

RESOLUTION NO. ____

A RESOLUTION OF INDUCEMENT WITH RESPECT TO A PROJECT IN GREENVILLE COUNTY, SOUTH CAROLINA BY A COMPANY KNOWN TO THE COUNTY AT THIS TIME AS PROJECT ORANGE WHEREBY, UNDER CERTAIN CONDITIONS, GREENVILLE COUNTY WILL EXECUTE A FEE IN LIEU OF TAX AGREEMENT WITH SUCH COMPANY TO WHICH THE PROJECT WOULD BE SUBJECT TO PAYMENT OF CERTAIN FEES IN LIEU OF TAXES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, Greenville County, South Carolina (the “County”), acting by and through its County Council (the “Council”), is authorized by the Code of Laws of South Carolina, 1976, as amended (the “Code”), particularly Title 12, Chapter 44 (the “FILOT Act”) and Title 4, Chapter 1 thereof, and by Article VIII, Section 13(D) of the South Carolina Constitution: (i) to enter into a fee agreement with companies meeting the requirements of the FILOT Act, which identifies certain property of such companies as economic development property, to induce such companies to locate in the State of South Carolina (the “State”) and to encourage companies now located in the State to expand their investments and thus make use of and employ manpower and other resources of the State; (ii) to covenant with such companies to accept certain fee in lieu of ad valorem tax (“FILOT”) payments with respect to a project; and (iii) to create, in conjunction with one or more other counties, a multi-county industrial or business park (“Multi-County Park”) in order to afford certain enhanced income tax credits to such investors; and

WHEREAS, the County is presently working on matters related to the investment in the County to be made, or caused to be made, by Project Orange (referred to herein as the “Company”) in the form of new or additional investment in real and/or personal property located in the County (the “Project”); and

WHEREAS, the Council hereby represents to the Company that the Council will take certain actions and provide certain incentives, including entering into a FILOT agreement pursuant to the FILOT Act and by providing for certain additional benefits to the Company therein, as the Company is willing to locate the Project in the County and upon such terms of such FILOT agreement agreed upon by the parties; and

WHEREAS, the Project is anticipated to result in an investment of approximately \$5,000,000.00 and the creation of approximately 100 jobs by December 31 of the seventh (7th) year after the first year in which the first component of the Project is placed in service (the “Investment Period”);

WHEREAS, in a accordance with the FILOT Act and the Multi-County Park Act, the Company has requested that the County enter into a fee in lieu of tax agreement and an infrastructure finance agreement with the Company, thereby providing for certain fee in lieu of tax and infrastructure credit incentives with respect to the Project; and

WHEREAS, the County has determined on the basis of the information supplied to it by the Company that the Project would be a “project” and “economic development property” as such

terms are defined in the FILOT Act and that the Project would serve the purposes of the FILOT Act; and

WHEREAS, pursuant to the authority of Section 4-1-170 of the Multi-County Park Act and Article VIII, Section 13 of the South Carolina Constitution, the County intends to place the site on which the Project will be located in a multi-county industrial and business park (the “Park”) established by the County pursuant to qualifying agreement with a contiguous county; and

WHEREAS, the County has determined and found, on the basis of representations of the Company, that the Project is anticipated to benefit the general public welfare of the County by providing services, employment, recreation or other public benefits not otherwise provided locally; that the Project will give rise to no pecuniary liability of the County or any incorporated municipality or a charge against the general credit or taxing power of either; that the purposes to be accomplished by the Project, i.e., economic development, creation of jobs, and addition to the tax base of the County, are proper governmental and public purposes; that the inducement of the location of the Project within the County and State is of paramount importance; and that the benefits of the Project will be greater than the costs; and the County has agreed to effect the delivery of an Inducement Agreement on the terms and conditions hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED by the Greenville County Council that:

1. As the Company agrees to locate the Project in the County, the Council, upon request by the Company, hereby agrees to enter into a FILOT agreement under the FILOT Act on behalf of the County (the “FILOT Agreement”). The FILOT Agreement will provide that if the Company invests approximately \$5,000,000.00 in the Project and creates approximately 100 full-time jobs at the Project by the end of the time periods prescribed in the FILOT Agreement, FILOT payments with respect to the Project will be calculated, for a 30-year period, by effectively lowering the assessment ratio on real and personal property to an assessment ratio of 6% and by utilizing a millage rate which shall be fixed at 279.1 mills.
2. The Council will use its best efforts to take all commercially reasonable acts to ensure that the Project will continuously be included within the boundaries of the Park or another qualified multi-county industrial or business park in order that the tax benefits contemplated hereunder and afforded by the laws of the State for projects located within multi-county industrial or business parks will be available to the Company for at least the term of the FILOT Agreement.
3. The more specific terms of the arrangements set forth in this Resolution by and between the County and the Company will subsequently be set forth in the FILOT Agreement between the parties upon which this Resolution is contingent.
4. All orders, resolutions, and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed. This resolution shall take effect and be in full force from and after its passage by the Council.
5. The authorization of the execution and delivery of the FILOT Agreement and all other documents or obligations of the County in connection therewith are subject to the compliance by the Council with the provisions of the Home Rule Act regarding the procedural requirements for adopting ordinances and resolutions.

6. It is the intention of the Council that this resolution shall constitute an inducement resolution with respect to the Project, within the meaning of the FILOT Act.

APPROVED AND ADOPTED IN A MEETING DULY ASSEMBLED THIS ____ DAY OF _____, 2015.

GREENVILLE COUNTY, SOUTH CAROLINA

By: _____
Bob Taylor
Chairman, Greenville County Council
Greenville County, South Carolina

By: _____
Joseph M. Kernell
County Administrator
Greenville County, South Carolina

ATTEST:

By: _____
Theresa Kizer
Clerk to Council, Greenville County Council
Greenville County, South Carolina