ORDINANCE NUMBER 8-2017

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTIES OWNED BY SCOTT AND DIANNE MILKS LOCATED AT 310 AND 365 MARIAH DRIVE BY ONE HUNDRED PERCENT PETITION; AND TO ESTABLISH A ZONING CLASSIFICATION OF R-10 (RESIDENTIAL – SINGLE FAMILY) FOR SAID PROPERTIES

WHEREAS, Scott and Dianne Milks are the owners of properties located at 310 and 365 Mariah Drive 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 9-07-00-080.00 and 9-07-00-080.02 containing approximately 23.55 +/- acres attached hereto marked as Exhibit C and the National Flood Insurance Program Flood Insurance Rate Map No. 45083C032D attached hereto marked as Exhibit D; and

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

WHEREAS, Scott and Dianne Milks have petitioned the City of Greer to annex their properties 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 owners have requested that the subject properties be zoned R-10 (Residential – Single Family); 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 23.55 +/- acres of property shown in red on the attached map owned by Scott and Dianne Milks located at 310 and 365 Mariah Drive more particularly described on the attached map as Spartanburg County Parcel Numbers 9-07-00-080.00 and 9-07-00-080.02 is hereby annexed into the corporate city limits of the City of Greer.

2. **ANNEXATION OF 670 FEET OF WESTMORELAND ROAD ROADWAY:** 670 feet of Westmoreland Road along the edge of the annexed properties owned by Scott and Dianne Milks as shown in Exhibit C are hereby annexed into the corporate limits of the City of Greer.

3. **ZONING ASSIGNMENT:** The above referenced properties shall be zoned R-10 (Residential – Single Family) pending confirmation or rezoning pursuant to the applicable City of Greer Zoning Ordinance.

4. **FUTURE LAND USE MAP:** The above reference properties 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 45083C0327D.

6. **DISTRICT ASSIGNMENT:** The above referenced properties 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:**

Ordinance Number 8-2017
Annexation 3:0 and 365 Mariah Drive
Page 2 of 3
Introduced by: Councilwoman Judy Albert

First Reading: March 14, 2017

Second and
Final Reading: April 11, 2017

Approved as to Form:

John B. Duggan, City Attorney
KNOW ALL MEN BY THESE PRESENTS, that PEGGY R. MCCARTER, STEVE BRIAN MCCARTER AND PAMELA RENEE MCCARTER

in consideration of SEVEN HUNDRED FIFTY THOUSAND & NO/100 ($750,000.00)------ DOLLARS

in receipt of which is hereby acknowledged, have granted, bargained, sold and released and by these presents do grant, bargain, sell and release unto SCOTT P. MILKS AND DIANE M. MILKS, THEIR HEIRS AND Assigns FOREVER:

ALL OUR RIGHT, TITLE AND INTEREST IN AND TO THE FOLLOWING:

Parcel 1: 19.058 acres, Mariah Drive
ALL that certain piece, parcel or tract of land situate, lying and being in the County of Spartanburg, State of South Carolina, containing 20.64 acres, more or less, and being more specifically described as follows:

ALL that certain piece, parcel or tract of land containing 24.64 acres, more or less, situated on the west side of a county road near the Bennett's Bridge Road, about six miles southward from the City of Greer, School District No. 5. County of Spartanburg. State of South Carolina, being Tract No. 1 of the property of Mrs. W. H. Vaughn according to a survey and plat prepared by John A. Simmons, Registered Surveyor, dated February 1, 1968 and having, according to said survey, the following metes and bounds, to-wit:

BEGINNING at a nail in the center of said road, iron pin on west bank at 25.5 feet, now or formerly corner of Mrs. E. O. Rogers land, and running thence along the Rogers line, S. 55-27 W. 1210.8 feet to an iron pin on the line of Eliza C. Smith; thence along the line of the Smith property and land of Dean Gaston, S. 49-46 E. 1351 feet to an iron pin; thence along the line now or formerly of Shirley Westmoreland property, N. 21-34 E. 726 feet to an iron pin; thence N. 28-15 E. 190.1 feet to the said county road, iron pin back on line at 20 feet; thence along the center of said county road, N. 28-23 W. 816.4 feet to the point of BEGINNING.

LESS HOWEVER:
ALL that certain piece, parcel or tract of land conveyed to Steve Brian McCarter and Madge Watkins McCarter by deed dated June 28, 1984 and recorded in the Office of the Register of Deeds for Spartanburg County, SC in Deed Book 50-P at Page 586, said property being more specifically described as follows:
ALL that certain piece, parcel or tract of land containing 4.0 acres, more or less, situated on the west side of a county road near the Bennett's Bridge Road, about six miles southward from the City of Greer, School District 5, County of Spartanburg, State of South Carolina and being a part of Tract No. 1 of the property of Mrs. W. H. Vaughn according to a survey and plat prepared by John A. Simmons, Registered Surveyor, dated February 1, 1968 and being further shown on a plat prepared for Steve B. McCarter by W. R. Williams, Jr., R.L.S., dated May 28, 1984, and having, according to said latter plat, the following metes and bounds, to-wit:

BEGINNING at a nail in the approximate center of Westmoreland Road (formerly referred to on Simmons plat as county road) and running thence S. 28°23' E. 25 feet to a spike; thence S. 55°27' W. 241.5 feet to a new iron pin; thence S. 28°23' E. 211.32 feet to a new iron pin; thence S. 55°27' W. 711.46 feet to a new iron pin; thence N. 28°23' W. 236.32 feet to a new iron pin; thence N. 55°27' E. 952.91 feet to the approximate center of Westmoreland Road, the point of BEGINNING.

