



**ORDINANCE NUMBER 5-2019**

**AN ORDINANCE TO CHANGE THE ZONING CLASSIFICATION OF PROPERTY OWNED BY PAUL BRANNON AND LINDA LISTER LOCATED ON LISTER ROAD FROM R-12 (RESIDENTIAL, SINGLE, FAMILY DISTRICT) TO I-1 (INDUSTRIAL DISTRICT).**

The City Council of Greer makes the following findings:

This ordinance pertains to certain property owned by Paul Brannon and Linda Lister located on Lister Road and more clearly identified by the attached City of Greer Map specifying Spartanburg County Parcel Number 5-14-00-040.00 containing approximately 13.63 +/- acres attached hereto marked as Exhibit A.

1. The owners desire to change the zoning classification of their property and have shown the need for such use to the Greer Planning Commission at a public hearing held on January 14, 2019.
2. To accomplish the desired change in use in the most effective manner, the zoning classification should be changed to I-1 (Industrial District).
3. The proposed use is in keeping with the general character of the surrounding property.

**NOW, THEREFORE**, be it ordained by the Mayor and Council of the City of Greer, South Carolina, as follows:

The zoning classification of property located on Lister Road more particularly identified by the attached City of Greer Map specifying Spartanburg County Parcel Number 5-14-00-040.00 containing approximately 13.63 +/- acres attached hereto

*MEK*

marked as Exhibit A shall be changed from R-12 (Residential, Single-Family District) to I-1 (Industrial District).

This ordinance shall be effective contingent upon closing of the sale of said property by the owner to Clarius Partners, LLC or its designated or affiliated company on or before October 31, 2019.

