

Sponsor(s)	:		201900001627
Council District Representative	:		Filed for Record in
First Reading	:	03/05/19	EDGEFIELD COUNTY, SC
Committee Referral	:		CHARLES L. REEL, CLERK OF COURT
Committee Consideration Date	:		05-08-2019 At 12:06 pm.
Committee Recommendation	:		ORDINANCE .00
Second Reading	:	04/02/19	OR Book 1734 Page 375 - 380
Public Hearing	:	05/07/19	
Third Reading	:	05/07/19	
Effective Date	:		

ORDINANCE NO. 18-19-758

COUNCIL ADMINISTRATOR FORM OF GOVERNMENT FOR EDGEFIELD COUNTY

AN ORDINANCE AUTHORIZING AMENDMENTS TO THE AGREEMENT FOR DEVELOPMENT OF A JOINT COUNTY INDUSTRIAL AND BUSINESS PARK BETWEEN AIKEN COUNTY AND EDGEFIELD COUNTY, DATED AS OF MAY 8, 2018, TO EXPAND THE AREA OF THE PARK WHICH IS LOCATED IN AIKEN COUNTY AND CHANGE THE NAME OF THE PARK TO "AIKEN COUNTY/EDGEFIELD COUNTY-ZEUS INDUSTRIAL PRODUCTS, INC." AND AUTHORIZING OTHER MATTERS RELATED THERETO.

WHEREAS:

1. Aiken County and Edgefield County previously entered into an Agreement for Development of Joint County Industrial and Business Park dated as of May 8, 2018, (hereinafter referred to as the "Agreement") as part of a project for the expansion and equipping of a manufacturing facility owned and operated by Zeus Industrial Products, Inc., (hereinafter referred to as "Zeus") located in the park established by that Agreement (hereinafter referred to as the "Park") which was authorized by Ordinance Number 17-18-734 adopted by the Edgefield County Council on May 8, 2018.
2. Zeus has requested that the Aiken County Council approve a first amendment to the Agreement to include in the Park all of its real property that is now part of the manufacturing facility located along or adjacent to Levels Church Road West (S-1793) and East Pine Log Road (SC-302) near the City of Aiken in Aiken County, South Carolina and to add thereto any such real property that is not already included in the Park and to change the name of the Park to "Aiken County/Edgefield County –Zeus Industrial Products, Inc."
3. The Edgefield County Council hereby finds that Zeus' project and requested amendments will be in the best interests of Edgefield County and the public and will promote economic development in Edgefield County and result in additional revenues for Edgefield County.

NOW THEREFORE BE IT ENACTED BY THE AIKEN COUNTY COUNCIL THAT:

1. The provisions, terms, and conditions of the First Amendment to the Agreement presented to County Council at this meeting and filed with the Clerk to the Council are hereby approved, and all of the provisions, terms, and conditions thereof are hereby incorporated herein by reference as if the First Amendment to the Agreement were set out in this Ordinance in its entirety. The Chairman of the Council is hereby authorized, empowered, and directed to execute and deliver the First Amendment to the Agreement in the name and on behalf of Edgefield County; the Clerk to the Council is hereby authorized, empowered and directed to attest and certify the same; and the Chairman of the Council is further authorized, empowered, and directed to deliver the First Amendment to the Agreement to Aiken County. The First Amendment to the 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, and the execution of the First Amendment to the Agreement by the authorized officials of

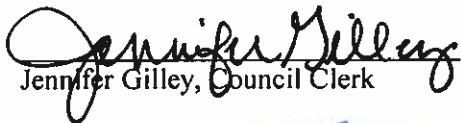
Edgefield County shall constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of First Amendment to the Agreement now before this meeting. Except as set forth in the First Amendment to the Agreement, all terms of the Agreement, as previously amended, shall remain in full force and effect.

