ORDINANCE NUMBER 34-2020

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY OWNED BY RED DRAGONFLY LLC LOCATED AT 1111 POPULAR DRIVE EXTENSION BY ONE HUNDRED PERCENT PETITION; AND TO ESTABLISH A ZONING CLASSIFICATION OF R-5 (GARDEN COURT OR PATIO HOUSE DISTRICT) FOR SAID PROPERTY.

WHEREAS, Red Dragonfly LLC is the sole owner of property located at 1111 Poplar Drive Extension 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 9-05-01-004.02 containing approximately 5. +/- acres attached hereto marked as Exhibit C, the National Flood Insurance Program Flood Insurance Rate Map Number 45083C0211D attached hereto marked as Exhibit D; and,

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

WHEREAS, Red Dragonfly LLC has petitioned the City of Greer to annex its 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-5 (Garden Court or Patio Home 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 5.0 acres +/- property shown in red on the attached map owned by the Red Dragonfly LLC located at 1111 Poplar Drive Extension as described on the attached City of Greer Map as Spartanburg County Parcel Number 9-05-01-004.02 is hereby annexed into the corporate city limits of the City of Greer.

2. **ANNEXATION OF 524.73 FEET OF POPLAR DRIVE EXTENSION**: 524.73 feet of Poplar Drive Extension roadway along the edge of the annexed property owned by Red Dragonfly 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 R-5 (Garden Court or Patio Home District) pending confirmation or rezoning pursuant to the applicable City of Greer Zoning Ordinance.

4. **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.

5. **FLOOD INSURANCE RATE MAP**: This ordinance shall adopt The National Flood Insurance Program Flood Insurance Rate Map Number 45083C0211D.

6. **DISTRICT ASSIGNMENT**: The above referenced property shall be assigned to City Council District #1.

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 Wayne Griffin
First Reading: July 14, 2020
Second and Final Reading: August 11, 2020

APPROVED AS TO FORM:

[Signature]
John B. Duggan, Esquire
City Attorney
GRANTEES ADDRESS:
213 High Valley Blvd.
Greenville, SC 29605

STATE OF SOUTH CAROLINA   )
COUNTY OF SPARTANBURG    )

GENERAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that JANNA SEGREST aka JANNA L. SEGREST

in consideration of  ---ONE DOLLARS AND NO/100---($1.00) AND PROPERTY TRANSFER
TO LLC,

the receipt of which is hereby acknowledged, have granted, bargained, sold and released, and by
these presents to grant, bargain, sell and release unto:

RED DRAGONFLY, LLC, its successors and assigns, forever:

**** See attached Exhibit “A” ****

Tax Map #: 9-05-01-004.02

WE HAVE NOT EXAMINED THE
COURTHOUSE RECORDS NOR IS
THIS TITLE CERTIFIED.
YOUNTS, ALFORD, BROWN, & GOODSON

THIS CONVEYANCE IS SUBJECT TO ANY EASEMENTS, RIGHT-OF-WAYS,
RESTRICTIONS, RESERVATIONS, OR ZONING ORDINANCES 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(s), heirs or successors and assigns, forever. And, the grantor(s) do(es) hereby bind the Grantor's(s) heirs or successor, executor and administrators to warrant and forever defend all and singular said premises unto the grantee(s) and grantee's(s) heirs or successors and against every person owning, holding or claiming by, through or under Grantor.

WITNESS the grantor's(s) hand(s) and seal(s) this 26th day of January, 2010.

SIGNED, sealed and delivered in the presence of:

[Signature]
JANNA L. SEGREST
aka JANNA SEGREST

[Signature]
Shirley A. Caulder
witness # 2

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

PERSONALLY appeared the undersigned witness and made oath that (s)he saw the within named grantor(s) sign, seal and as the grantor(s) act and deed, deliver the within written deed and that (s)he, with the other witness subscribed above, witnessed the execution thereof.

SWORN to before me this 26th day of January, 2010.

Shirley A. Caulder
NOTARY PUBLIC FOR S. C.

