

ORDINANCE NO. 2010 / 1

AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE MASTER PARK AGREEMENT GOVERNING THE MULTI-COUNTY INDUSTRIAL/BUSINESS PARK BY AND BETWEEN BEAUFORT COUNTY, SOUTH CAROLINA AND JASPER COUNTY, SOUTH CAROLINA, IN ORDER TO EXPAND THE BOUNDARIES OF THE PARK TO INCLUDE ALL THOSE PROPERTIES LOCATED IN THE INDUSTRIAL PARK KNOWN AS "BEAUFORT COMMERCE PARK" LOCATED IN BEAUFORT COUNTY, SOUTH CAROLINA

WHEREAS, Article VIII, Section 13(d) of the Constitution of South Carolina provides that counties may develop jointly an industrial or business park with other counties within the geographical boundaries of one or more of the member counties and Section 4-1-170, Code of Laws of South Carolina of 1976, as amended, provides the statutory vehicle whereby a joint county industrial park may be created; and

WHEREAS, under the authority granted to them pursuant to Article VIII, Section 13(d) of the Constitution of South Carolina and Section 4-1-170 of the Code of Laws of South Carolina of 1976, as amended, the County Councils of Beaufort County, South Carolina ("Beaufort County") and Jasper County, South Carolina ("Jasper County") entered into that certain Agreement for Development of Joint County Industrial and Business Park dated as of December 31, 1999 (as amended from time to time, the "Agreement"), and have thereafter developed the industrial park described in such Agreement (the "Park"); and

WHEREAS, Beaufort County and Jasper County, having determined that an enlargement in the boundaries of the Park would promote economic development and thus provide additional employment opportunities within both of said counties, desire to amend the terms of the Agreement to enlarge the boundaries of the Park as described on Exhibit A by adding the property described on Exhibit B attached hereto, which Property is located in Beaufort County.

NOW, THEREFORE, BE IT ORDAINED by the Beaufort County, South Carolina County Council in meeting duly assembled:

Section 1. The Beaufort County Council hereby authorizes and directs the Chairman of the County Council and the Clerk to County Council to execute and deliver the Amendment to Agreement for Development of Joint County Industrial and Business Park (the "Amendment"), together with such changes from the form of such Amendment presented at this meeting as such officers may approve, their execution and delivery of such documents to constitute conclusive evidence of their approval of any such changes or revisions. The form of the Amendment presented to this meeting and all terms, provisions, and conditions of the Amendment are hereby incorporated herein by reference as if the Amendment were set out in this Ordinance in its entirety. The appropriate officers of the County are hereby authorized to perform any task and sign any such ancillary agreements, certificates, or documents as it is

determined by the Chairman to be necessary or convenient to effectuate the provisions of this Ordinance.

Section 2. Any business enterprise locating in the Park shall pay a fee-in-lieu of *ad valorem* taxes as provided for in the Agreement, Article VIII, Section 12 of the South Carolina Constitution, and the Act. The user fee paid in lieu of *ad valorem* taxes shall be distributed among Jasper County and Beaufort County as set forth hereunder and in the Agreement and Amendment.

Section 3. Beaufort County hereby specifies that the distribution of the fee in lieu of *ad valorem* taxes received by Beaufort County pursuant to the Amendment (the 99% portion) be paid as follows: (1) first, to Beaufort County to reimburse Beaufort County for any expenses incurred by Beaufort County in connection with development and marketing of the Park, including without limitation, expenses incurred in connection with the acquisition and construction of land and improvements thereon; the acquisition and construction of infrastructure improvements serving the Park such as roads, water and sewer lines and improvements, drainage improvements, signage, and lighting, whether or not located on the land comprising the Park; and expenses related to providing land, site work, and other incentives to induce companies to locate in the Park; and (2) the balance shall be distributed to each of the taxing entities in Beaufort County which levy and *ad valorem* property tax in any of the areas comprising the Park in the same percentage as is equal to that taxing entity's percentage of the millage rate being levied in the then current tax year for property tax purposes; provided that Beaufort County may, from time to time, by ordinance, amend the distribution of the fee in lieu of tax payments as set forth in this Section 3. A portion of the fee in lieu of *ad valorem* taxes which Beaufort County receives pursuant to this Agreement for Park premises may be, from time to time and by ordinance of Beaufort County Council or its successor, designated for the payment of Special Source Revenue Bonds or Credits in lieu of such Bonds.