2. The real property previously included in the Park by the Agreement and the real property being added to the Park by the First Amendment to the Agreement are more fully identified and described in Exhibit A attached the to the First Amendment to the Agreement which is hereby incorporated herein and in the Agreement as if set out herein in its entirety.
3. The name of the Park that is the subject of the Agreement and First Amendment to the Agreement is hereby changed to "Aiken County/Edgefield County –Zeus Industrial Products, Inc."
4. The Chairman of County Council and Clerk to County Council are hereby authorized to execute and deliver all documents and instruments and take all actions necessary and proper to implement the transactions contemplated by this Ordinance subject to the review and approval of the County Attorney.
5. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision 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 in this Ordinance.
6. All resolutions or ordinances, or parts thereof, in conflict with the provisions of this Ordinance are repealed to the extent necessary to give full effect to this Ordinance.
7. Any and all requirements that this Ordinance must be referred to a committee of County Council for review or a recommendation are hereby waived.

This Ordinance shall become effective on 05-07-2019.

Adopted at the regular meeting of Edgefield County Council on 05-07-2019.

ATTEST:


Jennifer Gilley, Council Clerk

SIGNED:


H. Scott Cooper, Chairman

REVIEWED BY: 
County Attorney

IMPACT STATEMENT: N/A

COUNCIL VOTE: 5-0

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)
COUNTY OF EDGEFIELD) FIRST AMENDMENT TO
AGREEMENT FOR DEVELOPMENT
OF A JOINT COUNTY INDUSTRIAL
AND BUSINESS PARK

This First Amendment to Agreement for Development of a Joint County Industrial Park dated as of 05-07-2019, 2019 between Aiken County, South Carolina ("Aiken County") and Edgefield County, South Carolina ("Edgefield County"), each a body politic and political subdivision of the State of South Carolina (collectively the "Counties").

WITNESSETH:

WHEREAS, under the authorization granted to the Counties pursuant to Article VIII, Section 13 of the Constitution of the State of South Carolina and Title 4, Chapter 1 of the Code of Laws of the State of South Carolina 1976, as amended, (the "Code"), and specifically Section 4-1-170 thereof, and pursuant to that certain Agreement for Development of a Joint County Industrial and Business Park dated as of May 8, 2018, (the "Agreement"), the Counties agree to continue, develop and operate a multi-county industrial or business park (the "Park"), which consists of certain property located in Aiken County as described on Exhibit A as "Existing Park Property"; and

WHEREAS, the Company is in the process of adding additional improvements, machinery, equipment and other property to its manufacturing facility described more particularly on Exhibit A its Existing Park Property and also on the real property to be added to the Park described on Exhibit A attached hereto as "Expanded Park Property"; and

WHEREAS, in order to promote economic development and thus maintain and provide additional employment opportunities within the Counties, the Counties have determined that it is in the best interest of the Counties to enter into this First Amendment to Agreement for Development of a Joint County Industrial and Business Park (the "First Amendment"), for the purpose of expanding the boundaries of the Park as authorized by Section 3 of the Agreement to encompass the Expanded Park Property and to change the name of the Park.

NOW, THEREFORE, in consideration of the mutual agreements, representations, and benefits contained in this First Amendment and for other good and valuable consideration, the adequacy of which is hereby acknowledged, the Parties hereby agree as follows:

Section 1. Exhibit A to the Agreement which describes the boundaries of the Existing Park Property is hereby amended to add and include in the Park the Expanded Park Property as is more particularly described on Exhibit A attached to this First Amendment and incorporated by reference herein.

Section 2. The name of the Park is hereby changed to "Aiken County/Edgefield County-Zeus Industrial Products, Inc.

Section 3. Except as expressly amended or modified herein, the remaining terms and condition of the Agreement shall remain in full force and effect.

IN WITNESS THEREOF, the parties hereto, each after due authorization, have executed this Agreement to be effective as of 05-01, 2019.

