

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: February 19, 2024

Agenda Item: 6A	Prepared by: L. Suzanne Pritchard, PLA, AICP, CFM
Agenda Section: Unfinished Business: Ordinance. Second Reading	Date: January 10, 2024
Subject: Petition for Annexation and Zoning Designation for ±46.48 acres on Long Bay Road [Z-23-24]	Division: Planning and Development

Background:

In 2006, the City of North Myrtle Beach purchased two properties on Long Bay Road to possibly relocate some functions of the Public Works or Public Safety Departments; those plans were later put on hold. The recent annexation of the Lauret tract has made the property contiguous to our corporate boundary. City staff has petitioned for annexation of these ±46.48 acres on Long Bay Road identified by PINs 348-00-00-0006 and 348-00-00-0004. The petition also reflects the requested City of North Myrtle Beach zoning district of Limited Industrial (LI) and will be heard concurrently.

Existing Conditions:

The subject property is contiguous to the corporate boundary of the City of North Myrtle Beach and is zoned CFA under Horry County jurisdiction. Located on Long Bay Road, the parcels are vacant and undeveloped with one portion of the property housing the North Strand Helping Hand facilities. Surrounding parcels within City limits are zoned Mid-Rise Multifamily Residential (R-2A); surrounding county parcels are zoned CFA. Upon annexation, the parcel would be designated LI as per Exhibit A: Zoning Map Z-23-24, prepared by the City of North Myrtle Beach Planning and Development Department depicting the annexation boundary. A proposed ordinance has been attached for Council’s review.

Proposed LI Zoning:

		Manufacturing	All other Uses
Minimum Lot Area		2 Acres	10,000 SF
Minimum Yards	Front	50 feet	25 feet
	Side	20 feet	10 feet ¹
	Rear	30 feet	20 feet
Maximum Impervious Surface Ratio		75%	75%
Maximum Height of Buildings		45 feet	50 feet
Maximum Height of Signs		30 feet	30 feet

Notes: ¹A five-foot side yard setback shall be required for substandard lots of record.

LI District Permitted Uses:

Manufacturing uses, including institutional use; processing and assembly plants; warehousing; wholesale establishments; office buildings and institutional uses; boatyards; signs permitted by and in accord with all applicable regulations of Article III; accessory buildings and uses customarily incidental to the above; retail sales when they comprise less than 50 percent of the total business operation; businesses engaging in body piercing as defined in Section 23-2; wireless personal telephone

transmission towers; gaming/gambling boats are permitted in boatyard marinas only; and tattoo parlors subject to the facility obtaining all required certifications from the State of South Carolina.

Planning Commission Action:

The Planning Commission conducted a public hearing on December 12, 2023, and voted to recommend approval of the annexation and zoning designation, citing “C,” to recognize substantial change or changing conditions or circumstances in a particular locality. There was no public comment.

Recommended Action:

Approve or deny the proposed ordinance on second reading

Reviewed by Department Head

Reviewed by City Manager

Reviewed by City Attorney

Council Action:

Motion By _____ 2nd By _____ To _____

ORDINANCE

**AN ORDINANCE OF THE CITY OF NORTH MYRTLE BEACH
ANNEXING 46.48 ACRES IDENTIFIED BY
PINs 348-00-00-0006 AND 348-00-00-0004.**

WHEREAS, city staff has petitioned the City of North Myrtle Beach for annexation of 46.48 acres consisting of the following parcel PINs 348-00-00-0006 and 348-00-00-0004 as referenced on Exhibit A: Zoning Map Z-23-24, prepared by the City of North Myrtle Beach Planning and Development Department depicting the annexation boundary, which is attached hereto and incorporated herein by reference; and

WHEREAS, the North Myrtle Beach Planning Commission has provided the required public notice of this request and has held all necessary public hearings in accordance with applicable State Statutes and City Ordinances; and

WHEREAS, the City Council has received a report from the Planning Commission recommending the subject property be zoned Limited Industrial (LI) upon annexation.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of North Myrtle Beach, South Carolina, in Council duly assembled:

Section 1. Annexation. That parcel identified by PINs 348-00-00-0006 and 348-00-00-0004 (the “Annexed Parcel”), consisting of approximately 46.48 acres and depicted on Exhibit A, and all contiguous portions of all public rights-of-way, streets, and highways are hereby annexed pursuant to Sections 5-3-150 and 5-3-240 of the Code of Laws of South Carolina, 1976, as amended.

Section 2. Zoning Designation. The Annexed Parcel is hereby designated and zoned as Limited Industrial (LI).

DONE, RATIFIED AND PASSED, THIS _____ DAY OF _____, 2024.

ATTEST:

Mayor Marilyn Hatley

City Clerk

APPROVED AS TO FORM:

