dwelling unit, an incorporated, non-profit association of owners (Group ownership association (GOA)) will be established. All common areas or common amenities and facilities within the communities shall be permanently protected by recorded covenants and restrictions and shall be conveyed by the developer to the GOA.

The GOA shall be responsible for the continuing upkeep and proper maintenance of the common areas of the community, including any required stormwater detention/retention and landscaping. This ownership and maintenance shall also apply to any other common facilities that may be constructed in the future.

**Public Improvements and Facility Impact.** All new roads and utilities will be constructed to meet applicable design standards. New Roads will be private with some on street guest parking spaces provided. Storm water management will be designed according to the specifications of the appropriate regulatory authority. All construction will be in accordance with applicable building codes, zoning ordinances, and all other state and local laws and ordinances. Utilities are provided by the Greer Public Works and Duke Power.
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 Victor Avenue 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 9-04-05-003.01 attached hereto marked as Exhibit C containing approximately 3.27 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 4th day of April, 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: Spartanburg County
Signature: [Signature]
Address: 366 North Church Street
Witness: [Witness]
Date: 4.4.19
Parcel Address: 0 Victor Avenue Greer, SC 29651
Tax Map Number: 9-04-05-003.01

Print Name: 
Signature: 
Address: 
Witness: 
Date: 
Parcel Address: 
Tax Map Number: 

(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 Victor Avenue 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 9-04-06-147.01 attached hereto marked as Exhibit C containing approximately .22 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 ___ day of __________, 20___ 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: Duke Power Company
Signature:
Address: 821 Southeast Main St. Simpsonville, SC 29681
Witness: 
Date: 3-19-2019
Parcel Address: 0 Victor Avenue Greer, SC 29651
Tax Map Number: 9-04-06-147.01

(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 ______________ 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 9-04-05-003.00 _______________ attached hereto marked as Exhibit C containing approximately 20.9 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 ___ day of April __________, 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: Spartanburg County
Signature: 
Address: 366 North Church Street
Witness: Faye L. Walker
Date: 4-4-19
Parcel Address: 250 Victor Avenue Greer, SC 29651
Tax Map Number: 9-04-05-003.00

(See attached Map & Property Description)
ZONING MAP AMENDMENT APPLICATION
(ZONING & REZONING)

Date 4.4.19

(Fees for this application are based on a sliding scale - See Fee Schedule)

Tax Map Number(s) 9.04-05-003.01, 9.04-06-147.01, 9.04-05-003.00

Property Address(s) 250 VICTOR MILL ROAD AND 0 VICTOR MILL ROAD GREER, SC 29651

Acreage of Properties +/- 24.4

County SPARTANBURG COUNTY

Applicant Information
Name SCOUT REALTY GROUP
Address 301 AUGUSTA STREET SUITE 100
GREENVILLE, SC 29601
Contact Number 864-505-9556
Email chris@scoutrealtygroup.com

Property Owner Information
(If multiple owners, see back of sheet)
Name SPARTANBURG COUNTY
Address 366 NORTH CHURCH STREET
SPARTANBURG, SC 29303
Contact Number N/A
Email N/A

Pursuant to Section 6-29-1145 of the South Carolina Code of Laws, is this tract or parcel restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the activity described? Yes No X

The applicant hereby requests that the property described be zoned (in the case of Annexation) or rezoned from UNZONED to DRD.

Existing Use OTHER PROFESSIONAL SERV/ELECTRIC UTILITY Proposed Use RESIDENTIAL/COMMERCIAL

Signature(s) B C A l A County Administrator

Not the property owner, an Acting Agent Authorization from will be required at the time of submittal.

All zoning classifications, permitted uses and fees are available at www.cityofgreer.org

OFFICE USE ONLY

Date Filed Case No.
Meeting Date

See Reverse
**Complete the section below if multiple property owners**

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