

ORDINANCE NO. ____

AN ORDINANCE TO DEVELOP A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK IN CONJUNCTION WITH PICKENS COUNTY PURSUANT TO SOUTH CAROLINA CODE OF LAWS 1976, SECTION 4-1-170 ET SEQ., AS AMENDED, SUCH INDUSTRIAL/BUSINESS PARK TO BE, AT THE TIME OF ITS INITIAL DEVELOPMENT, GEOGRAPHICALLY LOCATED IN PICKENS COUNTY AND TO INCLUDE CERTAIN PROPERTY COMPRISING THE PICKENS COUNTY COMMERCE PARK AND ADDITIONAL PROPERTY WITHIN PICKENS COUNTY LOCATED ON CARTEE ROAD; TO PROVIDE FOR A WRITTEN AGREEMENT WITH GREENVILLE COUNTY PROVIDING FOR THE EXPENSES OF THE PARK, THE PERCENTAGE OF REVENUE APPLICATION, AND THE DISTRIBUTION OF FEES IN LIEU OF AD VALOREM TAX; AND MATTERS RELATED THERETO

NOW THEREFORE, BE IT ORDAINED by the County Council of Greenville County (the “*Greenville County Council*”), the governing body of Greenville County, South Carolina (the “*Greenville County*”), in a meeting duly assembled as follows:

Section 1 Findings. The County Council hereby makes the following findings of fact in connection with the enactment of this ordinance (this “*Ordinance*”):

(a) Pickens County and Greenville County, South Carolina (“*Greenville County*” and, together with Pickens County, the “*Counties*,” and each individually a “*County*”) are authorized under Article VIII, Section 13 of the South Carolina Constitution and Chapter 1 of Title 4 of the Code of Laws of South Carolina 1976, as amended (the “*Act*”) to jointly develop an industrial or business park within the geographical boundaries of one or more of the member counties.

(b) Pursuant to an Agreement for Development for Joint County Industrial Park, dated November 4, 1996, as amended by amendments entered into and dated as of February 17, 1997, November 4, 1997, October 19, 1999, August 21, 2000, April 6, 2004, and November 18, 2008 (collectively, the “*Agreement*”), the Counties established a multi-county industrial park with property located within both Counties. In accordance with the terms of the Agreement Pursuant and pursuant to ordinances of Greenville County; namely, Ordinance No. 4268, dated March 3, 2003; Ordinance No. 4545, dated March 5, 2013; and Ordinance No. 4647, dated August 19, 2008, Greenville County made certain additional properties subject to the Agreement.

(c) Pickens County has determined to reconstitute certain real property originally subject to the terms of the Agreement and additional real property, as described more fully in the hereinafter-defined Commerce Park Agreement attached to this Ordinance at **Exhibit A** (collectively, the “*Commerce Park Properties*”), into a new multi-county industrial park (the “*Park*”) and, in doing so, to remove the Commerce Park Properties from the Agreement.

(d) Greenville County, by and through the Greenville County Council, has agreed to enter into that certain Agreement for Development of a Joint County Industrial and Business Park

(Commerce Park), the form of which is attached to this Ordinance as **Exhibit A** (the “*Commerce Park Agreement*”) and to cause the Commerce Park Properties to be included in the Park.

Section 2 Approval of Commerce Park Agreement. Pursuant to the Act, Greenville County is hereby authorized to execute and deliver the Commerce Park Agreement to jointly develop the Park with Greenville County. The form, terms and provisions of the Commerce Park Agreement, as attached to this Ordinance at **Exhibit A**, are hereby approved, and all of the terms, provisions and conditions thereof are hereby incorporated herein by reference as if the Agreement were set out in this Ordinance in its entirety. The Chairman of County Council and the Clerk to County Council are hereby authorized, empowered, and directed to execute, acknowledge, and deliver the Commerce Park Agreement in the name and on behalf of Greenville County. The Agreement is to be in substantially the form now before the meeting and hereby approved, or with such minor changes therein 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 Commerce Park Agreement now before the meeting; and as shall not be materially adverse to Greenville County.

Section 3 Park Premises. The premises of the Park is to be located initially within the boundaries of Pickens County; however, premises may be added within Greenville County in accordance with the Agreement and the provisions of the Act.

Section 4 Term. The Agreement shall expire on December 31, 2055, or such later date as may apply pursuant to Section 16 of the Agreement. The Agreement may not be terminated except by concurrent ordinances of Pickens County Council and Greenville County Council.

Section 5 Jobs Tax Credits. The maximum tax credits allowable by Section 12-6-3360 of the Code of Laws of South Carolina 1976, as amended or any successor statute, will apply to any business- enterprise locating in the Park.

Section 6 Payment of Fees in Lieu of Taxes. The owners or lessees of all property located in the Park shall pay a fee-in-lieu of ad valorem taxes as provided for in the Agreement, Article VIII Section 13 of the South Carolina Constitution and the Act. Payments shall be made by such owner or lessee 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. Fees in lieu of ad valorem taxes shall be paid to the county treasurer for the County in which the premises is located.

Section 7 Allocation of Fees in Lieu of Taxes.

(a) That portion of the fees from the Park premises located in Greenville County allocated pursuant to the Commerce Park Agreement to Pickens County shall be paid by the Greenville County Treasurer to the Pickens County Treasurer within 15 business days following the end of the calendar quarter of receipt for distribution to the Greenville County Taxing Entities in accordance with the Commerce Park Agreement.

(b) Revenues allocable to Greenville County by way of fees in lieu of ad valorem taxes generated from Park properties located in Pickens County shall be distributed solely Greenville County. Revenues allocable to Greenville County by way of fee in lieu of tax ad valorem taxes

generated from Park properties located in Greenville County shall be distributed among applicable taxing entities is within Greenville County in accordance with the applicable governing ordinance or policy of Greenville County in effect from time to time.

Section 8 Park Development. The administration, development, promotion, and operation of the Park shall be the responsibility of the County in which each premises of the Park is located. Provided, that to the extent any Park premises is owned by a private developer, the developer may be responsible for development expenses set forth in the Agreement.

Section 9 Conflict of Laws. In order to avoid any conflict of laws for ordinances between the Counties, Pickens County ordinances will be the reference for such regulations or laws in connection with the Park premises within Pickens County and Greenville County ordinances will be the reference for such regulations or laws in connection with the Park premises within Greenville County. Nothing herein shall be taken to supersede any state or federal law for regulation.

Section 10 Jurisdiction. The Greenville County Sheriff's Department will have jurisdiction to make arrests and exercise all authority and power within the boundaries of the Park premises within Greenville County. Fire, sewer, water and EMS service will be provided by the service district or other political unit within whose jurisdiction the Park premises are located.

Section 11 Severability. Should any section of this Ordinance be, for any reason, held void or invalid by any court or regulatory body of competent jurisdiction, it shall not affect the validity of any other section hereof which is not itself void or invalid.

Section 12 Repealer. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed to the extent of the conflict or inconsistency. This Ordinance shall be effective after third and final reading.

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DONE AND ORDAINED this _____ day of _____, 2024

GREENVILLE COUNTY, SOUTH CAROLINA

By: _____
Dan Tripp
Chairman of County Council

Joseph M. Kernell
County Administrator

ATTEST:

By: _____
Regina McCaskill
Clerk to County Council

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

EXHIBIT A

**COMMERCE PARK AGREEMENT AND DESCRIPTION
OF COMMERCE PARK PROPERTIES**

[To be inserted]