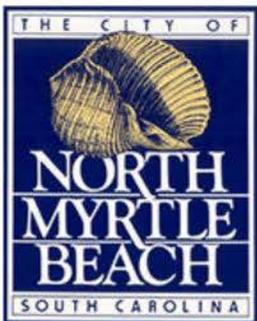
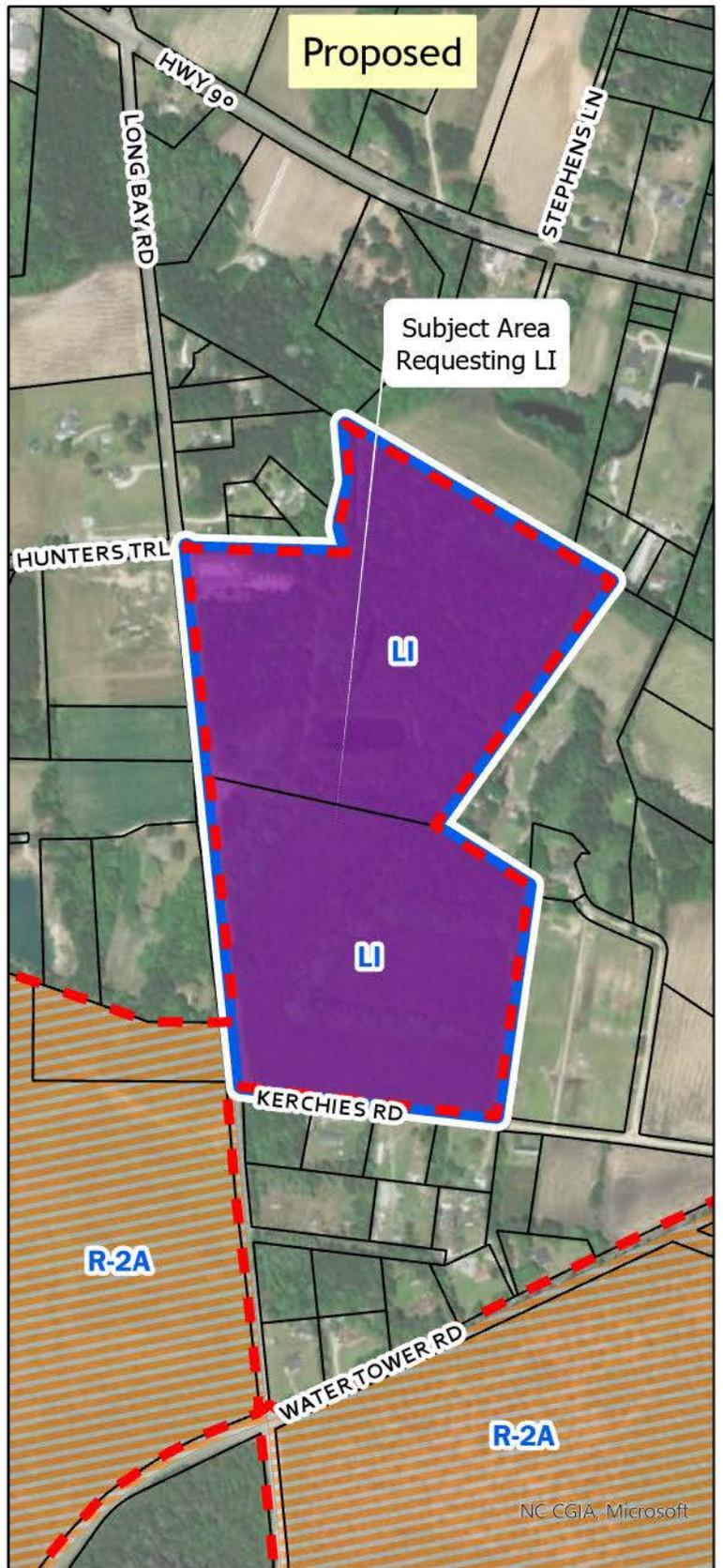
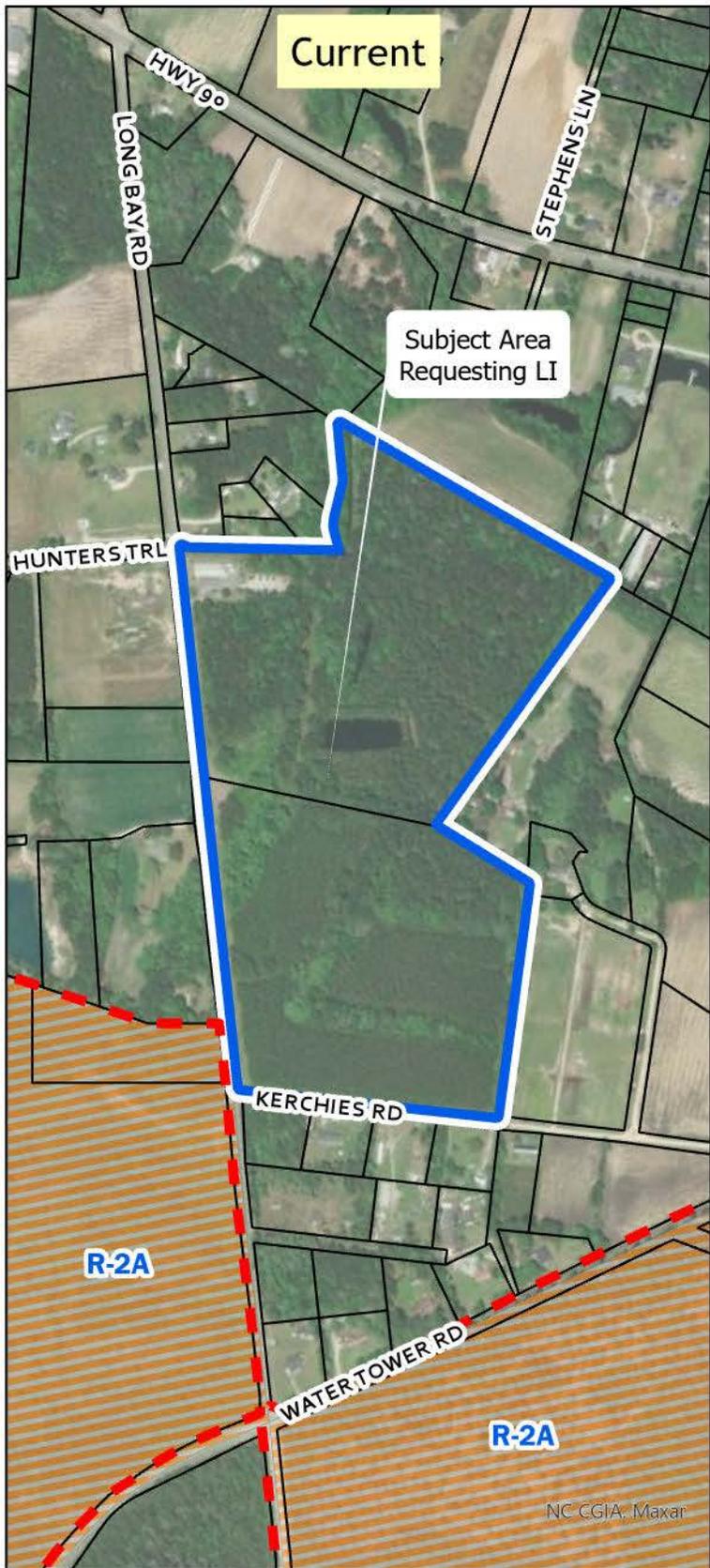
City Attorney

FIRST READING: 1.8.2024
SECOND READING: 2.19.2024

REVIEWED:

City Manager

ORDINANCE: 24-03

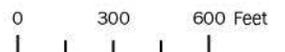


Legend

-  North Myrtle Beach City Limit
-  Subject Area
- Zoning District**
-  LI
-  R-2A



Exhibit A: Zoning Map Z-23-24



6A. ANNEXATION & ZONING DESIGNATION Z-23-24: City staff has begun the process to annex City-owned lands on Long Bay Road totaling approximately ±46.48 acres and identified by PINs 348-00-00-0006 and 348-00-00-0004. The lots are currently unincorporated and zoned Commercial Forest Agriculture (CFA) by Horry County. The petition also reflects the requested City of North Myrtle Beach zoning district of Limited Industrial (LI) and will be heard concurrently.

Existing Conditions and Surrounding Land Uses:

The subject property is contiguous to the corporate boundary of the City of North Myrtle Beach and is zoned CFA under Horry County jurisdiction. Located on Long Bay Road, the parcels are vacant and undeveloped with one portion of the property housing the North Strand Helping Hand facilities. Surrounding parcels within City limits are zoned R-2A; surrounding county parcels are zoned CFA.

LI District Development Standards

		Manufacturing	All other Uses
Minimum Lot Area		2 Acres	10,000 SF
Minimum Yards	Front	50 feet	25 feet
	Side	20 feet	10 feet ¹
	Rear	30 feet	20 feet
Maximum Impervious Surface Ratio		75%	75%
Maximum Height of Buildings		45 feet	50 feet
Maximum Height of Signs		30 feet	30 feet
Notes: ¹ A five-foot side yard setback shall be required for substandard lots of record.			

LI District Permitted Uses

Manufacturing uses, including institutional use, processing and assembly plants; warehousing; wholesale establishments; office buildings and institutional uses; boatyards; signs permitted by and in accord with all applicable regulations of Article III; accessory buildings and uses customarily incidental to the above; retail sales when they comprise less than 50 percent of the total business operation; businesses engaging in body piercing as defined in section 23-2; wireless personal telephone transmission towers; gaming/gambling boats are permitted in boatyard marinas only; and tattoo parlors subject to the facility obtaining all required certifications from the State of South Carolina.

Planning Commission Action:

As per the Zoning Ordinance Section 23-4, *Amendments*, the Planning Commission shall prepare a report and make recommendations on any proposed amendment to the North Myrtle Beach Zoning Ordinance, including the Zoning Map, stating its findings and its evaluation of the request. In making its report, the Commission shall consider the following factors:

- a) The relationship of the request to the Comprehensive Plan:

The Future Land Use map contained in the 2018 Comprehensive Plan recommends Residential Suburban as a land use class for the subject area. The principal permitted uses noted in the compliance index include primarily single-family lots, small farms and farm related uses such as produce stands, and mobile homes on individual lots. The recommended primary zoning district is R-1; R-1A and R-1B are the secondary zoning district alternatives.

