

Resolution No. ____

A RESOLUTION ACKNOWLEDGING AND CONSENTING TO THE ACQUISITION OF THE OWNERSHIP INTEREST OF LIBERTY PROPERTY LIMITED PARTNERSHIP TO AVIR-GREENVILLE LLLP AND THE ADDITION OF AVIR-GREENVILLE LLLP TO THE FEE IN LIEU OF TAX AGREEMENT WITH GREENVILLE COUNTY

WHEREAS, as of December 1, 2006, the County of Greenville, South Carolina (the "County") entered into a Fee in Lieu of Tax Agreement with The Timken Company whose rights have been assigned to Koyo Bearings USA LLC (now known as JTEKT North America Corporation) and ICAR 3 Investors, LLC, whose rights have been assigned to Liberty Property Limited Partnership by an Assignment of Fee Agreement dated June 14, 2007 (the "Fee Agreement"); and

WHEREAS, Avir-Greenville LLLP HAS PURCHASED THE INTEREST OF Liberty Property Limited Partnership and Avir-Greenville LLLP has asked that the County acknowledge all of the foregoing, and consent to and ratify the Fee Agreement being deemed valid and continuing in full force and effect under the name of JTEKT North America Corporation as the corporate successor to Koyo Bearings USA LLC and Avir-Greenville LLLP as the corporate successor to Liberty Property Limited Partnership as fully as if originally executed in its name:

NOW, THEREFORE, BE IT RESOLVED, by the County Council, in meeting duly assembled, that the County hereby ratifies and consents to the change of corporate name of Koyo Bearings USA LLC to JTEKT North America Corporation, and to the Fee Agreement and all other documents related thereto are deemed to be in the name of and running fully to the benefit of JTEKT North America Corporation and AVIR-Greenville LLLP, including responsibility to work with the County on tax filing issues.

Should any part, term, or provision of this Resolution be determined, by a court of competent jurisdiction; to be unlawful or otherwise unenforceable, such determination shall have no effect on the remainder hereof, all of which is hereby deemed separable.

This Resolution shall take effect immediately on enactment, with retroactive recognition and ratification of the events described herein, respectively.

Done in meeting duly assembled this ____ day of May, 2017

GREENVILLE COUNTY, SOUTH CAROLINA

H.G. Butch Kirven, Jr., Chairman of County Council

Joseph M. Kernell, County Administrator

Attest:

By: _____
Theresa Kizer, Clerk to County Council