Section 4. 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 5. That property designated as being within the Park shall be those premises more fully described in the Exhibits attached to the Agreement and to the Amendment, and such Exhibits are hereby incorporated herein as if set out in their entirety.

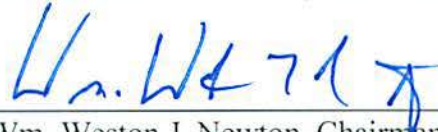
Section 6. The boundaries of the Park shall be enlarged or diminished from time to time as authorized by Ordinances of the County Councils of the Counties. It is specifically recognized that the Park will from time to time consist of non-contiguous properties.

Section 7. This Ordinance shall take effect immediately upon third reading of the Beaufort County Council and shall supersede any inconsistent ordinances.

[End of Ordinance - Signature Page to Follow]

Enacted and approved this 11th day of January, 2010.

BEAUFORT COUNTY, SOUTH CAROLINA



Wm. Weston J. Newton, Chairman of County Council

ATTEST:



Suzanne M. Rainey, Clerk of County Council

First Reading, By Title Only: November 9, 2009

Second Reading: December 14, 2009

Public Hearing: January 11, 2010

Third and Final Reading: January 11, 2010

EXHIBIT A

PARK PROPERTY

All that certain piece, parcel or tract of land lying, being and situate in Beaufort County, South Carolina, designated as 209.824 acres, more or less, known as Beaufort Commerce Park, as shown on a plat prepared by David S. Youmans, RLS, dated February 8, 2006, which is recorded in Plat Book 112 at Page 68 in the office of the Register of Deeds for Beaufort County, South Carolina.

Said tract of land is comprised of several parcels of land consisting of 21.0 acres, 37.761 acres, 54.41 acres, 37.293 acres, 46.69 acres, 1.23 acres and 11.44 acres respectively, as depicted on the plat referenced above.

SAVE AND EXCEPT, ALL those certain pieces, parcels or lots of land, situate, lying and being in Beaufort County, South Carolina, shown and designated as Lot 19 containing 6.8149 acres, more or less and Lot 20, containing 8.0802 acres, more or less, in Beaufort Industrial Park as shown on a plat prepared by Steven Wade Andrews of Andrews Engineering Co., Inc. dated May 9, 2005, which is recorded in Plat Book 112 at Page 68 in the office of the Register of Deeds for Beaufort County, South Carolina.

TMS Numbers:

R100 024 000 0408 - 54.41 acres
R100 024 000 0409 - 21.00 acres
R100 020 000 0267 - 11.44 acres
R100 020 000 0268 - 1.23 acres
R100 020 000 0269 - 46.69 acres
R100 020 000 0270 - 37.293 acres
R100 024 000 0407 - 37.761 acres

EXHIBIT B

ADDITIONAL PROPERTY

ALL that certain piece, parcel of lot of land, with improvements thereon, situate, lying and being in Beaufort County, South Carolina containing 7.87 acres, and being more particularly shown as Parcel Two (2) on that certain plat prepared by Bock & Clark's National Surveyors Network, David S. Youmans, R.L.S. No. 9765, dated the 10th day of February, 1997, revised March 21, 1997, with latest revision dated the 30th day of May, 1997 and entitled "Boundary and As-Built Survey Prepared for LTIC, Columbus Project for Borden, Inc.", a copy of which is recorded in the Office of the RMC for Beaufort County, South Carolina, in Plat Book 60 at Page 164. For a more accurate description of said property as to metes and bounds, courses and distances, reference is craved to the aforementioned plat of record.