The proposed zoning designation, LI, is not a primary or secondary recommended zoning district within the Compliance Index for the subject property.

- b) Whether the request violates or supports the Plan:

Chapter 5, “The Way We Grow,” of the 2018 Comprehensive Plan identifies the Residential Suburban future land use classification as follows: The purpose of this classification is to define, protect, and provide low density, single-family detached housing areas where designated, and to prohibit any development that would compromise existing residential characteristics. In addition, these areas are intended to provide for in-fill and expansion of existing neighborhoods and subdivisions. Standards and densities for these areas are designated to reflect existing conditions. This area is also intended to allow incorporation of property west of the waterway at densities typical of inland development. Primarily single-family lots, small farms and farm related uses such as produce stands, and mobile homes on individual lots, excluding large mobile home parks, are compatible uses here. This category allows up to five dwelling units per acre (du/acre).

The proposed LI zoning is inconsistent with the Residential Suburban land use classification found in the *2018 Comprehensive Plan*.

- c) Whether the uses permitted by the proposed change would be appropriate in the area concerned:

The purpose of the LI zoning district is, “To encourage the development of business and manufacturing uses relatively free of offensive elements in landscaped surroundings—to provide job opportunities in compatible industrial settings.”

The area connecting Water Tower Road to Highway 22, Highway 31, and Highway 90 is a transitional area. Because of the intense developmental pressure facing our area, there are residential neighborhoods being developed along these corridors. However, because of the quick access to large transportation routes, contractors, suppliers, and storage facilities are also located along these routes. The uses permitted in the LI district are somewhat appropriate in the area.

- d) Whether adequate public-school facilities, roads and other public services exist or can be provided to serve the needs of the development likely to take place because of such change, and the consequence of such change:

Current public rights-of-way serve this area subject to Horry County encroachment permit review and approval.

- e) Whether the proposed change is in accord with any existing or proposed plans for providing public water supply and sanitary sewer to the area:

GWSA service area. Water and sewer extensions may be required.

As a matter of policy, no request to change the text of the ordinance or the map shall be acted upon favorably, except:

- (a) Where necessary to implement the comprehensive plan, or
- (b) To correct an original mistake or manifest error in the regulations or map, or
- (c) To recognize substantial change or changing conditions or circumstances in a particular locality, or

(d) To recognize changes in technology, the style of living, or manner of doing business.

This petition for annexation and zoning designation is presented to the Planning Commission for a recommendation that will be forwarded to the City Council at their next meeting tentatively scheduled for January 8, 2024. Should the Planning Commission desire to forward a positive recommendation to City Council, one of the reasons should be included in the report.

Staff Review:

Planning and Development, Planning Division

The Planning Division has no issue with the proposed petition for annexation and zoning.

Planning and Development, Zoning Division

The Zoning Administrator has no issue with the proposed petition for annexation and zoning.

Public Works

The City Engineer has no issue with the proposed petition for annexation and zoning.

Public Safety

The Fire Marshall has no issue with the proposed petition for annexation and zoning.

Planning Commission Action:

The Planning Commission may recommend approval, recommend approval with modifications and/or conditions; or recommend denial of the proposal, as submitted.

Alternative Motions

- 1) I move that the Planning Commission recommend approval of the annexation and zoning petition [Z-23-24] as submitted.

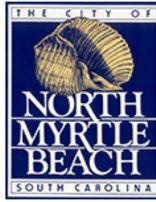
OR

- 2) I move that the Planning Commission recommend denial of the annexation and zoning petition [Z-23-24] as submitted.

OR

- 3) I move (an alternate motion).

FILE NUMBER:	Z-23-24
Complete Submittal Date:	November 15, 2023



Notice Published:	November 23, 2023
Planning Commission:	December 12, 2023
First Reading:	January 8, 2024
Second Reading:	February 19, 2024

City of North Myrtle Beach, SC

Petition for Annexation & Zoning

GENERAL INFORMATION

Date of Request: November 15, 2023	Property PIN(S): 34800000006, 34800000004
Property Owner(s): CITY OF NORTH MYRTLE BEACH	Type of Zoning Map Amendment: Petition for Annexation and Zoning
Address or Location: 2501 Long Bay Rd	Project Contact: Suzanne Pritchard
Contact Phone Number: 843-280-5572	Contact Email Address: lspritchard@nmb.us
Current County Zoning: CFA	Proposed Zoning: LI
Total Area of Property: 46.48 Acres	Approximate Population of Area to be Annexed: 0

RECORDED COVENANT INFORMATION

I hereby certify that the tract(s) or parcel(s) of land to which this approval request pertains is not restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the activity for which approval is sought, as provided in South Carolina Code of Laws (§ 6-29-1145).
Applicant's E-signature: Suzanne Pritchard

This form complies with a state law that took effect on July 1, 2007 (S.C. Code § 6-29-1145) that requires all planning agencies to inquire in an application for a permit if the parcel of land is restricted by a recorded covenant that is contrary to, conflicts with, or prohibits the permitted activity. If such a covenant exists, the agency shall not issue the permit until written confirmation of its release is received. The release must be through the action of an appropriate legal authority.

583574

FILED
Horry County, S.C.
2006 SEP 21 PM 2:35

Prepared by and Return to:
Louis M. Cook, Attorney at Law
701 Sea Mountain Highway
North Myrtle Beach, SC 29582
File No.06-8036

STATE OF SOUTH CAROLINA
REGISTERAR OF DEEDS
COUNTY OF HORRY
TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, that W. S. Livingston, Jr., (Grantor), in the State of South Carolina, in consideration of the sum of One Million One Hundred Forty Four Thousand Two Hundred Sixty and 00/100, (\$1,144,260.00), paid by City of North Myrtle Beach, a body politic (Grantee) whose address is 1018 2nd Avenue South, North Myrtle Beach, SC 29582, the receipt of which is acknowledged, has granted, bargained, sold and released and by this deed does grant, bargain, sell and release to City of North Myrtle Beach, a body politic, the following described property:

ALL AND SINGULAR, all that certain piece, parcel or tract of land in the State and County aforesaid in Little River Township, containing 25.428 acres, more or less, and being shown and described on a "Boundary Survey of the Lands of W.S. Livingston, Jr.," prepared for the City of North Myrtle Beach by Thomas & Hutton Engineering Co., dated August 9, 2006 and recorded September 21, 2006 in Plat Book 217 at page 66, Public Records of Horry County, South Carolina, which is by reference made a part of this description.

This property is conveyed subject to all declarations, restrictions, covenants and easements of record, and to all governmental statutes, ordinances, rules and regulations.

Being a portion of the premises conveyed to Grantor herein by Deed recorded in Deed Book 296 at Page 59, aforesaid records.
HORRY COUNTY ASSESSOR

Tax Map Number: 129-00-08-022

The premises are granted together with all the rights, members, hereditaments and appurtenances belonging or in any wise incident or appertaining to them.

To have and to hold all and singular the above-mentioned premises to City of North Myrtle Beach, a body politic, its successors and assigns, forever; subject, however, to the rights, conditions and restrictions that constitute covenants running with the land which are set forth or referred to here or which may otherwise appear of record.

W. S. Livingston, Jr. binds himself/herself, his or her heirs and assigns, to warrant and forever defend all and singular the premises to City of North Myrtle Beach, a body politic, its successors and assigns, against W. S. Livingston, Jr. and his or her heirs and assigns, and against every person lawfully claiming the premises, or any part of them.