**CITY OF GREER, SOUTH CAROLINA**

  
Richard W. Danner, Mayor

**ATTEST:**

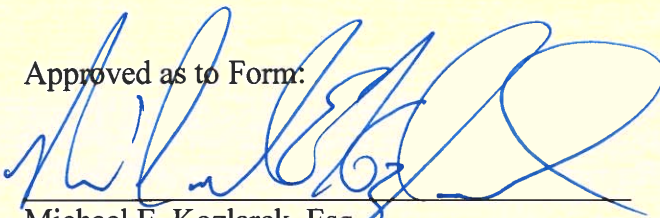
  
Tammela Duncan, Municipal Clerk

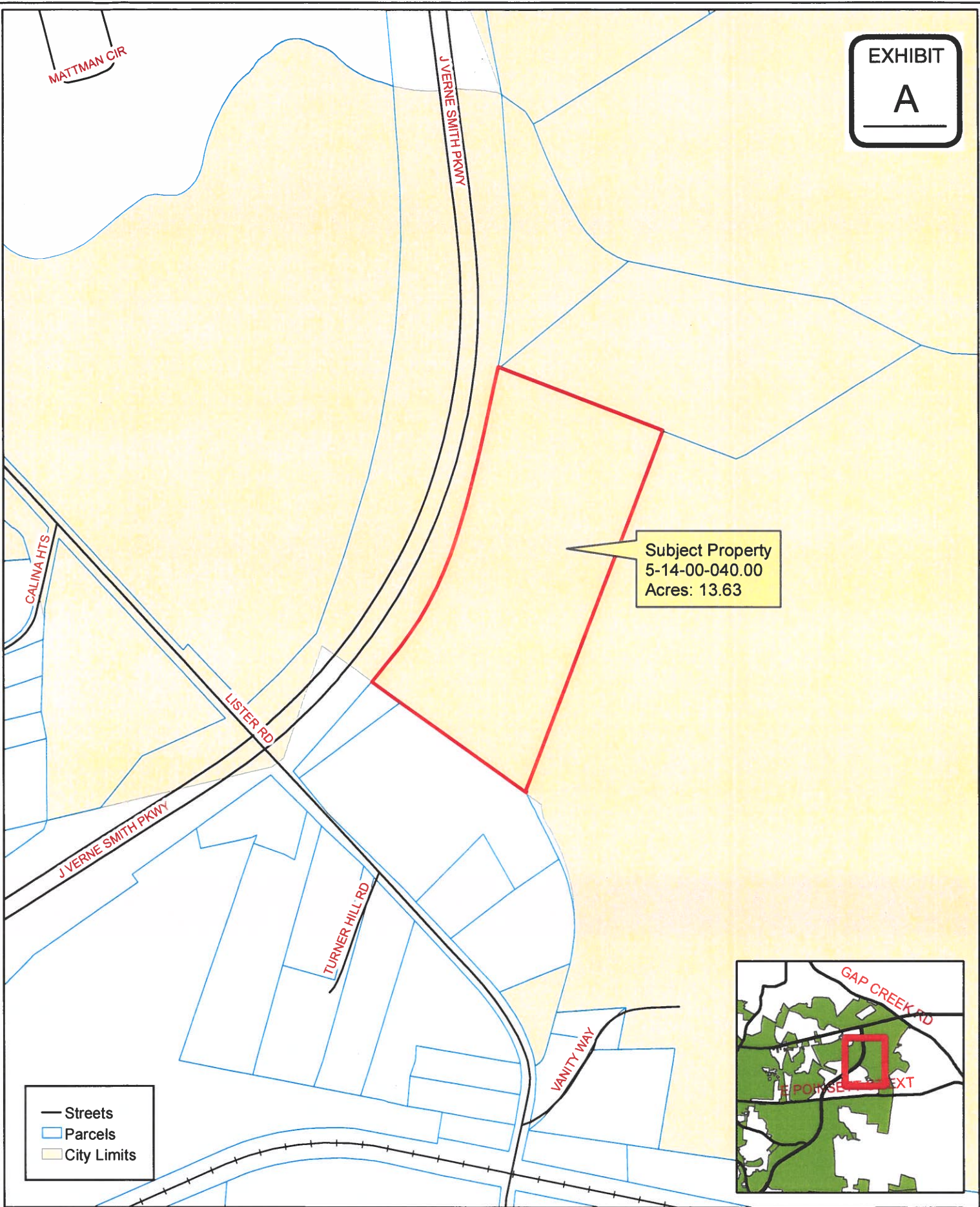
Introduced by: Councilmember Wryley Bettis

First Reading: January 22, 2019

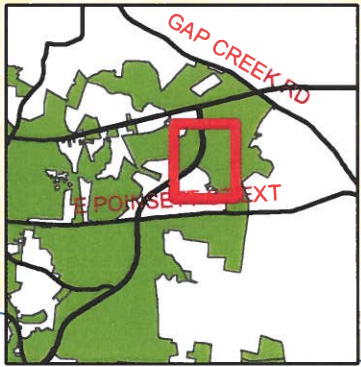
Second and  
Final Reading: February 12, 2019

Approved as to Form:

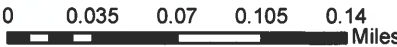
  
Michael E. Kozlarek, Esq.  
Kozlarek Law LLC



- Streets
- Parcels
- City Limits



### Ordinance 05-2019



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 South Carolina State Plane Coordinate System using the 1983 adjustment 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.

Lister

After Recording Return To:  
Nelson Mullins Riley & Scarborough, LLP  
Poinsett Plaza  
104 S. Main Street, Ste. 900  
Greenville, SC 29601

DEE-2019-19001



DEE BK 123-Q PG 504-509

Recorded 6 Pages on 04/26/2019 05:00:45 PM  
Recording Fee: \$11.00 County Taxes: \$825.00 State Taxes: \$1,950.00  
Office of REGISTER OF DEEDS, SPARTANBURG, S.C.  
Dorothy Earle, Register Of Deeds

[Space Above This Line For Recording Data]

**LIMITED WARRANTY DEED**

STATE OF SOUTH CAROLINA	)	Grantee's address:
	)	900 N. Michigan Avenue, Suite 1900
COUNTY OF SPARTANBURG	)	Chicago, IL 60611

KNOW ALL MEN BY THESE PRESENTS, that Linda H. Lister, Trustee of Trust B Under Will of Larry L. Lister dated June 9, 2000 and Paul W. Brannon (together, "Grantors") in consideration of Ten Dollars (\$10.00), and for other good and valuable consideration, the receipt of which is hereby acknowledged, by these presents do grant, bargain, sell and release unto W/C GSP JV VIII, L.L.C., a Delaware limited liability company ("Grantee"), its successors and assigns forever, all of their right, title and interest in and to the following described property:

