

SOUTH CAROLINA)
)
DORCHESTER COUNTY)

ORDINANCE 22-26

AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDMENT TO AMENDED AND RESTATED AGREEMENT FOR DEVELOPMENT OF A JOINT COUNTY INDUSTRIAL PARK, EFFECTIVE AS OF MAY 17, 2010, BETWEEN THE COUNTY AND ORANGEBURG COUNTY, SOUTH CAROLINA, PROVIDING FOR THE DEVELOPMENT OF A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK SO AS TO INCLUDE ADDITIONAL PROPERTY IN THE COUNTY AS PART OF THE JOINT COUNTY INDUSTRIAL PARK; AND OTHER MATTERS RELATING THERETO.

WHEREAS, Dorchester County, South Carolina (the "County") and Orangeburg County, South Carolina (jointly the "Partner Counties") are authorized under Article VIII, Section 13 of the South Carolina Constitution to jointly develop an industrial or business park within the geographical boundaries of one or more of the member counties; and

WHEREAS, in order to promote the economic welfare of the citizens of the Partner Counties by providing employment and other benefits to the citizens, the Partner Counties have jointly developed an industrial and business park (the "Park") consisting of certain property located within the Partner Counties, as provided by the Article VIII, Section 13 of the South Carolina Constitution and in accordance with Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended, (the "Act"); and

WHEREAS, the terms and conditions of the Park are set forth in that certain Amended and Restated Agreement for Development of a Joint County Industrial Park, executed by the Partner Counties and effective as of May 17, 2010 (as further amended from time to time, the "Agreement"); and

WHEREAS, the County, acting by and through its County Council (the "County Council"), desires to consent to an amendment to the Agreement to provide for additional property to be added to the Agreement and to be subject to the benefits thereof; and

WHEREAS, the County desires that the amendment to the Agreement be effected through an Amendment to Amended and Restated Agreement for Development of Joint County Industrial Park, in substantially the form provided to the County Council (the "Amendment").

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

Section 1. The Partner Counties have amended the Agreement on prior occasions and are hereby authorized to further amend the Agreement so as to expand the premises of the Park located within the County and within Orangeburg County. The form, terms and provisions of the Amendment be and hereby are approved, and all of the terms, provisions and conditions thereof are hereby incorporated herein by reference as if such Amendment were set out in this Ordinance in its entirety. The Chair of the County Council and the Clerk of the County Council are (and each

individually is) hereby authorized, empowered and directed to execute, acknowledge and deliver the Amendment in the name and on behalf of the County, and thereupon to cause the Amendment to be delivered and performed by the County. The Amendment is to be in substantially the form now before this meeting and hereby approved, with any changes thereto as shall not materially adversely affect the rights of the County thereunder and as shall be approved by the County Attorney and the official(s) of the County executing the same, the execution thereof to constitute conclusive evidence of the approval of all changes therein from the form of Amendment now before this meeting. The Amendment enlarges the property included in the Park to include the property described on Exhibit A hereto) (which is incorporated herein by reference as if fully set forth herein); all properties previously specified for inclusion in the Park shall therein. The Amendment shall become effective upon the approval of this Ordinance, a resolution of Orangeburg County consenting to such Amendment, and a resolution of the Town of Ridgeville consenting to such Amendment

Section 2. The County Council acknowledges that the Agreement is in effect as of the date hereof and hereby ratifies each of the prior amendments and extensions to the Agreement, and all of the County's prior acts thereunder.

Section 3. Miscellaneous.

- (a) The Chair of County Council and all other appropriate officials of the County are (and each individually is) hereby authorized, empowered and directed to take or cause to be taken such further action and to receive and/or execute and deliver for and in the name and on behalf of the County or County Council (as applicable) any and all instruments, certificates, agreements and documents as may be required, necessary or appropriate to carry out, give effect to and consummate the transactions contemplated by this Ordinance;
- (b) This Ordinance shall be construed and interpreted in accordance with the laws of the State of South Carolina;
- (c) This Ordinance shall become effective immediately upon approval following third reading by the County Council;
- (d) The provisions of this Ordinance 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, that declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder; and
- (e) All ordinances, resolutions and parts thereof in conflict herewith are, to the extent of the conflict, hereby repealed.

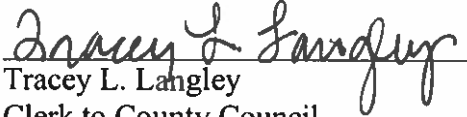
[Signature Page to Follow]

DORCHESTER COUNTY, SOUTH CAROLINA



ATTEST:

By: 
William R. Hearn, Jr., Chair of County Council


Tracey L. Langley
Clerk to County Council

First Reading: May 2, 2022
Second Reading: May 16, 2022
Public Hearing: June 6, 2022
Third Reading: October 17, 2022

