ORDINANCE NUMBER 12-2020

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY OWNED BY JAMES BENJAMIN AND EVELYN BURNS LOCATED AT 282 NATURE TRAIL ROAD BY ONE HUNDRED PERCENT PETITION; AND TO ESTABLISH A ZONING CLASSIFICATION OF R-20 (SINGLE FAMILY RESIDENTIAL DISTRICT) FOR SAID PROPERTY.

WHEREAS, James Benjamin and Evelyn Burns are the sole owners of property located at 282 Nature Trail 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 9-08-00-002.01 containing approximately .76 +/- 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, James Benjamin and Evelyn Burns have 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-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 .76 acres +/- property shown in red on the attached map owned by the James Benjamin and Evelyn Burns located at 282 Nature Trail Road as described on the attached City of Greer Map as Spartanburg County Parcel Number 9-08-00-002.01 is hereby annexed into the corporate city limits of the City of Greer.

2. ZONING ASSIGNMENT: The above referenced property shall be zoned R-20 (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 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

Ordinance Number 12-2020
Annex 282 Nature Trail Rd
Page 2 of 3
ATTEST:

Tammela Duncan, Municipal Clerk

Introduced by:

First Reading: April 14, 2020

Second and
Final Reading: August 11, 2020

APPROVED AS TO FORM:

John B. Duggan, Esquire
City Attorney
STATE OF SOUTH CAROLINA  
COUNTY OF SPARTANBURG  

TITLED TO REAL ESTATE  
(No Title Examination)

KNOW ALL MEN BY THESE PRESENTS, that James Benjamin Burns, (hereinafter called Grantor) in consideration of the sum of One and No/100ths ($1.00) Dollar, love and affection, the receipt of which is hereby acknowledged by Grantor, paid by Grantees James Benjamin Burns and Evelyn B. Burns, has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto the said Grantees as joint tenants with right of survivorship, and not as tenants in common, for and during their joint lives and upon death of either of them, then to the survivor of them, his or her heirs and assigns forever in fee simple, (hereafter "Grantees"):  

SEE EXHIBIT "A" ATTACHED

TMS#: 9-08-00-002.01

This conveyance is made subject to any and all existing reservations, easements, rights of way, zoning ordinances, setback lines, and restrictions or protective covenants that may appear of record, on the recorded plat(s), or on the premises.

Grantees’ Address: 282 Nature Trail Drive, Greer, SC 29651

TOGETHER with all and singular the Rights, Members, Hereditaments and Appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the said Grantees, their heirs and assigns forever.

AND THE GRANTOR does hereby bind the Grantor, and the Grantor's Heirs, or Successors, and Personal Representatives, to warrant and forever defend all and singular the said premises unto the said Grantees, and Grantees' Heirs, Successors, and Assigns, against Grantor and Grantor's Heirs, Successors, Personal Representatives and Assigns and against every person whomsoever lawfully claiming or to claim the same or any part thereof.
WITNESS our Hand and Seal this 21st day of August, 2019.

Signed, Sealed and Delivered
in the Presence of:

[Signatures]

James Benjamin Burns

Rebecca James

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

)  )

ACKNOWLEDGMENT

I, a Notary Public, within and for the State and County aforesaid, do hereby certify that the foregoing instrument of writing was this day produced to me in the above State and County by the Grantor(s) and was executed and acknowledged to be the free act and voluntary deed of the Grantor(s).

WITNESS my signature this 21st day of August, 2019.

[Signature]

S. Allan Hill
Notary Public for: South Carolina
My Commission expires: January 30, 2023

PREPARED BY: S. Allan Hill, a Professional Corporation, Attorney/CPA, 819 E. North Street, Greenville, SC 29601
SCHEDULE “A”

ALL that certain piece, parcel or lot of land situate in the County of Spartanburg, State of South Carolina, being shown and designated as 0.528 acres and shown as Parcel A on Plat prepared by BENCHMARK SURVEYING, INC. entitled COMBINATION SURVEY FOR JAMES BENJAMIN BURNS recorded in the ROD for Spartanburg County in Plat Book 175 at Page 734 on April 26, 2019, and having according to said Plat, metes and bounds as shown thereon.

This being the same property conveyed to the Grantor herein by James H. Burns, recorded in the Spartanburg County ROD Office on February 4, 1977 in Deed Book 44-J at Page 73. James Benjamin Burns conveyed his 1/2 interest in the property to Teresa F. Burns by deed recorded in the Spartanburg County ROD Office on January 11, 1999 in Deed Book 57-H at Page 775. Teresa F. Burns conveyed her 1/2 interest in the property to James Benjamin Burns by deed recorded in the Spartanburg County ROD Office on August 26, 2003 in Deed Book 78-N at Page 867.

AND ALSO:

ALL that certain piece, parcel or lot of land situate in the County of Spartanburg, State of South Carolina, being shown and designated as 0.295 acres and shown as Parcel B on Plat prepared by BENCHMARK SURVEYING, INC. entitled COMBINATION SURVEY FOR JAMES BENJAMIN BURNS recorded in the ROD for Spartanburg County in Plat Book 175 at Page 734 on April 26, 2019, and having according to said Plat, metes and bounds as shown thereon.

This being the same property conveyed to the Grantor herein by James H. Burns, recorded in the Spartanburg County ROD office on May 1, 2019 in Deed Book 123-R at Page 769.

TMS#: 9-08-00-002.01

Grantor Name: James Benjamin Burns
Ordinance 12-2020

Subject Property 9-08-00-002.01
Total Acres: 0.76

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. This map is not a legal document. This map is based on the SC State Plane Coordinate System using the 1983 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 3/30/2020 by City of Greer GIS
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 Nature Trail Drive 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 9-08-00-002.01 attached hereto marked as Exhibit C containing approximately +/- 0.823 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 9th 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-20, 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: James Benjamin Burns
Signature: 
Address: 282 Nature Trail Drive, Greer, SC
Witness: 
Date: 3-9-2020
Parcel Address: 282 Nature Trail Drive, Greer, SC
Tax Map Number: 9-08-00-002.01

Print Name: Evelyn Burns
Signature: 
Address: 282 Nature Trail Drive, Greer, SC
Witness: 
Date: 3-9-2020
Parcel Address: 282 Nature Trail Drive, Greer, SC
Tax Map Number: 9-08-00-002.01

(See attached Map & Property Description)
AN 20-81 is a request to zone one parcel located along Nature Trail Dr south of the Bent Creek subdivision. The request is to zone the property from Unzoned (Spartanburg County), to R-20, Single-family Residential. The intent is to combine with adjacent parcel for future residential development.

Surrounding land uses and zoning include:

North: Unzoned, Spartanburg County – Vacant and PD-R, Planned Development Residential, City of Greer – Bent Creek
East: Unzoned, Spartanburg County – Vacant and single-family residential use
South: Unzoned, Spartanburg County – Single-family residential use
West: Greenville County – Single-family residential use and Pelham Falls subdivision

The land use map in the Comprehensive Plan defines the area within the City near the 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. Martin made a motion to approve AN 20-81. Mr. Wright seconded the motion. The motion carried with a vote of 5 to 1, with Mr. Lavender voting no. The motion passed.