

ORIGINAL

ORDINANCE# 449

AN ORDINANCE TO APPROVE A CONVEYANCE IN FEE SIMPLE TO LANG-MEKRA NORTH AMERICA LLC OF 0.220 ACRES IN THE WALTER B. BROWN INDUSTRIAL PARK UNDER THE TERMS OF A LEASE AGREEMENT BETWEEN LANG-MEKRA NORTH AMERICA LLC AND FAIRFIELD COUNTY DATED DECEMBER 23, 1997, AS AMENDED; TO CONSENT TO LANG MEKRA NORTH AMERICA LLC'S SUPPLEMENTATION OF EXHIBIT A OF SAID LEASE TO INCLUDE AN ADDITIONAL 0.085-ACRE PARCEL ADJACENT TO THE AFORESAID AREA TO BE CONVEYED FROM THE TOWN OF WINNSBORO TO LANG-MEKRA NORTH AMERICA LLC AND THEN FROM LANG-MEKRA NORTH AMERICA LLC TO THE COUNTY SUBJECT TO THE AFORESAID LEASE; TO CONVEY TO THE TOWN OF WINNSBORO, SUBJECT TO THE APPROVAL OF LANG-MEKRA NORTH AMERICA LLC UNDER SAID LEASE, A 24-MONTH TEMPORARY CONSTRUCTION EASEMENT ON 0.806 ACRES OF LAND SUBJECT TO SAID LEASE AND ALSO A 24-MONTH TEMPORARY CONSTRUCTION EASEMENT ON THE 0.085 ACRE PARCEL.

Whereas, under the terms of that certain Lease Agreement between Fairfield County, South Carolina, Lessor, and Lang-Mekra North, America, Inc., dated December 23, 1997, Lessee, (the "Lease") has the right and option under Article 10 thereof, to purchase all or a portion, of the leased premises (the "Option to Purchase"), and

Whereas, Lang-Mekra North America, Inc. assigned its right under the Lease unto Lang Mekra North America LLC ("Lang-Mekra") by Assignment recorded in the Office of the Clerk of Court for Fairfield County in Book "PV" of Deeds at page 160 on July 13, 1999, and

Whereas, by amendment to the Lease recorded in said Clerk's Office, in Book "QA" of Deeds at page 265 on November 3, 1999, a parcel of 13.570 acres was added to the leased premises, and

Whereas, Lang-Mekra desires to exercise its option to purchase Lot A of 0.220 acres, more or less, in fee simple, ("Lot A") shown on a plat of survey made by Foresight Surveying Company for the Town of Winnsboro, dated 11/20/02, attached hereto as Exhibit A and incorporated herein and recorded on December 3, 2002, in the Office of the Clerk for Fairfield County in Slide 605, Page 701 (the "Survey"), under the terms of the Lease, and

Whereas, Lang-Mekra intends to exchange Lot A with the Town of Winnsboro for the parcel shown as Lot C on the Survey ("Lot C"), to supplement Exhibit A of the Lease with the description of such Lot C, to convey Lot C to the County, and to lease Lot C back under the Lease.

Whereas, such supplementation of Exhibit A to the Lease requires County approval and Lang-Mekra has requested such approval, and

Whereas, the Town of Winnsboro plans to construct a new water tank on Lot A and for such purpose has requested a 24-month temporary construction easement on 0.806 acres of land subject to the Lease shown on the Survey as "Construction Easement", and also a 24-month construction easement on Lot C.

Whereas, the County wants to accommodate the various requests, and

Whereas, Lot A is to be conveyed to Lang-Mekra which in turn will convey the same to the Town of Winnsboro for use as a water tank site which will further the general public welfare of Fairfield County by providing a water supply for the expansion of existing industries and promote the construction of new industries and which in turn will provide and create jobs and employment and which, will also increase the ad valorem tax base of Fairfield County, South Carolina.

