ORDINANCE NUMBER 13-2020

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY OWNED BY MARK III PROPERTIES LOCATED AT 925 ABNER CREEK ROAD BY ONE HUNDRED PERCENT PETITION; AND TO ESTABLISH A ZONING CLASSIFICATION OF R-7.5 (SINGLE FAMILY RESIDENTIAL DISTRICT) FOR SAID PROPERTY.

WHEREAS, Mark III Properties are the sole owners of property located at 925 Abner Creek 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 9-06-00-012.01 containing approximately .66 +/- acres attached hereto marked as Exhibit C, the National Flood Insurance Program Flood Insurance Rate Map Number 45083C0327D attached hereto marked as Exhibit D; and,

WHEREAS, the property currently has two (2) occupants; and,

WHEREAS, Mark III Properties has petitioned the City of Greer to annex their 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 owners have requested that the subject property be zoned R-7.5 (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 .66 acres +/- property shown in red on the attached map owned by Mark III Properties located at 925 Abner Creek Road as described on the attached City of Greer Map as Spartanburg County Parcel Number 9-06-00-012.01 is hereby annexed into the corporate city limits of the City of Greer.

2. **ZONING ASSIGNMENT:** The above referenced property shall be zoned R-7.5 (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 Employment Center and 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 45083C0327D.

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**

[Signature]
Richard W. Danner, Mayor

**ATTEST:**

[Signature]
Tammela Duncan, Municipal Clerk
Introduced by: Councilmember Wryley Bettis

First Reading: April 14, 2020

Second and Final Reading: April 28, 2020

APPROVED AS TO FORM:

[Signature]

John B. Duggan, Esquire
City Attorney
JOHNSON, SMITH, HIBBARD & WILDMAN LAW FIRM, LLP.

STATEMENT OF SETTLEMENT FOR BORROWER

PROPERTY ADDRESS: 925 Abner Creek Road, Greer, SC 29651

BORROWER(S): Mark III Properties, LLC

SELLER(S): Della Maxine Westmoreland

LENDER:

SETTLEMENT DATE: February 27, 2020  DISBURSED: February 27, 2020  PRORATION DATE: February 27, 2020

<table>
<thead>
<tr>
<th>Description</th>
<th>DEBIT</th>
<th>CREDIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract Sales Price</td>
<td>100,000.00</td>
<td></td>
</tr>
<tr>
<td>Deposit or earnest money</td>
<td></td>
<td>10,000.00</td>
</tr>
<tr>
<td>County Taxes 01/01/20 to 02/28/20</td>
<td></td>
<td>135.89</td>
</tr>
<tr>
<td>Abstract or Title Search</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Title Insurance Binder</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Attorney's Fees</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Title Insurance Premium</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Costs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Subtotal</td>
<td>104,325.00</td>
<td>104,325.00</td>
</tr>
<tr>
<td>Balance DUE FROM Purchase/Borrower</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTALS</td>
<td>104,325.00</td>
<td>104,325.00</td>
</tr>
</tbody>
</table>

APPROVED and ACCEPTED

BORROWER(S)

Mark III Properties, LLC

BY: [Signature]

EXHIBIT A
JOHNSON, SMITH, HIBBARD & WILDMAN LAW FIRM, LLP.

PROPERTY ADDRESS:  925 Abner Creek Road, Greer, SC 29651
PURCHASER/BORROWER(S):  Mark III Properties, LLC
SELLER(S):  Delia Maxine Westmoreland
SETTLEMENT DATE:  February 27, 2020  DISBURSED:  February 27, 2020  PRORATION DATE:  February 27, 2020

<table>
<thead>
<tr>
<th></th>
<th>DEBIT</th>
<th>CREDIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract Sales Price</td>
<td></td>
<td>100,000.00</td>
</tr>
<tr>
<td>County Taxes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>01/01/20 to 02/28/20</td>
<td>135.89</td>
<td></td>
</tr>
<tr>
<td>Document Preparation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Johnson, Smith, Hibbard &amp; Wildman Law P/c</td>
<td>250.00</td>
<td></td>
</tr>
<tr>
<td>State Tags</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spartanburg County Register of Deeds</td>
<td>370.00</td>
<td></td>
</tr>
<tr>
<td>Dead Recording Fee</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spartanburg County Register of Deeds</td>
<td>15.00</td>
<td></td>
</tr>
<tr>
<td>Costs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Johnson, Smith, Hibbard &amp; Wildman Law P/c</td>
<td>29.50</td>
<td></td>
</tr>
<tr>
<td>2019 Property Taxes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spartanburg County</td>
<td>943.25</td>
<td></td>
</tr>
<tr>
<td>Subtotal</td>
<td>1,743.64</td>
<td>100,000.00</td>
</tr>
<tr>
<td>Balance Due TO Seller</td>
<td></td>
<td>98,256.36</td>
</tr>
<tr>
<td>TOTALS</td>
<td></td>
<td>100,000.00</td>
</tr>
</tbody>
</table>

