ORDINANCE NUMBER 10-2020

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY OWNED BY CHERYL LYNN GRANT LOCATED AT 1103 KIST ROAD BY ONE HUNDRED PERCENT PETITION; AND TO ESTABLISH A ZONING CLASSIFICATION OF R-12 (SINGLE FAMILY RESIDENTIAL DISTRICT) FOR SAID PROPERTY.

WHEREAS, Cheryl Lynn Grant is the sole owner of property located at 1103 Kist Road more particularly described on the legal description attached hereto marked as Exhibit A, the property description attached hereto marked as Exhibit B, the City of Greer Map attached hereto marked as Spartanburg County Parcel Number 5-35-00-073.00 containing approximately 58.56 +/- acres attached hereto marked as Exhibit C, the National Flood Insurance Program Flood Insurance Rate Map Number 45083C0331D attached hereto marked as Exhibit D; and,

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

WHEREAS, the Cheryl Lynn Grant 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 R-12 (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 58.56 acres +/- property shown in red on the attached map owned by the Cheryl Lynn Grant located at 1103 Kist Road as described on the attached City of Greer Map as Spartanburg County Parcel Number 5-35-00-073.00 is hereby annexed into the corporate city limits of the City of Greer.

2. **ZONING ASSIGNMENT:** The above referenced property shall be zoned R-12 (Single Family Residential 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 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 Number 45083C0331D.

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

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 Jay Arrowood

First Reading: April 14, 2020

Second and Final Reading: April 28, 2020

APPROVED AS TO FORM:

[Signature]

John B. Duggan, Esquire
City Attorney
Mailing address: 111 Walcott Drive Lyman, S.C. 29365
Tax Map # 5-35-00-073.00 P/O

STATE OF SOUTH CAROLINA )
COUNTY OF SPARTANBURG )

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, that DANNY LAYTON TUCKER in consideration of ONE DOLLAR, LOVE AND AFFECTION, ($1.00) the receipt of which is hereby acknowledged, has granted, bargained, sold and released, and by these presents, does grant, bargain, sell and release unto,

CHERYL LYNN GRANT:

THE INTEREST CONVEYED TO ME BY CHERYL LYNN GRANT RECORDED IN DEED BOOK 85-D AT PAGE 120.

ALL that certain piece, parcel or tract of land situate, lying and being in School District No. 5, County of Spartanburg, State of South Carolina, containing fifty six (56) acres, more or less, and being known and designated as TRACT NO.1 of the LEONARD PROPERTY as shown on plat prepared by W.A. Adams, Surveyor, dated October 31, 1911 and having the following courses and distances, to wit:

BEGINNING at an iron pin and running S. 39 ¾ E., 14.07 chains to iron pin; thence N.62 E., 17.30 chains to stone; thence N. 69 ¾ E., 11.80 chains to stone; thence N. 36 1/8 E., 11.48 chains to stone; thence along with branch, 23.84 chains to white oak; thence to stone, S 48 ¾ W., 96 links; thence N. 31 ¼ W., 1.33 chains; thence S. 50 ¾ W., 22.89 chains to beginning corner. Bounded by lands now or formerly owned by Wendell Tucker, Grace Cox, Joe Eubanks, Harold Owens, Harold Williams, N.O. Fowler and Manson Tucker.

This being the same property as conveyed unto Danny Layton Tucker by deed of Cheryl Lynn Grant dated February 20, 2006 and recorded February 22, 2006 in the ROD Office for Spartanburg County in Deed Book 85 D at page 120.

This property is conveyed subject to all restrictions, reservations, zoning ordinances or easements that may appear of record on the recorded plat(s) or on the premises.

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(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(s') successors or assigns to warrant and forever defend all and singular said premises unto the Grantee(s) and the Grantee(s) heirs or successors and against every person whomsoever lawfully claiming or to claim the any part thereof.

Witness the Grantor's (s') Hand(s) and Seal(s) this 16th day of August 2010

[Signatures]

Witness

State of South Carolina )
County of Greenville

Acknowledgement

1, Beverly A. Burr, a Notary Public for the State of South Carolina, do hereby certify that Danny Layton Tucker personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witnesses my hand and seal this 16th day of August 2010.

Notary Public for South Carolina
My Commission expires: 11-10-2017
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 ___________ Kist 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 ______ 5-35-00-073.00 _______ attached hereto marked as Exhibit C containing approximately +/- 56 ______ 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 _____ March __________, 20_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.

The applicant hereby requests that the property described be zoned to _______ R-12, cluster option 1 ______

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: Cheryl L Grant
Signature: __________________________________________________________
Address: PO Box 397 Rockford Alabama 35136
Witness: __________________________________________________________
Date: Mar 16, 2020
Parcel Address: ____________________________________________________
Tax Map Number: 5-35-00-073.00

____________________
Print Name: _______________________________________________________
Signature: _________________________________________________________
Address: __________________________________________________________
Witness: __________________________________________________________
Date: _____________________________________________________________
Parcel Address: ____________________________________________________
Tax Map Number: 5-35-00-073.00

(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 Kist 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 5-35-00-073.00 attached hereto marked as Exhibit C containing approximately +/- 56 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.