Now, therefore, the County Council of Fairfield County hereby ordains:

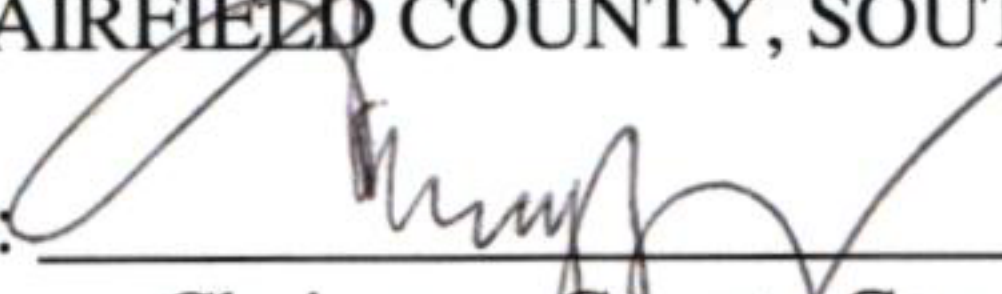
1. That it hereby confirms and approves the Lease and all Amendments thereto including the Option to Purchase contained therein. The exercise of the Option of Purchase on the parcel described in this Ordinance does not terminate the Option to Purchase and the same shall remain in full force and effect on the remaining property subject thereto.
2. That the conveyance in fee simple to Lang-Mekra of Lot A of 0.220 acres, more or less, shown on the Survey, under the terms of the Lease is hereby confirmed and approved.
3. That the County consents to the supplementation of Exhibit A of the Lease with the description for Lot C of 0.085 acres, more or less, as shown on the Survey.
4. That the conveyance to the Town of Winnsboro, subject to approval of Lang-Mekra North America LLC, of a 24-month, temporary construction easement shown on the Survey as Construction Easement, containing 0.806 acres, more or less, and also a 24-month construction easement on Lot C, in the form attached hereto and incorporated herein as Exhibit B is hereby confirmed and approved.

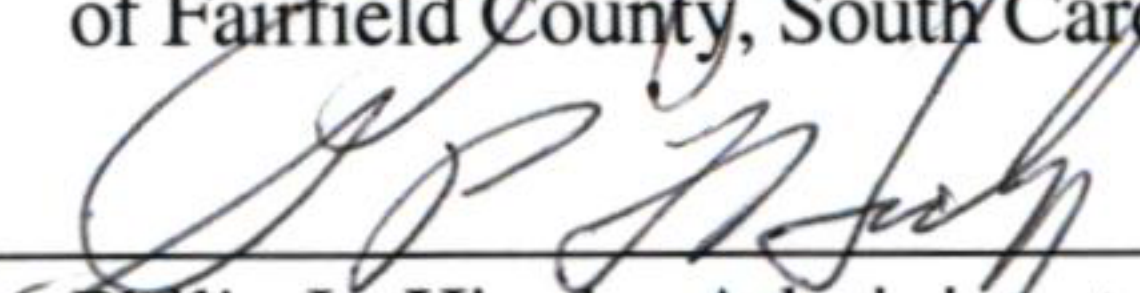
5. That the cost of deed preparation, documentary stamps and all recording fees shall be paid by the Town of Winnsboro.

6. That the County Council of Fairfield County hereby authorizes and directs the Chairman of the Fairfield County Council, to make, execute and deliver the easement described herein unto the Town of Winnsboro, its successors and assigns, in the form attached hereto as Exhibit B and incorporated herein by reference, and to make, execute and deliver the deed conveying the premises described, herein unto Lang-Mekra North America LLC, its successors and assigns, in fee simple, but with limited warranty in the form attached hereto as Exhibit C and incorporated herein by reference.


Enacted this 10th day of February, ~~2002~~ ²⁰⁰³ 

FAIRFIELD COUNTY, SOUTH CAROLINA

By: 
Chairman, County Council
of Fairfield County, South Carolina

By: 
Philip L. Hinely, Administrator, Fairfield
County, South Carolina

(SEAL)
ATTEST:


