ORDINANCE NUMBER 6-2020

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTIES OWNED BY THE CITY OF GREER LOCATED AT 2299 AND 2999 GAP CREEK ROAD BY ONE HUNDRED PERCENT PETITION; AND TO ESTABLISH A ZONING CLASSIFICATION OF R-20 (SINGLE FAMILY RESIDENTIAL DISTRICT) FOR SAID PROPERTIES.

WHEREAS, the City of Greer is the sole owner of properties located at 2299 and 2999 Gap Creek Road more particularly described on the legal description attached hereto marked as Exhibit A1 and A2, the property description attached hereto marked as Exhibit B, the City of Greer Map attached hereto marked as Greenville County Parcel Number 0536010105300 and Spartanburg County Parcel Number 9-02-00-036.00 containing approximately 159.3 +/- acres attached hereto marked as Exhibit C, the National Flood Insurance Program Flood Insurance Rate Map Numbers 45045C0351E and 45083C0205D attached hereto marked as Exhibit D1 and D2; and,

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

WHEREAS, the City of Greer has petitioned the City of Greer to annex it’s property 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 owner has requested that the subject properties be zoned R-20 (Single Family Residential 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 159.3 acres +/- properties shown in red on the attached map owned by the City of Greer located at 2299 and 2999 Gap Creek Road as described on the attached City of Greer Map as Greenville County Parcel Number 0536010105300 and Spartanburg County Parcel Number 9-02-00-036.00 are hereby annexed into the corporate city limits of the City of Greer.

2. **ANNEXATION OF 2164 FEET OF GAP CREEK ROAD:** 2164 feet of Gap Creek Road roadway along the edge of the annexed property owned by the City of Greer as shown in Exhibit C are hereby annexed into the corporate limits of the City of Greer.

3. **ZONING ASSIGNMENT:** The above referenced property shall be zoned R-20 (Single Family Residential District) pending confirmation or rezoning pursuant to the applicable City of Greer Zoning Ordinance.

4. **LAND USE MAP:** The above reference property shall be designated as Employment Center on the Land Use Map contained within the 2010 Comprehensive Plan for the City of Greer.

5. **FLOOD INSURANCE RATE MAP:** This ordinance shall adopt The National Flood Insurance Program Flood Insurance Rate Map Numbers 45045C0351E and 45083C0205D.

6. **DISTRICT ASSIGNMENT:** The above referenced property shall be assigned to City Council District #4.

This ordinance shall be effective upon second reading approval thereof.
CITY OF GREER, SOUTH CAROLINA

Richard W. Danner, Mayor

ATTEST:

Tammela Duncan, Municipal Clerk

Introduced by: Councilmember Lee Dumas

First Reading: March 10, 2020
Second and
Final Reading: April 28, 2020

APPROVED AS TO FORM:

John B. Duggan, Esquire
City Attorney
KNOW ALL MEN BY THESE PRESENTS, that Greer Golf and Country Club, aka Greer Golf and Country Club, Inc. (hereinafter called "Grantor"), in consideration of Four Hundred Eighty Six Thousand Three Hundred Ninety Nine and 71/100 Dollars ($486,399.71), the receipt of which is hereby acknowledged, and subject to the covenant contained herein, to the Grantor in hand paid at and before the sealing of these presents, by City of Greer (hereinafter called Grantee) in the State aforesaid, the receipt of which is hereby acknowledged, has granted, bargained, sold, and released, and by these presents does grant, bargain, sell and release unto City of Greer, its successors and assigns, forever:

ALL that piece, parcel or lot of land, with all improvements thereon or hereafter constructed thereon, situate, lying and being in the State of South Carolina, County of Spartanburg, Beech Springs Township and partly in Greenville County, lying on the southerly side of Gap Creek Road and on the northerly side of South Tyger River, about three miles northeast of Greer, known as Tracts Nos. 6 and 7 and 10.38 acres, as shown on plat entitled Plat of Subdivision – A.H. Miller Tract, prepared by H.S. Brockman, Surveyor, dated December 1918, revised by John A. Simmons, Reg. Surveyor, on May 18, 1961, and recorded in Plat Book 46 at Pages 544 and 545, in the Office of the Register of Deeds for Spartanburg County and in Plat Book RR at Page 145 in the Office of the Register of Deeds for Greenville County. Reference is made to such revised plat for a more complete property description.