**SEE ATTACHED EXHIBIT A FOR LEGAL DESCRIPTION**

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, subject only to the covenants, easements and restrictions set forth in **EXHIBIT B** attached hereto and incorporated herein by reference, the premises before mentioned unto the Grantee, and the Grantee's heirs, successors, executors and administrators forever, and Grantors do hereby bind Grantors and Grantors' heirs, successors, executors and administrators to warrant and forever defend all and singular said premises unto the Grantee and the Grantee's heirs, successors and assigns against the Grantors and the Grantors' heirs, successors and assigns and against every person claiming by, through or under Grantor, but not further or otherwise.



EXHIBIT A

All that certain Lot, Tract or Parcel of Land, lying and being situate in the City of Greer, Spartanburg County, South Carolina and being more particularly bounded and described as follows:

Commencing at the center line intersection of J. Verne Smith Parkway (S.C. HWY 80) and Lister Road, and following the line of commencement bearing North 62°33'14" East, a distance of 465.07 feet to an Iron Pin Set (IPS) 1/2" Rebar, on the Right of Way of J. Verne Smith Parkway which is the true POINT OF BEGINNING (POB); Thence following said Right-of-Way from the beginning of a curve concave to the northwest having a radius of 2,042.12 feet and a central angle of 02°45'31" and being subtended by a chord which bears North 37°09'42" East 98.31 feet to an IPS 1/2" Rebar; Thence to the beginning of a curve concave to the northwest having a radius of 1902.89 feet and a central angle of 08°41'15" and being subtended by a chord which bears North 38°56'14" East 288.25 feet to an IPS 1/2" Rebar; Thence northeasterly along a curve concave to the west having a radius of 1993.81 feet and a central angle of 21°59'55" and being subtended by a chord which bears North 17°06'20" East 760.83 feet to an IPS 1/2" Rebar; Thence leaving said Right-of-Way bearing South 63°09'52" East, a distance of 582.14 feet to an Iron Pin Found (IPF) 1" Rod Bent; Thence South 25°12'31" West, a distance of 754.01 feet to an IPF 2" Rod; Thence South 18°30'39" West, a distance of 494.79 feet to an IPF 1-1/4" Open Top Pipe; Thence North 52°44'35" West, a distance of 521.35 feet to an IPF 1/2" Rebar Bent; Thence North 52°46'10" West, a distance of 113.76 feet to the true POINT OF BEGINNING. Said parcel containing 616,786 square feet or 14.16 acres, more or less.

This being a portion of the same property conveyed to Linda H. Lister, Trustee of Trust B Under Will of Larry Lister dtd June 9, 2000 by Deed of Distribution from the Estate of Larry L. Lister (Spartanburg County Probate Case No. 2006ES420064) dtd March 13, 2007 and recorded in the Register of Deeds Office for Spartanburg County on March 14, 2007 in Deed Book 88A at Page 832 and a portion of the same property conveyed to Paul W. Brannon by Deed of Distribution from the Estate of Betty L. Brannon (Spartanburg County Probate Case No. 1997ES4201535) dtd December 9, 1997 and recorded in the Register of Deeds Office for Spartanburg County on November 18, 2005 in Deed Book 84-L at Page 185.

Spartanburg County TMS No. 5-14-00-040.00

**EXHIBIT B**

1. Taxes and assessments for the year 2019 and subsequent years, which are a lien but are not yet due and payable.
2. Any taxes assessed under rollback provisions of Section 12-43-220 (D-4) South Carolina Code of Laws 1976, as amended.
3. The following matters disclosed by ALTA Survey dated September 25, 2018, last revised April 9, 2019, prepared by EAS Professionals as Job No. EAS-18-8353:
  - a. South Tyger River is the northeastern boundary of the land; and
  - b. Streams and wetlands.
4. Rights of upper and lower riparian owners in and to the waters of South Tyger River crossing or adjoining the land, and the natural flow thereof, free from diminution or pollution. See Plat Book 97 at Page 718 in the Office of the Register of Deeds for Spartanburg County.

