

STATE OF SOUTH CAROLINA

)

RESOLUTION NO. \_\_\_\_\_

COUNTY OF GREENVILLE

)

**A RESOLUTION CONSENTING TO AN EXTENSION OF THE PROJECT PERIOD FOR THE MARLEY LILLY LLC AND COMMERCIAL LAND MANAGEMENT LLC UNDER THE FEE AGREEMENT WITH GREENVILLE COUNTY PURSUANT TO TITLE 12, CHAPTER 44, CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED; AND OTHER MATTERS RELATED THERETO.**

**WHEREAS**, pursuant to Title 12, Chapter 44 of the Code of Laws of South Carolina, 1976, as amended (the “Act”), Greenville County, South Carolina (the “County”) entered into a Fee Agreement with The Marley Lilly LLC (the “Operating Company”) and Commercial Land Management LLC (the “Landlord” and together with the Operating Company, the “Company”) dated as of August 1, 2015 in order to provide, among other things, for the payment by the Company of fees in lieu of ad valorem taxes with respect to the Company’s qualifying investment in the “Project,” as defined in such agreement (the “Fee Agreement”); and

**WHEREAS**, the qualifying investment period with respect to the Project as provided in the Fee Agreement terminates on December 31, 2020 (the “Project Period”), unless otherwise extended; and

**WHEREAS**, the Company anticipates investing more than One Million Dollars (\$1,000,000) in excess of the initial investment required by the Fee Agreement;

**WHEREAS**, pursuant to Section 12-44-30(13) of the Act, the County may grant an up to five-year extension of the initial investment period, provided that the minimum statutory investment required of the Company with respect to the Project pursuant to the Act has been met by the end of such period, and the County wishes to extend the initial investment by two (2) years; and

**WHEREAS**, the Company has invested within the Project Period at least the minimum statutory investment requirement in the Project, and has also invested more than the expected and required investment amounts under the Fee Agreement, and as such, has now requested that the County grant a five-year investment period extension, effective as of December 31, 2020 to allow additional time for the company to complete its investment in the Project; and

**NOW, THEREFORE, BE IT RESOLVED** by the Greenville County Council (“County Council”) in a meeting duly assembled as follows:

Section 1. The County Council hereby finds that the Project directly and indirectly substantially benefits the County, the taxing entities within the County and the residents of the County due to the investment created by the Company, which contributes to the tax base and economic welfare of the County. Therefore, in accordance with Section 12-44-30(13) of the Act, the County hereby extends the Project Period (as defined in the Fee Agreement) by two (2) years to December 31, 2022.

Section 2. The authorization of the execution and delivery of the documents related to the extension of the Fee Agreement and all other related documents or obligations of the County is subject to the compliance by the County Council with the provisions of the Home Rule Act regarding the procedural requirements for adopting ordinances and resolutions.

Section 3. The provisions of this Resolution are hereby declared to be severable, and if any section, phrase, or provision 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 Resolution shall take effect and be in full force from and after its passage and approval.

**DONE** in meeting duly assembled this \_\_\_\_ day of \_\_\_\_\_, 2020.

**GREENVILLE COUNTY, SOUTH CAROLINA**

By: \_\_\_\_\_

Chairman of County Council,  
Greenville County, South Carolina

By: \_\_\_\_\_

County Administrator  
Greenville County, South Carolina

ATTEST:

By: \_\_\_\_\_  
Regina McCaskill, Clerk to County Council  
Greenville County, South Carolina

(SEAL)