

ORDINANCE NO.

AN ORDINANCE TO DEVELOP A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK IN CONJUNCTION WITH ANDERSON COUNTY, SUCH INDUSTRIAL/BUSINESS PARK TO BE GEOGRAPHICALLY LOCATED IN GREENVILLE COUNTY AND ESTABLISHED PURSUANT TO SEC. 4-1-170 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED; TO PROVIDE FOR A WRITTEN AGREEMENT WITH ANDERSON COUNTY TO PROVIDE FOR THE EXPENSES OF THE PARK, THE PERCENTAGE OF REVENUE APPLICATION, AND THE DISTRIBUTION OF FEES IN LIEU OF AD VALOREM TAXATION; AND OTHER MATTERS RELATED THERETO.

BE IT ORDAINED BY THE COUNTY COUNCIL OF GREENVILLE COUNTY, SOUTH CAROLINA:

SECTION 1: Greenville County is hereby authorized to jointly develop an industrial and business park with Anderson County (the "**Park**"). The Park shall be located initially on lands located in Greenville County only as authorized by Sec. 4-1-170 of the South Carolina Code of Laws 1976, as amended.

SECTION 2: Greenville County will enter into a written agreement to develop the Park jointly with Anderson County in substantially the form attached hereto as **Exhibit A** and incorporated herein by reference (the "**Park Agreement**"). The Chairman of Greenville County Council and the County Administrator are hereby authorized to execute the Park Agreement on behalf of Greenville County, with such changes thereto as the Chairman and/or County Administrator shall deem, upon advice of counsel, necessary and do not materially change the import of the matters contained in the form of agreement set forth in **Exhibit A**.

SECTION 3: The businesses or industries located in the Park will pay a fee in lieu of ad valorem taxes as provided for by law or as set forth in the Park Agreement. With respect to properties located in the Greenville County portion of 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 terms of the agreement. With respect to properties located in the Anderson County portion of the Park, the fee paid in lieu of ad valorem taxes shall be paid to the Treasurer of Anderson County. That portion of such fee allocated pursuant to the Park Agreement to Greenville County shall thereafter be paid by the Treasurer of Anderson County to the Treasurer of Greenville County within ten (10) business days following the end of the calendar quarter of receipt for distribution in accordance with the terms of the Park Agreement.

SECTION 4: Except as otherwise provided in Section 9 below with respect to distributions to the City (as such term is defined below), revenues generated from industries or businesses located in the Greenville County portion of the Park and to be retained by Greenville County pursuant to the Park Agreement shall be distributed within Greenville County in the following manner:

First, unless Greenville County elects to pay or credit the same from only those revenues which Greenville County would otherwise be entitled to receive as provided under "Third" below, to pay annual debt service or other annual payments on any bonds or obligations issued by or on behalf of Greenville County pursuant to, or to be utilized as a credit in the manner provided in the second paragraph of, Section 4-1-175, Code of Laws of South Carolina 1976, as amended, or any successor statutes or provisions, or pursuant to any other authorization for the issuance of bonds or incurrence of obligations, payable in whole or in part by or from revenues generated from any properties in the Park;

Second, at the option of Greenville County, to reimburse Greenville County for any expenses incurred by it in the development, operation, maintenance and promotion of the Park or the businesses located therein or for the economic development of Greenville County; and

Third, to those taxing districts which overlap the applicable properties within Greenville County's portion of the Park, in a pro-rata fashion based on comparative millage rates for the year in question of such taxing districts.

provided, that (i) all taxing districts which overlap the applicable properties within the Park shall receive some portion of the revenues generated from such properties; and (ii) all revenues receivable by a taxing entity in a fiscal year shall be allocated to operations and maintenance and to debt service as determined by the governing body of such taxing entity; and (iii) Greenville County may, by ordinance, from time to time, amend the distribution of the fee in lieu of tax payments to all taxing entities, subject to the terms and conditions of the IGA (defined below).