STATE OF SOUTH CAROLINA )  
COUNTY OF SPARTANBURG )

AFFIDAVIT

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

- 1. I have read the information on this affidavit and I understand such information.
- 2. The property being transferred is located in Spartanburg County bearing Spartanburg County Tax Map No. 5-14-00-040.00 and was transferred by Linda H. Lister, Trustee of Trust B under Will of Larry L. Lister dtd June 9, 2000 and Paul W. Brannon to W/C GSP JV VIII, LLC, a Delaware Limited Liability Company.

3. Check one of the following: The deed is

- (A) X SUBJECT to the deed recording fees as a transfer for consideration paid or to be paid in money or money's worth in the amount of \$749,650.00.
- (B) \_\_\_\_\_ SUBJECT to the deed recording fees as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary. The fee is computed on the fair market value of the realty which is \$ \_\_\_\_\_.
- (C) \_\_\_\_\_ EXEMPT from the deed recording fee because of Exemption Number 1. (See Exemptions on back) [If exempt skip Items 4-7 and go to Item 8.]

4. Check one of the following if either Item 3(A) or 3(B) above has been checked. (See information section of this Affidavit.)

- (A) X The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$749,650.00.
- (B) \_\_\_\_\_ The fee is computed on the fair market value of the realty, which is \$ \_\_\_\_\_.
- (C) \_\_\_\_\_ The fee is computed on the fair market value of the realty as established for property tax purposes, which is \$ \_\_\_\_\_.

5. Check Yes \_\_\_\_\_ or No \_\_\_\_\_ to the following:

A lien or encumbrance existed on the land, tenement or realty before the transfer and remained on the land, tenement or realty after the transfer. If "Yes", the amount of the outstanding balance of this lien or encumbrance is \$ \_\_\_\_\_.

6. The deed recording fee is computed as follows:

(a) Amount listed in Item 4, above:	\$749,650.00
(b) Amount listed in Item 5, above (if none shown, place zero here)	\$ 0.00
(c) Subtract Line 6(b) from Line 6(a) and place result here:	\$749,650.00

7. The deed recording fee due is based on the amount listed on Line 6(c), above, and the deed recording fee due is: ~~\$2,773.71~~

2,775.00

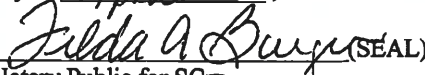
8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as Attorney for Grantor.

9. 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.