APPROVED and ACCEPTED

SELLER(S):

Delia Maxine Westmoreland

[Signature]
TITLE INSURANCE FINANCIAL INTEREST DISCLOSURE FORM (SCID 3601) AND NOTICE OF AVAILABILITY OF OWNER'S INSURANCE

NAME: Mark III Properties, LLC
PROPERTY ADDRESS: 925 Abner Creek Road, Greer, South Carolina 29651
INSURANCE CO.: FIRST AMERICAN TITLE INSURANCE COMPANY
AGENT: Johnson, Smith, Hibbard & Wildman Law Firm, L.L.P.

In accordance with S.C. Code §38-75-960(a)(1976), as amended, the undersigned producer of title insurance business or associate of such producer hereby advises that it has a financial interest in the following title insurer(s) or title agent(s):

Name of Insurer or Agent | Address | Nature of Interest
-------------------------|---------|------------------
Johnson, Smith, Hibbard & Wildman Law Firm, L.L.P. | 220 North Church Street, Spartanburg, SC 29306 | 100%
Producer Associate's Name: Johnson, Smith, Hibbard & Wildman Law Firm, L.L.P.
Signature: ____________________________
Address: 220 North Church Street, Spartanburg, SC 29306

Date: 02/27/20

ACKNOWLEDGEMENT

The undersigned applicant is a buyer, seller, or lender who has been referred by the above named producer of title business or associate of such producer to one or more of the title insurers or title agents identified hereinabove. The undersigned expressly recognizes and acknowledges the financial interest of such producer or associate as disclosed hereinabove, and further certifies that:

1. I understand that a mortgage title insurance policy is required on my loan, and that this policy does not provide title insurance for my separate ownership interest.
2. I have been given the opportunity to purchase an Owner's Title Insurance Policy with the insurer of my choice to protect my separate ownership interest and acknowledge that a reissue credit may be available to me upon production of a prior policy.
3. I understand that I have the right to choose the title insurer notwithstanding the recommendation of the agent, representative or attorney.
4. I understand that when a licensed agent issues title insurance, a commission of approximately 60% will be paid to the licensed agent for underwriting and issuing the title insurance. Johnson, Smith, Hibbard & Wildman Law Firm, L.L.P. is a licensed issuing agent for First American Title Insurance Company.
5. (X) I would like to obtain an Owner's Title Insurance Policy in the amount of the total purchase price for the premium of $330.00
6. ( ) I do not wish to obtain an Owner's Policy.

7. I ACKNOWLEDGE THAT THE TITLE INSURANCE COMPANY HAS AGREED TO ISSUE A POLICY OF TITLE INSURANCE AS A PART OF THIS TRANSACTION. AS SAID POLICY MAY CREATE CERTAIN OBLIGATIONS FOR THE TITLE INSURANCE COMPANY WITH RESPECT TO THE DISBURSEMENT OF ALL CLOSING PROCEEDS, I HEREBY CONSENT TO AN AUDIT BY THE TITLE INSURANCE COMPANY OF ANY AND ALL TRUST ACCOUNT RECORDS INCLUDING THOSE PERTAINING TO THE DISPOSITION OF CLOSING PROCEEDS AND WAIVE ANY CLAIM OF ATTORNEY-CLIENT PRIVILEGE OF CONFIDENTIALITY WHICH I MAY HAVE THERETO.

Applicant/Mortgagor/Purchaser: ____________________________
STATE OF SOUTH CAROLINA  )
COUNTY OF SPARTANBURG  )

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, that, Delia Maxine Westmoreland
a/k/a Delia M. Westmoreland ("Grantor") for and in consideration of One Hundred
Thousand and 00/100 ($100,000.00) Dollars, the receipt of which is hereby acknowledged, and
subject to the limiting language contained herein, if any, has granted, bargained, sold and released,
and by these presents does grant, bargain, sell and release unto Mark III Properties, LLC
("Grantee"):

All those certain pieces, parcels or tracts of land lying, situate and being in the State
of South Carolina, County of Spartanburg, being shown and designated as Tract A
containing 0.609 acres, more or less, and Tract B containing 0.055 acres, more or
less, on a boundary survey prepared for William H. Westmoreland and Hazel C.
Westmoreland by Robert A. Foster, PLS, dated April 11, 2014 and recorded in Plat
Book 170 at Page 326 in the Office of the Register of Deeds for Spartanburg County.
For a more complete and particular description, reference is hereby made to the
aforesaid plat.

