

AN ORDINANCE

AN ORDINANCE AUTHORIZING AND APPROVING (1) THE DEVELOPMENT OF A JOINT COUNTY INDUSTRIAL AND BUSINESS PARK PURSUANT TO SECTION 4-1-170 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, IN CONJUNCTION WITH ANDERSON COUNTY (THE "PARK"), SUCH PARK TO BE GEOGRAPHICALLY LOCATED IN GREENVILLE COUNTY; (2) THE EXECUTION AND DELIVERY OF A WRITTEN PARK AGREEMENT WITH ANDERSON COUNTY AS TO THE REQUIREMENT OF PAYMENTS OF FEE IN LIEU OF *AD VALOREM* TAXES WITH RESPECT TO PARK PROPERTY AND THE SHARING OF THE REVENUES AND EXPENSES OF THE PARK; (3) THE DISTRIBUTION OF REVENUES FROM THE PARK WITHIN GREENVILLE COUNTY; AND (4) OTHER MATTERS RELATED THERETO.

WHEREAS, as authorized by Article VIII, Section 13(D) of the South Carolina Constitution and Section 4-1-170 of the Code of Laws of South Carolina 1976, as amended (the "Act"), Greenville County, South Carolina ("Greenville County") previously developed a joint county industrial and business parks pursuant to certain Agreements for Development for Joint County Industrial Park with other partner counties, along with Bamberg County, South Carolina ("Bamberg County"), Williamsburg County, South Carolina ("Williamsburg County"), and jointly with Florence County, South Carolina ("Florence County") and Marlboro County, South Carolina ("Marlboro County"), by and between Greenville County and the afore mentioned Counties; and

WHEREAS, the previously developed a joint county industrial and business park agreements include Greenville County and Bamberg County as authorized by Greenville County Ordinance No. 2545 (as amended through the date hereof, the "Greenville-Bamberg Park Agreement"), Greenville County and Williamsburg County as authorized by Greenville County Ordinance No. 2640 (as amended through the date hereof, the "Greenville-Williamsburg Park Agreement"), Greenville County and jointly with Florence County and Marlboro County as authorized by Greenville County Ordinance No. 2550 (as amended through the date hereof, the "Greenville-Florence-Marlboro Park Agreement"); and

WHEREAS, in order to continue to promote economic development and encourage investment and employment opportunities in and around Greenville County and Anderson County, South Carolina ("Anderson County"), as authorized by Article VIII, Section 13(D) of the South Carolina Constitution and the Act, Greenville County has requested that Anderson County develop, together with Greenville County, a joint county industrial and business park, which park shall upon execution of this Park Agreement shall include within its boundaries any and all property located within Greenville County which has previously been included within the boundaries of the Greenville-Bamberg Park, Greenville-Williamsburg Park, and the Greenville-Florence-Marlboro Park, which Greenville County believes to consist of the property more particularly described in Exhibit A (Greenville) attached to the Park Agreement (as defined below) (the "Park"); and

WHEREAS, Greenville County and Anderson County have agreed to the specific terms and conditions of the Park arrangement as set forth in the Agreement for Development of a Joint County Industrial and Business Park proposed to be entered into by and between Greenville County and Anderson County as of December 31, 2015, or such other date as Greenville County and Anderson County may agree, but with an effective date after the expiration, termination, or other invalidation of the Greenville-Bamberg Park, Greenville-Williamsburg Park, and the Greenville-Florence-Marlboro Park Agreements, and the corresponding Parks, to be established thereby (the “Park Agreement”); and

WHEREAS, it is the expressed intent of Greenville County by the establishment of this Park and Agreement, that the properties appearing in Exhibit A the Park Agreement have been and continue to be located within a Joint County Industrial and Business Park; and

WHEREAS, Greenville County Council has resolved to consider this particular Park Agreement and considers this ordinance to be legally pending and in force upon First Reading; and

WHEREAS, it appears that the Park Agreement now before this meeting is in appropriate form and is an appropriate instrument to be executed and delivered by Greenville County for the purposes intended.