By:  (SEAL)  
Daniel R. Hughes, Attorney for Grantor

SWORN to before me this 24th  
day of April, 2019

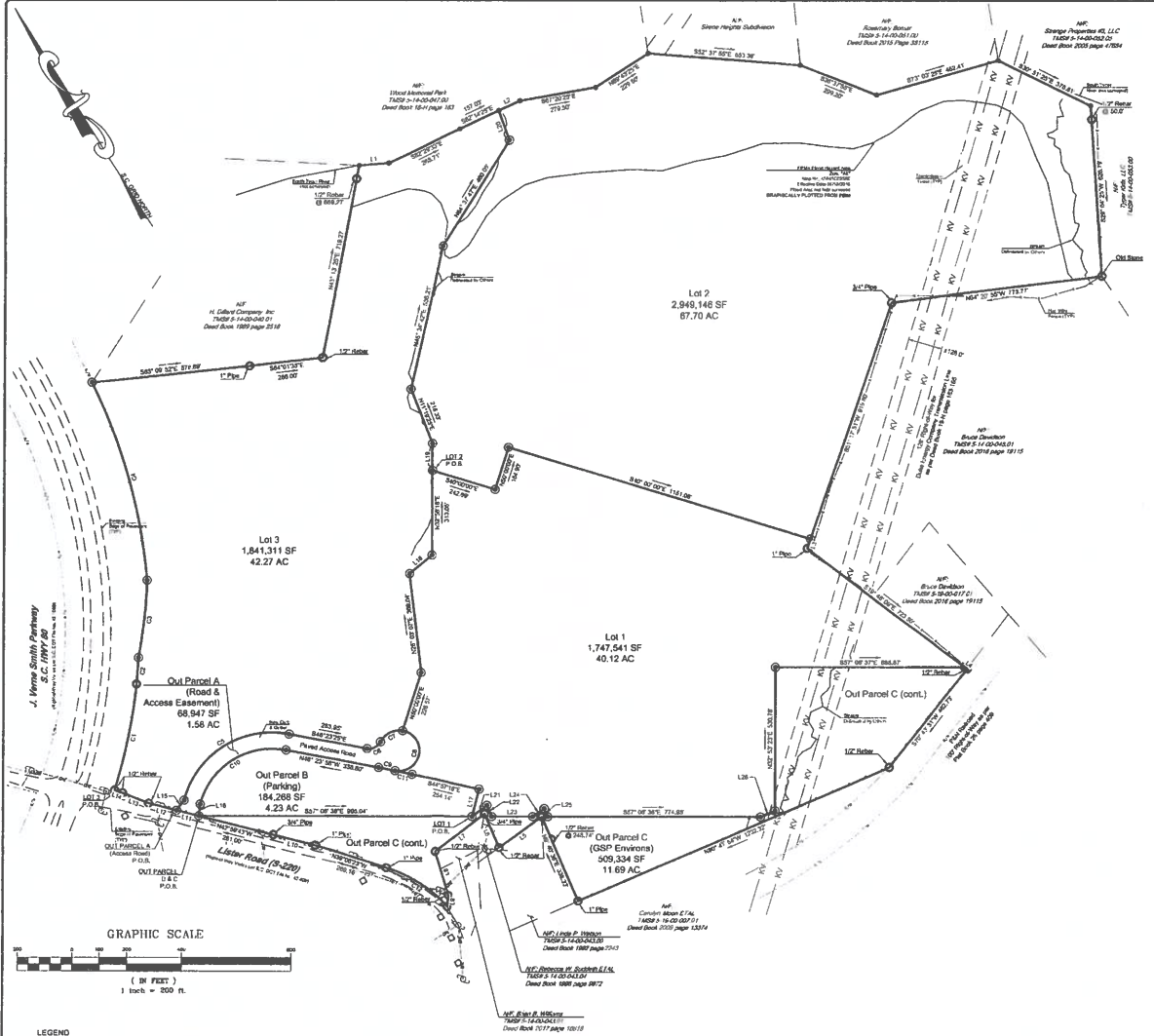
 (SEAL)  
Notary Public for SC  
Trilda A. Burgess  
Printed Name of Notary Public  
My Commission Expires: 4/27/2021

**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' 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; (GIFT)
- 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; (LLC & CHPT 11)
- 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 12-6-40(A); (DIVORCE)
- 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 exchanged in order to effect the partition;
- 6) transferring an individual grave space at a cemetery owned by a cemetery company licensed under Chapter 55 of Title 39;
- 7) that constitute a contract for the sale of timber to be cut;
- 8) transferring realty to a corporation, a partnership, or a trust as a stockholder, partner, or trust beneficiary of the entity or so as to become a stockholder, partner or trust beneficiary as long as 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, except for transfers from one family trust to another family trust without consideration, 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, as long as no consideration is paid for the transfer other than a reduction in the grantee'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. "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 them, and the grantor's and grantor's spouse's heirs under a statute of descent and distribution. A family partnership or a family trust also includes charitable entities, other family partnerships and family trusts of the grantor, and charitable remainder and charitable lead trusts, if all the beneficiaries are charitable entities or members of the grantor's family. A "charitable entity" means an entity which may receive deductible contributions under Section 170 of the Internal Revenue Code as defined in Section 12-6-40(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;
- 12) that constitute a corrective deed or a quitclaim deed used to confirm title already vested in the grantee, as long as no consideration 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 mortgagor or deed executed 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.

