



ORDINANCE NO. 2023-04

AN ORDINANCE TO APPROVE THE ANNEXATION OF PROPERTIES LOCATED AT 180 MAGNOLIA STREET, ALSO KNOWN AS: TMS# 0172-11-01-002.000, AND TMS# 0172-11-01-017.000; AND PROVIDE FOR RELATED MATTERS.

WHEREAS, the City Council ("Council") of the City of Orangeburg ("City") finds:

- (a) Crepe Myrtle Village, LLC owns property located at 180 Magnolia Street, with county tax map numbers TMS# 0172-11-01-002.000, and TMS# 0172-11-01-017.000;
- (b) the property owner has petitioned the City to annex the referenced properties into the City's incorporated municipal limits, a copy of the petition is attached as Exhibit A;
- (c) according to a resolution adopted January 26, 2023, a copy of which is attached as Exhibit B ("Resolution"), the City's Planning Commission has, following a duly noticed public hearing, recommended approval to the Council of the annexation of the referenced property with the related amendment to the Zoning Map with the addition of the referenced properties to A-3 Residential, General District, as provided by Section 24-12 of the City Code;
- (d) proper notice of the public hearing for the proposed amendments for the Planning Commission, held on January 26, 2023, and the Council, held on March 7, 2023, have been duly published in accordance with Section 24-12.5 of the City Code;
- (e) each parcel has been duly posted in accordance with Section 24-12.6 of the City Code;
- (f) the Council has reviewed the Petition and Resolution and the related, supporting material presented at each of the readings of this Ordinance and received any comments from the public at the public hearing;

NOW, THEREFORE, by a majority vote of the Council members present, the Council ordains that the City's municipal boundaries be increased to include the properties located at 180 Magnolia Street, with county tax map numbers TMS# 0172-11-01-002.000, and TMS# 0172-11-01-017.000, all of which is annexed into the City.

BE IT FURTHER ORDAINED that, no later than seven days from this Ordinance's enactment, the City's Zoning Administrator shall update the City's Zoning Map to reflect that the annexed property is zoned A-3 Residential, General District.

ENACTED BY the City Council on March 21, 2023, and effective immediately.



Michael C. Butch
Mayor

Andrea T. Cross

James H. [Signature]

Richard T. [Signature]

L. Zimmerman [Signature]

Benjamin Haire
Members of Council

Attest: Rinda McDaniel
City Clerk

First Reading:	February 21, 2023
Second Reading:	March 7, 2023
Public Hearing:	March 7, 2023
Third Reading:	March 21, 2023



EXHIBIT A
ANNEXATION PETITION
100 Percent Petition Form

STATE OF SOUTH CAROLINA)
) PETITION FOR ANNEXATION PURSUANT TO
) SECTION 5-3-150 CODE OF LAWS OF SOUTH
COUNTY OF ORANGEBURG) CAROLINA, 1976 AS AMENDED

TO THE MAYOR AND CITY COUNCIL OF THE CITY OF ORANGEBURG:

We the undersigned, being 100 percent of the freeholders owning 100 percent of the assessed value of the property in the contiguous territory described below and shown on the attached plat or map, hereby petition for annexation of said territory to the City of Orangeburg by ordinance effective as soon hereafter as possible, pursuant to South Carolina Code Section§ 5-3-150 (3).

Description of Property: **SEE ATTACHED FOR FULL PROPERTY DESCRIPTION**

and encompassing all properties within these borders, and entire abutting public rights of way.

Tax Map Numbers of properties included in this annexation are:

The Petition must be dated before the first signature is affixed, and all signatures must be obtained within six months of that date:

Date of Petition: 12/23/2022

The first signature was affixed on this Petition on 12/23/2022

FOR MUNICIPAL USE:

Petition received by _____ Date: _____

Description and Ownership verified by _____ Date: _____

Recommendation: _____ By: _____ Date: _____

Date of First Signature: 12/23/2022

By: *Grigory Yakubov*
Grigory Yakubov

In the presence of this witness(s):

[Signature]
Signature of Witness

Benik Shakarov
Printed Name

10 Bond Street, Suite 507
Street Address

Great Neck, NY 11021
City, State, Zip Code

917-902-8419
Phone Number

Date Signed: 12/23/2022

Printed Name
Its Co-Manager

Date Signed: 12/23/2022

Owner: Crepe Myrtle Village LLC
Map #
Address: Corner of Sprinkle and Magnolia in Orangeburg SC
TMP# 0172-11-01-002.000 and 0172-11-01-017.000
Zoning Requested: A-3 Residential