Poor Quality Due To
Condition of Original.
BATTERY V. SKIPPER, RMC

DEED
3161 0292

STATE 2975 COUNTY 1258
EXEMPT YES NO
ASSESSOR _____

3161-292 T

STATE OF SOUTH CAROLINA)

) AFFIDAVIT FOR TAXABLE OR EXEMPT

COUNTY OF HORRY)

TRANSFERS

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

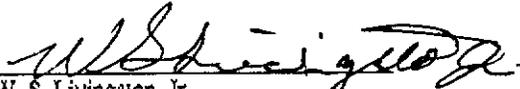
- 1. I have read the information on this affidavit and I understand such information.
- 2. The property being transferred is located at Star Bluff/Long Bay Rd., Staff Bluff & Windy Hill Road Tract 1 (25.428 acres), Little River, SC 29566 bearing Horry County Tax Map Number 129-00-08-022 was transferred by W. S. Livingston, Jr. to City of North Myrtle Beach on 09/20/06.
- 3. Check on of the following: The deed is
 - (a) XX subject to the deed recording fee as a transfer for consideration paid or to be paid in money or money's worth.
 - (b) _____ subject to the deed recoding fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner or the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
 - (c) _____ exempt from the deed recording fee because (See Information sections of affidavit): _____
(if exempt please skip items 4 - 7, and go to item 8 of this affidavit)

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 _____

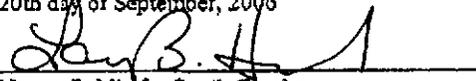
- 4. Check one of the following if either item 3(a) or item 3(b) above has been checked (See Information section of this affidavit):
 - (a) XX The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of One Million One Hundred Forty Four Thousand Two Hundred Sixty and 00/100 (\$1,144,260.00)
 - (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 XXXX 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) Place the amount listed in item 4 above here: One Million One Hundred Forty Four Thousand Two Hundred Sixty and 00/100 (\$1,144,260.00)
 - (b) Place the amount listed in item 5 above here: ZERO
(If no amount is listed, place zero here)
 - (c) Subtract Line 6(b) from Line 6(a) and place result here: One Million One Hundred Forty Four Thousand Two Hundred Sixty and 00/100 (\$1,144,260.00)
- 7. The deed recording fee due is based on the amount listed on Line 6(c) above and the deed recording fee due is: Four Thousand Two Hundred Thirty Four and 65/100 (\$4,234.65)

Poor Quality Due To
Condition of Original.
Ballery V. Skipper, RMC

8. As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transactions as: Seller
9. I understand that a person required to furnish this affidavit who wilfully 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.


W. S. Livingston, Jr.

SWORN to before me this 4
20th day of September, 2006


Notary Public for South Carolina
My Commission Expires: 5-08-16

Poor Quality Due To
Condition of Original.
Ballery V. Skipper, RMC

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 12-6-40(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 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 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 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 12-6-40(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; 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 mortgagor 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 make functional control of electric transmission assets as defined in the Federal Power Act.

583575

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

DEED

FILED
S.C.
2006 SEP 21 PM 2:40 ✓

KNOW ALL MEN BY THESE PRESENTS, that, we, TEENA L. DEER and FREDERICK KEVIN LIVINGSTON ("Grantors"), for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, AND AS PART OF A LIKE-KIND EXCHANGE UNDER SECTION 1031 OF THE INTERNAL REVENUE CODE BY FREDERICK KEVIN LIVINGSTON, to the Grantors in hand paid at and before the sealing of these presents, by THE CITY OF NORTH MYRTLE BEACH, a South Carolina municipality ("Grantee"), the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the Grantee, its successors and assigns forever, the following described real property:

ALL AND SINGULAR, that certain piece, parcel or lot of land, situate, lying and being in Horry County, South Carolina, containing 21.068 acres, more or less, and being shown and described on a "Boundary Survey of the Lands of Teena L. Deer and Frederick Kevin Livingston, as Trustees of the Frederick R. Livingston Trust" prepared for City of North Myrtle Beach by Thomas & Hutton Engineering Co., dated August 8, 2006 and recorded September 24, 2006 in Plat Book 217 at Page 48, Public Records of Horry County, South Carolina, which is by reference made a part of this description.

Horry County Tax Map # 1290008024 - 4.22.06
Bik Parcel

This is a portion ("Parcel Three") of the property conveyed to Teena L. Deer and Frederick Kevin Livingston by deed of Teena L. Deer and Frederick Kevin Livingston, Trustees of the Frederick R. Livingston Family Trust under Agreement dated March 7, 1997, which deed is dated October 4, 2005 and recorded October 11, 2005 in the office of the Registrar of Deeds for Horry County in Deed Book 2992 at page 854.

This property is conveyed subject to all declarations, restrictions, covenants and easements of record, and to all governmental statutes, ordinances, rules and regulations.

TOGETHER with all and singular the rights, members, hereditaments and appurtenances to the premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular the premises before mentioned unto the Grantee, its successors and assigns forever.

And Grantors do hereby bind themselves and their heirs to warrant and forever defend all and singular the premises unto Grantee, its successors and assigns, against Grantors and

STATE 2466 COUNTY 1043
EXEMPT YES NO
ASSESSOR _____

DEED
3161 0306

3161-306 ✓

Grantors' heirs and assigns, and all persons whomsoever lawfully claiming or to claim the same, or any part thereof.

IN WITNESS WHEREOF, Grantors have placed their hands and seals on September 19, 2006. ✓

WITNESSES:

Lebby H. Jennings
Karen Lee Vickery
Lebby H. Jennings
Karen Lee Vickery

Teena L. Deer (SEAL)
TEENA L. DEER

Frederick K. Livingston (SEAL)
FREDERICK KEVIN LIVINGSTON

STATE OF SOUTH CAROLINA)
:)
COUNTY OF BEAUFORT)

PROBATE

PERSONALLY appeared before me the undersigned witness, who, being duly sworn, says that s/he saw TEENA L. DEER and FREDERICK KEVIN LIVINGSTON sign and as their act and deed deliver the within deed; and that s/he with other witness whose signature appears above witnessed the execution thereof.

Lebby H. Jennings

SWORN to before me on September 19, 2006. ✓

Karen Lee Vickery
Notary Public for South Carolina
My commission expires: August 17, 2009



TAX NOTICE ADDRESS:

1018 2nd Ave. S N. Myrtle Beach
North Myrtle Beach, SC 29582

This deed was prepared in the law office of Anthony F. Trask, J.D., CPA, PC, 4720 Jenn Drive, Myrtle Beach, South Carolina, without benefit of title examination.

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

AFFIDAVIT

PERSONALLY appeared before me the undersigned, who being duly sworn, depose and say:

21.068 acres, more or less, bearing Horry County Tax Map #1290008024, was conveyed by Teena L. Deer and Frederick Kevin Livingston to The City of North Myrtle Beach on September ____, 2006.

The transaction was (Check one):

X an arm's length real property transaction and the sales price paid or to be paid in money or money's worth was \$948,060, of which one-half is part of a like-kind exchange under Section 1031 of the Internal Revenue Code by Frederick Kevin Livingston.*

not an arm's length real property transaction and the fair market value of the property is \$ ____.*

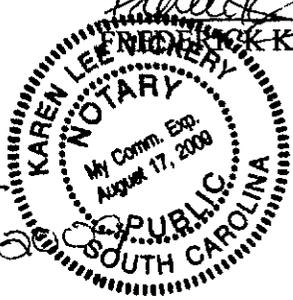
The above transaction is exempt, or partially exempt, from the recording fee as set forth in S.C. Code Ann. Section 12-24-10 et. seq. because the deed is (See back of affidavit.): n/a .