This being the same property conveyed to Delia M. Westmoreland a/k/a Delia
Maxine Westmoreland by the following deeds: (1) Deed from Cathy W. Jewell,
Successor Trustee of the Hazel C. Westmoreland Living Trust U/A April 14, 2004
dated February 21, 2020 and recorded February 25, 2020 in Deed Book 127-A at
Page 576 in the Office of the Register of Deeds for Spartanburg County; (2) Deed of
distribution from the Estate of William Houston Westmoreland dated March 16,
2018 and recorded March 20, 2018 in Deed Book 118-Z at Page 451 in the Office of
the Register of Deeds for Spartanburg County; and (3) Corrective deed of
distribution from the Estate of William Houston Westmoreland dated July 12, 2019
and recorded July 17, 2019 in Deed Book 124-P at Page 672 in the Office of the
Register of Deeds for Spartanburg County.

Tax Map Number 9-06-00-012.01

In addition to the reservations, conditions and/or easements contained herein if any, this conveyance
is made subject to all covenants, restrictions, easements, rights of way, and other matters of record
and such matters as would be shown by a current plat and inspection affecting the within described
property.
TOGETHER with all and singular the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining thereto; TO HAVE AND TO HOLD, all and singular the said premises before mentioned unto the said Grantee(s) and the Grantee's(s') heirs (or successors) and assigns forever. The Grantor(s) do(es) hereby bind the Grantor(s) and the Grantor's(s') heirs (or successors) and assigns, to warrant and forever defend all and singular the premises unto the Grantee(s), and the Grantee's(s') heirs (or successors) and assigns against the Grantor(s) and the Grantor's(s') heirs (or successors) and against any person whomsoever lawfully claiming or to claim the same, or any part thereof, except as to conditions, covenants, right of ways, easements and restrictions of record.
WITNESS the Grantor's(s') hand(s) and seal(s) this 27th day of February, 2020.

SIGNED, sealed and delivered in the presence of:

[Signatures]

Delia Maxine Westmoreland
(SEAL)

a/k/a Delia M. Westmoreland

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

I, Maunda L. Price-Utter, the undersigned Notary Public, do hereby certify that Delia Maxine Westmoreland a/k/a Delia M. Westmoreland personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 27th day of February, 2020.

Maunda L. Price-Utter
(SEAL)
Notary Public for South Carolina
Print Name:
My commission expires:
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 925 Abner Creek 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 9-06-00-012.01 attached hereto marked as Exhibit C containing approximately 0.66 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 13 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 to R-7.5.

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: Laura Green Henshaw
Signature:________________________
Address: ________________________
Witness: _________________________
Date: ____________________________
Parcel Address: 925 Abner Creek Rd
Tax Map Number: 9-06-00-012.01

Print Name: ______________________
Signature: ________________________
Address: _________________________
Witness: _________________________
Date: ____________________________
Parcel Address: ____________________
Tax Map Number: __________________

(See attached Map & Property Description)
DOCKET: AN 20-82
APPLICANT: Mark III Properties
PROPERTY LOCATION: 925 Abner Creek Rd
TAX MAP NUMBER: 9-06-00-012.01
EXISTING ZONING: Unzoned (Spartanburg County)
REQUEST: Zone to R7.5, Single-family Residential
SIZE: .66 Acres
COMPREHENSIVE PLAN: Near Employment Center and Residential Land Use 2

AN 20-82 is a request to zone one parcel located at 925 Abner Creek Rd from Unzoned (Spartanburg County) to R-7.5 Single-family Residential. The intent is to combine with the adjacent parcel and expand the approved Overton Park subdivision.

Surrounding land uses and zoning include:

North: R-7.5, Residential District – Approved Overton Park subdivision
East: R-S, Residential Suburban – Vacant a
South: Unzoned, Spartanburg County – Single-family residential use
West: Unzoned, Spartanburg County – Single-family residential use

The land use map in the Comprehensive Plan defines the area adjacent to the property as an Employment Center. 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. 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. Design standards may come into play when typical incompatible land uses are in close proximity to one another.

The property is also located near 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.

The large adjacent parcel deemed as Employment Center is currently approved as the Overton Park subdivision with 72 single-family lots. Existing land uses in the surrounding area are predominantly single-family residential.

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. Lavender made a motion to approve AN 20-82. Mr. Jones seconded the motion. The motion carried with a vote of 6 to 0. The motion passed.