Property Description

TMS No. 0172-11-01-002.000

All that certain piece, parcel or lot of land situate, lying and being in the County of Orangeburg, State of South Carolina containing **1.43 acres**, more or less. This lot is more particularly shown as **Parcel "A"** on plat pared by Edisto Engineers & Surveyors, Inc. dated February 9, 2021, and recorded in the Orangeburg County RMC office in Plat Book D492 at page 8 on June 25, 2021. According to the aforementioned plat, Parcel "A" has the following metes and bounds: Commencing at the most northern corner at an old iron and running S42-26-41E for a distance of 80.23 feet along Parcel "I" to an old iron; thence, S39-49-59E for a distance of 6.04 feet along Parcel "I" to an old iron; thence, S31-06-47E for a distance of 150.42 feet along property now or formerly of Susan N. Salley to an old iron; thence, S47-31-55W for a distance of 100.68 feet along property now or formerly of Larry E. Butler to an oak tree; thence, N44-47-46W for a distance of 93.57 feet along property now or formerly of Darren S. Smith to an old iron; thence, S46-08-07W for a distance of 98.22 feet along property now or formerly of Darren S. Smith to a new iron; thence, N44-00-07W for a distance of 40.51 feet along property now or formerly of Darren S. Smith and property of The Jar Co., Inc. to an old iron; thence, N44-27-24W for a distance of 42.83 feet along property now or formerly of The Jar Co., Inc. to an old iron; thence, S47-20-00W for a distance of 123.46 feet along property now or formerly of The Jar Co., Inc. to an old iron; thence, along the curve of Magnolia Street N15-37-31W for a distance of 25.22 feet to an old iron; thence, N06-04-36W for a distance of 134.47 feet along right of way of Magnolia Street to an old iron; thence, N58-29-01E for a distance of 9.50 feet along Parcel "C" to a computed corner; thence, N58-29-02E for a distance of 215.07 feet along Parcel "B" to an old iron; thence, S42-16-04E for a distance of 28.36 feet along Parcel "H" to an old iron; thence, N47-30-30E for a distance of 46.18 feet along Parcel "H" to the point of origin.

Additional plat reference: Plat Book D516 at page 3, shown as Tract 2

TMS No. 0172-11-01-017.000

All that certain piece, parcel or lot of land situate, lying and being in the County of Orangeburg, State of South Carolina containing **0.02 acres**, more or less. This lot is more particularly shown as **Parcel "H"** on plat pared by Edisto Engineers & Surveyors, Inc. dated February 9, 2021, and recorded in the Orangeburg County RMC office in Plat Book D492 at page 8 on June 25, 2021. According to the aforementioned plat, Parcel "H" has the following metes and bounds: Commencing at the most northern corner at an old iron and running S42-28-47E for a distance of 17.79 feet along Parcel "I" to an old iron; thence, S47-30-30W for a distance of 46.18 feet along Parcel "A" to an old iron; thence, N42-16-04W for a distance of 28.36 feet along Parcel "A" to an old iron; thence, N60-25-07E for a distance of 47.27 feet along Parcel "G" to the point of origin. All that certain piece, parcel or lot of land situate, lying and being in the County of Orangeburg, State of South Carolina containing **0.02 acres**, more or less. This lot is more particularly shown as **Parcel "I"** on plat pared by Edisto Engineers & Surveyors, Inc. dated February 9, 2021, and recorded in the Orangeburg County RMC office in Plat Book D492 at page 8 on June 25, 2021. According to the aforementioned plat, Parcel "I" is triangular in shape and has the following metes and bounds: Commencing at the most northern corner at an old iron and running S31-39-28E for a distance of 101.85 feet along property now or formerly of Susan N. Salley to an old iron; thence, N39-49-59W for a distance of 6.04 feet along Parcel "A" to an old iron; thence, N42-26-41W for a distance of 80.23 feet along Parcel "A" to an old iron; thence, N42-28-47W for a distance of 17.79 feet along Parcel "H" to an old iron; thence, N59-35-44E for a distance of 19.22 feet along property now or formerly of Susan N. Salley to the point of origin.

Additional Plat reference: Plat Book D516 at page 3

EXHIBIT B
PLANNING COMMISSION RESOLUTION
(January 26, 2023)

RESOLUTION

WHEREAS, the Planning Commission of the City of Orangeburg, South Carolina, conducted a Public Hearing on Thursday, January 26, 2023, to consider annexation of the property belonging to **Crepe Myrtle Village, LLC, located at 180 Magnolia Street, corner of Sprinkle Avenue and Magnolia Street** containing approximately 1.47 acres. Tax Map Numbers of property included in this annexation is: **TMS# 0172-11-01-002.000 and TMS# 0172-11-01-017.000.**

Subject Property:

