



WHEREAS, as an inducement for the Project, the Company requests and the County desires to provide certain incentives, including but not limited to, the following: (i) a FILOT incentive as authorized by the Act for a term of 30 years having a fixed assessment ratio of 6.0% with a fixed millage rate equal to that millage rate in effect at the Project site, for all taxing entities, on June 30, 2015, which the parties hereto believe to be 0.2804 mills, and the terms of which shall be further set forth in a fee-in-lieu of *ad valorem taxes* agreement between the County and the Company (“Fee Agreement”); (ii) the inclusion of the Project in a MCIP that is either already in existence or to be created by the County; and (iii) any other incentives that may be set forth in the Fee Agreement, or other agreements by and between the County and the Company (collectively, the “Incentives”); and

WHEREAS, the parties recognize and acknowledge that the Company would not otherwise locate the Project in the County but for the delivery of the Incentives; and

WHEREAS, in accordance with Section 12-44-40 of the Act, and based on information provided by the Company, the County has determined that (i) the Project will benefit the general public welfare of the County by providing services, employment, recreation or other public benefits, not otherwise adequately provided locally; (ii) the Project will not give rise to any pecuniary liability of the County or incorporated municipality or a charge against the general credit or taxing power of either the County or any incorporated municipality; (iii) the purposes to be accomplished by the Project are proper governmental and public purposes; and (iv) the benefits of the Project to the public are greater than the costs to the public.

NOW, THEREFORE, BE IT RESOLVED by the County Council as follows:

**Section 1. Project Identification for Purposes of the Act.** The County hereby identifies the Project, as a “project” as contemplated by Section 12-44-40 of the Act.

**Section 2. Project Findings.** Based on information provided by the Company, the County hereby finds and affirms: (i) the Project will benefit the general public welfare of the County by providing services, employment, recreation or other public benefits not otherwise provided locally; (ii) the Project will not give rise to any pecuniary liability of the County or incorporated municipality and or a charge against its general credit or taxing power; (iii) the purposes to be accomplished by the Project are proper governmental and public purposes; and (iv) the benefits of the Project to the public are greater than the costs to the public.

**Section 3. Authorization to Negotiate Incentives.** The County shall negotiate in good faith the Incentives and the agreements relating thereto, including but not limited to the Fee Agreement, and in good faith determine that the property on which the Project is to be located is already included within an MCIP, or shall ensure the Project be so located by the time incentives related thereto are ready to be implemented. It being understood by the County Council that the County will be indemnified by the Company in form acceptable to the County and Company with respect to the Project, and that the Company will be responsible for the County’s out-of-pocket costs, including responsible attorneys fees, in connection with the implementation of the Incentive, the County Council hereby authorizes the Chair of the County Council and other County staff, along with any designees and agents any of these officials deems necessary and proper, including the County’s attorney for this Project, in the name of and on behalf of the County (each an “Authorized Individual”), to take whatever further actions as any Authorized Individual deems to be reasonably necessary and prudent to effect the intent of this Resolution, assist in negotiating the Incentives, and induce the Company to locate the Project in the County.

**Section 4. Past and Future Acts.** The County Council authorizes each Authorized Individual, in the name of and on behalf of the County, to take whatever further actions, and enter into whatever further

agreements, as are allowed by law and as any Authorized Individual deems to be reasonably necessary and prudent to effect the intent of this Resolution and induce the Company to locate the Project in the County, and authorizes and ratifies all actions previously undertaken by Authorized Individuals with respect to the Project and the actions contemplated by this Resolution.

Section 5. **Severability.** Should any part, provision, or term of this Resolution be deemed unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such finding or determination shall not affect the rest and remainder of the Resolution or any part, provision or term thereof, all of which is hereby deemed separable.

Section 6. **Repealer Clause.** All orders, resolutions, or any parts of either, in conflict with this Resolution are, to the extent of that conflict, repealed. This Resolution is effective and remains in effect as of its adoption by the County Council.

***Resolved: May 19, 2015***

GREENVILLE COUNTY, SOUTH CAROLINA

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Bob Taylor, Chairman  
Greenville County Council

(SEAL)

ATTEST:

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Joseph Kernell  
County Administrator

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Teresa B. Kizer, Clerk to Council  
Greenville County Council