SECTION 5: Under no circumstances are the revenues generated from the Park included as "Revenues" or "Project Revenues" as such terms are defined in Ordinance No. 2899 enacted by the Greenville County Council on October 15, 1996, as subsequently amended or supplemented.

SECTION 6: Since the initial real estate designated to be in the Park is within the corporate limits of the City of Greenville, South Carolina (the "**City**"), Greenville County and the City will be entering into an intergovernmental agreement (the "**IGA**") with one another concerning the use of certain revenues generated from the Greenville County portion of the Park.

The terms and provisions of the IGA in such form as presented to this County Council and attached hereto as **Exhibit B** are hereby approved. The Chairman of County Council and the County Administrator are each hereby authorized and directed to execute and deliver the IGA in such final form as may be approved by the Chairman of the County Council and the County Administrator, with the advice of the County Attorney, such execution being conclusive evidence of such approval; and the Clerk to the County Council is hereby authorized and directed to attest the same, and thereupon to cause the IGA to be delivered to the City.

SECTION 7: This Ordinance shall supersede and amend in its entirety any other ordinances or resolutions of Greenville County Council pertaining to the Park.

SECTION 8: 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 9: The Land (as such term is defined in the IGA and described on **Exhibit C** attached hereto), is presently located in the West End Tax Increment Financing District ("**West End TIF**"). The Greenville County Council agrees that upon the earlier of (i) the Land's release from the West End TIF or (ii) the expiration of the West End TIF on September 8, 2021, the Land and the Project (as such term is defined in the IGA) shall be placed into the Park. Notwithstanding the provisions of Section 4 above, or anything else contained herein to the contrary, the City shall, upon inclusion of the Land and the Project in the Park, receive a distribution of the fees in lieu of tax paid on behalf of the Land and all property located therein with respect to each tax year which is based on the percentage that the City's millage bears to the total millage applicable to the Land for the applicable tax year, such calculation to be made after (i) application of special source credits (consisting solely of a fifty percent (50%) special source credit for a twenty (20) year period) to the fees in lieu of taxes to be paid on behalf of the Project in accordance with the provisions of the FILOT Agreement (as such term is defined in the IGA), and after (ii) distribution of a portion of the fees in lieu of taxes paid on behalf of the Land and the property located therein to Anderson County as set forth in the Park Agreement.

SECTION 10: This Ordinance shall be effective after third and final reading thereof.

[signature page follows]

Enacted in meeting duly assembled this _____ day of _____, 2020.

GREENVILLE COUNTY, SOUTH CAROLINA

By: _____ H.G. (Butch) Kirven, Jr.,
Chairman of County Council, Greenville County, South Carolina

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

ATTEST:

By: _____
Regina McCaskill, Clerk to County Council
Greenville County, South Carolina

First Reading: _____, 20__
Second Reading: _____, 20__
Third Reading: _____, 20__
Public Hearing: _____, 20__

STATE OF SOUTH CAROLINA

COUNTY OF GREENVILLE

I, the undersigned Clerk to County Council of Greenville County, South Carolina, do hereby certify that attached hereto is a true, accurate and complete copy of an ordinance which was given reading, and received unanimous approval, by the County Council at its meetings of _____, 20__, _____, 20__, and _____, 20__, at which meetings a quorum of members of County Council were present and voted, and an original of which ordinance is filed in the permanent records of the County Council.

Regina McCaskill, Clerk to County Council,
Greenville County, South Carolina

Dated: _____, 20__

EXHIBIT A

**AGREEMENT FOR DEVELOPMENT OF
JOINT COUNTY INDUSTRIAL/BUSINESS PARK
(GREENVILLE LIGHTHOUSE LLC)**

[see attached]

EXHIBIT B
INTERGOVERNEMENTAL AGREEMENT (IGA)

[see attached]