As required by Code Section 12-24-70, we state that we are responsible persons who were connected with the transaction as: Grantors .

We further 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.

Teena L. Deer
TEENA L. DEER

Frederick Kevin Livingston
FREDERICK KEVIN LIVINGSTON



SWORN to before me this 19th day /
of September, 2006.
Karen Lee Vickery
Notary Public for South Carolina
My Commission Expires Aug 17, 2009

*The fee is based on the real property's value. Value means the realty's fair market value. In arm's length real property transactions, this value is the sales price to be paid in money or money's worth (e.g. stocks, personal property, other realty, forgiveness of debt, mortgages assumed or placed on the realty as a result of the transaction). However, a deduction is allowed from this value for the amount of any lien or encumbrance existing on land, tenement, or realty before the transfer and remaining on it after the transfer.

CERTIFICATE OF OWNERSHIP AND DEDICATION

THE UNDERSIGNED HEREBY ACKNOWLEDGE THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND THAT I (WE) HEREBY ADOPT THIS (PLAN OF DEVELOPMENT/PLAT) WITH MY (OUR) FREE CONSENT.

FILED SEP 21 PM 2:34 S.C. REGISTER OF DEEDS

I, LES H. BODKIN III, HEREBY CERTIFY THAT THIS SURVEY IS A RESURVEY OF AN EXISTING LOT OF RECORD WITH NO BOUNDARY CHANGES WHATSOEVER AND RECORDED IN THE HORRY COUNTY R.O.D. OFFICE IN P.B. II, PG. 173.

NAME SIGNATURE DATE
W.S. Livingston, Jr.
OTTO LEWIS
WILLIAM JENNINGS LIVINGSTON

JOHNNY K. HERRING
129-00-08-006
D.B. 1712, PG. 056

RICKY DALE THOMPSON
129-00-08-021
D.B. 1934, PG. 1118
D.B. 501, PG. 128 (PLAT)

RICKY THOMPSON
129-00-08-020

WILLIAM JENNINGS LIVINGSTON
129-00-08-003

OTTO LEWIS
129-00-08-023
D.B. 375, PG. 167

ASHLEY DAWN CAUDILL & HARLEY NICOLE CAUDILL
129-00-08-045
D.B. 2514, PG. 1213

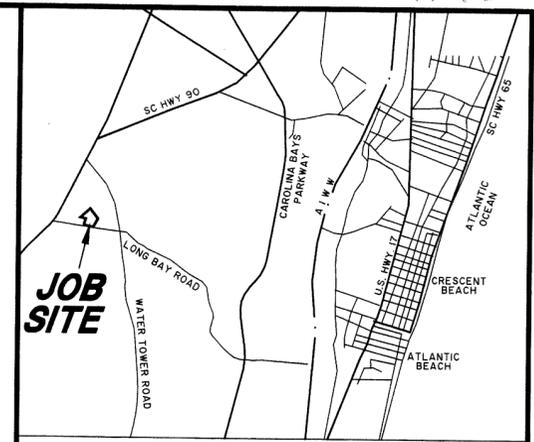
KATHY JO STRICKLAND
129-00-08-044
D.B. 2548, PG. 734

25.428 AC ±

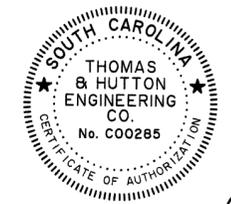
DONNA BELL & SHEILA LOEHR
129-00-08-018
B. 2992, PG. 059
P.B. II, PG. 173

LINE TABLE with columns: LINE, BEARING, LENGTH. Rows L1 through L8.

- SYMBOL LEGEND: IRON PIPE FOUND, IRON REBAR FOUND, 5/8" IRON REBAR SET, POWER POLE, OVERHEAD ELECTRIC LINE, GUY WIRE ANCHOR, TELEPHONE BOX.



VICINITY MAP (NOT TO SCALE)
THIS DOCUMENT AND ALL REPRODUCIBLE COPIES OF THIS DOCUMENT ARE THE PROPERTY OF THOMAS & HUTTON ENGINEERING COMPANY.



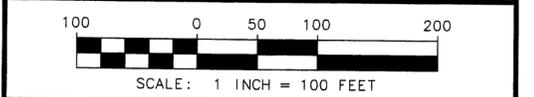
Handwritten signature and date: L.H. Bodkin III 8/09/06

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA...

Table with columns: NO., REVISION, BY, DATE.

BOUNDARY SURVEY OF THE LANDS OF W.S. LIVINGSTON, JR.

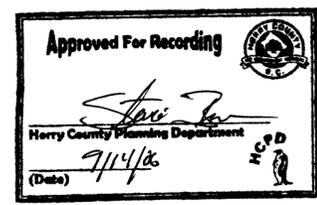
LITTLE RIVER TOWNSHIP, HORRY COUNTY, SOUTH CAROLINA
PREPARED FOR: CITY OF NORTH MYRTLE BEACH
THOMAS & HUTTON ENGINEERING CO.
1144 SHINE AVE., P.O. BOX 8000 (29578) MYRTLE BEACH, SC 29577 / (843) 839-3545



SCALE: 1" = 100'
DRAWN BY: KRC
REVIEWED BY: LHB
FIELD DATE: 07/06
BOY RPT. BY: KRC
PLAT DATE: 08/09/06
MAP NUMBER: 25-6-148

NOTE: AN EASEMENT WAS CONVEYED TO R.K. LIVINGSTON BY FREDERICK R. LIVINGSTON OVER AND ACROSS THE LANDS NOW OWNED BY W.S. LIVINGSTON, JR. (TAX MAP #129-00-08-022) DEED BOOK 2992, PAGE 854, FOR THE PERPETUAL USE AND ENJOYMENT OF A DRAINAGE DITCH. WIDTH AND LOCATION OF EASEMENT WAS NOT SPECIFIED.

- NOTES: 1) TAX MAP NO.: 129-00-08-022. 2) THIS AREA IS LOCATED IN FLOOD ZONE X (AREA OUTSIDE 500 YEAR FLOOD PLAIN) PANEL NO. 4505IC 0580 J DATED SEPT. 17, 2003 - NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP. 3) NO TITLE SEARCH PERFORMED BY THIS OFFICE. 4) THIS SURVEY IS VALID ONLY IF THE PRINT OF SAME HAS THE ORIGINAL SIGNATURE AND EMBOSSED SEAL OF THE SURVEYOR. 5) THIS PROPERTY IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD. 6) ALL BEARINGS ARE BASED ON THE SOUTH CAROLINA STATE PLANE COORDINATE SYSTEM NAD 83(86) ALL DISTANCES SHOWN ARE HORIZONTAL DISTANCES NOT GRID DISTANCES. 7) DEED REFERENCE: D.B. 296, PG. 059. 8) LAST PROPERTY TRANSFER: P.B. II PG. 173. 9) SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AN ELEMENT OF THIS SURVEY. NO STATEMENT IS MADE REGARDING THE EXISTING OF UNDERGROUND OR OVERHEAD CONTINGENCIES THAT MAY AFFECT THE USE OF THIS PARCEL.



TENA L. DEER & FREDERK KEVIN LIVINGSTON AS TRUSTEES OF THE FREDERICK R. LIVINGSTON TRUST
129-00-08-024
B. 2992, PG. 854
P.B. II, PG. 173

- REFERENCE MAPS: 1) MAP OF 48.1 ACRES OF LAND OWNED BY R.K. LIVINGSTON & F.R. LIVINGSTON DATED J. 5, 1949, BY A.J. BAKER AND RECORDED IN P.B. II, PG. 173, HORRY COUNTY R.O.D. OFFICE. 2) MAP OF 119.64 ACRES LAND SURVEYED FOR ANNIE LOUISE HUGGINS DATED SEP 20, 1967, BY J.F. THOMAS AND RECORDED IN P.B. 53, PG. III, HORRY COUNTY R.O.D. OFFICE.

