

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)

ORDINANCE NO. 23-24-002

AN ORDINANCE AUTHORIZING THE DEVELOPMENT OF A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK IN CONJUNCTION WITH EDGEFIELD COUNTY, SUCH INDUSTRIAL/BUSINESS PARK TO BE GEOGRAPHICALLY LOCATED IN AIKEN 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 EDGEFIELD 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.

[PROJECT CHARGE PROPERTY]

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

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

SECTION II: Aiken County will enter into a written agreement to develop the Park jointly with Edgefield County in substantially the form attached hereto as Schedule I and incorporated herein by reference (the “Park Agreement”). The Chairman of Aiken County Council is hereby authorized to execute the Park Agreement on behalf of Aiken County, with such changes thereto as the Chairman 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 Schedule I.

SECTION III: 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 Aiken County portion of the Park, the fee paid in lieu of ad valorem taxes shall be paid to the Treasurer of Aiken County. That portion of such fee allocated pursuant to the Park Agreement to Edgefield County shall be thereafter paid by the Treasurer of Aiken County to the Treasurer of Edgefield County within ten (10) business days of receipt for distribution in accordance with the terms of the agreement. With respect to properties located in the Edgefield County portion of the Park, the fee paid in lieu of ad valorem taxes shall be paid to the Treasurer of Edgefield County. That portion of such fee allocated pursuant to the Park Agreement to Aiken County shall thereafter be paid by the Treasurer of Edgefield County to the Treasurer of Aiken County within ten (10) business days of receipt for distribution in accordance with the terms of the Park Agreement.

SECTION IV: Revenues generated from industries or businesses located in the Aiken County portion of the Park and to be retained by Aiken County pursuant to the Park Agreement shall be distributed within Aiken County in the following manner:

First, unless Aiken County elects to pay or credit the same from only those revenues which Aiken County would otherwise be entitled to receive as provided under “Third” below, to pay annual debt service on any special source revenue bonds issued by Aiken 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, payable in whole or in part by or from revenues generated from any properties in the Park; and

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

Third, to those taxing districts which overlap the applicable properties within Aiken 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) the County may, by ordinance, from time to time, amend the distribution of the fee in lieu of tax payments to all taxing entities.

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

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

(The remainder of this page is intentionally left blank.)

ATTEST:

AIKEN COUNTY,
SOUTH CAROLINA

By: _____

Name: _____

Title: _____

By: _____

Name: _____

Title: _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF AIKEN)

I, the undersigned, Clerk to County Council of Aiken County, South Carolina (“County Council”), DO HEREBY CERTIFY:

That the foregoing constitutes a true, correct, and verbatim copy of an Ordinance adopted by the County Council. The Ordinance was read and received a favorable vote at three public meetings of the County Council on January 16, 2024, February 20, 2024, and March 5, 2024. At least one day passed between first and second reading, and at least seven days passed between second and third readings. A public hearing was held on March 5, 2024, and notice of the public hearing was published in *The Aiken Standard* on _____, 2024. At each meeting, a quorum of County Council was present and remained present throughout the meeting.

Attached hereto are excerpts of the minutes of the meetings of the County Council. The County Council complied with the Freedom of Information Act, Chapter 4, Title 30 of the S.C. Code of Laws, 1976, in connection with said meetings of County Council.

The Ordinance is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my Hand and the Seal of Aiken County Council, South Carolina, as of this ____ day of _____, 2024.

Signature: _____
Name: _____
Title: Clerk to County Council