

ORDINANCE NO. _____

AN ORDINANCE TO DEVELOP A JOINT COUNTY INDUSTRIAL AND BUSINESS PARK (PROJECT PICKET FENCE) IN CONJUNCTION WITH LAURENS COUNTY, SOUTH CAROLINA TO BE GEOGRAPHICALLY LOCATED IN LAURENS COUNTY AND ESTABLISHED PURSUANT TO SOUTH CAROLINA CODE OF LAWS OF 1976 §4-1-170, ET SEQUITUR, AS AMENDED; TO PROVIDE FOR A WRITTEN AGREEMENT WITH LAURENS COUNTY REGARDING THE PARK; AND OTHER MATTERS RELATED THERETO.

WHEREAS, Laurens County, South Carolina (“Laurens County”) and Greenville County, South Carolina (“Greenville County”, and Laurens County and Greenville 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; 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 propose to enter into an agreement to develop jointly an industrial and business park (PROJECT PICKET FENCE) wholly within Laurens 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”) with Laurens County. The Park is to be located within the boundaries of Laurens County. The form, terms, and provisions of the joint county industrial and business park agreement (the “Park Agreement”) 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 were set out in this Ordinance in its entirety. The Chairman of the Greenville County Council and the Greenville County Administrator are hereby authorized, empowered and directed to execute, acknowledge and deliver the Park Agreement in the name and on behalf of Greenville County. The Park Agreement is to be in substantially the form now before this meeting and hereby approved, 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 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 Park Agreement, Article VIII Section 13 of the South Carolina Constitution and the Act. The fee paid in lieu of *ad valorem* taxes shall be paid to the Laurens County Treasurer. That portion of the fees from the Park premises located in Laurens County and allocated pursuant to the Agreement to Greenville County shall be paid by the Laurens County Treasurer to the Greenville County Treasurer within fifteen (15) business days following the end of the calendar quarter of receipt for distribution, in accordance with 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 Laurens County, shall maintain all liens and rights to foreclose upon liens provided for counties in the collection of *ad valorem* taxes.

Section 4. Greenville County hereby designates that the distribution of the fee-in-lieu of *ad valorem* taxes pursuant to the Park Agreement received and retained by Greenville County for Park premises shall be as directed, from time to time, by ordinance of Greenville County Council or its successor, including for the payment of special source revenue bonds.

Section 5. The administration, development, promotion, and operation of the Park shall be the responsibility of Laurens County; provided, however, that to the extent any Park premises is owned by a private developer, the developer shall be responsible for development expenses as contained in the Park Agreement.

Section 6. In order to avoid any conflict of laws or ordinances between the Counties, Laurens County's 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 7. 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 8. 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 9. The Park Agreement may not be terminated except by concurrent ordinances of Laurens County Council and Greenville County Council, in accordance with the terms of the Park Agreement.

Section 10. 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: November 4, 2014
Second Reading: _____, 2014
Third Reading: _____, 2014
Public Hearing: _____, 2014