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

Section 1. Approval of the Park Agreement. The form, provisions, terms and conditions of the Park Agreement now before this meeting and filed with the Clerk to Greenville County Council be and they are hereby approved, and effective as of December 31, 2015, and all of the provisions, terms 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 the Greenville County Council and the County Administrator of Greenville County are hereby authorized and empowered to execute the Park Agreement in the name and on behalf of Greenville County; the Clerk to the Greenville County Council is hereby authorized and empowered to attest the same; and the Chairman of the Greenville County Council and the County Administrator of Greenville County are further authorized and empowered to deliver the Park Agreement to Anderson 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 materially adversely affect the rights of Greenville County thereunder and as shall be approved by the officials of Greenville 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 the Park Agreement now before this meeting.

The Chairman of Greenville County Council and the County Administrator of Greenville, County, for and on behalf of Greenville County, are hereby each authorized and empowered to do any and all things necessary or proper to effect the development of the Park and the performance of all obligations of Greenville County under and pursuant to the Park Agreement and to carry out the transactions contemplated thereby and by this Ordinance.

Section 2. Payment of Fee in Lieu of Tax. The businesses and industries located in the Park must pay a fee in lieu of *ad valorem* taxes as provided for in the Park Agreement. With respect to properties located in the Park, the fee paid in lieu of *ad valorem* taxes shall be paid to the Treasurer of Greenville County. That portion of such fee allocated pursuant to the Park Agreement to Anderson County shall be thereafter paid by the Treasurer of Greenville County to the Treasurer of Anderson County within ten (10) business days following the end of the calendar quarter of receipt, for distribution in accordance with the Park Agreement. The provisions of Section 12-2-90 of the Code of Laws of South Carolina 1976, as amended, or any successor statutes or provisions, apply to the collection and enforcement of the fee in lieu of *ad valorem* taxes.

Section 3. Distribution of Revenues within Greenville County. Revenues generated from industries and businesses located in the Park received by Greenville County pursuant to the Park Agreement shall be distributed as determined by Greenville County.

Section 4. Amendment to Greenville County Ordinance No. 2899. Pursuant to Section 9.1(a) of Ordinance No. 2899, the definition of “Park Agreements” in Section 1.1 of Ordinance No. 2899 is hereby amended by adding the Park Agreement, as defined herein, as a source of Project Revenues (as defined in Ordinance No. 2899).

Section 4.5. Applicable Ordinances and Regulations. Any applicable ordinances and regulations of Greenville County including those concerning zoning, health and safety, and building code requirements shall apply to the Park properties unless the properties are within the boundaries of a municipality in which case, the municipality’s applicable ordinances and regulations shall apply.

Section 5.6. Law Enforcement Jurisdiction. Jurisdiction to make arrests and exercise all authority and power within the boundaries of the Park is vested with the Sheriff’s Department of Greenville County. If any of the Park properties are within the boundaries of a municipality, then jurisdiction to make arrests and exercise law enforcement jurisdiction is vested with the law enforcement officials of the municipality.

Section 6.7. Conflicting Provisions. To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Greenville County Code or other Greenville County ordinances, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

Section 7.8. Severability. If any section of this ordinance is, for any reason, determined to be void or invalid by a court of competent jurisdiction, it shall not affect the validity of any other section of this ordinance which is not itself void or invalid.

Section 8.9. Effectiveness. This Ordinance shall be effective upon third and final reading.

[End of Ordinance - Signature page to follow]

Enacted and approved, in meeting duly assembled, this ____ day of _____, ~~2015~~, 2016.

GREENVILLE COUNTY, SOUTH CAROLINA

By: _____
Bob Taylor, Chairman, County Council
Greenville County, South Carolina

By: _____
Joseph Kernell, Administrator
Greenville County, South Carolina

ATTEST:

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

First reading: December 8, 2015
Second reading: July 12, 2016
Public hearing: August 16, 2016
Third reading: August 16, 2016

