ORDINANCE NUMBER 4-2017

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTIES OWNED BY GREENVILLE OFFICE PARK, LLC LOCATED AT 140 OAK SPRINGS DRIVE, 220 J STREET, 240 J STREET, PART OF LOT 122 J STREET, 150 J STREET, AND LOT 8 J STREET BY ONE HUNDRED PERCENT PETITION; AND TO ESTABLISH A ZONING CLASSIFICATION OF DRD (DESIGN REVIEW DISTRICT) FOR SAID PROPERTY

WHEREAS, Greenville Office Park, LLC is the owner of properties located at 140 Oak Springs Drive (3.12 acres), 220 J Street (2.45 acres), 240 J Street (0.26 acres), part of lot 122 J Street (4.39 acres), 150 J Street (26.32 acres) and Lot 8 J Street (0.44 acres) 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 9-07-00-058.03, 9-07-09-100.00, 9-07-09-102.00, 9-07-13-014.01, 9-07-13-015.00 and 9-07-13-005.01 containing approximately 36.97 +/- acres attached hereto marked as Exhibit C and the National Flood Insurance Program Flood Insurance Rate Map No. 45083C0326D attached hereto marked as Exhibit D; and

WHEREAS, the properties currently have three (3) occupants; and

WHEREAS, Greenville Office Park, LLC has petitioned the City of Greer to annex their property by one-hundred percent (100%) petition; 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 property 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 36.97 +/- acres of property shown in red on the attached map owned by Greenville Office Park, LLC located at 140 Oak Springs Drive (3.12 acres), 220 J Street (2.45 acres), 240 J Street (0.26 acres), part of lot 122 J Street (4.39 acres), 150 J Street (26.32 acres) and Lot 8 J Street (0.44 acres) more particularly described on the attached map as Spartanburg County Parcel Numbers 9-07-00-058.03, 9-07-09-100.00, 9-07-09-102.00, 9-07-13-014.01, 9-07-13-015.00 and 9-07-13-005.01 are hereby annexed into the corporate city limits of the City of Greer.

2. **ANNEXATION OF 540 FEET OF B STREET ROADWAY:** 540 feet including entire width of B Street along the edge of the annexed property owned by Greenville Office Parks, LLC 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 DRD (Design Review District) pending confirmation or rezoning pursuant to the applicable City of Greer Zoning Ordinance.

4. **FUTURE LAND USE MAP:** The above reference property shall be designated as Residential Land Use 2 Community on the 2010 Future Land Use Map contained within the 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 Number 45083C0326D.

6. **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: Councilman Jay Arrowood
First Reading: February 14, 2017

Second and
Final Reading: March 14, 2017

Approved as to Form:

John B. Duggan, City Attorney
GRANTEE ADDRESS: 4113 E. North Street, Greenville, SC 29615

STATE OF SOUTH CAROLINA )
COUNTY OF SPARTANBURG ) TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, that RICK A. SETZER AND SUE LYNN SETZER, in consideration of One Million Three Hundred Thousand and 00/100 Dollars ($1,300,000.00) and as part of a 1031 Tax-Free Exchange, the receipt of which is hereby acknowledged, have granted, bargained, sold, and released, and by these presents do grant, bargain, sell and release unto GREENVILLE OFFICE PARK, LLC, its successors and assigns, forever, Grantor’s Entire Right, Title and Interest in and to the following described property:

SEE EXHIBIT A ATTACHED HERETO

This conveyance is subject to all restrictions, set-back lines, roadways, zoning ordinances, easements, and rights-of-way, if any, affecting the above-described property.

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 or successors and assigns, forever. And, the grantor does hereby bind the grantor and the grantor’s heirs or successors, assigns, executors and administrators to warrant and forever defend all and singular said premises unto the grantees and the grantee’s heirs or successors and assigns and against every person whomsoever lawfully claiming or to claim the same or any part thereof.
WITNESS the grantor's hand and seal this 21st day of November, 2016.

SIGNED, sealed and delivered
in the presence of:

Vickie R. Little
Witness 1

Rick A. Setzer
Rick A. Setzer

Sue Lynn Setzer
Sue Lynn Setzer

Witness 2: Notary

STATE OF SOUTH CAROLINA    )
COUNTY OF GREENVILLE        )

ACKNOWLEDGMENT

I, the undersigned notary public, hereby certify that Rick A. Setzer and Sue Lynn Setzer personally came before me this day and acknowledged the execution of the foregoing instrument as Grantor's act and deed.