MY COMMISSION EXPIRES: May 23, 2016

WE HAVE NOT EXAMINED THE COURTHOUSE RECORDS NOR IS THIS TITLE CERTIFIED.
YOUNTS, ALFORD, BROWN, & GOODSON
****Exhibit – "A" ****

ALL that certain piece, parcel or lot of land situated, lying and being in the County of Spartanburg and the County of Greenville, State of South Carolina, on the eastern side of Poplar Drive, and being known and designated as 5.00 acres, more or less, as shown on a survey made for "JANNA SEGREST", prepared by Langford Land Surveying, dated June 16, 2003, and recorded in the Register of Deeds Office for Spartanburg County, SC in Plat Book 154, at Page 495, and having the metes and bounds, courses and distances, as will appear by reference to the aforementioned plat. Also see plat recorded in ROD for Greenville County, SC in Plat Book 57, Page 66.

This property is located partly in Spartanburg County and located partly in Greenville County. Duplicate Deeds are being executed and simultaneously recorded in both counties.

THIS being the same property conveyed to JANNA SEGREST by Deed from Anna Lee Casey Thompson dated July 15, 2003 and recorded in the Register of Deeds Office for Spartanburg County, SC in Deed Book 78-H, at Page 402 on July 21, 2003. Also, see Deed recorded in ROD for Greenville County in Book 2058, Page 606 on 10/3/03.
AFFIDAVIT FOR EXEMPT TRANSFERS

PERSONALLY appeared before me the undersigned, who being duly sworn, deposes and says:

1. I have read the information on the back of this affidavit and I understand such information.

2. The property being transferred is located at 5.0 acres Poplar Drive, bearing Spartanburg County Tax Map Number 9-05-01-004.02, was transferred by Janna Segrest aka Janna L. Segrest to Red Dragonfly, LLC on 1/26/10.

3. The deed is exempt from the deed recording fee because (See Information section of affidavit):
   
   Item 4: No gain or loss, transfer to LLC or

   Item 5: Transfer to LLC, no gain or loss.

If exempt under exemption #14 as described in the Information section of this affidavit, did the agent and principal relationship exist at the time of the original sale and was the purpose of this relationship to purchase the realty? Check Yes ___ or No ___

4. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as:

   Attorney

5. I understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

   [Signature]

   Responsible Person Connected with the Transaction

ANDREW G. GOODSON
Print or Type Name Here

SWORN to before me this 26 day of January 2010

[Signature]

Notary Public for S.C.
My Commission Expires: May 23, 2016
INFORMATION

Except as provided in this paragraph, the term "value" means the consideration paid or to be paid in money or money's worth for the realty. Consideration paid or to be paid in money's worth includes, but is not limited to, other realty, personal property, stocks, bonds, partnership interest and other intangible property, the forgiveness or cancellation of a debt, the assumption of a debt, and the surrendering of any right. The fair market value of the consideration must be used in calculating the consideration paid in money's worth. Taxpayers may elect to use the fair market value of the realty being transferred in determining fair market value of the consideration. In the case of realty transferred between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, and in the case of realty transferred to a trust or as a distribution to a trust beneficiary. Value means the realty's fair market value. A deduction from value is allowed for the amount of any lien or encumbrance existing on the land, tenement, or realty before the transfer and remaining on the land, tenement or realty after the transfer. Taxpayers may elect to use the fair market value for property tax purposes in determining fair market value under the provisions of the law.

Exempted from the fee are deeds:

(1) transferring realty in which the value of the realty, as defined in Code Section 12-24-30, is equal to or less than one hundred dollars;

(2) transferring realty to the federal government or to a state, its agencies and departments, and its political subdivisions, including school districts;

(3) that are otherwise exempted under the laws and Constitution of this State or of the United States;

(4) transferring realty in which no gain or loss is recognized by reason of Section 1041 of the Internal Revenue Code as defined in Section 12-6-401(A);

(5) transferring realty in order to partition realty as long as no consideration is paid for the transfer other than the interests in the realty that are being exchanged in order to partition the realty;

(6) transferring an individual grave space at a cemetery owned by a cemetery company licensed under Chapter 55 of Title 59;

