

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO DEVELOP A JOINT COUNTY INDUSTRIAL AND BUSINESS PARK (PROJECT CHOCO) IN CONJUNCTION WITH ANDERSON COUNTY, SUCH INDUSTRIAL AND BUSINESS PARK TO BE GEOGRAPHICALLY LOCATED IN THE TOWN OF PENDLETON, IN ANDERSON COUNTY AND ESTABLISHED PURSUANT TO ARTICLE VIII, SECTION 13 OF THE SOUTH CAROLINA CONSTITUTION, AND SOUTH CAROLINA CODE OF LAWS OF 1976 §4-1-170, ET SEQUITUR, AS AMENDED; TO PROVIDE FOR A WRITTEN AGREEMENT WITH ANDERSON COUNTY PROVIDING FOR THE EXPENSES OF THE PARK, THE PERCENTAGE OF REVENUE APPLICATION, AND THE DISTRIBUTION OF FEES-IN-LIEU OF *AD VALOREM* TAXES TO THE COUNTIES AND RELEVANT TAXING ENTITIES; TO PROVIDE THAT JOBS TAX CREDITS ALLOWED BY LAW BE PROVIDED FOR BUSINESSES LOCATING IN SAID PARK; TO PERMIT A USER FEE-IN-LIEU OF *AD VALOREM* TAXATION WITHIN SAID PARK; AND OTHER MATTERS RELATED THERETO.

**WHEREAS**, Greenville County and Anderson County (jointly the "Counties") are authorized under Article VIII, Section 13 of the South Carolina Constitution to jointly develop an industrial and business park within the geographical boundaries of one or more of the member counties with the consent of any municipality within which such park is located; and

**WHEREAS**, in order to promote the economic welfare of the citizens of the Counties by providing employment and other benefits to the citizens of the Counties and promoting economic development in, and enhancing the tax base of the Counties, Greenville County, South Carolina ("Greenville County") proposes to enter into an agreement with Anderson County, with the consent of the Town of Pendleton, to develop jointly an industrial and business park (Project Choco) wholly within Anderson County, as provided by Article VIII, Section 13 of the South Carolina Constitution and in accordance with Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended, (the "Act").

NOW, THEREFORE, BE IT ORDAINED BY THE GREENVILLE COUNTY COUNCIL:

**Section 1:** Greenville County is hereby authorized to execute and deliver a written agreement to jointly develop an industrial and business park (the "Park") (Project Choco) with Anderson County. The Park is to be located within the boundaries of the Town of Pendleton, in Anderson County. The form, terms and provisions of the Agreement presented to this meeting and filed with the Clerk to Greenville County Council be and is 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 the County Council and the County Administrator of Greenville County be and they are hereby authorized, empowered and directed to execute, acknowledge and deliver the Agreement in the name and on behalf of Greenville County. The Agreement is to be in substantially the form now before this meeting and hereby approved, or with such changes therein as are not materially adverse to the County and as shall be approved by

the officials of Greenville County executing the same, upon the advice of counsel, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of Agreement now before this meeting.

**Section 2.** The maximum tax credits allowable by South Carolina Code of Laws of 1976, Section 12-6-3360, as amended, will apply to any business enterprise locating in the Park.

**Section 3.** Any business or industrial enterprise locating 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, the Act and/or Titles 4 or 12 of the South Carolina Code of Laws 1976, as amended. The fee paid in-lieu of *ad valorem* taxes shall be paid to the Anderson County Treasurer. Within five business days following the end of the calendar quarter of its receipt of the fee paid in-lieu of *ad valorem* taxes, the Anderson County Treasurer shall pay a portion of the user fees to the Greenville County Treasurer pursuant to the terms of the Park Agreement. Payments of fees-in-lieu of *ad valorem* taxes shall be made by a business or industrial enterprise 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. The Counties, acting by and through the county tax collector for Anderson County, shall maintain all liens and rights to foreclose upon liens provided for counties in the collection of *ad valorem* taxes.

**Section 4.** The administration, development, promotion, and operation of the Park shall be the responsibility of Anderson County, provided, that to the extent any Park premises is owned by a private party, the private party shall be responsible for development expenses as contained in the Agreement.

**Section 5.** In order to avoid any conflict of laws or ordinances between the Counties, Anderson County and Town of Pendleton ordinances will be the reference for such regulations or laws in connection with the Park. Nothing herein shall be taken to supersede any state or federal law or regulation.

**Section 6.** The public safety officials which serve the Park shall be those which would otherwise normally provide such services in the geographic area within which the Park is located.

**Section 7.** 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 8.** The Agreement may not be terminated except by concurrent ordinances of Greenville County Council and Anderson County Council, in accordance with the terms of the Agreement. The Agreement and the Park, absent amendment of the Agreement in accordance with the terms thereof, will terminate twenty (20) years after the effective date of the Agreement.

**Section 9.** Greenville County hereby designates that the distribution of the fee-in-lieu of *ad valorem* taxes pursuant to the Agreement received and retained by Greenville County for Park premises, including, without limitation, payment of the partner county fee (1% from Anderson County), shall be as directed by Greenville County Council, provided that the County may, from time to time, by ordinance, amend the distribution of the fee-in-lieu of tax payments to all taxing entities. A portion of the fee-in-lieu of *ad valorem* taxes which Greenville County receives and

retains pursuant to the Agreement may be, from time to time and by ordinance of Greenville County Council or its successor, designated for the payment of special source revenue bonds.

**Section 10.** This Ordinance shall be effective after third and final reading and approval by Greenville County Council.

WITNESS our hands and seals this \_\_\_\_ day of \_\_\_\_\_ 2014.

GREENVILLE COUNTY, SOUTH CAROLINA

BY: \_\_\_\_\_  
Bob Taylor  
Council Chairman

BY: \_\_\_\_\_  
Joseph M. Kernell  
County Administrator

ATTEST:

BY: \_\_\_\_\_  
Theresa B. Kizer, Clerk to County Council  
Greenville County, South Carolina

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Public Hearing: \_\_\_\_\_  
Third Reading: \_\_\_\_\_