

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE-IN-LIEU OF AD VALOREM TAXES AND INCENTIVE AGREEMENT BY AND AMONG GREENVILLE COUNTY, SOUTH CAROLINA, AND PROJECT ROCK, AS SPONSOR, TO PROVIDE FOR A FEE IN LIEU OF AD VALOREM TAXES INCENTIVE, TO PROVIDE FOR A GRANT OF CERTAIN SPECIAL SOURCE REVENUE CREDITS, AND OTHER MATTERS RELATED THERETO.

WHEREAS, Greenville County, South Carolina (“County”), acting by and through its County Council (“County Council”) is authorized and empowered under and pursuant to the provisions of Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as amended (“Act”), (i) to enter into agreements with qualifying industry to encourage investment in projects constituting economic development property through which the industrial development of the State of South Carolina (“State”) will be promoted by inducing new and existing manufacturing and commercial enterprises to locate and remain in the State and thus utilize and employ manpower and other resources of the State; and (ii) to covenant with such industry to accept certain payments in lieu of *ad valorem* taxes (“FILOT”) with respect to such investment;

WHEREAS, pursuant to Title 4, Section 1, Code of Laws of South Carolina, 1976, as amended (“MCIP Act”), the County is authorized to develop multi-county industrial parks with other qualifying counties and, the County may, in its discretion, include within the boundaries of such parks the property of qualifying industries. Under the authority provided in the MCIP Act, County Council enacted Ordinance No. 4391 on October 19, 2010, pursuant to which the County entered into an Agreement for the Development of a Joint County Industrial and Business Park (“2010 Park”) dated as of December 1, 2010, as amended, with Anderson County (the “Agreement”). Pursuant to such authority, the County has included or will include certain real property located in the County, on which the below-defined Project will be located and as more particularly described in Exhibit A (“Real Property”), in the 2010 Park;

WHEREAS, pursuant to Section 4-1-175 of the MCIP Act, the County is authorized to grant credits (“Infrastructure Credit”) to industry in reimbursement of certain qualifying expenditures related to a project (“Infrastructure”);

WHEREAS, Project Rock, as sponsor, (“Company”) is planning a total non-exempt investment in the County, anticipated to be at least \$17,000,000, to establish a tool manufacturing facility located on the Real Property (“Project”);

WHEREAS, the County identified the Project by a Resolution dated [DATE], as required by the Act, and reiterates in this Ordinance the determinations relating to the Project set forth in that Resolution;

WHEREAS, pursuant to the Act, the County has determined to offer the Company a FILOT incentive package with an assessment ratio of 6% and a fixed millage of [INSERT](which millage rate is intended by the County and the Company to be the lowest millage rate allowable pursuant to S.C. Code Ann. § 12-44-50(A)(1)(d) of the Act) for 30 years. The terms and conditions of the FILOT incentives are more fully described in the Fee-in-Lieu of *Ad Valorem* Taxes and Incentive Agreement (“Fee Agreement”) the substantially final form of which is attached as Exhibit B; and

WHEREAS, because the Project is or will be located in the 2010 Park, pursuant to the MCIP Act, the County has determined to provide an Infrastructure Credit against FILOT payments made in

connection with the Project for purposes of reimbursing the Company for Infrastructure expenditures relating to the Project, as such Infrastructure Credit is more fully described in the Fee Agreement.

NOW THEREFORE, be it ordained by the County Council as follows:

Section 1. *Authorization to Execute and Deliver Fee Agreement.* The Chairman of County Council and the County Administrator are authorized and directed to execute the Fee Agreement, which is in substantially final form and attached as Exhibit B, in the name of and on behalf of the County, subject to any revisions not materially adverse to the County as may be approved by the Chairman and the County Administrator upon receipt of advice from counsel to the County, and the Clerk to Council is hereby authorized and directed to attest the Fee Agreement; and the Chairman is hereby further authorized and directed to deliver the Fee Agreement to the Company.

Section 2. *Statutory Findings.* The County finds: (i) the Project will benefit the general public welfare of the County by providing service, employment, recreation or other public benefits not otherwise provided locally; (ii) the Project gives rise to no pecuniary liability of the County or incorporated municipality or to no charge against its general credit or taxing power; (iii) the purposes to be accomplished by the Project are proper governmental and public purposes; (iv) based on information supplied by the Company, the Project will constitute a “project” and “economic development property” as said terms are referred to and defined in the Act, and the County’s actions herein will subserve the purposes and in all respects conform to the provisions and requirements of the Act, and (v) the benefits of the Project to the public are greater than the costs to the public.

Section 3. *General Repealer.* All ordinances, resolutions, and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 4. *Severable Provisions.* The provisions of this ordinance are hereby declared to be separable and if any section, phrase or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder.

This Ordinance takes effect and is in full force only after the County Council has approved it following three readings and a public hearing.

GREENVILLE COUNTY, SOUTH CAROLINA

Chair, Greenville County Council

Greenville County Administrator

(SEAL)
ATTEST:

Clerk, Greenville County Council

READINGS:

First Reading:
Second Reading:
Third Reading:
Public Hearing:

EXHIBIT A

Description of Project Site

[INSERT LEGAL DESCRIPTION]

EXHIBIT B

**Form of
Fee In Lieu of Ad Valorem Taxes Agreement**