This is the identical property conveyed to Greer Golf & Country Club by the following deeds:

(1) Tracts 6 and 7 by deed of James G. Hayes, et al, recorded October 27, 1964, in Deed Book 20-U at Page 282, RMC Office for Spartanburg County and recorded in Deed Book 734 at Page 463 in the ROD Office for Greenville County.

(2) 10.38 acre tract by deed of Perry M. Shockley and Joseph L. Shockley recorded in Deed Book 27-U at Page 17 in the ROD Office for Spartanburg County and Deed Book 20-U, at Page 383 in the ROD Office for Spartanburg County.

TMS # 9-02-00-036.00
ALSO, All that piece, parcel or lot of land, lying and being in the County of Spartanburg State of South Carolina, being known and designated as Lot No. 15 of Section 7, Country Club Estates, as shown on survey and plat recorded in the ROD Office for Spartanburg County in Plat Book 70, at Pages 452-457, reference to said plat is hereby pleaded for a more complete description as to metes and bounds.

This is the identical property conveyed to Greer Golf & Country Club Inc., by deed of Group Five Inc., dated 8/4/90 and recorded 8/8/90 in Deed Book 56-V, at Page 554, in the ROD Office for Spartanburg County, SC.

TMS#9-02-06-024.00

SAID PROPERTY SHALL BE SUBJECT TO the restriction that the Property shall only be used by Grantee, its successors or assigns, for green space and community recreation purposes; provided, however, that Grantee, its successors or assigns, is not required to utilize the Property as a municipal golf course after 180 days from the date of this deed. This covenant shall run with the land and bind Grantee's successors or assigns.

This conveyance is made subject to any restrictions, reservations, zoning ordinances or easements that may appear of record on the recorded plats or on the premises.

Grantee's Address: 301 E. Poinsett Street
Greer, SC 29651

TMS No.: 9-02-00-036.00 and 9-02-06-024.00

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 heirs and assigns forever. And the Grantor does hereby bind the grantor and the grantor's successors and assigns, executors and administrators to warrant and forever defend all and singular said premises unto the said Grantee and the Grantee's heirs and assigns forever against the Grantor and its Successors and Assigns, so that neither Grantor nor those claiming under it shall hereafter have any interest in or claim the same, or any thereof.

Any reference to this instrument to the singular shall include the plural, and vice versa. Any reference to one gender shall include the others, including the neuter. Such words of inheritance shall be applicable as are required by the gender of the Grantee.
WITNESS the Grantor's hand and seal this the 6th day of February, 2020.

SIGNED, SEALED AND DELIVERED
in the presence of:

[Signatures]

State of South Carolina
County of Greenville

ACKNOWLEDGMENT

I, Daniel R. Hughes, a Notary Public for South Carolina, do hereby certify that Greer Golf and Country Club aka Greer Country Club, Inc. by Ronald O. Bennett, Its: President, personally appeared before me and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 6th day of February, 2020.

[Seal]

My Commission Expires: 10/15/2026
PREPARED BY AND RETURN TO:
Duggan & Hughes, LLC
457-B Pennsylvania Avenue
Greer, SC 29650

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

KNOW ALL MEN BY THESE PRESENTS, that Greer Golf and Country Club, aka
Greer Golf and Country Club, Inc. (hereinafter called "Grantor"), in consideration of One Million
Fifty Thousand and 00/100 Dollars ($1,050,000.00), the receipt of which is hereby
acknowledged, and subject to the covenant contained herein, to the Grantor in hand paid at and
before the sealing of these presents, by City of Greer (hereinafter called "Grantee") in the State
aforesaid, the receipt of which is hereby acknowledged, has granted, bargained, sold, and released,
and by these presents does grant, bargain, sell and release unto City of Greer, its successors and
assigns, forever:

ALL that piece, parcel or lot of land, with all improvements thereon or hereafter constructed
thereon, situate, lying and being in the State of South Carolina, County of Spartanburg, Beech
Springs Township and part of Greenville County, lying on the southerly side of Gap Creek
Road and on the northerly side of South Tyger River, about three miles northeast of Greer,
known as Tracts Nos. 6 and 7 and 10.38 acres, as shown on plat entitled Plat of Subdivision —
A.H. Miller Tract, prepared by H.S. Brockman, Surveyor, dated December 1918, revised by
John A. Simmons, Reg. Surveyor, on May 18, 1961, and recorded in Plat Book 46 at Pages 544
and 545, in the Office of the Register of Deeds for Spartanburg County and in Plat Book RR at
Page 145 in the Office of the Register of Deeds for Greenville County. Reference is made to
such revised plat for a more complete property description.