All that certain piece, parcel or lot of land situate, lying and being in the County of Orangeburg, State of South Carolina containing **1.43 acres**, more or less. This lot is more particularly shown as **Parcel "A"** on plat pared by Edisto Engineers & Surveyors, Inc. dated February 9, 2021, and recorded in the Orangeburg County RMC office in Plat Book D492 at page 8 on June 25, 2021. According to the aforementioned plat, Parcel "A" has the following metes and bounds: Commencing at the most northern corner at an old iron and running S42-26-41E for a distance of 80.23 feet along Parcel "T" to an old iron; thence, S39-49-59E for a distance of 6.04 feet along Parcel "T" to an old iron; thence, S31-06-47E for a distance of 150.42 feet along property now or formerly of Susan N. Salley to an old iron; thence, S47-31-55W for a distance of 100.68 feet along property now or formerly of Larry E. Butler to an oak tree; thence, N44-47-46W for a distance of 93.57 feet along property now or formerly of Darren S. Smith to an old iron; thence, S46-08-07W for a distance of 98.22 feet along property now or formerly of Darren S. Smith to a new iron; thence, N44-00-07W for a distance of 40.51 feet along property now or formerly of Darren S. Smith and property of The Jar Co., Inc. to an old iron; thence, N44-27-24W for a distance of 42.83 feet along property now or formerly of The Jar Co., Inc. to an old iron; thence, S47-20-00W for a distance of 123.46 feet along property now or formerly of The Jar Co., Inc. to an old iron; thence, along the curve of Magnolia Street N15-37-31W for a distance of 25.22 feet to an old iron; thence, N06-04-36W for a distance of 134.47 feet along right of way of Magnolia Street to an old iron; thence, N58-29-01E for a distance of 9.50 feet along Parcel "C" to a computed corner; thence, N58-29-02E for a distance of 215.07 feet along Parcel "B" to an old iron; thence, S42-16-04E for a distance of 28.36 feet along Parcel "H" to an old iron; thence, N47-30-30E for a distance of 46.18 feet along Parcel "H" to the point of origin. Additional plat reference: Plat Book D516 at page 3, shown as Tract 2. **TMS # 0172-11-01-002.000**

Subject Property:

All that certain piece, parcel or lot of land situate, lying and being in the County of Orangeburg, State of South Carolina containing **0.02 acres**, more or less. This lot is more particularly shown as **Parcel "H"** on plat pared by Edisto Engineers & Surveyors, Inc. dated February 9, 2021, and recorded in the Orangeburg County RMC office in Plat Book D492 at page 8 on June 25, 2021. According to the aforementioned plat, Parcel "H" has the following metes and bounds: Commencing at the most northern corner at an old iron and running S42-28-47E for a distance of 17.79 feet along Parcel "T" to an old iron; thence, S47-30-30W for a distance of 46.18 feet along Parcel "A" to an old iron; thence, N42-16-04W for a distance of 28.36 feet along Parcel "A" to an old iron; thence, N60-25-07E for a distance of 47.27 feet along Parcel "G" to the point of origin.

All that certain piece, parcel or lot of land situate, lying and being in the County of Orangeburg, State of South Carolina containing **0.02 acres**, more or less. This lot is more particularly shown as **Parcel "I"** on plat pared by Edisto Engineers & Surveyors, Inc. dated February 9, 2021, and recorded in the

aforementioned plat, Parcel "T" is triangular in shape and has the following metes and bounds: Commencing at the most northern corner at an old iron and running S31- 39-28E for a distance of 101.85 feet along property now or formerly of Susan N. Salley to an old iron; thence, N39-49-59W for a distance of 6.04 feet along Parcel "A" to an old iron; thence, N42-26-41W for a distance of 80.23 feet along Parcel "A" to an old iron; thence, N42-28-47W for a distance of 17.79 feet along Parcel "H" to an old iron; thence, N59-35-44E for a distance of 19.22 feet along property now or formerly of Susan N. Salley to the point of origin. Additional Plat reference: Plat Book D516 at page 3. TMS # 0172-11-01-017.000

WHEREAS, § 24-12 of the City Code requires any amendments to the Zoning Ordinance, text or map, first be reviewed by the Planning Commission; and,

WHEREAS, § 24-12.3 of the City Code requires that the Planning Commission make a written recommendation to the Mayor and City Council; and that at minimum the recommendation shall include an evaluation of the proposed zoning amendment relative to the following:

1. How the proposed zoning amendment relates to and affects the City's Comprehensive Plan
2. The validity of the Comprehensive Plan relative to the area under consideration.
3. The need to correct an error or deficiency in the Zoning Ordinance.
4. Any benefits which would be derived from the proposed amendment.
5. Any cost to the City in terms of expenditures for public improvements, facilities and services.
6. The public interest; and;

WHEREAS, the Planning Commission has considered a request to annex the aforementioned property and we have concluded the following:

1. It is consistent with the Comprehensive Plan.
2. The Comprehensive Plan appears valid relative to the area under consideration.
3. We note no errors or deficiencies in the Zoning Ordinance regarding this matter.
4. Benefit would be to ensure proper development in area.
5. We note no cost to the city in terms of public improvements, facilities and services.
6. The public interest would be served by allowing this change.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission, this 26th, day of January 2023, based on its evaluation and findings above, recommends to the Mayor and City Council of the City of Orangeburg, South Carolina, that the aforementioned request be **approved**.

On behalf of the Planning Commission of the City of Orangeburg, South Carolina;


Chairperson, Planning Commission

ATTEST: 