

Adopted December 3rd, 2012

**ORDINANCE #12-21**

**AN ORDINANCE TO REMOVE PROPERTY FROM JOINT COUNTY INDUSTRIAL PARK BETWEEN DORCHESTER COUNTY, SOUTH CAROLINA, AND ORANGEBURG COUNTY, SOUTH CAROLINA**

WHEREAS, Dorchester County, South Carolina (the "County") and Orangeburg County, South Carolina (together, the "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 Counties; and

WHEREAS, pursuant to Article VIII, Section 13 of the South Carolina Constitution and Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended, (the "Act"), the Counties entered into an Agreement for Development for a Joint County Industrial Park effective as of September 1, 1995 to develop jointly an industrial and business park (the "Park"); and

WHEREAS, pursuant to Ordinance 10-5, the County approved on February 16, 2010, an Amended and Restated Agreement for Development of Joint County Industrial Park (the "Multi-County Park Agreement"), and

WHEREAS, Orangeburg County approved a similar ordinance and the Multi-County Park Agreement was executed by the Counties effective May 17, 2010; and

WHEREAS, the Multi-County Park Agreement sets forth the criteria and procedure for removing property from the Park; and

WHEREAS, the Dorchester County Auditor and the Dorchester County Economic Development Director have identified certain properties which should be removed from the Park (the "Removed Property") and the County desires to remove Removed Property from the Park in accordance with the Multi-County Park Agreement; and

WHEREAS, in accordance with the Multi-County Park Agreement, the County has (a) published a public notice of this ordinance prior to the public hearing on the ordinance, (b) given written notice, by registered mail, return receipt requested, of such public hearing on the ordinance to the owner of each Removed Property at the address of the owner as shown on the property tax records of the County, and (c) included in such notice a request that the owner of each Removed Property promptly provide a copy of the notice to any tenant(s) of the Removed Property (but with no obligation of the County to ensure that such notice was actually delivered to such tenant(s) by the owner.

NOW, THEREFORE, BE IT ORDAINED BY THE DORCHESTER COUNTY COUNCIL:

SECTION 1: The Removed Property. Attached hereto as Exhibit A is a schedule identifying the "Removed Property".

SECTION 2. Criteria for Removal. In identifying the Removed Property, the County has, to the best of its knowledge, confirmed that at least one of the following criteria for removal applies to each Removed Property:

(a) the owner of the Removed Property has requested in writing that the property be removed from the Park; or

(b) the Council has determined, after reasonable inquiry on its behalf, that a condition which was represented as existing, or to exist in the future, at the time of agreement by the County to include the Removed Property within the boundaries of the Park, has not been reasonably met (such as, without limitation, relocation of the owner or tenant[s] which was/were anticipated to benefit from inclusion within the boundaries of the Park); or

(c) the Council has determined, after reasonable inquiry on its behalf, that the owner or tenant of the Removed Property has failed to provide to the County information which the County reasonably requires in order to determine (i) whether the owner(s) or tenants(s) of the Removed Property comply with any condition which was represented as existing, or to exist in the future, at the time of agreement by the County to include the Removed Property within the boundaries of the Park; or (ii) that the owner(s) or tenant(s) of the Removed Property continue to benefit from such inclusion; or

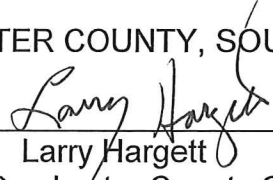
(d) the Council has determined, after reasonable inquiry on its behalf, that (i) as of December 31 of the year in which this ordinance is adopted (being the date on which property valuations shall be determined for the year in which this ordinance is adopted), at least ten (10) years will have elapsed after the initial year in which the Removed Property was included in the Park and (ii) no previously executed agreement between the County and the then owner of the Removed Property (or the authorized agent of such owner) requires that the Removed Property remain in the Park for a longer period of time.

SECTION 3. This Ordinance shall be effective on December 30, 2012, subject to adoption by the Orangeburg County Council of a resolution approving or endorsing the removal of the Removed Property from the Park.

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DORCHESTER COUNTY, SOUTH CAROLINA

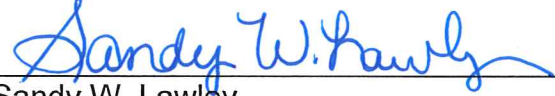
By: \_\_\_\_\_



Larry Hargett

Chairman, Dorchester County Council

ATTEST:



Sandy W. Lawley

Clerk, Dorchester County Council

First Reading: NOVEMBER 7, 2012

Second Reading: NOVEMBER 19, 2012

Third Reading: DECEMBER 3, 2012

Public Hearing: NOVEMBER 19, 2012

**EXHIBIT A**

**SCHEDULE OF PROPERTY TO BE REMOVED FROM PARK**

1. 93 Springview Lane, 3.03 Acres, TMS Number 162-01-14-002-000, shown on Dorchester County property tax records as being owned by Low Country Boys, LLC, 2880 Tricom Street, North Charleston, SC 29406
  
2. 301 East Fifth North Street, 2.00 Acres, TMS Number 137-04-08-001-000, shown on Dorchester County property tax records as being owned by McCreery Coal Land Company, 130 Main Street, Beckley, West Virginia 25801