

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE AMENDMENT OF THAT FEE AGREEMENT BETWEEN WILLCOLL LAND, LLC DATED APRIL 6, 2021, AS PREVIOUSLY PARTIALLY ASSIGNED, BY ADDING ADDITIONAL LAND AND ECONOMIC DEVELOPMENT AREA TO THE FEE AGREEMENT

WHEREAS, GREENVILLE COUNTY, SOUTH CAROLINA (the “*County*”), acting by and through its County Council (the “*County Council*”), is authorized and empowered under and pursuant to the provisions of Title 12, Chapter 44 (the “*FILOT Act*”), to enter into agreements with industry whereby the industry would pay fees-in-lieu-of taxes with respect to qualified projects; through all such powers the industrial development of the State of South Carolina (the “*State*”) will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate or remain in the State and thus utilize and employ the manpower, products and resources of the State and benefit the general public welfare of the County by providing services, employment, recreation or other public benefits not otherwise provided locally; and

WHEREAS, pursuant to the FILOT Act and Ordinance No. 5277 adopted by the County Council on April 6, 2021, and in order to induce investment in the County, the County did previously enter into a Fee Agreement dated April 6, 2021 (the “*Fee Agreement*”) with Willcoll Land, LLC, a Delaware limited liability company (the “*Company*” which was previously identified by the County as Project Mila), with respect to the acquisition, construction, and installation of improvements, fixtures, machinery, equipment, furnishings and other real and/or tangible personal property to constitute the Company’s facilities in the County (collectively, the “*Project*”); and

WHEREAS, the Company has previously invested in excess of the \$10,000,000 required investment in the Project and desires to continue to expand and invest at least an additional \$10,000,000 in the Project; and

WHEREAS, the Company desires to add additional acreage to the Land, as defined in the Fee Agreement, which said additional land is described in Exhibit “A” attached thereto; and

WHEREAS, the County has determined on the basis of the information supplied to it by the Company that the additional land is suitable for inclusion in the Project would be “economic development property” as such terms are defined in the FILOT Act, and that the Project will continue to serve the purposes of the FILOT Act; and

WHEREAS, the County has heretofore by resolution allowed the partial assignment of the Project to Willimon Propco LLC to provide for the continued expansion of the Project; and

WHEREAS, the County Council hereby directs that the land described in the attached Exhibit “A” be included as Land as defined in the Fee Agreement; and

NOW, THEREFORE, BE IT ORDAINED, by the County Council as follows:

Section 1. The land described in Exhibit “A” is and shall be considered a part of the Land and contained in and defined in the Fee Agreement

Section 2. The provisions of this ordinance are hereby declared to be separable and if any section, phrase or provisions 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.

Section 3. All ordinances, resolutions, and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed. This ordinance shall take effect and be in full force from and after its passage by the County Council.

ENACTED in meeting duly assembled this ___ day of _____, 2022.

GREENVILLE COUNTY, SOUTH CAROLINA

Chairman of County Council

County Administrator

Attest:

Clerk to County Council

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

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 _____, 2022, _____, 2022, and _____, 2022 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: _____, 2022

