

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF DORCHESTER )

RESOLUTION NUMBER 15-11

**A RESOLUTION 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 NOW OR TO BE HEREAFTER OWNED AND/OR OPERATED BY BIMBO BAKERIES LOCATED IN ORANGEBURG COUNTY, SOUTH CAROLINA; 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 (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 described in greater detail in Exhibit A attached hereto (the "Bimbo Property"), and (ii) an extended period of time, beyond the 10-year period described above, for inclusion of the Bimbo 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 RESOLVED, 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 Bimbo 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 Resolution 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, and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Resolution shall take effect upon adoption by the Council.

[End of Resolution]

Adopted and approved, in meeting duly assembled, this 15<sup>th</sup> day of June,  
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 of Dorchester County, South Carolina

## Exhibit A

### Bimbo Property

All that real property located in the City of Orangeburg, Orangeburg County, South Carolina, and being more particularly bounded and described as follows:

#### TRACT A

Beginning at an iron pin found on the eastern right-of-way of Broughton Street, being the point of beginning as described in Deed Book 501 at page 371, and running with the property of McCall as described in Deed Book 337, Page 591, W 58-50-16E for 251.33 feet to an iron pin set; thence continuing with the McCall property, N 40-14-28 W for 244.45 feet to an iron pin found on the southern right-of-way of McAlpine Street; thence running with the margin McAlpine Street N 49-45-57 E for 175.63 feet to an iron pin found; thence leaving the right of way of McAlpine Street and running with the property of 1<sup>st</sup> Family Financial Services a described in Deed Book 572, Page 957 for three calls to wit: S 40-08-31 E for 130.03 feet to an iron pin found; thence 45-31-51-E for 100.78 feet to an iron pin found; thence N 40-10-21 W for 122.59 feet to an iron pin found on the Southern right of way of McAlpine Street; thence running with the right of way of McAlpine Street N 49-36-40 E for 259.28 feet to an iron pin set, standing S 49-36-40 W for 1.33 feet from an iron pin found, being on the western right-of-way of the Norfolk-Southern Railroad; thence running with the western margin of Norfolk-Southern Railroad S 07-00-53 E for 858.14 feet to an iron pin set, standing S 59-47-27 W for 6.95 feet from an iron pin found; thence leaving the right of way of Norfolk Southern Railroad and running with the property of Gilliam as shown by a plat by Edisto Surveyors, Inc., dated 8-24-92, Job 37376A, S 59-47-27 W for 373.00 feet to an iron pin found on the eastern right-of-way of Broughton Street; thence with the right-of-way of Broughton Street for four calls to wit: N 29-32-35 W for 144.10 feet to a point; thence N 32-10-59 W for 106.60 feet to an iron pin found thence N 35-11-59 W for 100.70 feet to an iron pin found; thence N 38-15-57 W for 100.05 feet to an iron pin found being the point of place of beginning. Containing 7.465 acres more or less.

#### TRACT B

Beginning at an iron pin found on the eastern right-of-way of Broughton Street, which is the most Southern corner of property of Gilliam; thence with property of Gilliam N 60-38-43 E for 333.11 feet to an iron pin found on the Norfolk-Southern Railroad right-of-way standing S 60-38-43 W for 72.40 feet from an iron pin found; thence with the railroad right of way S 06-59-06 E for 443.17 feet to an iron pin set in the property line of Evans standing S 61-40-36 W for 72.88 feet from an iron pin found; thence leaving railroad right-of- way and running with property of Evans S 612-40-36 W for 156.64 to an iron pin set on the eastern right-of-way of Broughton Street; thence with Broughton Street for three calls to wit: N 29-15-14 W for 290.42 feet to an iron pin set; thence N 38-12-30 W for 48.91 feet to an iron pin set; thence N 30-02-24 W for 68.26 feet to an iron pin found which is the place and point of beginning. Contains 2.275 acres more or less and is that property described in Deed Book 597 at Page 1151 less that portion (0.687 acres) in Norfolk-Southern Railroad Claimed 100 foot right of way.

#### TRACT C

Beginning at an iron pin found on the western right-of-way of Broughton Street and running with Broughton Street S 29-59-37 E for 149.68 feet to an iron pin found; thence leaving street and running with leased property to Southern Bakeries, Inc. S 61-28-14 W for 201.78 feet to an iron pin set in line of other properties of Southern Bakeries; thence with Southern Bakeries and Brickle property N 29-18-30 W

for 150.00 feet (passing X on wall at 126.20 feet) to iron pin found; thence with property of Brickle N 61-34-18 E for 200.00 feet to an iron pin food which is place and point of beginning. Contains 0.691 acres more or less and is that property described in Deed Book 540, Page 62.

#### TRACT D

Being and lying in the City of Orangeburg, Orangeburg County, South Carolina and being particularly described as follows: Beginning at an iron pin found on the eastern right-of-way of Wolfe Trail which is the southern corner of lot A as shown in Plat Book 69, Page 347 and running with Wolfe Train N 28°52'59"W for 367.89 feet to an iron pin set; thence leaving Wolfe Train and running with property of Brickle N 60°06'55"E for 260.93 feet to an "X" in concrete wall; thence with other properties of Southern Bakeries and property's of Tooldenburg and Evans S 29°18'30"E for 372.63 feet to an iron pin set (passing iron pins at 126.20 feet, 160.06 feet and 325.29 feet); thence with property of Huber (Lot B, plat book 69-347) S 61°09'16" W for 263.66 feet to an iron pin found which is the place and point of beginning. Contains 2.229 acres, more or less and s the property described in Deed Book 560 at Page 509.