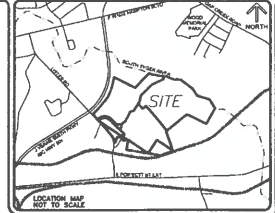


PLT 2019-1011  
 PLT BK 175 PG 736-738  
 Rechecked: 5 Pages on 04/20/2019 09:50:56 PM  
 04/20/2019 09:50:56 PM  
 Office of REGISTER OF DEEDS, SPARTANBURG, S.C.  
 County Clerk: Katherine D. Davis

Curve #	CHORD	BEARING	Radius	Length
C1	398.61	N64°01'30"E	2,957.28	406.34
C2	88.28	N37°04'56"E	2,087.08	98.70
C3	266.26	N38°46'14"E	1,902.89	284.52
C4	746.29	N17°20'49"E	2,085.19	764.53
C5	432.24	S09°27'27"E	3,303.00	499.34
C6	35.82	S89°04'44"E	42.50	29.13
C7	90.12	S84°33'44"E	73.50	97.30
C8	149.84	S43°18'27"E	74.87	227.16
C9	89.39	N46°08'57"E	6,118.13	80.91
C10	379.82	N49°38'35"E	273.00	407.69
C11	83.36	S49°12'14"E	6,122.87	83.96
C12	267.33	N47°22'27"E	490.25	376.78

Line #	Length	Direction
L1	108.82	S61°47'28"E
L2	84.26	S09°47'28"E
L3	264.71	S41°11'42"W
L4	126.70	S14°48'49"E
L5	191.73	S08°45'56"W
L6	134.81	N09°43'48"E
L7	229.88	S68°14'18"W
L8	489.54	S11°44'32"W
L9	42.85	S09°23'00"W
L10	138.08	N42°02'11"W
L11	83.88	N47°09'43"W
L12	104.41	N47°09'43"W
L13	102.25	N51°32'27"W
L14	30.36	N37°08'11"W
L15	4.83	N49°22'18"E
L16	124.47	S09°28'17"W
L17	104.67	S47°07'45"W
L18	101.43	S48°17'43"E
L19	101.67	N32°58'18"E
L20	114.28	N12°05'44"E

Line #	Length	Direction
L21	108.82	S61°47'28"E
L22	84.26	S09°47'28"E
L23	264.71	S41°11'42"W
L24	126.70	S14°48'49"E
L25	191.73	S08°45'56"W
L26	134.81	N09°43'48"E
L27	229.88	S68°14'18"W
L28	489.54	S11°44'32"W
L29	42.85	S09°23'00"W
L30	138.08	N42°02'11"W
L31	83.88	N47°09'43"W
L32	104.41	N47°09'43"W
L33	102.25	N51°32'27"W
L34	30.36	N37°08'11"W
L35	4.83	N49°22'18"E
L36	124.47	S09°28'17"W
L37	104.67	S47°07'45"W
L38	101.43	S48°17'43"E
L39	101.67	N32°58'18"E
L40	114.28	N12°05'44"E



**SURVEYOR'S NOTES:**

- The underground utilities shown were located from above ground evidence or existing drawings provided by surface owners. There may be other utilities not shown on these plans. The surveyor assumes no responsibility for the location shown and it is left to the owner's responsibility to verify the location of all utilities.
- All easements listed herein are subject to existing, approved, drawings, building party maps, platings, easements, and encroachments are based upon the best ground utility evidence, unless another source of information is specifically referenced herein.
- The subject property has direct physical access to Public Road 6 & J. Wynn Smith Parkway (Public Road 6) & W. Main Street (Public Road 6) & W. Main Street (Public Road 6).
- The words "easement", "easements" or "servitudes" as used herein are understood to be an expression of professional opinion by the surveyor, based upon the best knowledge, information and belief, as such, and do not constitute a guarantee, warranty, representation or implied.
- There is no visible evidence of easements on the subject property.
- No attempt was made to determine wetlands or other environmental factors, unless otherwise noted.
- The professional surveyor has made no investigation or independent search for easements of record, unrecorded, recorded easements, encroachments, or other facts that an accurate and current title search may disclose. This survey does not constitute a title search by the surveyor.
- Subsurface and environmental conditions were not surveyed or ascertained or considered as part of this survey. No evidence or statement is made concerning the existence of underground or subsurface conditions, encroachments or utilities that may affect the use or development of the property.
- All plat and 1/2" scale utility drawings used.
- Horizontal Datum: NGVD 83 (Elev)  
Vertical Datum: NAVD 88 (Elev)
- Lines surveyed and mapped are shown in ground distance. Coordinates shown are based on NAD 83 (Elev) & NAVD 88 (Elev) datum, unless otherwise stated.
- This property is subject to any and all existing Right-of-Ways for roads, utility and any other easements that may appear of record or not of record.
- Not valid without the signature and the original seal of the Registered Surveyor and/or Register. Address and telephone to survey, maps, drawings, or reports by other than the signing party or parties is prohibited unless written consent of the signing party or parties.
- Plat in South-Tier Reversion Set.
- A portion of the property (Out Parcel C) lies within the Greenbelt-Sportingwood Reversionary Easement.

