

AN ORDINANCE

AN ORDINANCE AUTHORIZING THE AMENDMENT OF THE 2010 GREENVILLE ANDERSON MULTI-COUNTY INDUSTRIAL PARK AGREEMENT WITH ANDERSON SOLAR FARM, LLC; 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 (the “FILOT Act”) and Title 4, Chapter 1 (the “Park Act”) of the Code of Laws of South Carolina, 1976, as amended, to enter into agreements with industry whereby the industry would pay fees-in-lieu-of taxes with respect to qualified projects; to provide infrastructure credits against payment in lieu of taxes for reimbursement in respect of investment in certain infrastructure enhancing the economic development of the County; through all such 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 or remain in the State and thus utilize and employ the manpower, products and 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, Anderson Solar Farm, LLC (the “Sponsor”) is presently a party as a sponsor to that existing Fee-in-Lieu of *Ad Valorem* Taxes Agreement, having an effective date of June 4, 2019, by and between the Sponsor and Anderson County (the “Existing FILOT”) providing for the minimum investment of \$2.7 million in qualifying expenditures on or before the end of the Investment Period (as defined in the Existing FILOT) by the Sponsor for the production and supply of electricity to the public by conversion of solar energy (the “Project”) on land owned by a landlord (the “Leased Site”) and further providing for an aggregate annual net FILOT payment due to Anderson County of \$7,400 during the entire term of the Fee Agreement; and

WHEREAS, the Sponsor is reducing the size of the Leased Site in Anderson County upon which the Project is located; and

WHEREAS, the Sponsor has proposed that the existing FILOT be amended (the “Proposed Amendment”) to capture the reduced size of the Leased Site in the form attached hereto; and

WHEREAS, pursuant to Ordinance No. 2010-026 enacted October 19, 2010 by Anderson County Council, Anderson County entered into an Agreement for the Development of a Joint County Industrial and Business Park (2010 Park) dated as of December 1, 2010, with the County (as subsequently amended, the “Park Agreement”); and

WHEREAS, pursuant to Section 3(A) of the Park Agreement, the boundaries of the park created therein (the “Park”) may be enlarged pursuant to ordinances of the County Councils of Anderson County and Greenville County; and

WHEREAS, Anderson County amended the Park Agreement so as to enlarge the Park to include the Leased Site by the adoption of Ordinance 2019-056 on December 3, 2019; and

WHEREAS, the County also adopted an ordinance on December 3, 2019, authorizing the amendment of the Park Agreement to include the Leased Site in the Park; and

WHEREAS, the Sponsor has proposed that Anderson County amend the Park Agreement to reflect the reduced size of the Leased Site in the Park; and

WHEREAS, the Sponsor has proposed that the County similarly amend the Park Agreement to reflect the reduced size of the Leased Site in the Park; and

WHEREAS, in connection with certain incentives being offered by Anderson County, it is now desired that the boundaries of the Park be amended to include the reduced size of the Leased Site;

NOW, THEREFORE, be it ordained by County Council that:

Section 1. Exhibit B to the Park Agreement is hereby and shall be amended and revised by deleting the legal description of the Anderson Solar Farm, LLC (Project Tarpon) therein and replacing the said legal description with the revised legal description of the Leased Site located in Anderson County as described in Exhibit A attached hereto and incorporated herein by reference, and, pursuant to Section 3(B) of the Park Agreement, upon adoption by Anderson County of a corresponding ordinance, the Park Agreement shall be deemed amended to so include such property and Exhibit B to the Park Agreement as so revised, without further action by either county.

Section 2. The Chairman of County Council, the County Administrator and the Clerk to County Council, for and on behalf of the County, are hereby authorized and directed to do any and all things necessary to effect the execution and delivery of the Proposed Amendment and the performance of all obligations of the County thereunder.

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. All ordinances, resolutions and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 4. All ordinances, resolutions, and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed. This ordinance shall take effect and be in full force from and after its passage by the County Council.

[signature page follows]

GREENVILLE COUNTY, SOUTH CAROLINA

Willis H. Meadows
Chairman of County Council
Greenville County, South Carolina

Joseph M. Kernell
County Administrator
Greenville County, South Carolina

ATTEST:

Regina McCaskill
Clerk of County Council
Greenville County, South Carolina

READINGS:

First Reading:
Second Reading:
Third Reading:
Public Hearing:

EXHIBIT A

Revision to Exhibit B to
Agreement for the Development of a Joint County Industrial and
Business Park dated as of December 1, 2010, as amended
between Anderson County and Greenville County

The former legal description of “**Anderson Solar Farm, LLC (Project Tarpon)**” in Anderson County Ordinance No. 2019-056 is hereby deleted and replaced with the following:

Anderson Solar Farm, LLC (Project Tarpon)

BEGINNING AT A CALCULATED POINT, SAID POINT HAVING A SC GRID COORDINATE OF N: 972,188.65 AND E: 1,495,005.54, SAID POINT BEING IN THE NORTHWESTERN RIGHT-OF-WAY OF LEWIS STREET; THENCE S 89°59'26” E FOR A DISTANCE OF 1236.82 FEET TO A CALCULATED POINT; THENCE S 0°00'34” E FOR A DISTANCE OF 1007.55 FEET TO A CALCULATED POINT; THENCE S 89°31'16” W FOR A DISTANCE OF 804.17 FEET TO A CALCULATED POINT, SAID POINT BEING IN THE NORTHWESTERN RIGHT-OF-WAY OF LEWIS STREET; THENCE WITH THE AFORESAID RIGHT-OF-WAY N 34°25'56” W FOR A DISTANCE OF 331.73 FEET TO A CALCULATED POINT; THENCE FOLLOWING A CURVE TO THE RIGHT WITH A RADIUS OF 719.02 FEET AND A CHORD BEARING OF N 24°19'34” W FOR A DISTANCE OF 294.44 FEET TO A CALCULATED POINT; THENCE N 14°40'57” W FOR A DISTANCE OF 482.43 FEET TO A CALCULATED POINT; THENCE FOLLOWING A CURVE TO THE LEFT WITH A RADIUS OF 916.62 FEET AND A CHORD BEARING OF N 16°07'23” W FOR A DISTANCE OF 6.13 FEET TO THE POINT AND PLACE OF BEGINNING, CONTAINING 24.87 ACRES, MORE OR LESS.

TMS No. 1240001002