- REFERENCE MAPS (CONTINUED): 3) MAP OF 2 ONE ACRE LOTS OWNED BY, LOT 1, RICKY AND SANDRA HOBBS THOMPSON, LOT 2, REX AND DIANE WILLIAMS THOMPSON DATED OCT. II, 1973, BY C.B. BERRY, PLS AND RECORDED IN D.B. 521, PG. 878, HORRY COUNTY R.O.D. OFFICE. 4) PLAT OF 25.66 ACRES OF LAND SURVEYED FOR W.S. LIVINGSTON, JR. DATED SEPT. 30, 1994, TERRY M. WATSON LAND SURVEYING, INC. 5) PLAT OF 42.63 ACRES OF LAND PREPARED FOR ROY MORTON DATED SEPT. 10, 1998, BY ATLANTIC LAND SURVEYING CO. AND RECORDED IN P.B. 159, PG. 092, HORRY COUNTY R.O.D. OFFICE. 6) MAP OF THE R.H. VEREEN ESTATE OWNED BY FRANKIE J. VEREEN, CATHERINE V. SPIVEY, ALBERTINE V. LIVINGSTON, R.H. VEREEN, JR., DORIS McDANIEL AND MAXLEE L. VEREEN DATED NOV. 4, 1999, BY C.B. BERRY, PLS AND RECORDED N.P.B. 167, PG. 002, HORRY COUNTY R.O.D. OFFICE. 7) SURVEY FOR NILES ALAN MORTON DATED NOV. 10, 2003, BY PERRY LAND SURVEYING, INC. AND RECORDED IN P.B. 195, PG. 064, HORRY COUNTY R.O.D. OFFICE. 8) MAP OF 5.02 ACRES OF LAND OWNED BY ROY E. MORTON DATED MARCH 4, 2005, BY C.B. BERRY, PLS AND RECORDED IN P.B. 204, PG. 137, HORRY COUNTY R.O.D. OFFICE. 9) BOUNDARY SURVEY OF THE LANDS OF TEENA L. DEER & FREDERICK KEVIN LIVINGSTON AS TRUSTEES OF THE FREDERICK R. LIVINGSTON TRUST FOR CITY OF NORTH MYRTLE BEACH DATED AUG. 08, 2006, BY THIS OFFICE.

T:\Survey\K\BODKIN\BODKIN\SC_JR124.dwg - Dwg: 7, 2006 - 7:30:52 AM

CERTIFICATE OF OWNERSHIP AND DEDICATION

THE UNDERSIGNED HEREBY ACKNOWLEDGE THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND THAT I (WE) HEREBY ADOPT THIS (PLAN OF DEVELOPMENT/PLAT) WITH MY (OUR) FREE CONSENT.

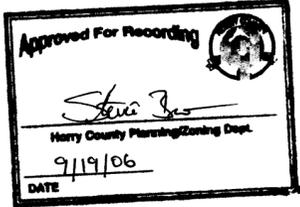
FILED
 HARRY COUNTY, S.C.
 2006 SEP 21 PM 2:39
 GAILLYN W. SKIPPER
 REGISTRAR OF DEEDS

I, LES H. BODKIN III, HEREBY CERTIFY THAT THIS SURVEY IS A RESURVEY OF AN EXISTING LOT OF RECORD WITH NO BOUNDARY CHANGES WHATSOEVER AND RECORDED IN THE Horry COUNTY R.O.D. OFFICE IN P.B. II, PG. 173.

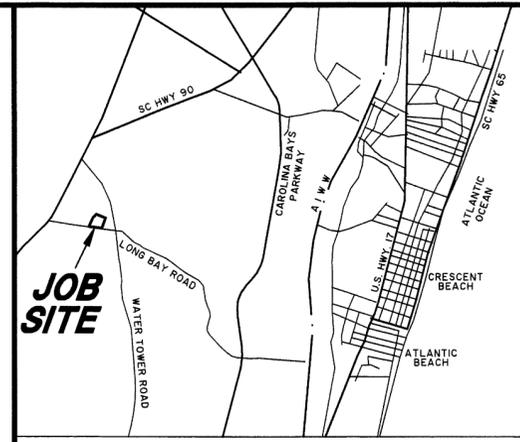
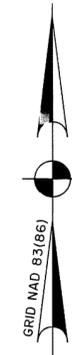
Teena L. Deer Teena L. Deer 9-15-06
 NAME SIGNATURE DATE
 Frederick Kevin Livingston Frederick K. Livingston 9-15-06
 NAME SIGNATURE DATE

DONNA BELL & SHEILA LOEHR
 129-00-08-018
 D.B. 296, PG. 059
 P.B. II, PG. 173

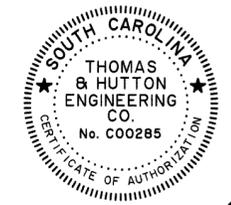
MARY F. CHILSON
 129-00-08-025
 D.B. 2109, PG. 388



