

**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 CERTAIN PROPERTY LOCATED IN DORCHESTER COUNTY, SOUTH CAROLINA NOW OR TO BE HEREAFTER OWNED AND/OR OPERATED BY SPEC-CON, LLC 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 (10<sup>th</sup>) 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 Spec-Con, LLC, a Kansas limited liability company, and described in greater detail in Exhibit A attached hereto (the "Spec-Con Property"), and (ii) an extended period of time, beyond the 10-year period described above, for inclusion of the Spec-

Con 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 **October 6**, 2014 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 and the granting of an extended period of time for inclusion of the Spec-Con 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 6<sup>th</sup> day of October, 2014.

DORCHESTER COUNTY, SOUTH CAROLINA

By:   
William R. Hearn, Jr., Chairman, County Council of  
Dorchester County, South Carolina

[SEAL]

Attest:

By:   
Sally K. Hebert, Clerk to County Council,  
Dorchester County, South Carolina

First Reading: September 2, 2014  
Second Reading: September 15, 2014  
Public Hearing: October 6, 2014  
Third Reading: October 6, 2014

## EXHIBIT A

### Spec-Con Property

ALL that certain piece, parcel or tract of land, lying and being in the County of Dorchester, State of South Carolina, containing approximately 12.00 acres as more particularly shown on that survey prepared by TRICO Surveying and Consultants, Inc., entitled, "SUBDIVISION PLAT SHOWING THE SUBDIVISION OF TMS 048-00-00025 (67.056 ACRES) CREATING TRACT A (55.056 ACRES) AND TRACT B (12.00 ACRES), OWNED BY CHARLES E. DANTZLER LOCATED NEAR HARLEYVILLE, DORCHESTER COUNTY, SOUTH CAROLINA, dated March 6, 2006 and recorded in the ROD Office for Dorchester County in Plat Book K at Page 200 (previous deed showed Plat Book VI, Page 2PQ due to a scrivener's error). Said tract have such size, shape, dimensions, buttings and boundings as will more fully appear by reference to said plat.