EXHIBIT C

LAND LEGAL DESCRIPTION

Parcel 1: All that certain piece, parcel or tract of land lying and being in the City of Greenville, Greenville County, South Carolina, and being more particularly described as follows: Beginning at a nail (POB 1) forming the corner of the intersection of the Northerly margin of the right-of-way of Rhett Street (50 foot public right-of-way) and the easterly margin of the right-of-way of Wardlaw Street (50 foot public right-of-way) and having SC Grid coordinates of N 1,098,595.144 E 1,577,768.789; thence along the Easterly margin of the right-of-way of Wardlaw Street N 17-35-26 W a distance of 275.93 feet to an iron pin, thence along the common line of BC&C of Greenville, LLC N 71-54-29 E a distance of 150.54 feet to an iron pin, thence along the common lines of S E Allen Enterprises, LLC and PED Leasing, General Partnership S 18-16-37 E a distance of 275.94 feet to a nail in an iron pipe, thence along the Northerly margin of the right-of-way of Rhett Street S 71-54-54 W a distance of 153.84 feet to the point of beginning and containing 41,994 SF or 0.964 acres, more or less.

Tax Map: 0071.00-01-009.00

Parcel 2: All certain piece, parcel or tract of land lying and being in the City of Greenville, Greenville County, South Carolina, and being more particularly described as follows: Beginning at an iron pin (POB 2) on the Easterly margin of the right-of-way of Wardlaw Street (50 foot public right-of-way) and having SC Grid coordinates of N 1,098,858.172 E 1,577,685.400; thence along said right-of-way N 17-35-26 W a distance of 48.87 feet to a railroad spike, thence along the common line of Akua Boyenne Trust N 72-08-22 E a distance of 151.44 feet to an iron pin, thence along the common line of S E Allen Enterprises, LLC S 16-31-00 E a distance of 48.27 feet to an iron pin, thence S 71-54-29 W a distance of 150.54 feet to the point of beginning and containing 7,332 SF or 0.168 acres, more or less.

Tax Map: 0071.00-01-008.01

This being the same property conveyed to Grantor by deed of BC&C of Greenville, LLC dated February 8, 2018 and recorded February 14, 2018 in the ROD Office for Greenville County, South Carolina in Deed Book 2531 at Page 4653.

All that piece, parcel or lot of land in Greenville Township, Greenville County, State of South Carolina, facing Wardlaw Street, having a frontage of 100 feet and depth of 150 feet. Beginning at the Northwest corner of the aforesaid lot, and running back with it North 72 degrees East 150 feet to the Old Ferguson and Park Division line, thence with that line North 18 degrees West 100 feet to a stake; thence South 72 degrees West parallel with the first call thereof 150 feet to Wardlaw Street; thence with said Street South 18 degrees East 100 feet to the beginning.

This is the same property conveyed to The Akua Charitable Remainder Trust, Marc Robertson, Trustee by Quit-Claim Deed of Akua Boyenne dated August 6 2018, recorded August 8, 2018 in Deed Book 2544 at Page 4707 in the ROD Office for Greenville County, South Carolina.

Tax Map: 0071.00-01-008.00 – 108 Wardlaw Street, Greenville, SC

All that piece, parcel and lot of land located on Wardlaw Street, in the County of Greenville, State of South Carolina, being shown as 15,281 square feet, 0.350 acres, more or less, on plat of survey prepared for Akua Boyenne Trust, 110 Wardlaw Street, City of Greenville, Greenville County, South Carolina, by Survey Matters, LLC, PLS 27454, dated May 29, 2018, recorded in Plat Book 1313 at Page 31 in the ROD Office for Greenville County, South Carolina. Said plat is incorporated herein for a more full and complete description as to the metes and bounds of said property.

This is the same property conveyed to Akua Boyenne by Quit-Claim Deed of Akua Boyenne Trust, Allen Cardoza, Trustee, dated August 3, 2018, recorded August 8, 2018 in Deed Book 2544 at Page 4702 in the ROD Office for Greenville County, South Carolina.

Tax Map: 0071.00-01-008.04 – 110 Wardlaw Street, Greenville, SC