Exhibit A

Property Description

ALL THAT PARCEL OR TRACT OF LAND LOCATED IN THE TOWN OF RIDGEVILLE, DORCHESTER COUNTY, SOUTH CAROLINA BEING PARCEL FIVE AS SHOWN ON A PLAT ENTITLED "SUBDIVISION PLAT OF PARCEL THREE (322.494 Ac.) & PARCEL FOUR (55.902 Ac.) TO CREATE PARCEL THREE (313.827 Ac.), PARCEL FOUR (33.167 Ac.) & PARCEL FIVE (31.402 Ac.) PREPARED FOR AND OWNED BY SOUTH CAROLINA STATE PORTS AUTHORITY" PREPARED BY THOMAS AND HUTTON ENGINEERING CO. DATED AUGUST 24, 2022 AND RECORDED IN PLAT BOOK O AT PAGE 20 IN THE RMC OFFICE FOR DORCHESTER COUNTY, SOUTH CAROLINA. SAID PROPERTY BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING (P.O.C.) AT A POINT ON THE NORTHEASTERN MARGIN OF THE 200' RIGHT-OF-WAY OF NORFOLK SOUTHERN RAILWAY. SAID POINT IS LOCATED APPROXIMATELY 1066' FROM THE RIGHT OF WAY INTERSECTION OF NORFOLK SOUTHERN RAILWAY AND N. MAIN STREET (S-5), A PUBLIC STATE MAINTAINED RIGHT-OF-WAY. RUNNING WITHIN THE 200' RIGHT-OF-WAY OF NORFOLK SOUTHERN RAILWAY IS THE COUNTY MAINTAINED, PUBLIC, "N. RAILROAD AVENUE".

THENCE ONE (1) CALL WITH THE RIGHT-OF-WAY OF NORFOLK SOUTHERN RAILWAY:

(1) N 58°03'42" W, A DISTANCE OF 110.83 FEET TO A POINT;

THENCE SIX (6) CALLS ACROSS THE LANDS OF TMS#097-00-00-010 ALONG THE NORTHWESTERN MARGIN OF AN 85' TEMPORARY INGRESS/EGRESS & GENERAL UTILITY EASEMENT:

(1) N 31°36'07" E A DISTANCE OF 184.36 FEET TO A POINT;

(2) THENCE WITH THE ARC OF A CURVE TURNING TO THE RIGHT, HAVING AN ARC LENGTH OF 308.10 FEET, A RADIUS OF 547.50 FEET, A CHORD LENGTH OF 304.05 FEET, AND A CHORD BEARING OF N 47°43'24" E TO A POINT;

(3) THENCE N 63°50'40" E A DISTANCE OF 318.25 FEET TO A POINT;

(4) THENCE WITH THE ARC OF A CURVE TURNING TO THE LEFT, HAVING AN ARC LENGTH OF 253.85 FEET, A RADIUS OF 452.50 FEET, A CHORD LENGTH OF 250.53 FEET, AND A CHORD BEARING OF N 47°46'24" E TO A POINT;

(5) THENCE N 31°42'07" E A DISTANCE OF 243.53 FEET TO A POINT;

(6) THENCE N 58°17'53" W A DISTANCE OF 40.25 FEET TO A POINT; SAID POINT BEING THE TRUE POINT OF BEGINNING (P.O.B.).

THENCE ONE (1) CALL ACROSS THE LANDS OF TMS#097-00-00-010:

(1) N 57°56'48" W A DISTANCE OF 1,441.53 FEET TO A POINT;

THENCE TEN (10) CALLS ACROSS THE LANDS OF TMS#097-00-00-002:

(1) N 57°56'48" W A DISTANCE OF 78.47 FEET TO A POINT;

(2) THENCE N 32°03'12" E A DISTANCE OF 519.07 FEET TO A POINT;

- (3) THENCE N 77°03'12" E A DISTANCE OF 476.49 FEET TO A POINT;
- (4) THENCE S 57°57'23" E A DISTANCE OF 315.14 FEET TO A POINT;
- (5) THENCE N 31°59'48" E A DISTANCE OF 119.32 FEET TO A POINT;
- (6) THENCE S 58°14'56" E A DISTANCE OF 108.15 FEET TO A POINT;
- (7) THENCE N 85°06'38" E A DISTANCE OF 99.51 FEET TO A POINT;
- (8) THENCE S 49°35'26" E A DISTANCE OF 155.00 FEET TO A POINT;
- (9) THENCE S 65°48'42" E A DISTANCE OF 158.42 FEET TO A POINT;
- (10) THENCE S 53°21'10" E A DISTANCE OF 84.72 FEET TO A POINT;

THENCE FIVE (5) CALLS ACROSS THE LANDS OF TMS#097-00-00-010:

- (1) S 53°21'10" E A DISTANCE OF 107.94 FEET TO A POINT;
- (2) THENCE WITH THE ARC OF A CURVE TURNING TO THE LEFT, HAVING AN ARC LENGTH OF 74.71 FEET, A RADIUS OF 2,897.50 FEET, A CHORD LENGTH OF 74.70 FEET, AND A CHORD BEARING OF S 14°35'04" E TO A POINT;
- (3) THENCE S 15°19'23" E A DISTANCE OF 62.66 FEET TO A POINT;
- (4) THENCE WITH THE ARC OF A CURVE TURNING TO THE RIGHT, HAVING AN ARC LENGTH OF 130.43 FEET, A RADIUS OF 352.50 FEET, A CHORD LENGTH OF 129.68 FEET, AND A CHORD BEARING OF S 04°43'23" E TO A POINT;
- (5) THENCE S 32°03'12" W A DISTANCE OF 821.87 FEET TO THE TRUE POINT OF BEGINNING (P.O.B.).

SAID PARCEL FIVE HAVING AN AREA OF 1,367,875 SQUARE FEET OR 31.402 ACRES MORE OR LESS.