

Edgefield County, South Carolina
Multi-County Park

ORDINANCE NO. 18-19-755
(PROJECT SCOTT MULTI-COUNTY PARK)

AN ORDINANCE AUTHORIZING AND APPROVING (1) THE DEVELOPMENT OF A NEW JOINT COUNTY INDUSTRIAL AND BUSINESS PARK (PROJECT SCOTT) PURSUANT TO SECTION 4-1-170 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, IN CONJUNCTION WITH SALUDA COUNTY (THE "PARK") SUCH PARK TO BE GEOGRAPHICALLY LOCATED IN EDGEFIELD COUNTY AND TO INCLUDE THE AFOREMENTIONED PROJECT; (2) THE EXECUTION AND DELIVERY OF A WRITTEN PARK AGREEMENT WITH SALUDA 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 TO THE COUNTIES AND RELEVANT TAXING ENTITIES; AND (4) OTHER MATTERS RELATED THERETO.

WHEREAS, pursuant to 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 (collectively, the "Multi-County Park Act"), Edgefield County, South Carolina ("Edgefield County") and Saluda County, South Carolina ("Saluda County", and, collectively with Edgefield County, the "Counties"), in order to promote economic development and thus encourage investment and provide additional employment opportunities, now propose to establish jointly a multi-county industrial/business park (the "Park") to be geographically located in Edgefield County and to include, specifically but without limitation, Project Scott; and

WHEREAS, Edgefield County and Saluda County have agreed to the specific terms and conditions of such arrangement as set forth in that certain Agreement for Establishment of a Multi-County Industrial/ Business Park (Project Scott) proposed to be entered into by and between Edgefield County and Saluda County as of such date as may be agreed to by Edgefield County and Saluda County (the "Project Scott Multi-County Park Agreement"), a form of which Project Scott Multi-County Park Agreement has been presented to this meeting; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE EDGEFIELD COUNTY COUNCIL AS FOLLOWS:

Section 1. Establishment of Project Scott Multi-County Park; Approval of the Project Scott Multi-County Park Agreement. There is hereby authorized to be established, in conjunction with Saluda County, a multi-county industrial/business park to be known as the Project Scott Multi-County Park and to include therein the Project Scott property as more particularly described on Exhibit A. The form, provisions, terms and conditions of the Project Scott

Multi-County Park Agreement now before this meeting and filed with the Clerk to Edgefield County Council be and they are hereby approved, and all of the provisions, terms and conditions thereof are hereby incorporated herein by reference as if the Project Scott Multi-County Park Agreement were set out in this Ordinance in its entirety. The Chairman of Edgefield County Council is hereby authorized, directed, and empowered to execute the Project Scott Multi-County Park Agreement in the name and on behalf of Edgefield County; the Clerk to Edgefield County Council is hereby authorized, directed, and empowered to attest the same; and the Chairman of Edgefield County Council is further authorized, directed, and empowered to deliver the Project Scott Multi-County Park Agreement to Saluda County.

The Project Scott Multi-County 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 Edgefield County thereunder and as shall be approved by the officials of Edgefield 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 Project Scott Multi-County Park Agreement now before this meeting.

The Chairman of Edgefield County Council, the County Administrator of Edgefield County, and the Clerk to the Edgefield County Council, for and on behalf of Edgefield County, are hereby each authorized and empowered to do any and all things necessary or proper to effect the development of the Project Scott Multi-County Park and the performance of all obligations of Edgefield County under and pursuant to the Project Scott Multi-County 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 Project Scott Multi-County Park must pay a fee in lieu of *ad valorem* taxes as provided for in the Project Scott Multi-County Park Agreement. The fee paid in lieu of *ad valorem* taxes shall be paid to the Treasurer of Edgefield County. That portion of the fee allocated pursuant to the Project Scott Multi-County Park Agreement to Saluda County shall, upon receipt by the Treasurer of Edgefield County, be paid to the Treasurer of Saluda County in accordance with the terms of the Project Scott Multi-County Park Agreement. Payments of fees in lieu of *ad valorem* taxes will be made on or before the due date for taxes for a particular year. Penalties for late payment will be at the same rate as late tax payment. Any late payment beyond said date will accrue interest at the rate of statutory judgment interest. Edgefield County and Saluda County, acting by and through the Treasurer of Edgefield County, shall maintain all liens and rights to foreclose upon liens provided for counties in the collection of *ad valorem* taxes. Nothing herein shall be construed to prohibit Edgefield County from negotiating and collecting reduced fees in lieu of taxes pursuant to Title 4, Chapter 29 or Chapter 12, or Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as amended, or any similar provision in South Carolina law.

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. Sharing of Expenses and Revenues. Sharing of expenses and revenues of the Project Scott Multi-County Park by Edgefield County and Saluda County shall be as set forth in the Project Scott Multi-County Park Agreement.

Section 4. Distribution of Revenues within Edgefield County. Revenues generated from industries and businesses located in the Project Scott Multi-County Park and received by Edgefield County shall be distributed by Edgefield County in accordance with an ordinance to be passed by Edgefield County Council. Each political subdivision levying taxes over the geographic area of the Project Scott Multi-County Park shall receive some percentage of such revenues, as directed by such Edgefield County ordinance. All other political subdivisions in Edgefield County not listed by such ordinance as receiving such revenues shall receive zero percent (0%) of such revenues.

Section 5. Governing Laws and Regulations. The ordinances of Edgefield County, as applicable, concerning zoning, health and safety regulations, and building code requirements will apply for the entire Project Scott Multi-County Park.

Section 6. Law Enforcement Jurisdiction. Jurisdiction to make arrests and exercise all authority and power within the boundaries of the Project Scott Multi-County Park properties is vested with the Sheriff's Department of Edgefield County. If any of the Project Scott Multi-County 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 7. Conflicting Provisions. To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Edgefield County Code or other Edgefield County ordinances, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

Section 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 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 _____, 20____.

EDGEFIELD COUNTY, SOUTH CAROLINA

By: _____

Printed Name: _____

Title: Chairman, County Council, Edgefield County, South Carolina

[SEAL]

Attest:

By: _____

Printed Name: _____

Title: Clerk to County Council, Edgefield County, South Carolina

First Reading: _____, 20__

Second Reading: _____, 20__

Public Hearing: _____, 20__

Third Reading: _____, 20__