Shryll M. Brown, Clerk to County Council

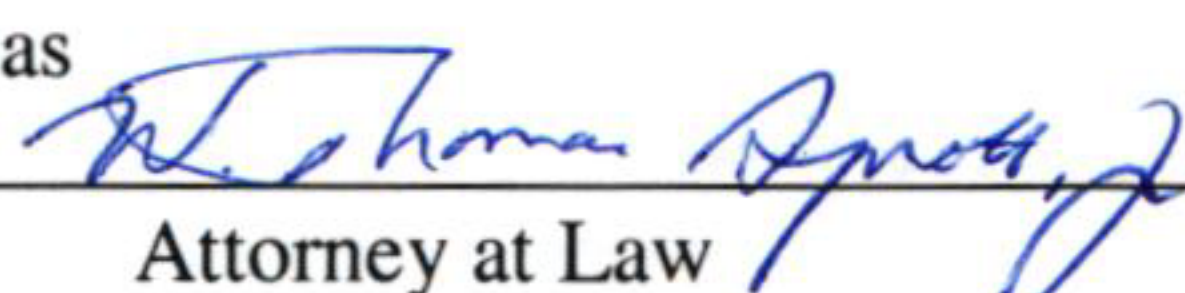
Introduced by: _____

First reading: January 13, 2003

Second reading: January 27, 2003

Third reading: February 10, 2003

Public hearing: February 10, 2003

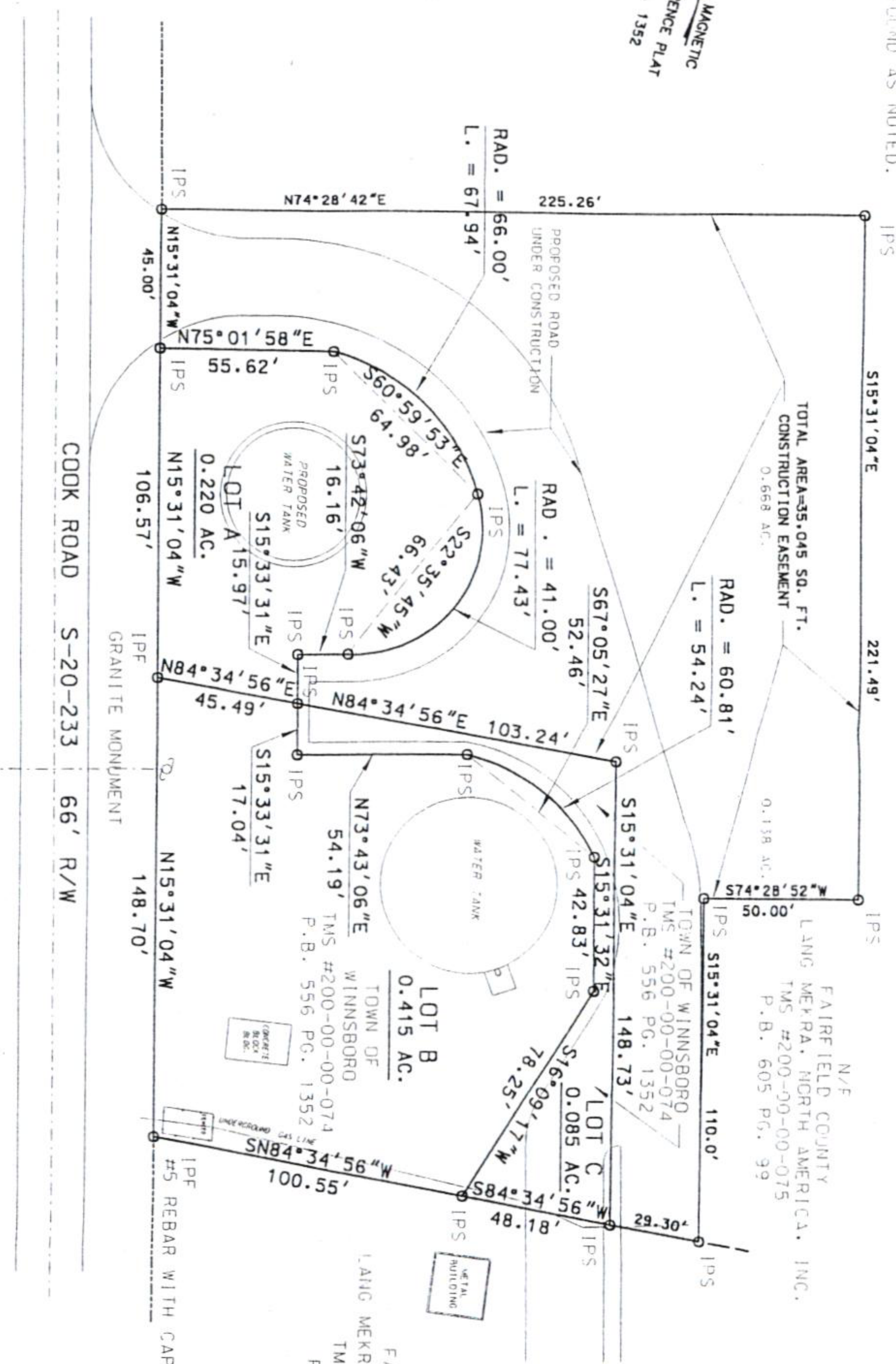
Approved, as
to form: 
Attorney at Law

IPS DENOTES IRON PIN SET, #4 REBAR.
IPF DENOTES IRON PIN FOUND AS NOTED.

N/F
FAIRFIELD COUNTY

BASED ON REFERENCE PLAT
P.B. 556 PG. 1352
MAGNETIC

FAIRFIELD COUNTY

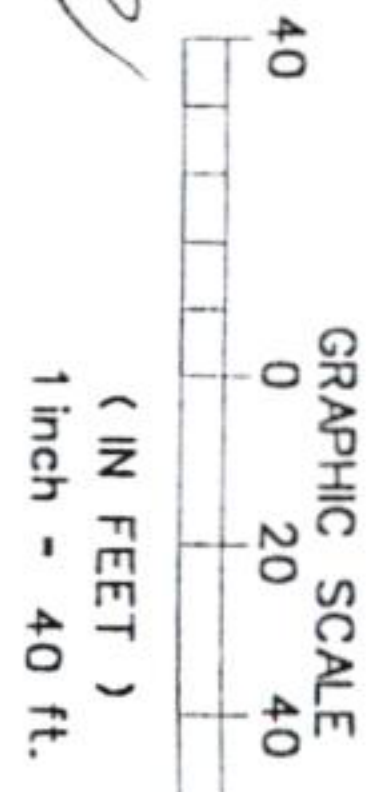


Scale 605 Page 701

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS B SURVEY AS SPECIFIED THEREIN.
THIS PROPERTY IS NOT LOCATED WITHIN A DESIGNATED FLOOD HAZARD AREA.

11/20/03
DATE

MICHAEL C. HAMMACK
SC PLS #9059



FORESIGHT SURVEYING COMPANY
MICHAEL C. HAMMACK, PLS # 9059
1432 SUNSET BOULEVARD
WEST COLUMBIA, SC 29169
TEL: (803) 926-1414
FAX: (803) 739 2277

PLAT PREPARED FOR
TOWN OF WINNSBORO
FAIRFIELD COUNTY NEAR RIDGEWAY, SOUTH CAROLINA

DATE 11/23/03
SUBDIVISION REGULATIONS
DO NOT APPLY
Administrative Code

3 24 PM '03

Grantee's Address is: Lang-Mekra North America LLC
101 Tillessen Boulevard
Ridgeway, South Carolina 29130

This deed is made and delivered and subject and subordinate to easements, reservations and conditions of record and otherwise, and zoning regulations, including the Declaration of Covenants, Conditions and Restrictions for the Walter B. Brown Industrial Park dated September 23, 1996 and recorded October 24, 1996 in said Clerk's office in Book "DE" of Deeds at page 120.