EXHIBIT A

All of that certain piece, parcel or lot of land situate, lying and being in the County of Greenville, State of South Carolina, having a gross area of 2,129,645 square feet or 48.89 acres, more or less, and being shown on a plat entitled "ALTA/NSPS SURVEY FOR WILLIMON BUSINESS PARK", dated April 13, 2022, last revised on April 28, 2022 prepared by 3D Land Surveying, Inc., having the following metes and bounds to-wit: BEGINNING at a 1/2" rebar set situated on the northerly 33 feet right of way of Antioch Church Road; being a common corner with the property now or formerly of Wagner Properties, LLC; and being 4,035 feet westerly, more or less, from the intersection with the westerly right of way limit of Fork Shoals Road; thence running with the easterly line of Wagner Properties, LLC N 12°21'11" W for a distance of 133.72' to a 5/8" rebar found; being a common corner with the property now or formerly of Jane R. Pirkle and Lonnie D. Pirkle; being shown as "Common Area (Detention Pond)" on a plat entitled "MICHELAND PLACE PHASE 1" dated May 10, 2004; prepared by Dave Modny PLS Lic# 22746, and recorded in the Office of the Register of Deeds for Greenville County in Plat Book 48 V, Page 84 on September 22, 2004; thence running with the easterly line of said property N 11°33'22" W for a distance of 230.46' to a 1/2" rebar set; being a common corner with Lot 15 of Micheland Place Phase 1, shown on the plat mentioned above; thence turning and running along the rear lot lines for Lots 15 thru Lot 20 of Micheland Place Phase 1, the following two (2) courses and distances: 1) N 45°29'52" W for a distance of 181.36' to a 5/8" rebar bent w/nail found; 2) N 45°29'49" W for a distance of 300.74' to a 5/8" rebar bent w/nail found; being a common corner with Lot 21 of Micheland Place, Phase 2; shown on a plat entitled "MICHELAND PLACE PHASE 2" dated April 12, 2007; prepared by 3D Land Surveying, Inc., and recorded in the Office of the Register of Deeds for Greenville County in Plat Book 1038, Page 60 on May 10, 2007; thence running along the rear lot lines for Lots 21, 24 thru 30, and the Detention Pond Lot, shown on the plat mentioned above, the following ten (10) courses and distances: 1) N 45°30'29" W for a distance of 68.73' to a 5/8" rebar found; 2) N 45°25'47" W for a distance of 170.96' to a found 1/2" rebar found; 3) N 45°29'28" W for a distance of 115.47' to a found 1/2" rebar found; 4) N 45°27'41" W for a distance of 78.56' to a 5/8" rebar bent w/nail found; 5) N 45°43'24" W for a distance of 69.97' to a 5/8" rebar found; 6) N 45°22'01" W for a distance of 102.39' to a 5/8" rebar found; 7) N 45°29'43" W for a distance of 120.35' to a 1" solid rod; 8) S 40°37'41" W for a distance of 95.02' to a 5/8" rebar found; 9) S 40°28'53" W for a distance of 165.66' to a 5/8" rebar found; 10) S 39°48'33" W for a distance of 124.02' to a 1/2" open top; being a common corner with the property now or formerly of Carolina Concrete Co, Inc.; thence turning and running with the easterly line of said property N 48°36'57" W for a distance of 427.06' to a 2" open top; being on the southerly 40 feet right of way limit of Perimeter Road; thence tuning and running along said right of way limit the following ten (10) courses and distances: 1) N 55°08'58" E for a distance of 219.14' to a 1/2" rebar set; 2) N 55°06'02" E for a distance of 161.14' to a 1/2" rebar set; 3) N 54°49'35" E for a distance of 256.65' to a 1/2" rebar set; 4) N 53°53'33" E for a distance of 47.97' to a 1/2" rebar set; 5) with a curve turning to the left with an arc length of 203.41', with a radius of 1408.70', with a chord bearing of N 50°56'40" E, with a chord length of 203.23', to a 1/2" rebar set; 6) N 44°11'35" E for a distance of 46.78' to a 1/2" rebar set; 7) N 43°12'47" E for a distance of 94.90' to a 1/2" rebar set; 8) N 42°17'55" E for a distance of 107.47' to a 1/2" rebar set; 9) N 43°15'00" E for a distance of 53.98' to a 1/2" rebar set; 10) N 42°23'47" E for a distance of 38.02' to a point in the centerline of Huff Creek; being a common corner with the property now or formerly of Willcoll Developments, LLC; thence turning and running along the centerline of Huff Creek the