W.S. LIVINGSTON, JR.
 129-00-08-022
 D.B. 296, PG. 059
 P.B. II, PG. 173

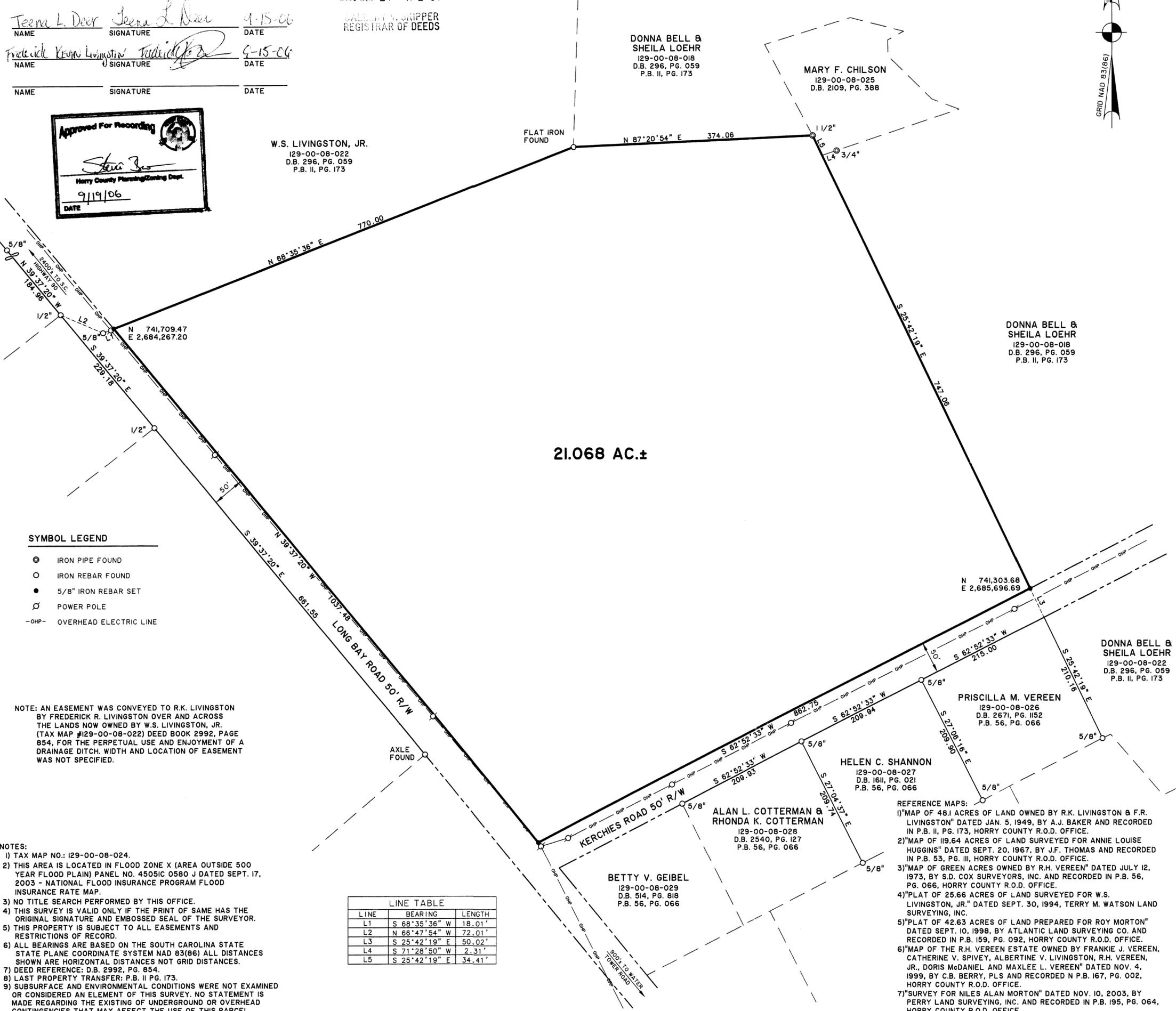


VICINITY MAP (NOT TO SCALE)
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LES H. BODKIN III
 9/20/06

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED HEREON.
 LES H. BODKIN III
 S.C. PROFESSIONAL LAND SURVEYOR
 LICENSE NO. 14182



21.068 AC.±

- SYMBOL LEGEND**
- IRON PIPE FOUND
 - IRON REBAR FOUND
 - 5/8" IRON REBAR SET
 - ⊙ POWER POLE
 - OHP- OVERHEAD ELECTRIC LINE

NOTE: AN EASEMENT WAS CONVEYED TO R.K. LIVINGSTON BY FREDERICK R. LIVINGSTON OVER AND ACROSS THE LANDS NOW OWNED BY W.S. LIVINGSTON, JR. (TAX MAP #129-00-08-022) DEED BOOK 2992, PAGE 854, FOR THE PERPETUAL USE AND ENJOYMENT OF A DRAINAGE DITCH. WIDTH AND LOCATION OF EASEMENT WAS NOT SPECIFIED.

LINE	BEARING	LENGTH
L1	S 68°35'36" W	18.01'
L2	N 66°47'54" W	72.01'
L3	S 25°42'19" E	50.02'
L4	S 71°28'50" W	2.31'
L5	S 25°42'19" E	34.41'

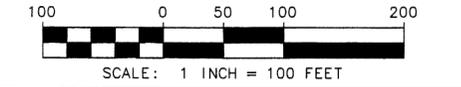
- NOTES:**
- 1) TAX MAP NO.: 129-00-08-024.
 - 2) THIS AREA IS LOCATED IN FLOOD ZONE X (AREA OUTSIDE 500 YEAR FLOOD PLAIN) PANEL NO. 4505C 0580 J DATED SEPT. 17, 2003 - NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP.
 - 3) NO TITLE SEARCH PERFORMED BY THIS OFFICE.
 - 4) THIS SURVEY IS VALID ONLY IF THE PRINT OF SAME HAS THE ORIGINAL SIGNATURE AND EMBOSSED SEAL OF THE SURVEYOR.
 - 5) THIS PROPERTY IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
 - 6) ALL BEARINGS ARE BASED ON THE SOUTH CAROLINA STATE PLANE COORDINATE SYSTEM NAD 83(86) ALL DISTANCES SHOWN ARE HORIZONTAL DISTANCES NOT GRID DISTANCES.
 - 7) DEED REFERENCE: D.B. 2992, PG. 854.
 - 8) LAST PROPERTY TRANSFER: P.B. II PG. 173.
 - 9) SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AN ELEMENT OF THIS SURVEY. NO STATEMENT IS MADE REGARDING THE EXISTING OF UNDERGROUND OR OVERHEAD CONTINGENCIES THAT MAY AFFECT THE USE OF THIS PARCEL.

- REFERENCE MAPS:**
- 1) "MAP OF 48.1 ACRES OF LAND OWNED BY R.K. LIVINGSTON & F.R. LIVINGSTON" DATED JAN. 5, 1949, BY A.J. BAKER AND RECORDED IN P.B. II, PG. 173, Horry COUNTY R.O.D. OFFICE.
 - 2) "MAP OF 119.64 ACRES OF LAND SURVEYED FOR ANNIE LOUISE HUGGINS" DATED SEPT. 20, 1967, BY J.F. THOMAS AND RECORDED IN P.B. 53, PG. III, Horry COUNTY R.O.D. OFFICE.
 - 3) "MAP OF GREEN ACRES OWNED BY R.H. VEREEN" DATED JULY 12, 1973, BY S.D. COX SURVEYORS, INC. AND RECORDED IN P.B. 56, PG. 066, Horry COUNTY R.O.D. OFFICE.
 - 4) "PLAT OF 25.66 ACRES OF LAND SURVEYED FOR W.S. LIVINGSTON, JR." DATED SEPT. 30, 1994, TERRY M. WATSON LAND SURVEYING, INC.
 - 5) "PLAT OF 42.63 ACRES OF LAND PREPARED FOR ROY MORTON" DATED SEPT. 10, 1998, BY ATLANTIC LAND SURVEYING CO. AND RECORDED IN P.B. 159, PG. 092, Horry COUNTY R.O.D. OFFICE.
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 - 7) "SURVEY FOR NILES ALAN MORTON" DATED NOV. 10, 2003, BY PERRY LAND SURVEYING, INC. AND RECORDED IN P.B. 195, PG. 064, Horry COUNTY R.O.D. OFFICE.