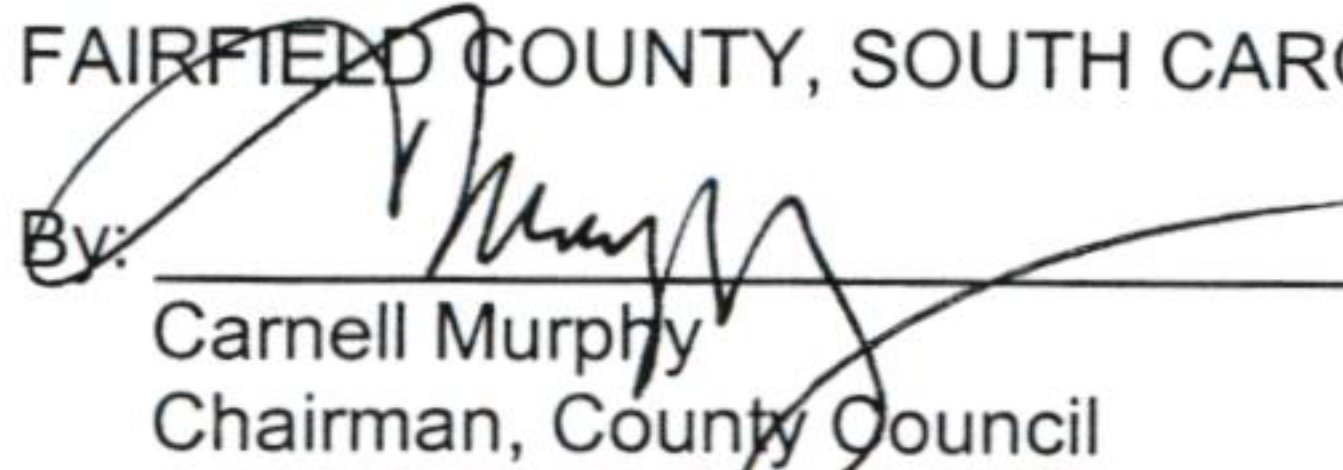
TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the Premises belonging or in any way incident or appertaining thereto.

TO HAVE AND TO HOLD all and singular the Premises unto the Grantee, its successors and assigns forever.

And the Grantor does hereby bind itself, its successors, and other Lawful Representatives, to warrant and forever defend all and singular the Premises unto the Grantee, its successors and assigns, against the Grantor and against the Grantor's successors and assigns, but no other.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed in its name by its authorized signatories and its seal to be hereto affixed this __ day of _____, _____.

FAIRFIELD COUNTY, SOUTH CAROLINA

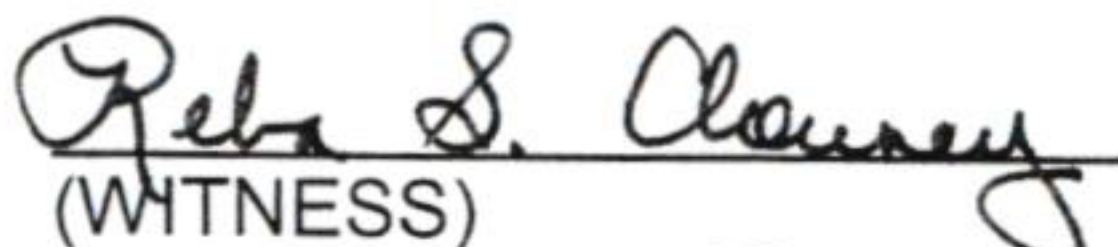
By: 

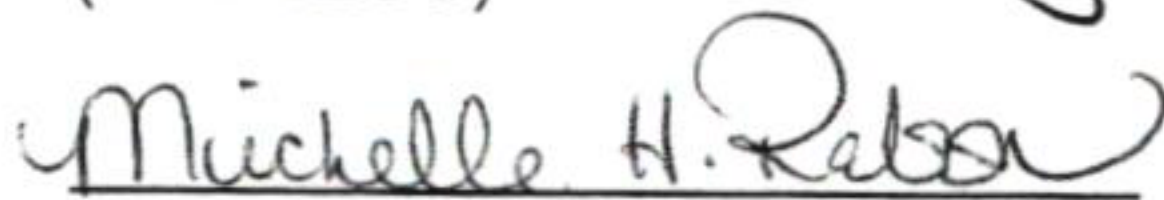
Carnell Murphy
Chairman, County Council

ATTEST


Shryll M. Brown
Clerk to County Council of
Fairfield County, South Carolina

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:


(WITNESS)


(WITNESS)