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CLERK OF COURT
LANCASTER, SC

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

ORDINANCE NO. 2016-1406

AN ORDINANCE

TO AUTHORIZE AND APPROVE THE REMOVAL OF PROPERTY FROM THE AGREEMENT FOR THE DEVELOPMENT OF A JOINT INDUSTRIAL AND BUSINESS PARK BY AND BETWEEN LANCASTER COUNTY, SOUTH CAROLINA AND CHESTER COUNTY, SOUTH CAROLINA, DATED DECEMBER 5, 2005; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.

Be it ordained by the Council of Lancaster County, South Carolina:

Section 1. Findings and determinations; Purpose.

(a) The Council finds and determines that:

(1) the County is authorized by Art. VIII, Section 13(D) of the South Carolina Constitution and by Sections 4-1-170, -172 and -175 of the Code of Laws of South Carolina 1976, as amended, to jointly develop, in conjunction with contiguous counties, industrial and business parks;

(2) Lancaster County, by passage of Ordinance No. 701, and Chester County, by passage of Ordinance No. 12-05-05-I, authorized and approved the Agreement for the Development of a Joint Industrial and Business Park (Lancaster and Chester Counties) which provided for the two counties to develop jointly an industrial and business park (the "Multi-County Park" or "MCP"), and the agreement is dated December 5, 2005 (the "Multi-County Park Agreement" or "MCP Agreement") (Lancaster properties included, but were not limited to, the Bailes Ridge Tract, the Wellman Tract, the 521 Corporate Center, LLC Tract and the Six Mile Meadow Investment Associates, LLC Tract) (Chester properties included the S.C. 99 Industrial Park, Oliphant Tract No. 1, Oliphant No. 2 Tract, Oliphant – Leeds Tract, Patel No. 1 Tract, Patel No. 2 Tract, Patel (Interco) Site);

(3) In 2006, Lancaster County, by passage of Ordinance No. 759, and Chester County, by passage of Ordinance No. 07-03-06, approved an amendment to the MCP Agreement and the amendment provided, among other things, for additional properties located in Lancaster County to be included in the Multi-County Park (Tyndall Tracts One and Two);

(4) In 2007, Lancaster County by passage of Ordinance No. 854, and Chester County, by passage of Ordinance No. 11-05-07, approved an amendment to the MCP Agreement and the amendment provided, among other things, for additional properties located in Lancaster County to be included in the Multi-County Park (Surefin);

(5) In 2009, Lancaster County, by passage of Ordinance No. 969, and Chester County, by passage of Ordinance No. 04-06-09A, approved an amendment to the MCP Agreement and the amendment provided, among other things, for additional properties located in Chester County to be included in the Multi-County Park (Project 0822);

(6) In 2013, Lancaster County, by passage of Ordinance No. 2013-1247, and Chester County, by passage of Ordinance No. 12-02-13, approved an amendment to the MCP Agreement and the amendment provided, among other things, for the diminution of the boundaries of the Multi-County Park by the removal from it of a portion of the land associated with the Bailes Ridge Tract;

(7) The Multi-County Park Agreement, as originally approved, provides in paragraph 3(A), in part, that “[t]he boundaries of the Park may be . . . diminished from time to time as authorized by ordinances of the County Councils of both Lancaster County and Chester County.” The MCP Agreement also provides in paragraph 3(C) that

[p]rior to the adoption by Lancaster County Council and by Chester County Council of ordinances authorizing the diminution of the boundaries of the Park, separate public hearings shall first be held by Lancaster County Council and by Chester County Council. Notice of such public hearings shall be published in newspapers of general circulation in Lancaster County and Chester County, respectively, at least once and not less than fifteen (15) days prior to such hearing. Notices of such public hearing shall also be served in the manner of service of process at least fifteen (15) days prior to such public hearing upon the owner and, if applicable, the lessee of any real property which would be excluded from the Park by virtue of the diminution.

(8) it is in the best interests of Lancaster County and its citizens to amend the Multi-County Park Agreement to diminish the boundaries of the Multi-County Park by removal from it of the land associated with the Wellman Tract, the 521 Corporate Center, LLC Tract and the Six Mile Meadow Investment Associates, LLC Tract.

(b) It is the purpose of this ordinance to provide for the amendment of the Multi-County Park Agreement so as to provide for the diminution of the boundaries of the Multi-County Park by the removal from it of land associated with the Wellman Tract, the 521 Corporate Center, LLC Tract and the Six Mile Meadow Investment Associates, LLC Tract.

Section 2. Approval of amendment removing property from Multi-County Park Agreement.

The Amendment to the Agreement for the Development of a Joint Industrial and Business Park, attached to this ordinance as Exhibit A (the “Amendment”), is authorized, ratified and approved, and all the provisions, terms, and conditions thereof are authorized, ratified and approved and the Amendment is incorporated herein by reference as if the Amendment were set out in this ordinance in its entirety. The Council Chair and the Council Secretary are authorized, empowered and directed, in the name of and on behalf of Lancaster County, to execute, acknowledge, and deliver the Amendment. The Clerk to Council is authorized to attest the execution of the Amendment by the County officials. The Amendment is to be in substantially the form as attached to this ordinance and hereby approved, or with such changes therein as the Council Chair and Council Secretary determine, upon advice of counsel, necessary and that do not materially change the matters contained in the form of the Amendment.