WITNESS my hand and notarial stamp or seal, this 21st day of November, 2016.

NOTARY PUBLIC for South Carolina
My Commission Expires:
Exhibit A

Parcel 1: Lot 121, 150 J. Street, Greer, SC, 26.32 acres, more or less

All that certain piece, parcel or tract of land, situate, lying and being in the County of Spartanburg, State of South Carolina, being shown and designated as Lot 121, containing 26.32 acres, more or less, on "P" Street on a plat entitled "Plat for Rick A. Setzer and Sue Lynn Setzer," dated December 19, 2002 and recorded in Plat Book 153 at Page 472 in the Office of the Register of Deeds for Spartanburg County, SC. Reference to said plat is hereby made for a more complete metes and bounds description.

This being the same property conveyed to Rick A. Setzer and Sue Lynn Setzer by deed of Tommy M. Ward, Lois W. Reid and Linda W. Wood dated December 20, 2002 and recorded December 23, 2002 in Deed Book 77-A at Page 45 in the Office of the Register of Deeds for Spartanburg County, SC.

TMS# 9-07-13-015.00

Parcel 2: J. Street, Greer, SC containing 0.44 acres, more or less

All that certain piece, parcel or tract of land, situate, lying and being in the County of Spartanburg, State of South Carolina, being shown and designated as a portion of Lot 8, Pelham Mills Village, containing 0.44 acres, more or less, as shown on a plat entitled "Plat for Rick A. Setzer and Sue Lynn Setzer," dated February 13, 2003 and recorded in Plat Book 153 at Page 875 in the Office of the Register of Deeds for Spartanburg County, SC. Reference to said plat is hereby made for a more complete metes and bounds description.

This being the same property conveyed to Rick A. Setzer and Sue Lynn Setzer by deed of Marion Ralph Ward dated March 13, 2003 and recorded March 17, 2003 in Deed Book 77-N at Page 196 in the Office of the Register of Deeds for Spartanburg County, SC.

TMS# 9-07-13-005.01

Parcel 3: p/o Lot 122 J. Street, Greer, SC containing 4.39 acres, more or less

All that certain piece, parcel or tract of land, situate, lying and being in the County of Spartanburg, State of South Carolina, being shown and designated as 4.39 acres, more or less, part of Lot 122, Pelham Mills Village, shown on a plat entitled "Survey for Rick A. Setzer and Sue Lynn Setzer," dated August 26, 2004 and recorded in Plat Book 156 at Page 767 in the Office of the Register of Deeds for Spartanburg County, SC. Reference to said plat is hereby made for a more complete metes and bounds description.

This being the same property conveyed to Rick A. Setzer and Sue Lynn Setzer by deed of Douglas Edwards and Alicia Edwards dated September 9, 2004 and recorded September 17, 2004 in Deed Book 81-F at Page 147 in the Office of the Register of Deeds for Spartanburg County, SC.

TMS# 9-07-13-014.01
Parcel 4: Lot H, Greer, SC containing 3.70 acres, more or less

All that certain piece, parcel or tract of land, situate, lying and being in the County of Spartanburg, State of South Carolina, being shown and designated as Lot H, containing 4.3 acres, more or less, on a plat entitled “Survey for Pelham Falls Partnership,” dated December 18, 1985 and recorded in Plat Book 95 at Page 760 in the Office of the Register of Deeds for Spartanburg County, SC. Reference to said plat is hereby made for a more complete metes and bounds description.

This being a portion of the property conveyed to Rick A. Setzer and Sue Lynn Setzer by deed of Louise Coker Smith dated June 2, 1981 and recorded June 3, 1981 in Deed Book 48-F at Page 319 in the Office of the Register of Deeds for Spartanburg County, SC.

TMS# 9-08-00-001.00

Parcel 5: Lot 17, 240 J. Street, Greer, SC

All that certain piece, parcel or tract of land, situate, lying and being in the County of Spartanburg, State of South Carolina, being shown and designated as Lot 17 on a plat of Pelham Mills Village dated October 1939 and having the following metes and bounds:

Beginning at an iron pin on the east side of J Street at the corner of Lot No. 16 and running N. 17-35 E. 64 feet to an iron pin at the corner of J and B Streets; thence with B Street, S. 81-06 E. 161.7 feet to an iron pin; thence S. 17-35 W. 91 feet to an iron pin at the corner of Lot No. 16; thence N. 72-25 W. 160 feet to the beginning corner.

