

ORDINANCE NO.

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDED ORDINANCE BY GREENVILLE COUNTY, SO AS TO INCLUDE HP GREENVILLE, LLC AS SPONSOR AFFILIATE, AMENDING THE ORDINANCE NO. 4732 DATED SEPTEMBER 15, 2015; AND OTHER MATTERS RELATED THERETO

WHEREAS, Greenville County, South Carolina (the County), acting by and through its County Council (the County Council), is authorized and empowered under and pursuant to the provisions of Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as amended (the "Act") to cause to be acquired properties (which such properties constitute "projects" as defined in the Act) and to enter into or allow financing agreements with respect to such projects; to provide for payment of a fee in lieu of taxes (the "FILOT") through a FILOT agreement pursuant to the Act through which powers the industrial development of the State of South Carolina (the "State") will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate and remain in the State and thus utilize and employ the manpower, agricultural products and natural resources of the State and benefit the general public welfare of the County by providing services, employment, recreation or other public benefits not otherwise provided locally; and

WHEREAS, pursuant to Greenville County Ordinance No. 4732 dated September 15, 2015 (the "Ordinance") the County Council authorized the execution by the County of a Fee Agreement (the "Fee Agreement") with CH2M Hill, Inc. ("CH2M") for the purpose of financing the cost of the expansion and acquisition, by construction and purchase of buildings, improvements, machinery, equipment and fixtures which constitute a facility used for the purpose of an office project in the County and all activities related thereto (the "Project"); and

WHEREAS, CH2M and HP Greenville, LLC ("HP") an affiliated company of CH2M, are planning to invest not less than Eleven Million Dollars \$11,000,000 in the Project, within five years, after the execution of the Fee Agreement; and

WHEREAS, CH2M is desirous of having the Ordinance, which states that the required minimum level of investment in the Project be not less than Eleven Million Dollars (\$11,000,000), be amended so as to revise the Fee Agreement approved by the Ordinance to include HP, as Sponsor Affiliate in the Project; and

WHEREAS, the County Council has caused to be prepared and presented to this meeting the form of a revised Fee Agreement (the "Revised Fee Agreement") which includes HP, as Sponsor Affiliate and retains the minimum investment requirement of \$11,000,000; and

WHEREAS, it appears that the Revised Fee Agreement, which is now before this meeting, is in appropriate form and is an appropriate instrument to be executed and delivered by the County for the purposes intended.

NOW, THEREFORE, BE IT ORDAINED by Greenville County, South Carolina, as follows:

Section 1. The terms of the Revised Fee Agreement presented to this meeting and filed with the Clerk to the County Council be and it is hereby approved and all of the terms, provisions and conditions thereof are hereby incorporated herein by reference as if the Revised Fee Agreement were set out in this Ordinance in its entirety. The Chairman of County Council, the County Administrator and the Clerk to the County Council be and they are hereby authorized, empowered and directed to execute, acknowledge and deliver the Revised Fee Agreement in the name and on behalf of the County, and thereupon to cause the Revised Fee Agreement to be delivered to the CH2M and HP. The Revised Fee Agreement is to be in substantially the form now before this meeting and hereby approved, or with such minor changes therein as shall not be materially adverse to the County and as shall be approved by the officials of the 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 the Revised Fee Agreement now before this meeting.

Section 2. The Chairman of the County Council, the County Administrator and the Clerk to the County Council, for and on behalf of the County, are hereby each authorized and directed to do any and all things necessary to effect the execution and delivery of the Revised Fee Agreement and the performance of all obligations of the County under and pursuant to the Revised Fee Agreement.

Section 3. The provisions of this Ordinance are hereby declared to be separable and if any section, phrase or provisions shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder.

Section 4. All orders, resolutions, ordinances and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and be in full force from and after its passage and approval.

Passed and approved this 4th day of October, 2016.

GREENVILLE COUNTY, SOUTH CAROLINA

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

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

ATTEST:

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

First Reading: September 6, 2016
Second Reading: September 20, 2016
Public Hearing: October 4, 2016
Third Reading: October 4, 2016