**GRAPHIC SCALE**  
 ( IN FEET )  
 1 inch = 200 ft.

**LEGEND**

- LIGHT POLE
- POWER POLE
- POINT ON LINE
- ⊙ IRON PIN SET
- ⊙ IRON PIPE FOUND
- ⊙ WALL
- ⊙ WATER METER
- UNDERGROUND TELEPHONE LINE
- ACCESS EASEMENT
- OVERHEAD POWER LINE
- IRON PIN SET
- FENCE LINE
- UNDERGROUND WATER LINE
- GUARD RAIL
- RIGHT OF WAY

**APPROVED BY CITY OF GREER**  
 Approved for the recording in the office of the  
 County Register of Deeds  
 Director: Building & Zoning or  
 Planning & Zoning Coordinator  
 Date: 7/25/19

**PARCEL AREA CALCULATIONS**

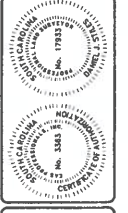
TMSB 05-14-00-030 D1 (MICHAEL G. & TERRY L. FROST)	2.86 AC	115,870 SF
TMSB 05-14-00-038 D2 (DANIE FROST)	0.61 AC	26,499 SF
TMSB 05-14-00-039 D3 (BRENDA S. FROST)	6.90 AC	302,954 SF
TMSB 05-14-00-041 D0 (WILZABETH STATION)	1.28 AC	54,428 SF
TMSB 05-14-00-042 D0 (WILKINE MARION)	0.83 AC	37,112 SF
TMSB 05-14-00-040 D0 (PAUL BRANNON & LINDA LISTER)	14.18 AC	618,792 SF
<b>TOTAL AREA</b>	<b>24.76 AC</b>	<b>1,073,655 SF</b>

**TO BE COMBINED WITH AND MADE APART OF:**  
 TMSB 05-14-00-045 D0  
 141.89 AC 6,172,019 SF  
 TOTAL AREA: 167.65 AC 7,315,478 SF

Based on maps prepared by the Federal Emergency Management Agency (FEMA) available online at www.fema.gov and the **SPARTANBURG COUNTY** portion of the property, located in the City of Greer, Spartanburg County, South Carolina, in "Zone AE" on Flood Insurance Rate Map (FIRM) number 43040C028E, which bears an effective date of 06/30/2018 and is a Special Flood Hazard area. Area shown between has not been surveyed and is shown for reference only.



NO.	DATE	BY	REVISION
1	07/25/19	DAVID M. HARRIS	PRELIMINARY ISSUE
2	07/25/19	DAVID M. HARRIS	ADDED PLAT, EASEMENT TABLE



**CLARUS PROFESSIONALS**  
 1100 W. Main Street, Suite 200  
 Spartanburg, SC 29303  
 Phone: 803.535.1100  
 Fax: 803.535.1101  
 www.claruspros.com

Combination and Substitution Plat for  
**Clarus Partners, LLC**  
 David M. Harris, Surveyor  
 State of South Carolina  
 License No. 17323  
 Date: 7/25/19  
 Sheet: **V-1**

I, David M. Harris, hereby certify that to the best of my professional knowledge, information and belief the survey shown herein was made in accordance with the requirements of the Standards of Practice for Surveying in South Carolina, and meets or exceeds the requirements for a Certified Survey as so described herein.

David M. Harris  
 S.C. REG. No. 17933