(7) that constitute a contract for the sale of timber to be cut;

(8) transferring realty to a corporation, a partnership, or a trust in order to become, or as, a stockholder, partner, or trust beneficiary of the entity provided no consideration is paid for the transfer other than stock in the corporation, interest in the partnership, beneficiary interest in the trust, or the increase in value in such stock or interest held by the grantor. However, the transfer of realty from a corporation, a partnership, or a trust to a stockholder, partner, or trust beneficiary of the entity is subject to the fee even if the realty is transferred to another corporation, a partnership, or trust;

(9) transferring realty from a family partnership to a partner or from a family trust to a beneficiary, provided no consideration is paid for the transfer other than a reduction in the grantor's interest in the partnership or trust. A family partnership is a partnership whose partners are all members of the same family. A family trust is a trust in which the beneficiaries are all members of the same family. The beneficiaries of a family trust may also include charitable entities. Family means the grantor and the grantor's spouse, parents, grandparents, sisters, brothers, children, stepchildren, grandchildren, and the spouses and lineal descendants of any of the above. A charitable entity means an entity which may receive deductible contributions under Section 170 of the Internal Revenue Code as defined in Section 12-6-401(A);

(10) transferring realty in a statutory merger or consolidation from a constituent corporation to the continuing or new corporation;

(11) transferring realty in a merger or consolidation from a constituent partnership to the continuing or new partnership; and,

(12) that constitute a corrective deed or a quitclaim deed used to confirm title already vested in the grantee, provided that no consideration of any kind is paid or is to be paid under the corrective or quitclaim deed.

(13) transferring realty subject to a mortgage to the mortgagee whether by a deed in lieu of foreclosure executed by the mortgagee or deed pursuant to foreclosure proceedings.

(14) transferring realty from an agent to the agent's principal in which the realty was purchased with funds of the principal, provided that a notarized document is also filed with the deed that establishes the fact that the agent and principal relationship existed at the time of the original purchase as well as for the purpose of purchasing the realty.

(15) transferring title to facilities for transmitting electricity that is transferred, sold, or exchanged by electrical utilities, municipalities, electric cooperatives or political subdivisions to a limited liability company which is subject to regulation under the Federal Power Act (16 U.S.C. Section 791(a)) and which is formed to operate or to take functional control of electric transmission assets as defined in the Federal Power Act.

Office of Register of Deeds
Spartanburg, South Carolina

Recorded in DEED
Book NS Page 18

Dorothy Earl
Register of Deeds
Spartanburg, South Carolina
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 1111 Poplar Dr Ext Greer SC 29651 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 9-05-01-004.02 attached hereto marked as Exhibit C containing approximately 5 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 15 day of June, 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-5, Garden Court / Patio House

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: Janna Sargent
Signature: [Signature]
Address: 4401 Northfield Run, Meadville, Pa, Sc
Witness: [Print Name]
Date: 6/17/2020
Parcel Address: [Address]
Tax Map Number: [Number]

(See attached Map & Property Description)
DOCKET: AN 20-85

APPLICANT: Max Geesey

PROPERTY LOCATION: 1111 Poplar Dr Ext

TAX MAP NUMBER: 9-05-01-004.02

EXISTING ZONING: Unzoned (Spartanburg County)

REQUEST: Zone to R-5, Garden Court or Patio Homes

SIZE: 5 Acres

COMPREHENSIVE PLAN: Adjacent to Residential Land Use 2

AN 20-85 is a request to zone one parcel located along Poplar Dr Ext. The request is to zone the property from Unzoned (Spartanburg County), to R-5, Garden Court or Patio Homes for future residential development.

Surrounding land uses and zoning include:

North: Unzoned, Spartanburg County – Vacant
East: Unzoned, Spartanburg County – Single-family residential use
South: R-15, Residential District, City of Greer – Single-family residential use
West: Unzoned, Greenville 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. The property is also close to the edge of an Employment Center, so a smaller lot, higher density single-family product is appropriate.

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 20-85. Mr. Kriese seconded the motion. The motion carried with a vote of 5 to 0. The motion passed.