This being the same property conveyed to Rick A. Setzer and Sue Lynn Setzer by deed of Moyses Landeros dated June 28, 2005 and recorded June 29, 2005 in Deed Book 83-J at Page 216 in the Office of the Register of Deeds for Spartanburg County, SC.

TMS# 9-07-09-102.00

Parcel 6: p/o Lot 4, 150 I. Street, Greer, SC, 0.42 acres, more or less

All that certain piece, parcel or tract of land, situate, lying and being in the County of Spartanburg, State of South Carolina, being shown and designated as Part of Lot 4, Pelham Mills Village, containing 0.42 acres, more or less, on a plat entitled “Survey for Rick A. Setzer and Sue Lynn Setzer,” dated February 24, 2004 and recorded in Plat Book 155 at Page 680 in the Office of the Register of Deeds for Spartanburg County, SC. Reference to said plat is hereby made for a more complete metes and bounds description.

This being the same property conveyed to Rick A. Setzer and Sue Lynn Setzer by deed of Norma Jean George dated March 4, 2004 and recorded March 9, 2004 in Deed Book 79-W at Page 390 in the Office of the Register of Deeds for Spartanburg County, SC.

TMS# 9-07-13-001.00
PARCELS 7 and 8: Lot 19, 210 B. Street, Greer, SC and p/o Lot 20, 200 B. Street, Greer, SC

All that certain piece, parcel or tract of land, situate, lying and being in the County of Spartanburg, State of South Carolina, being shown and designated as Lot 19, containing 0.35 acres, more or less, and a portion of Lot 20, containing 0.16 acres, more or less, on "B" Street of Pelham Mill Village Subdivision on a plat entitled "Retracement Plat for Rick A. Setzer and Sue Lynn Setzer," dated August 6, 2012 and recorded in Plat Book 166 at Page 951 in the Office of the Register of Deeds for Spartanburg County, SC. Reference to said plat is hereby made for a more complete metes and bounds description.

This being the same property conveyed to Rick A. Setzer and Sue Lynn Setzer by deed of Jackie R. West dated August 21, 2012 and recorded August 23, 2012 in Deed Book 101-L at Page 340 in the Office of the Register of Deeds for Spartanburg County, SC.

TMS# 9-07-09-091.00 and TMS# 9-07-09-090.00

Parcel 9: 220 J. Street, Greer, SC, 2.45 acres, more or less

All that certain piece, parcel or tract of land, situate, lying and being in the County of Spartanburg, State of South Carolina, being shown and designated as 2.45 acres, more or less, at the corner of J Street and B Street on a plat prepared for Phil Norris, Dean Norris, Tony Norris, Dale Norris and Tijuana Davis dated February 28, 2012 and recorded in Plat Book 166 at Page 555 in the Office of the Register of Deeds for Spartanburg County, SC. Reference to said plat is hereby made for a more complete metes and bounds description.

This being the same property conveyed to Rick A. Setzer and Sue Lynn Setzer by deed of Phil Norris, Dean Norris, Tony Norris, Dale Norris and Tijuana Davis dated March 21, 2012 and recorded March 22, 2012 in Deed Book 100-J at Page 937 in the Office of the Register of Deeds for Spartanburg County, SC.

TMS# 9-07-09-100.00

Parcel 10: 140 Oaks Springs Dr., Greer, SC, 3.12 acres, more or less

All that certain piece, parcel or tract of land, situate, lying and being in the County of Spartanburg, State of South Carolina, being shown and designated as 3.12 acres, more or less, on "B" Street Extension on a plat entitled "Plat for Rick A. Setzer and Sue Lynn Setzer," dated July 25, 2006 and recorded in Plat Book 160 at Page 300 in the Office of the Register of Deeds for Spartanburg County, SC. Reference to said plat is hereby made for a more complete metes and bounds description.

This being the same property conveyed to Rick A. Setzer and Sue Lynn Setzer by deed of Douglas Edwards and Alicia Edwards dated August 18, 2006 and recorded August 22, 2006 in Deed Book 86-N at Page 337 in the Office of the Register of Deeds for Spartanburg County, SC.

TMS# 9-07-00-058.03