This is the identical property conveyed to Greer Golf & Country Club by the following deeds:

(1) Tracts 6 and 7 by deed of James G. Hayes, et al, recorded October 27, 1964, in Deed
Book 20-U at Page 282, RMC Office for Spartanburg County and recorded in Deed
Book 734 at Page 463 in the ROD Office for Greenville County.

(2) 10.38 acre tract by deed of Perry M. Shockley and Joseph L. Shockley recorded in Deed
Book 27-U at Page 17 in the ROD Office for Spartanburg County.
ALSO, All that piece, parcel or tract of land in O'Neal Township, Greenville County, State of South Carolina being shown on plat of property of Greer Golf and Country Club, recorded in the ROD Office for Greenville County, SC, in Plat Book SS, at Page 1. Reference is made to such plat for a more complete property description.

This being the same property conveyed to Greer Golf and Country Club, Inc., by Quitclaim Deed of Greenville County, South Carolina, dated 2/24/98 and recorded 2/24/98 in Deed Book 1745, at Page 998, in the ROD Office for Greenville County, SC.

SAID PROPERTY SHALL BE SUBJECT TO the restriction that the Property shall only be used by Grantee, its successors or assigns, for green space and community recreation purposes; provided, however, that Grantee, its successors or assigns, is not required to utilize the Property as a municipal golf course after 180 days from the date of this deed. This covenant shall run with the land and bind Grantee’s successors or assigns.

This conveyance is made subject to any restrictions, reservations, zoning ordinances or easements that may appear of record on the recorded plats or on the premises.

Grantee’s Address: 301 E. Poinsett Street
Greer, SC 29651

TMS No.: 0536.01-01-053.00

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 heirs and assigns forever. And the Grantor does hereby bind the grantor and the grantor’s successors and assigns, executors and administrators to warrant and forever defend all and singular said premises unto the said Grantee and the Grantee’s heirs and assigns forever against the Grantor and its Successors and Assigns, so that neither Grantor nor those claiming under it shall hereafter have any interest in or claim the same, or any thereof.

Any reference to this instrument to the singular shall include the plural, and vice versa. Any reference to one gender shall include the others, including the neuter. Such words of inheritance shall be applicable as are required by the gender of the Grantee.
WITNESS the Grantor's hand and seal this the 6th day of February, 2020.

SIGNED, SEALED AND DELIVERED
in the presence of:

[Signatures]

Witness #1:

Witness #2:

Greer Golf and Country Club aka
Greer Golf and Country Club, Inc.

By: Ronald O. Bennett
Its: President

State of South Carolina
County of Greenville

ACKNOWLEDGMENT

I, Daniel R. Hughes, a Notary Public for South Carolina, do hereby certify that Greer Golf and Country Club aka Greer Golf and Country Club, Inc., by Ronald O. Bennett, Its: President, personally appeared before me and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 6th day of February, 2020.

Notary Public for South Carolina
My Commission Expires: 10/12/2026
EXHIBIT "A"
PROPERTY DESCRIPTION

ALL that piece, parcel or lot of land, with all improvements thereon or hereafter constructed thereon, situate, lying and being in the State of South Carolina, County of Spartanburg, Beech Springs Township and partly in Greenville County, lying on the southerly side of Gap Creek Road and on the northerly side of South Tyger River, about three miles northeast of Greer, known as Tracts Nos. 6 and 7 and 10.38 acres, as shown on plat entitled Plat of Subdivision – A.H. Miller Tract, prepared by H.S. Brockman, Surveyor, dated December 1918, revised by John A. Simmons, Reg. Surveyor, on May 18, 1961, and recorded in Plat Book 46 at Pages 544 and 545, in the Office of the Register of Deeds for Spartanburg County and in Plat Book RR at Page 145 in the Office of the Register of Deeds for Greenville County. Reference is made to such revised plat for a more complete property description.

