

DORCHESTER COUNTY
ORDINANCE # 24-01

AN ORDINANCE AUTHORIZING (1) AMENDMENT OF 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 DATED AS OF MAY 17, 2010 TO ENLARGE THE BOUNDARIES OF SUCH INDUSTRIAL PARK TO INCLUDE CERTAIN PROPERTY LOCATED IN DORCHESTER COUNTY, SOUTH CAROLINA NOW OR TO BE HEREAFTER OWNED AND/OR OPERATED BY DORCHESTER COMMERCE, LLC, A COMPANY PREVIOUSLY IDENTIFIED AS PROJECT COMMERCE, AND/OR ONE OR MORE COMPANIES RELATED THERETO; AND (2) OTHER MATTERS RELATING THERETO.

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 to be owned and/or operated by Dorchester Commerce, LLC, a limited liability company organized and existing under the laws of the State of South Carolina, and previously identified as Project Commerce, and/or one or more affiliates, other related companies, and/or other investors in real and/or

personal property, and described in greater detail in Exhibit A attached hereto (the “Project Commerce Property”), and (ii) an extended period of time, beyond the 10-year period described above, for inclusion of the Project Commerce 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 such 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, and the granting of an extended period of time, for inclusion of the Project Commerce Property in the Park, all as set forth in greater detail in the Amendment is hereby authorized and approved. The form, 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, upon the advice of counsel, 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. The Chairman of the Council, the County Administrator of the County, and the Clerk to the Council, for and on behalf of the County, are hereby each authorized, empowered, and directed to do any and all things necessary or proper to effect the performance of all obligations of the County under and pursuant to the Amendment.

Section 3. The provisions of this Ordinance are hereby declared to be separable 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 Ordinance shall take effect and be in full force immediately upon public hearing and third reading of the Council.

[End of Ordinance]

Done in meeting duly assembled this 8th day of January 2024.

DORCHESTER COUNTY, SOUTH CAROLINA



By: S. Todd Friddle
S. Todd Friddle, Chairman, County Council
Dorchester County, South Carolina

Attest:

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

First Reading: October 16, 2023
Second Reading: November 20, 2023
Public Hearing: January 8, 2024
Third Reading: January 8, 2024

EXHIBIT A

PROJECT COMMERCE PROPERTY DESCRIPTION

ALL that tract, piece, or parcel of land situated, lying, and being in the Jedburg area of Dorchester County, South Carolina, on the northeastern side of Green Bay Branch approximately 1,053' northwest of Old Orangeburg Road (S-18-22), which is shown as a 128.11 acre tract on the May 24, 1996, plat by W.D. Bozard, PLS, entitled in part "Boundary Survey for Thomas Walker Messervy...," which is recorded in Plat Cabinet J at slide 61 in the office of the RMC of Dorchester County. The Property has the located, dimensions, and butts and bounds shown on the plat.

TMS # 121-00-00-007.000