

ORDINANCE NO. _____

AN ORDINANCE TO AUTHORIZE EXECUTION OF A FIRST AMENDMENT OF AGREEMENT FOR DEVELOPMENT OF JOINT COUNTY INDUSTRIAL AND BUSINESS PARK BETWEEN GREENVILLE COUNTY, SOUTH CAROLINA AND LAURENS COUNTY, SOUTH CAROLINA FOR THE PURPOSE OF EXTENDING THE TERM OF SUCH AGREEMENT; AND OTHER MATTERS RELATED THERETO.

WHEREAS, Greenville County, South Carolina (“Greenville County”) and Laurens County, South Carolina (“Laurens County”, and Greenville County and Laurens County, collectively, 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;

WHEREAS, Greenville County Council enacted Ordinance No. 3339 on March 7, 2000 (the “Park Ordinance”), which Park Ordinance authorized the establishment of a joint county industrial and business park with Laurens County and the execution and delivery by Greenville County of an Agreement for Development of Joint County Industrial and Business Park, which was subsequently executed and dated as of January 31, 2000 (the “Park Agreement”), all in accordance with Article VIII, Section 13 of the South Carolina Constitution and Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended, (the “Act”); 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, the Counties wish to amend the Park Agreement to extend the date before which the Park Agreement may not be terminated;

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

Section 1. The form, terms, and provisions of the First Amendment to Agreement for Development of Joint County Industrial and Business Park (the “Park Agreement Amendment”) presented to this meeting and filed with the Clerk to Greenville County Council be and they are hereby approved and all of the terms, provisions and conditions thereof are hereby incorporated herein by reference as if the Park Agreement Amendment were set out in this Ordinance in its entirety. The Chairman of County Council and the Administrator of Greenville County are hereby authorized, empowered and directed to execute, acknowledge and deliver the Park Agreement Amendment in the name and on behalf of Greenville County. The Park Agreement Amendment is to be in substantially the form now before this meeting and attached as Exhibit A hereto, or with such changes therein as shall not be materially adverse to Greenville County and as shall be approved by the officials of Greenville 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 Park Agreement Amendment now before this meeting.

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. This Ordinance shall be effective upon third and final reading and approval by Greenville County Council.

[execution page follows]

Enacted this _____ day of _____, 2014.

GREENVILLE COUNTY, SOUTH CAROLINA

BY: _____
Chairman, County Council
Greenville County, South Carolina

BY: _____
Administrator,
Greenville County, South Carolina

(SEAL)

ATTEST:

BY: _____
Clerk to County Council
Greenville County, South Carolina

First Reading: _____, 2014
Second Reading: _____, 2014
Third Reading: _____, 2014
Public Hearing: _____, 2014

Exhibit A

Form of Park Agreement Amendment

STATE OF SOUTH CAROLINA)	FIRST AMENDMENT TO
)	AGREEMENT FOR DEVELOPMENT
COUNTY OF GREENVILLE)	OF JOINT COUNTY INDUSTRIAL
AND		
)	BUSINESS PARK
COUNTY OF LAURENS)	

THIS FIRST AMENDMENT TO AGREEMENT FOR DEVELOPMENT FOR JOINT COUNTY INDUSTRIAL PARK (the "First Amendment") is made and entered into as of this ____ day of _____, 2014, by and between the County of Greenville and the County of Laurens, both political subdivisions of the State of South Carolina.

RECITALS

WHEREAS, Greenville County, South Carolina ("Greenville County"), and Laurens County, South Carolina ("Laurens County"), have previously entered into that certain Agreement for Development of Joint County Industrial and Business Park dated as of January 31, 2000 (the "Original Park Agreement") in order to develop a joint county industrial and business park (the "Park") in accordance with Article VIII, Section 13 of the South Carolina Constitution and Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended; and

WHEREAS, Greenville County and Laurens County have determined that, in order to promote economic development and thus provide additional employment opportunities within both of said counties, the Original Park Agreement should be amended to extend the duration of the existence of the Park;

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

1. The Original Park Agreement is hereby amended by deleting Section 16 thereof and replacing such section with the following:

16. **Termination.** Notwithstanding any provision of this Agreement to the contrary, Greenville County and Laurens County agree that this Agreement may not be terminated by either party prior to December 31, 2050.

2. All other parts, terms, definitions and provisions of the Original Park Agreement, not amended specifically or by implication hereby, remain in full force and effect.

3. This First Amendment may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original, but such counterparts shall together constitute but one and the same instrument.

[execution pages follow]

WITNESS or hands and seals this ____ day of _____, 2014

GREENVILLE COUNTY, SOUTH CAROLINA

BY:

Chairman, County Council
Greenville County, South Carolina

Administrator
Greenville County, South Carolina

(SEAL)
ATTEST:

Clerk to County Council
Greenville County, South Carolina

WITNESS or hands and seals this ____ day of _____, 2014

LAURENS COUNTY, SOUTH CAROLINA

By: _____
Chairman, County Council
Laurens County, South Carolina

ATTEST:

Clerk to County Council
Laurens County, South Carolina