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(2) 10.38 acre tract by deed of Perry M. Shockley and Joseph L. Shockley recorded in Deed Book 27-U at Page 17 in the ROD Office for Spartanburg County.

Reference is made to Quitclaim Deed from Greenville County, SC to Greer Golf & Country Club, Inc.

ALSO:

ALL that piece, parcel or lot of land, with all improvements thereon or hereafter constructed thereon, situate, lying and being in the State of South Carolina, County of Spartanburg, Beech Springs Township and partly in Greenville County, lying on the southerly side of Gap Creek Road and on the northerly side of South Tyger River, about three miles northeast of Greer, known as Tracts Nos. 6 and 7 and 10.38 acres, as shown on plat entitled Plat of Subdivision – A.H. Miller Tract, prepared by H.S. Brockman, Surveyor, dated December 1918, revised by John A. Simmons, Reg. Surveyor, on May 18, 1961, and recorded in Plat Book 46 at Pages 544 and 545, in the Office of the Register of Deeds for Spartanburg County and in Plat Book RR at Page 145 in the Office of the Register of Deeds for Greenville County. Reference is made to such revised plat for a more complete property description.

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(2) 10.38 acre tract by deed of Perry M. Shockley and Joseph L. Shockley recorded in
Deed Book 27-U at Page 17 in the ROD Office for Spartanburg County.

Reference is made to Quitclaim Deed from Greenville County, SC to Greer Golf & Country Club, Inc.

ALSO:

ALL that piece, parcel or lot of land, lying and being in the County of Spartanburg, State of South Carolina, being known and designated as Lot No. 15, of Section 7, Country Club Estates, as shown on a survey and plat recorded in the RMS Office for Spartanburg County in Plat Book 70 at Pages 452-457, reference to said plat is hereby pleaded for a more complete description as to metes and bounds.

ALSO:

All improvements, buildings, furniture, fixtures, equipment, parking areas, licenses, permits, appurtenances, hereditaments, entitlements, easements, names and other assets used in the operation of, or located at the property.
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 2299 and 2999 Gap Creek Rd 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 9-02-00-036.00 & 0536010105300 attached hereto marked as Exhibit C containing approximately 159.3 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 10 day of February, 2020 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.

The applicant hereby requests that the property described be zoned to R-20, Single Family Residential.

Pursuant to Section 6-29-1145 of the South Carolina Code of Laws, is this tract or parcel restricted by any recorded covenant or restriction that is contrary to, conflicts with, or prohibits the activity described?

☐ Yes  ☐ No

Print Name: Ed Driggers
Signature: ____________________________
Address: 301 E. Poinsett St
Witness: Elizabeth Adams
Date: 1/10/20
Parcel Address: 2299 & 2999 Gap Creek Rd
Tax Map Number: 9-02-00-036.00 & 0536010105300

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

(See attached Map & Property Description)
AN 2020-02 is a request to zone two parcels located at 2299 and 2999 Gap Creek Rd from Unzoned (Greenville and Spartanburg Counties), to R-20, Residential District for continued use as a golf course.

Surrounding land uses and zoning include:

North: R-10, Residential District – City of Greer – Oakton Subdivision Proposed
East: Unzoned, Spartanburg County – Single-family Use – Country Club Estate
South: Unzoned, Greenville and Spartanburg Counties – Single-family Use
West: Unzoned – Greenville County – Single-family Use

The land use map in the Comprehensive Plan defines the area to the west of this properties as Public Community. The purpose of this land use category is to identify areas in the community now used that may be appropriate for public/semipublic land uses. These types of land uses include schools, utilities, recreation facilities, etc. These types of uses can also be found incorporated in both the Community and Center land use designations.

In accordance with the guidelines set forth in the Comprehensive Plan and after a detailed study of the area, staff supports the proposed zoning request.

**STAFF RECOMMENDATION:** Approval

**ACTION** – Mr. Martin made a motion to approve AN 2020-02. Mr. Wright seconded the motion. The motion carried with a vote of 5 to 0. Mr. Lavender recused himself. The motion passed.