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DATE OF PETITION: This petition is dated this day of March 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 R-12, cluster option 1.

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: Janice J. Hammond  Print Name:
Signature:  
Address: 217 Brookdale Dr, Greer, SC  29651  Address:
Witness:  
Date: 03-15-2020  Date:
Parcel Address: 110 Kist Rd  Parcel Address:
Tax Map Number: 5-35-00-073.00  Tax Map Number: 5-35-00-073.00

(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 Kiati 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 6-35-00-073.00 attached hereto marked as Exhibit C containing approximately +/- 56 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 ___ March __, 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.

The applicant hereby requests that the property described be zoned to ___ R-12, cluster option 1 ___.

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: Madison Tucker  Print Name: Robert J. Forrest
Signature: Madison Tucker  Signature: Robert J. Forrest
Address: 1104 Kiati Rd Greer  Address: 1103 Kiati Rd Greer
Witness: Kianne Tucker  Witness: Kianne Tucker
Date: 3-15-2020  Date: 3-15-2020
Parcel Address: 1104 Kiati Rd Greer  Parcel Address: 1103 Kiati Rd Greer
Tax Map Number: 6-35-00-073.00  Tax Map Number: 6-35-00-073.00

Annexation - Page 1 of 2  (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 _______ Kist 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 5-35-00-073.00 attached hereto marked as Exhibit C containing approximately +/− 86 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 _______ March _______, 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.

The applicant hereby requests that the property described be zoned to _______ R-12, cluster option 1 _______.

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:  Dena Michelle Houston
Signature:  
Address:  Ridge Road Annex, Lyman SC
Witness:  2/24/2023
Date:  3-15-2020
Parcel Address:  1103 Kist Rd Greer SC
Tax Map Number:  5-35-00-073.00

Print Name:  Danny Tacker
Signature:  
Address:  124 Kist Rd Greer SC
Witness:  3/15/2020
Date:  3-15-2020
Parcel Address:  1103 Kist Rd
Tax Map Number:  5-35-00-073.00

Annexation - Page 1 of 2

(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 5-35-00-073.00 attached hereto marked as Exhibit C containing approximately +/- 58 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 March _______, 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.

The applicant hereby requests that the property described be zoned to __ R-12, cluster option 1 __.

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: Stephanie Turner
Signature: __________________________
Address: 405 Ridge Rd, Chesnee, SC 29323
Witness: Debra Boyette
Date: ______________
Parcel Address: ______________
Tax Map Number: 5-35-00-073.00

Print Name: Melissa Pose
Signature: __________________________
Address: 1302 Birchwood Ct, Greer, SC 29651
Witness: Debra Boyette
Date: ______________
Parcel Address: ______________
Tax Map Number: 5-35-00-073.00

(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 Kiist 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 5-35-00-073.00 attached hereto marked as Exhibit C containing approximately 56 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 practicable. 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 March 20, 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-12, cluster option 1.

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: ___________________________ Signature: ___________________________
Address: 3090 Brook Rd, Greer, SC
Witness: ___________________________
Date: __________
Parcel Address: 1103 Kiist Rd, Greer, SC
Tax Map Number: 5-35-00-073.00

(See attached Map & Property Description)
ZONING REPORT
STAFF REPORT TO THE GREER PLANNING COMMISSION
MONDAY, APRIL 20, 2020

DOCKET:                   AN 20-79
APPLICANT:                Cheryl Grant
PROPERTY LOCATION:        1103 Kist Rd
TAX MAP NUMBER:           5-35-00-073.00
EXISTING ZONING:          Unzoned (Spartanburg County)
REQUEST:                  Zone to R-12, Single-family Residential
SIZE:                     58.56 Acres
COMPREHENSIVE PLAN:       Adjacent to Residential Land Use 2

AN 20-79 is a request to zone one parcel located at the corner of Kist Rd and Burns Rd. The request is to zone the property from Unzoned (Spartanburg County), to R-12, Single-family Residential.

Surrounding land uses and zoning include:

North:                   Unzoned, Spartanburg County – Vacant and single-family residential use
East:                    R-12, Single-family Residential, City of Greer – Franklin Pointe
South:                   Unzoned, Spartanburg County – Vacant and single-family residential use
West:                    Unzoned, Spartanburg County – Vacant and single-family residential use

The land use map in the Comprehensive Plan defines the adjacent property as Residential Land Use 2. This Community category is generally where most residential subdivisions located across the city may be found. A large majority of the Community residential areas will have this category designation. The density range of these areas is between 2.6 to 4.5 units per acre. There may also be some of the lower density developments who were at one time considered the more rural parts of the community, included in this category.

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. Wright made a motion to approve AN 20-79. Ms. Jones seconded the motion. The motion carried with a vote of 5 to 0. Mr. Martin recused himself. The motion passed.