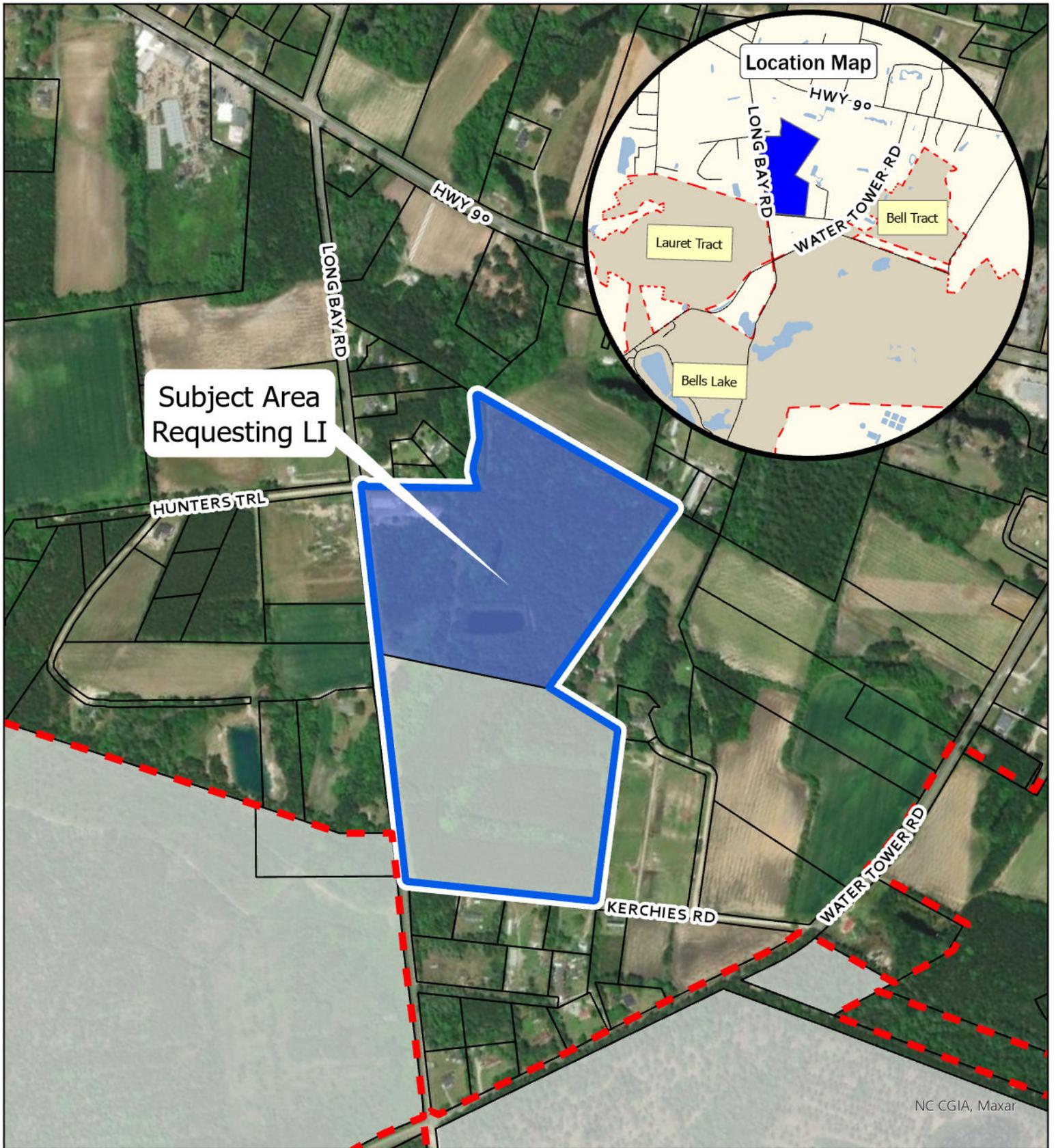
BOUNDARY SURVEY OF
**THE LANDS OF
 TEENA L. DEER &
 FREDERICK KEVIN LIVINGSTON
 AS TRUSTEES OF THE
 FREDERICK R. LIVINGSTON
 TRUST**
 LITTLE RIVER TOWNSHIP
 Horry COUNTY, SOUTH CAROLINA
 PREPARED FOR:
**CITY OF
 NORTH MYRTLE BEACH**



PREPARED BY:
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 www.thomas-hutton.com

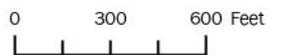


SCALE: 1" = 100'
 FILE: O:19041S02
 FIELD DATE: 07/06
 PLAT DATE: 08/06
 DRAWN BY: KRC
 REVIEWED BY: LHB
 BODY RPT.: KRC
 MAP NUMBER: 25-6-147
 SHEET 1 OF 1

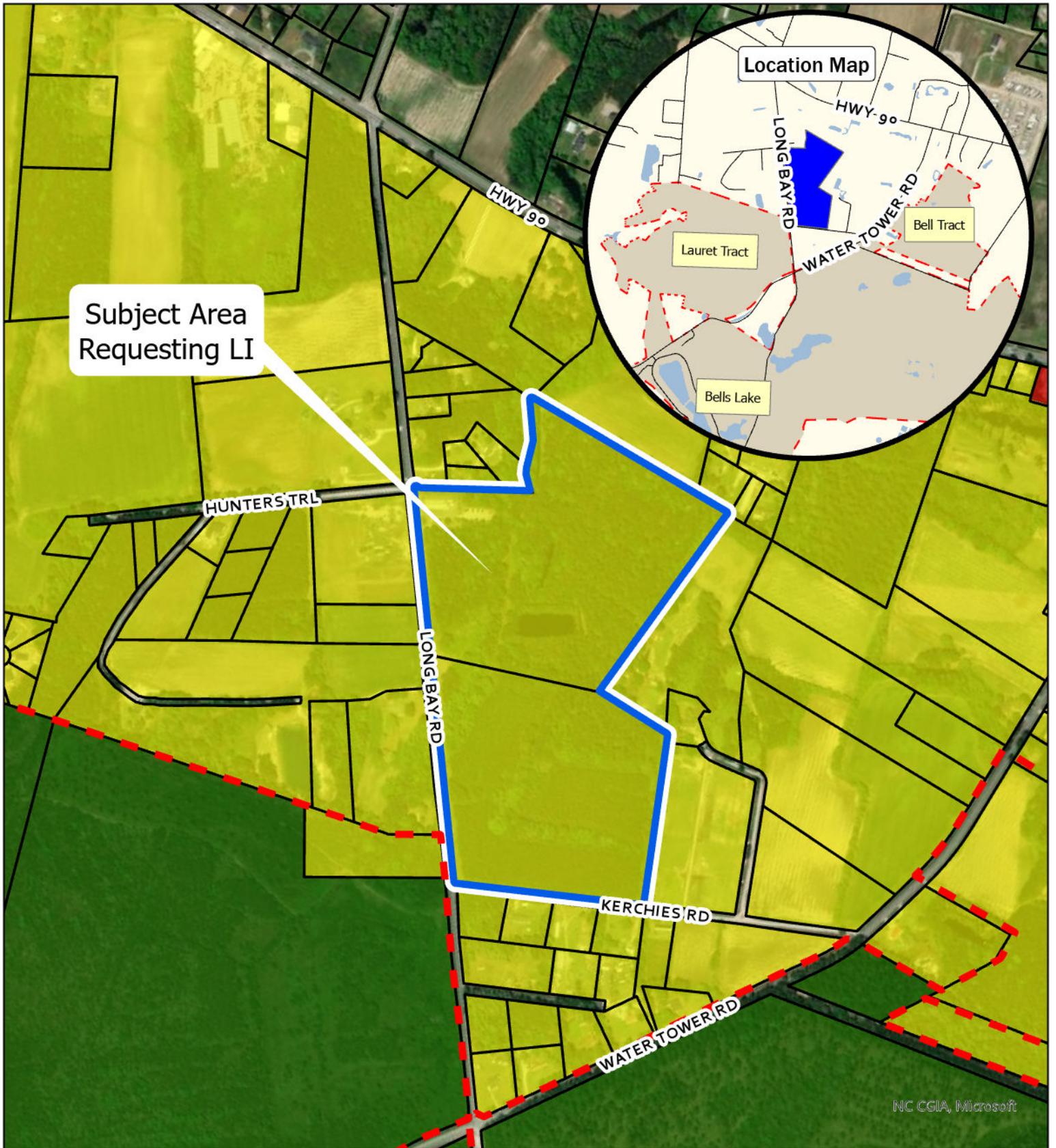


Legend

-  North Myrtle Beach City Limit
-  Subject Area
- Existing Land Use**
-  Industrial / Warehouse
-  Vacant



Existing Land Use

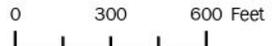


NC CGIA, Microsoft



Legend

- | | |
|---|---|
|  North Myrtle Beach City Limit | Future Land Use |
|  Subject Area |  HC |
| |  RPC |
| |  RS |



Future Land Use