Section 3. Conflicting provisions.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other Lancaster County orders, resolutions and ordinances, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

Section 4. Severability.

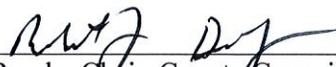
If any section of this ordinance is, for any reason, determined to be void or invalid by a court of competent jurisdiction, it shall not affect the validity of any other section of this ordinance which is not itself void or invalid.

Section 5. Effective date.

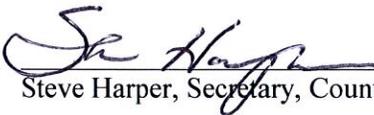
This ordinance is effective upon third reading.

AND IT IS SO ORDAINED, this 12 day of September, 2016.

LANCASTER COUNTY, SOUTH CAROLINA

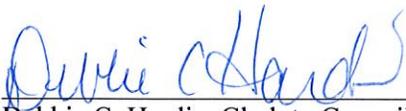


Bob Bundy, Chair, County Council



Steve Harper, Secretary, County Council

ATTEST:



Debbie C. Hardin, Clerk to Council

First Reading:	August 8, 2016
Second Reading:	August 22, 2016
Public Hearing	September 12, 2016
Third Reading:	September 12, 2016

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Exhibit A to Ordinance No. 2016-1406

**Amendment to the Agreement for the Development of a Joint Industrial and Business Park
Lancaster County, South Carolina and Chester County, South Carolina
Dated December 5, 2005**

STATE OF SOUTH CAROLINA)
) **AMENDMENT TO THE AGREEMENT**
COUNTY OF LANCASTER) **FOR THE DEVELOPMENT OF A JOINT**
COUNTY OF CHESTER) **INDUSTRIAL AND BUSINESS PARK**
) **(Lancaster and Chester Counties)**

An Agreement for the Development of a Joint Industrial and Business Park, dated December 5, 2005, was entered into by and between Lancaster County, South Carolina and Chester County, South Carolina (the "Park Agreement"). Section 3(A) of the Park Agreement provides that the boundaries of the park may be diminished upon approval by passage of an ordinance by the Councils of both Lancaster County and Chester County. By passage of Ordinance No. 2016-____, by the Lancaster County Council and by passage of Ordinance No. _____ by the Chester County Council, the two counties have approved the removal of property from the park as set forth in this amendment.

This AMENDMENT (the "Amendment") to the Park Agreement is made and entered into as of the _____ day of _____, 2016 (the "Effective Date"), by and between the **COUNTY OF LANCASTER, SOUTH CAROLINA** ("Lancaster County") and the **COUNTY OF CHESTER, SOUTH CAROLINA** ("Chester County"), both bodies politic and corporate, political subdivisions of the State of South Carolina. Collectively, Lancaster County and Chester County are referred to as the Parties.

In consideration of the mutual agreement and benefits contained in this Amendment and for other good and valuable consideration, the receipt of which is acknowledged by the Parties, it is agreed by the Parties to this Amendment that:

Section 1. The Park Agreement is amended by removing from Exhibit A Lancaster County Properties the property identified in the original Park Agreement as the Wellman Tract (4.375 acres), the 521 Corporate Center, LLC Tract (25.00 acres, Tract 1, Book 2000, Page 581), and the Six Mile Meadow Investment Associates, LLC Tract (42.634 acres, Tract 2, Book 2000, Page 581). The properties removed by this Amendment include, but are not limited to, the following tax map parcels: 0005-00-103.08; 0005-00-103.04; 0005-00-103.01; 0005-00-103.02; 005-00-103.07; 0005-00-118.00; 0005-00-103.06; 0005-00-103.05; 0005-00-103.00; 0005-00-103.03; and 0005-00-109.00.

Section 2. Except as expressly amended by this Amendment, the Park Agreement shall remain in full force and effect in accordance with the terms thereof.

Section 3. If any section of this Amendment is, for any reason, determined to be void or invalid by a court of competent jurisdiction, it shall not affect the validity of any other section of this Amendment which is not itself void or invalid.

Section 4. This Amendment may be executed in multiple counterparts, each of which shall be an original but all of which shall constitute but one and the same instrument.

SIGNATURES FOLLOW ON NEXT PAGE.

In witness whereof, the Parties have executed this Amendment effective on the Effective Date.

CHESTER COUNTY, SOUTH CAROLINA

Attest:

Shane Stuart, County Supervisor
_____, 2016

, Clerk to Council

LANCASTER COUNTY, SOUTH CAROLINA

Attest:

Bob Bundy, Chair, County Council
_____, 2016

Debbie C. Hardin, Clerk to Council

Steve Harper, Secretary, County Council
_____, 2016

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