

DORCHESTER COUNTY
ORDINANCE # 17-18

AN ORDINANCE (1) APPROVING AN AMENDMENT TO THE EXISTING AMENDED AND RESTATED AGREEMENT FOR DEVELOPMENT OF JOINT COUNTY INDUSTRIAL PARK BY AND BETWEEN DORCHESTER COUNTY, SOUTH CAROLINA AND ORANGEBURG COUNTY, SOUTH CAROLINA TO (A) ENLARGE THE BOUNDARIES OF THE INDUSTRIAL PARK TO INCLUDE, TO THE EXTENT NOT ALREADY INCLUDED, CERTAIN PROPERTY LOCATED IN DORCHESTER COUNTY, SOUTH CAROLINA NOW OR TO BE HEREAFTER OWNED AND/OR OPERATED BY JAMES HARDIE BUILDING PRODUCTS, INC., A COMPANY PREVIOUSLY IDENTIFIED AS PROJECT PLANK, AND (B) PROVIDE FOR AN EXTENDED TERM FOR INCLUSION OF SUCH PROPERTY IN THE PARK; AND (2) AUTHORIZING OTHER RELATED MATTERS.

WHEREAS, Dorchester County, South Carolina, a political subdivision of the State of South Carolina (the "County"), acting by and through its County Council (the "Council"), and Orangeburg County, South Carolina, a political subdivision of the State of South Carolina ("Orangeburg County"), acting by and through its County Council, are authorized pursuant to Article VIII, Section 13(D) of the Constitution of the State of South Carolina and Title 4, Chapter 1 of the Code of Laws of the State of South Carolina 1976, as amended, and specifically Section 4-1-170 thereof (collectively, the "Park Act"), to develop jointly an industrial or business park with other counties within the geographical boundaries of one or more member counties; and

WHEREAS, pursuant to the Park Act, the County and Orangeburg County entered into that certain Amended and Restated Agreement for Development of Joint County Industrial Park dated as of May 17, 2010, (as amended, modified, and supplemented, collectively, the "Park Agreement") whereby the County and Orangeburg County agreed to develop a joint county industrial or business park eligible to include property located in either the County or Orangeburg County (the "Park"); and

WHEREAS, Sections 3(B) and 3(D) of the Park Agreement establish the procedure for enlargement of the boundaries of the Park to include additional property; and

WHEREAS, Section 3(H) of the Park Agreement provides, in part, that unless otherwise expressly set forth in the Park Agreement or an amendment or modification to the Park Agreement, the term during which property is to be included in the Park shall automatically end on December 31 of the tenth (10th) year after the initial year in which such property is included in the Park; and

WHEREAS, the County and Orangeburg County, having determined that (i) an enlargement of the boundaries of the Park to include therein certain property now or to be hereafter owned and/or operated by a James Hardie Building Products, Inc., a company previously identified as Project Plank, a Nevada corporation, and described in greater detail in Exhibit A attached hereto (the "James Hardie Building Products, Inc. Property"), to the extent

such property is not already included therein, and (ii) an extended period of time, beyond the 10-year period described above, for inclusion of the James Hardie Building Products, Inc. Property in the Park, would promote economic development and thus provide additional employment and investment opportunities within said counties, have agreed to enter into an Amendment of the Amended and Restated Agreement for Development of Joint County Industrial Park (the "Amendment") to effect such matters, as set forth in greater detail in the form of the Amendment which is presented to this meeting, and which Amendment is to be dated as of June 19, 2017 or such other date as the County and Orangeburg County may agree.

NOW, THEREFORE, BE IT ORDAINED, by the Council as follows:

Section 1. The enlargement of the boundaries of the Park, to the extent not already so enlarged, and the granting of an extended period of time for inclusion of the James Hardie Building Products, Inc. Property in the Park, all as set forth in greater detail in the Amendment, is hereby authorized and approved. The provisions, terms, and conditions of the Amendment presented to this meeting and filed with the Clerk to the Council are hereby approved, and all of the provisions, terms, and conditions thereof are hereby incorporated herein by reference as if the Amendment were set out in this Ordinance in its entirety. The Chairman of the Council is hereby authorized, empowered, and directed to execute and deliver the Amendment in the name and on behalf of the County; the Clerk to the Council is hereby authorized, empowered and directed to attest the same; and the Chairman of the Council is further authorized, empowered, and directed to deliver the Amendment to Orangeburg County. The Amendment is to be in substantially the form now before this meeting and hereby approved, or with such changes therein as shall not materially adversely affect the rights of the County thereunder 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 Amendment now before this meeting.

Section 2. 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 immediately upon public hearing and third reading of the Council.

[End of Ordinance]

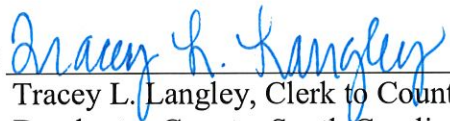
Enacted and approved, in meeting duly assembled, this 19th day of June, 2017.

DORCHESTER COUNTY, SOUTH CAROLINA

By: 
James Lex Byars, III, Chairman, County Council
of Dorchester County, South Carolina

[SEAL]

Attest:

By: 
Tracey L. Langley, Clerk to County Council,
Dorchester County, South Carolina

First Reading: May 15, 2017
Second Reading: June 5, 2017
Public Hearing: June 19, 2017
Third Reading: June 19, 2017

EXHIBIT A

James Hardie Building Products, Inc. Property

ALL that piece, parcel or tract of land situate, lying and being in the County of Dorchester, State of South Carolina, shown and designated as Tract 18 on a plat prepared by Timothy D. Elmer, SCPLS, entitled "PLAT SHOWING TRACT 18, 38.56 ACRES, BEING A PORTION OF TRACT '1', PROPERTY OF DORCHESTER INDUSTRIAL CENTER, INC., LOCATED IN EAST PORT INDUSTRIAL CENTER, WEST OF SUMMERVILLE, DORCHESTER COUNTY, SOUTH CAROLINA", dated September 27, 2001, last revised November 19, 2001, recorded in Plat Book K at Slide 11 in the RMC Office for Dorchester County, South Carolina.