This being the same property conveyed to James A. Trumps by Deed of BDH One, Inc., successor by merger to the interest of OFI, Inc. dated May 30, 1997 and recorded in Deed Book 947 at Page 2417 in the Beaufort County, South Carolina Register of Deeds Records.

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)
)
COUNTY OF JASPER)

AMENDMENT TO
AGREEMENT FOR DEVELOPMENT
OF JOINT COUNTY INDUSTRIAL AND
BUSINESS PARK

This Amendment to Agreement for Development of Joint County Industrial and Business Park (the "Amendment") is made and entered into effective as of the 16th day of February 2010 by and between Beaufort County, South Carolina ("Beaufort County") and Jasper County, South Carolina ("Jasper County"), each a body politic and political subdivision of the State of South Carolina (collectively, the "Counties").

WITNESSETH:

WHEREAS, under the authority granted to the Counties pursuant to Article VIII, Section 13(d) of the Constitution of South Carolina and Section 4-1-170 of the Code of Laws of South Carolina of 1976, as amended, and pursuant to that certain Agreement for the Development of Joint County Industrial and Business Park entered into by the Counties effective as of December 31, 1999 (as amended or modified, the "Agreement"), the Counties agreed to develop a multi-county industrial or business park (the "Park"), a portion of which is or may be located in Beaufort County (the "Beaufort Property") and a portion of which is or may be located in Jasper County (the "Jasper Property" and together with the Beaufort Property, are the "Park Property"), and such Park Property being described on Exhibit A to such Agreement; and

WHEREAS, the Counties have determined that it is in the best interest of the Counties to enlarge the boundaries of the Park as authorized by paragraph 3(A) of the Agreement in order to promote economic development and thus provide additional employment opportunities within both of said counties.

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

1. Exhibit A to the Agreement, which describes the boundaries of the Park Property, is amended by adding the additional boundaries described on Exhibit B attached hereto (the "Additional Property") such that from the effective date hereof the boundaries of the Park shall include the boundaries described on Exhibit A to the Agreement and the boundaries described on Exhibit B hereto.

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

IN WITNESS WHEREOF, the duly authorized and appointed officers of Beaufort County, South Carolina and Jasper County, South Carolina have set their hands and seals hereto to be effective as of the 16 day of February, 2010.

BEAUFORT COUNTY, SOUTH CAROLINA

(SEAL)

By: Wm. Weston J. Newton
Wm. Weston J. Newton, Chairman

ATTEST:

Suzanne M. Rainey
Suzanne M. Rainey, Clerk to County Council
Beaufort County, South Carolina

JASPER COUNTY, SOUTH CAROLINA

(SEAL)

By: George M. Hood
George Hood, Chairman

ATTEST:

Judy Frank
Judy Frank, Clerk to County Council
Jasper County, South Carolina

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SAVE AND EXCEPT, ALL those certain pieces, parcels or lots of land, situate, lying and being in Beaufort County, South Carolina, shown and designated as Lot 19 containing 6.8149 acres, more or less and Lot 20, containing 8.0802 acres, more or less, in Beaufort Industrial Park as shown on a plat prepared by Steven Wade Andrews of Andrews Engineering Co., Inc. dated May 9, 2005, which is recorded in Plat Book 112 at Page 68 in the office of the Register of Deeds for Beaufort County, South Carolina.

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This being the same property conveyed to James A. Trumps by Deed of BDH One, Inc., successor by merger to the interest of OFI, Inc. dated May 30, 1997 and recorded in Deed Book 947 at Page 2417 in the Beaufort County, South Carolina Register of Deeds Records.