AIKEN COUNTY, SOUTH CAROLINA

By: Gary Bunker
Gary Bunker, Chairman, County Council
Aiken County, South Carolina

Attest:

[SEAL]

By: Tamara Sullivan
Tamara Sullivan, Clerk to County Council
Aiken County, South Carolina

APPROVED
AS TO FORM AND CONTENT
By: James Kelly
County Attorney

EDGEFIELD COUNTY, SOUTH CAROLINA

By: Scott Cooper
Scott Cooper, Chairman, County Council
Edgefield County, South Carolina

Attest:

[SEAL]

By: Jennifer Gilley
Jennifer Gilley, Clerk to County Council
Edgefield County, South Carolina

EXHIBIT A
PROPERTY DESCRIPTION

EXISTING PARK PROPERTY

All that certain piece, parcel or tract of land, situate, lying and being located in the County of Aiken, State of South Carolina and being shown as 10.00 acres on that plat prepared for Zeus Industrial Products, Inc., by Southern Partners, Inc., dated February 23, 1998 and recorded in the Office of the Register of Deeds for Aiken County in Plat Book 38 at page 10; said plat being incorporated herein by reference for a more complete and accurate description.

Deed Reference: RMC Office Deed Book 1787, page 136
Aiken County Tax Map Number/TMS: 137-13-05-006

EXPANDED PARK PROPERTY

Parcel No. 1:

ALL that certain piece, parcel or lot of land, designated on a plat made for C. P. Johnson by P. M. Hankinson, PE, dated December 14, 1939 as Lot No. 9, situate, lying and being in the County of Aiken, State of South Carolina, about two miles east of the City of Aiken, near the Levels Baptist Church and bounded and measuring as follows: North by the County Highway to Montmorenci, which separates the said lot from the right of way of the Southern Railway and measuring thereon 100 feet, more or less; East by Lot No. 10 on said plat, now or formerly of C.P. Johnson, measuring thereon 150 feet, more or less; South by Lot No. 25 on said plat, now or formerly of C. P. Johnson, measuring thereon 100 feet, more or less; and West by a thirty foot unnamed street on said plat and measuring thereon 150 feet, more or less.

LESS all that parcel or strip of land condemned by SCDOT, in fee simple, with Improvements thereon, if any, containing 0.078 acres of land, and being described as follows: Within 60 feet of the survey centerline of S.C. Route 302, on the left, between approximate survey stations 159 + 81 and 161 + 31.

Also, herein condemned is property within 65 feet of survey centerline of Levels Church Road (Road S-1793), on the right between approximate survey stations 25+24 and 25+50.

The Premises is more currently shown and designated as Parcel B on that certain Plat prepared for Zeus Industrial Products, Inc. by Edisto Engineers & Surveyors, Inc., dated August 17, 2018 and recorded in Book PL 60, Page 901, Aiken County Register of Deeds.

This being the same property conveyed to Sylvia Osbon by deed of Leonard Wallace George dated March 25, 2001 and recorded June 7, 2001 in Deed Vol. 2100, Page 66.

Aiken County Tax Map Number/TMS #: 137-14-06-001

Parcel No. 2:

ALL that certain piece, parcel or lot of land, with any improvements thereon, situate, lying and being located in the County of Aiken, State of South Carolina, being shown and designated as "Parcel A" on that certain plat prepared for ZEUS INDUSTRIAL PRODUCTS, INC., by Edisto Engineers & Surveyors, Inc., RLS, dated August 17, 2018, and recorded October 8, 2018, in Plat Book 60 at Page 901, records of the Office of the RMC for Aiken County, South Carolina. Reference is hereby made to said plat for a more complete and accurate description of the subject property.

BEING a portion of the same properties conveyed to Henry R. Faulkner and Elise D. Faulkner, or their Successors, as Co-Trustees of the Faulkner Family Trust dated November 11, 2011, by deed of Elise D. Faulkner, f/k/a Elise Deloach Early, dated November 11, 2011, and recorded December 5, 2011, in Record Book 4382, at Page 2469; Clarence Lamont Deloach by deed of Cheryl Camille Kelly, a/k/a Cheryl Camille Kelley and William R. Deloach dated July 12, 2018, and recorded August 1, 2018, in Record Book 4733 at Page 2138; and First Citizens Bank & Trust Company of South Carolina, as Successor Trustee of the Trust under the Will of N. J. DeLoach by deed of Robert E. Johnson, as Trustee under the Will of N. J. DeLoach, dated December 20, 1993, and recorded January 11, 1994, in Deed Book 1439 at Page 172, records of the Office of the RMC for Aiken County, South Carolina.

Aiken County Tax Map Number/TMS #: Portion of 137-18-01-001