Parcel 2: 1.46 acres, Mariah Drive
All that piece, parcel or tract of land, with all improvements thereon, situate, lying and being in the State of South Carolina, County of Spartanburg, being shown and designated as 1.46 Acres on a plat prepared by Souther Land Surveying for PEGGY R. McCARTER dated December 26, 2012 recorded on January 11, 2013 in Plat Book 167, at Page 303 in the Register of Deeds Office for Spartanburg County. Reference to said plat is hereby made for a more complete legal description thereof. Together with the right of egress and ingress along that private gravel road known as Mariah Drive as shown on said plat.

Parcels 1 and 2 aforementioned being more recently shown on plat entitled, "Boundary Survey for Scott and Diane Milks" prepared by Fant, Reichert & Fogleman, Inc., dated May 6, 2015 and recorded in Plat Book 167, at Page 222, Spartanburg County records. Reference is hereby made to the most recent plat for a more accurate metes and bounds description.

As to Parcel 1: This being the same property conveyed unto Otis L. McCarter and Peggy R. McCarter by deed from W. Keith Vaughn and Ophelia W. Vaughn, dated January 21, 1974 and recorded in the Office of the Register of Deeds for Spartanburg County, SC, in Deed Book 41-R, at Page 162 on February 1, 1974. Otis L. McCarter died testate on February 5, 2011 as evidenced by his Will filed in the Probate Court for Spartanburg County, SC, in File No. 2011ES4200315. Deed of Distribution from Peggy R. McCarter, as Personal Representative of the Estate of Otis Lee McCarter to Peggy R. McCarter, for and during her natural life (life estate only) then at her death to Steve Brian McCarter (undivided one-half interest) and Pamela Rene McCarter (undivided one-half) recorded April 13, 2012, in the Office of the Register of Deeds for Spartanburg County, SC, in Deed Book 100-N, at Page 518.

As to Parcel 2: This being the same property conveyed unto Otis L. McCarter and Peggy R. McCarter by deed from W. Keith Vaughn and Ophelia W. Vaughn, dated January 21, 1974 and recorded in the Office of the Register of Deeds for Spartanburg County, SC, in Deed Book 41-R, at Page 162 on February 1, 1974. Otis L. McCarter died testate on February 5, 2011 as
evidenced by his Will filed in the Probate Court for Spartanburg County, SC, in File No. 2011ES4200315. Deed of Distribution from Peggy R. McCarter, as Personal Representative of the Estate of Otis Lee McCarter to Peggy R. McCarter, for and during her natural life (life estate only) then at her death to Steve Brian McCarter (undivided one-half interest) and Pamela Rene McCarter (undivided one-half) recorded April 13, 2012, in the Office of the Register of Deeds for Spartanburg County, SC, in Deed Book 100-N, at Page 518. Thereafter, the said Steve Brian McCarter and Pamela Rene McCarter conveyed all their interest in said parcel to Peggy R. McCarter by deed recorded May 10, 2013, in the Office of the Register of Deeds for Spartanburg County, SC, in Deed Book 103-G, at Page 874.

This conveyance is made subject to any and all rights of way, easements, conditions, public roads and restrictive covenants reserved on plats and other instruments of public record and actually existing on the ground affecting said property.

ADDRESS OF GRANTEES: 2313 Woodruff Rd Suite 2100-156 Greenville SC 29607

TAX MAP NO. Parcel 1 – 9-07-00-080.02/ Parcel 2 – 9-07-00-080.00

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 or successors and assigns, forever. And, the grantors do hereby bind the grantor and the grantor's heirs or successors, executors and administrators to warrant and forever defend all and singular said premises unto the grantee and the grantee's heirs or successors and against every person whomsoever lawfully claiming or to claim the same or any part thereof.

WITNESS the grantor's hand and seal this 13th day of May, 2015

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

[Signatures]

Witness #1

Witness #2 or Notary Public

[Seal]

PAMELA RENE MCCARTER (SEAL)

STEVE B McCARTER, by Peggy R. McCarter, his attorney in fact

PEGGY R. MCCARTER (SEAL)

PEGGY R. MCCARTER, HIS ATTORNEY IN FACT
STATE OF SOUTH CAROLINA )
COUNTY OF GREENVILLE )

1. Konda E. Long, a Notary Public in and for the County
   and State aforesaid, certify that PEGGY R. MCCARTER, STEVE BRIAN MCCARTER AND
   PAMELA RENE CARTER, personally appeared before me this day and acknowledged the
   execution of the foregoing instrument by them.

   WITNESS my hand and official stamp or seal this 13th day of May, 2015.

   Konda E. Long
   Notary Public for South Carolina
   My Commission Expires: 11-16-2022
EXHIBIT C

Subject Property
9-07-00-080.00
Acres: 22.09

Subject Right of Way
670' of Westmoreland Rd

Subject Property
9-07-00-080.02
Acres: 1.46

District
1
2
3
4
5
6
Right of Way
Parcels
Streets

Ordinance 08-2017

The City of Greer Planning/Zoning Department
does not guarantee the accuracy or the correctness of
this map nor assumes any legal responsibility for
the information contained on it. The map is not
legible document. This map is based on the South Carolina
State Plane Coordinate System and is in the projection of
the North American Datum. All rights reserved. No part of
this map may be reproduced or used in any form or by any
means without the expressed written consent of the
City of Greer Planning/Zoning Department.

Created 3/6/2017 by City of Greer GIS