CERTIFIED TRUE COPY
DATE: 2/11/04

STATE OF SOUTH CAROLINA
COUNTY OF JASPER

AUTHORIZED:
Joseph M. Frank
JOSEPH M. FRANK, CDD
CLERK TO JASPER COUNTY COUNCIL

ORDINANCE 10-04
AN ORDINANCE
OF JASPER COUNTY COUNCIL

RECORDED AT 01:39 PM
COR. Volume 0785 Page 0033 - 0036
Filed for Record in JASPER COUNTY ROD
Ordinance
Fees: \$0.00

AUTHORIZING AN AMENDMENT TO THE MASTER PARK AGREEMENT GOVERNING THE MULTI-COUNTY INDUSTRIAL/BUSINESS PARK BY AND BETWEEN BEAUFORT COUNTY, SOUTH CAROLINA AND JASPER COUNTY, SOUTH CAROLINA, IN ORDER TO EXPAND THE BEAUFORT COUNTY BOUNDARIES OF THE PARK TO INCLUDE ALL THOSE PROPERTIES LOCATED IN THE INDUSTRIAL PARK KNOWN AS "BEAUFORT COMMERCE PARK" LOCATED IN BEAUFORT COUNTY, SOUTH CAROLINA.

WHEREAS, Article VIII, Section 13(d) of the Constitution of South Carolina provides that counties may develop jointly an industrial or business park with other counties within the geographical boundaries of one or more of the member counties and Section 4-1-170, Code of Laws of South Carolina of 1976, as amended, provides the statutory vehicle whereby a joint county industrial park may be created; and

WHEREAS, under the authority granted to them pursuant to Article VIII, Section 13(d) of the Constitution of South Carolina and Section 4-1-170 of the Code of Laws of South Carolina of 1976, as amended, the County Councils of Beaufort County, South Carolina ("Beaufort County") and Jasper County, South Carolina ("Jasper County") entered into that certain Agreement for Development of Joint County Industrial and Business Park dated as of December 31, 1999 (as amended from time to time, the "Agreement"), and have thereafter developed the industrial park described in such Agreement (the "Park"); and

WHEREAS, Beaufort County and Jasper County, having determined that an enlargement in the Beaufort County boundaries of the Park would promote economic development and thus provide additional employment opportunities within both of said counties, desire to amend the terms of the Agreement to enlarge the Beaufort County boundaries of the Park as described on Exhibit A by adding the property described on Exhibit B attached hereto, which Property is located in Beaufort County.

NOW THEREFORE BE IT ORDAINED by the Jasper County Council in council duly assembled and by the authority of the same:

Section 1. The Jasper County Council hereby authorizes and directs the Chairman of the County Council and the Clerk to County Council to execute and deliver the Amendment to Agreement for Development of Joint County Industrial and Business Park (the "Amendment"), together with such changes from the form of such Amendment presented at this meeting as such officers may approve, their execution and delivery of such documents to constitute conclusive evidence of their approval of an such changes or revisions. The form of the Amendment presented to this meeting and all terms, provisions, and conditions of the Amendment are hereby incorporated herein by reference as if the Amendment were set out in this Ordinance in its entirety. The appropriate officers of the County are hereby authorized to perform any task and sign any such ancillary agreements, certificates, or documents as it is determined by the Chairman to be necessary or convenient to effectuate the provisions of this Ordinance.

Section 2. 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 3. That property designated as being within the Park shall be those premises more fully described in the Exhibits attached to the Agreement and to the Amendment, and such Exhibits are hereby incorporated herein as if set out in their entirety.

Section 4. The boundaries of the Park shall be enlarged or diminished from time to time as authorized by Ordinances of the County Councils of the Counties. It is specifically recognized that the Park will from time to time consist of non-contiguous properties.

Section 5. This Ordinance shall take effect immediately upon adoption and approval by Council.


Dr. George M. Hood
Chairman

ATTEST:


Judith M. Frank
Clerk to Council

Instrument	Volume	Page
201000000831	OR 0785	0666

ORDINANCE: 2010-04

First Reading: 01/19/09
Second Reading: 02/01/10
Public Hearings: 02/16/10
Adopted: 02/16/10

It is required that the following Exhibit be attached before the second reading:

Amendment with attached Exhibit A and Exhibit B.

Reviewed for form and draftmanship by the Jasper County Attorney.



Marvin C. Jones

Feb 25, 2010
Date