following fifty one (51) courses and distances: 1) N 89°06'42" E for a distance of 38.49' to a point; 2) N 84°22'50" E for a distance of 43.66' to a point; 3) S 85°33'59" E for a distance of 60.48' to a point; 4) S 70°14'49" E for a distance of 79.96' to a point; 5) S 63°57'43" E for a distance of 31.11' to a point; 6) S 47°31'24" E for a distance of 18.88' to a point; 7) S 36°49'30" E for a distance of 33.39' to a point; 8) S 20°27'50" E for a distance of 52.07' to a point; 9) S 56°46'49" E for a distance of 33.35' to a point; 10) S 89°21'57" E for a distance of 31.69' to a point; 11) S 70°11'07" E for a distance of 24.81' to a point; 12) S 26°14'02" E for a distance of 44.16' to a point; 13) S 39°04'11" E for a distance of 27.18' to a point; 14) S 49°56'49" E for a distance of 28.34' to a point; 15) S 49°40'47" E for a distance of 87.20' to a point; 16) S 47°56'14" E for a distance of 42.23' to a point; 17) S 42°56'02" E for a distance of 45.27' to a point; 18) S 36°33'41" E for a distance of 51.04' to a point; 19) S 40°32'36" E for a distance of 19.58' to a point; 20) S 20°30'56" E for a distance of 41.68' to a point; 21) S 14°18'27" E for a distance of 12.80' to a point; 22) S 42°59'44" E for a distance of 27.90' to a point; 23) S 59°55'30" E for a distance of 32.95' to a point; 24) N 89°59'38" E for a distance of 30.02' to a point; 25) S 58°39'19" E for a distance of 24.59' to a point; 26) S 63°02'37" E for a distance of 38.87' to a point; 27) S 64°25'31" E for a distance of 32.88' to a point; 28) S 71°57'11" E for a distance of 35.58' to a point; 29) S 47°26'27" E for a distance of 17.73' to a point; 30) S 05°54'51" W for a distance of 28.88' to a point; 31) S 31°02'08" W for a distance of 38.54' to a point; 32) S 04°37'19" E for a distance of 28.93' to a point; 33) S 36°45'03" E for a distance of 32.66' to a point; 34) S 59°24'46" E for a distance of 36.26' to a point; 35) S 35°28'27" E for a distance of 40.88' to a point; 36) S 60°55'24" E for a distance of 43.50' to a point; 37) S 62°33'52" E for a distance of 43.28' to a point; 38) S 54°55'37" E for a distance of 49.94' to a point; 39) S 46°51'02" E for a distance of 48.94' to a point; 40) S 08°45'47" E for a distance of 52.51' to a point; 41) S 17°20'06" E for a distance of 31.53' to a point; 42) S 34°44'29" E for a distance of 53.79' to a point; 43) S 41°42'45" E for a distance of 44.17' to a point; 44) S 31°37'06" E for a distance of 42.24' to a point; 45) S 23°48'59" E for a distance of 52.82' to a point; 46) S 37°54'16" E for a distance of 26.21' to a point; 47) S 08°33'43" E for a distance of 21.90' to a point; 48) S 34°37'48" E for a distance of 36.36' to a point; 49) S 56°27'16" E for a distance of 15.21' to a point; 50) S 27°37'37" E for a distance of 29.84' to a point; 51) S 41°02'47" E for a distance of 31.43' to a point; being a common corner with the property now or formerly of Duke Power Company; thence turning and leaving the centerline of Huff Creek N 85°05'37" W for a distance of 111.80' to a ½" rebar set; thence turning and running with the westerly line of said property S 04°54'23" W for a distance of 200.00' to a ½" rebar set; thence turning S 85°05'37" E for a distance of 217.02' to a point in the centerline of Huff Creek; thence turning and running along the centerline of Huff creek the following eight (8) courses and distances: 1) S 36°58'36" E for a distance of 14.33' to a point; 2) S 13°03'54" W for a distance of 57.26' to a point; 3) S 06°17'58" E for a distance of 53.13' to a point; 4) S 03°54'07" W for a distance of 51.67' to a point; 5) S 07°35'09" E for a distance of 110.14' to a point; 6) S 07°08'07" W for a distance of 144.92' to a point; 7) S 00°33'29" W for a distance of 116.34' to a point; 8) S 00°32'04" W for a distance of 105.65' to a point; being on the northerly 33 feet right of way limit of Antioch Church Road; thence turning and running along said right of way limit the following two (2) courses and distances: 1) N 82°33'21" W for a distance of 712.35' to a ½" rebar set; 2) N 82°45'31" W for a distance of 72.69' to THE POINT OF BEGINNING.

Tax Map Numbers: 0593030100404 and 0593030100405