

ORDINANCE NO. _____

AN ORDINANCE TO DEVELOP A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK (SMF-SC, LLC) IN CONJUNCTION WITH ANDERSON COUNTY, SUCH INDUSTRIAL/ BUSINESS PARK TO BE GEOGRAPHICALLY LOCATED IN ANDERSON COUNTY AND ESTABLISHED PURSUANT TO SOUTH CAROLINA CODE OF LAWS OF 1976 §4-1-170, ET SEQUITUR, AS AMENDED; TO PROVIDE FOR A WRITTEN AGREEMENT WITH ANDERSON COUNTY PROVIDING FOR THE EXPENSES OF THE PARK, THE PERCENTAGE OF REVENUE APPLICATION, AND THE DISTRIBUTION OF FEES IN LIEU OF AD VALOREM TAXES TO THE COUNTIES AND RELEVANT TAXING ENTITIES; TO PROVIDE THAT JOB TAX CREDITS ALLOWED BY LAW BE PROVIDED FOR BUSINESSES LOCATING IN SAID PARK; AND TO PERMIT A USER FEE IN LIEU OF *AD VALOREM* TAXATION WITHIN SAID PARK.

WHEREAS, Anderson County and Greenville County, South Carolina (jointly the “Counties”) are authorized under Article VIII, Section 13 of the South Carolina Constitution to jointly develop an industrial and business park within the geographical boundaries of one or more of the member counties; and

WHEREAS, in order to promote the economic welfare of the citizens of the Counties by providing employment and other benefits to the citizens of the Counties and promoting economic development in, and enhancing the tax base of Greenville County (the “County”), the County proposes to enter into an agreement with Anderson County to develop jointly an industrial and business park (SMF-SC, LLC) wholly within Anderson County as provided by Article VIII, Section 13 of the South Carolina Constitution and in accordance with Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended, (the “Act”).

NOW, THEREFORE, BE IT ORDAINED BY THE GREENVILLE COUNTY COUNCIL:

Section 1. Greenville County is hereby authorized to execute and deliver a written agreement to jointly develop an industrial and business park (the “Park”) with Anderson County. The Park is to be located within the boundaries of Anderson County. The form, terms, and provisions of the joint county industrial and business park agreement (the “Park Agreement”) presented to this meeting and filed with the Clerk of the Greenville County Council be and they are hereby approved and all of the terms, provisions and conditions thereof are hereby incorporated herein by reference as if the Park Agreement were set out in this Ordinance in its entirety. The Chairman of County Council and the Administrator of the County be and they are hereby authorized, empowered and directed to execute, acknowledge and deliver the Park Agreement in the name and on behalf of the County. The Park Agreement is to be in substantially the form now before this meeting and hereby approved, or with such changes therein as shall not be materially adverse to the County and as shall be approved by the officials of the County executing the same, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of Park Agreement now before this meeting.

Section 2. The maximum tax credits allowable by South Carolina Code of Laws of 1976, Section 12-6-3360, as amended, will apply to any business enterprise locating in the Park.

Section 3. Any business or industrial enterprise locating in the Park shall pay a fee-in-lieu of *ad valorem* taxes as provided for in the Park Agreement, Article VIII Section 13 of the South Carolina Constitution and the Act. The user fee paid in lieu of *ad valorem* taxes shall be paid to the Anderson County Treasurer. That portion of the fees from the Park premises located in Anderson County and allocated pursuant to the Agreement to Greenville County shall be paid by the Anderson County Treasurer to the Greenville County Treasurer within five business days following the end of the calendar quarter of receipt for distribution, in accordance with the Park Agreement. Payments of user fees shall be made by a business or

industrial enterprise on or before the due date for taxes for a particular year. Penalties for late payment will be at the same rate and at the same times as for late tax payment. Any late payment beyond said date will accrue interest at the rate of statutory judgment interest. The Counties, acting by and through the county tax collector for Anderson County, shall maintain all liens and rights to foreclose upon liens provided for counties in the collection of *ad valorem* taxes.

Section 4. The administration, development, promotion, and operation of the Park shall be the responsibility of Anderson County. Provided, that to the extent any Park premises is owned by a private developer, the developer shall be responsible for development expenses as contained in the Park Agreement.

Section 5. In order to avoid any conflict of laws or ordinances between the Counties, Anderson County ordinances will be the reference for such regulations or laws in connection with the Park. Nothing herein shall be taken to supersede any state or federal law or regulation.

Section 6. Law enforcement agencies for Anderson County will have initial jurisdiction to make arrests and exercise all authority and power within the boundaries of the Park. Water, sewer and fire services will be provided by the entities which provide such services for the geographic location of the Park in Anderson County. EMS service will be provided by Anderson County.

Section 7. Should any section of this Ordinance be, for any reason, held void or invalid, it shall not affect the validity of any other section hereof which is not itself void or invalid.

Section 8. The Park Agreement may not be terminated except by concurrent ordinances of Anderson County Council and Greenville County Council, in accordance with the terms of the Park Agreement.

Section 9. Greenville County hereby designates that the distribution of the fee-in-lieu of *ad valorem* taxes pursuant to the Agreement received and retained by Greenville County for Park premises shall be as directed by Greenville County Council, including, without limitation, by and through its annual budget ordinance and the Agreement, provided that the County may, from time to time, by ordinance, amend the distribution of the fee-in-lieu of tax payments to all taxing entities. Zero percent (0%) of the fee-in-lieu-of-tax payments from the Park shall be paid to any taxing entity, other than those designated by Greenville County Council. A portion of the fee-in-lieu of *ad valorem* taxes which Greenville County receives and retains pursuant to the Agreement for Park premises may be, from time to time and by ordinance of Greenville County Council or its successor, designated for the payment of special source revenue bonds or applied as a credit against qualifying infrastructure as provided for in Title 4, Chapters 1, 12 or 29, and Title 12, Chapter 44 of the South Carolina Code of Laws, 1976, as amended.

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Enacted this _____ day of _____, 2012.

GREENVILLE COUNTY, SOUTH CAROLINA

BY:

Bob Taylor, Chairman
Greenville County Council

Joseph M. Kernell, County Administrator
Greenville County, South Carolina

(SEAL)

ATTEST:

BY:

Theresa B. Kizer, Clerk to County Council
Greenville County, South Carolina

First Reading: April 16, 2013
Second Reading: May 7, 2013
Third Reading: May 21, 2013
Public Hearing: May 7, 2013