

DORCHESTER COUNTY
ORDINANCE # 15-07

AN ORDINANCE TO AMEND 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 ENLARGE THE BOUNDARIES OF THE INDUSTRIAL PARK TO INCLUDE CERTAIN PROPERTY LOCATED IN DORCHESTER COUNTY, SOUTH CAROLINA NOW OWNED BY MWV-RIDGEVILLE, LLC, OR ONE OR MORE COMPANIES RELATED THERETO; AND 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 presently owned by MWV-Ridgeville, LLC, a Delaware limited liability company, and described in greater detail in Exhibit A attached hereto (the "MWV-Ridgeville Property"), and (ii) an extended period of time, beyond the 10-year period described above, for inclusion of the MWV-Ridgeville 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 MWV-Ridgeville 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]

Done in meeting duly assembled this 17th day of February, 2015.

DORCHESTER COUNTY, SOUTH CAROLINA

By: C. David Chinnis
C. David Chinnis, Chairman, County Council of
Dorchester County, South Carolina

[SEAL]

Attest:

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

First Reading: May 5, 2014
Second Reading: May 19, 2014
Public Hearing: June 16, 2014
Third Reading: February 17, 2015

EXHIBIT A

MWV-Ridgeville Property

PARCEL 1:

ALL that piece, parcel or tract of land situate, lying and being in the County of Dorchester, State of South Carolina, measuring and containing 393.08 acres, and being more particularly shown and delineated on a plat by Paul C. Lawson, Jr., S.C. REG. No. 14191 of Ashley Land Surveying, Inc., dated January 23, 2008, last revised February 15, 2012, entitled "BOUNDARY SURVEY OF TMS 097-00-00-002, TMS 097-00-00-010 AND TMS 097-00-00-011 OWNED BY SEE INDIVIDUAL PARCELS HEREON LOCATED IN RIDGEVILLE, DORCHESTER COUNTY, SOUTH CAROLINA", with said plat being recorded in the Office of the Register of Deeds for Dorchester County in Plat Cabinet L, at Slide 191, with reference thereto being craved for a more complete description.

LESS AND EXCEPTING THEREFROM ALL that certain piece, parcel or tract of land situate, lying and being in the County of Dorchester, State of South Carolina, measuring and containing 55.91 acres located within the Town of Ridgeville, and being more particularly shown and delineated on a plat by Paul C. Lawson, Jr., S.C. REG. No. 14191 of Ashley Land Surveying, Inc., dated January 23, 2008, last revised February 15, 2012, entitled "BOUNDARY SURVEY OF TMS 097-00-00-002, TMS 097-00-00-010 AND TMS 097-00-00-011 OWNED BY SEE INDIVIDUAL PARCELS HEREON LOCATED IN RIDGEVILLE, DORCHESTER COUNTY, SOUTH CAROLINA", with said plat being recorded in the Office of the Register of Deeds for Dorchester County in Plat Cabinet L, at Slide 191, with reference thereto being craved for a more complete description.

TMS NO.: 097-00-00-002

PARCEL 2:

ALL that piece, parcel or tract of land, situate, lying and being in Dorchester County, South Carolina, known as **Tract 2**, measuring and containing 311.800 acres, and being more particularly shown and delineated on a plat by Rhode Surveying, Inc., dated May 15, 2006, entitled "PLAT SHOWING TRACTS 1-4, PROPERTY OF THROWERWOOD, LLC, ET AL. LOCATED NEAR RIDGEVILLE, DORCHESTER COUNTY, SOUTH CAROLINA", with said plat being recorded in the Office of the Register of Deeds for Dorchester County in Plat Cabinet L, at Slide 13, with reference thereto being craved for a more complete description.

TMS NO.: 087-00-00-096

PARCEL 3:

All that certain piece, parcel, or tract of land situate, lying and being in Dorchester County, South Carolina, consisting of approximately 55.91 acres, more or less, and more fully delineated and described on a plat entitled, "Boundary Survey of TMS 097-00-00-002, 097-00-00-010 and TMS 097-00-00-011 Owned by See Individuals Parcels Hereon, Located in Ridgeville, Dorchester County, South Carolina." All of which will more fully appear by reference to the plat by Paul C. Lawson, Jr.; Reg. No. 14191, dated January 23, 2008, revised February 15, 2012, to show Rev. Town Limit, and recorded September 7, 2012, in Plat Slide "L" at Page 191 in the Register of Deeds Office for Dorchester County, S.C.

TMS NO: 097-00-00-010

PARCEL 4:

ALL that piece, parcel or tract of land, situate, lying and being in Dorchester County, South Carolina, known as **Tract 3**, measuring and containing 331.737 acres, and being more particularly shown and delineated on a plat by Rhode Surveying, Inc., dated May 15, 2006, entitled "PLAT SHOWING TRACTS 1-4, PROPERTY OF THROWERWOOD, LLC, ET AL. LOCATED NEAR RIDGEVILLE, DORCHESTER COUNTY, SOUTH CAROLINA", with said plat being recorded in the Office of the Register of Deeds for Dorchester County in Plat Cabinet L, at Slide 13, with reference thereto being craved for a more complete description.

LESS AND EXCEPTING therefrom, a 5.887 acre strip of land as shown on a plat by Ashley Land Surveying, Inc., dated March 26, 2010, entitled "SURVEY PLAT DEPICTING A VARIABLE WIDTH STRIP CREATED OUT OF TMS 087-00-00-097 BEING COMBINED WITH TMS 097-00-00-009 LOCATED NEAR RIDGEVILLE, DORCHESTER COUNTY, SOUTH CAROLINA", said plat being recorded in the Office of the Register of Deeds for Dorchester County in Plat Cabinet L, at Slide 145.

TMS NO.: 087-00-00-097