

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR FAIRFIELD COUNTY
ORDINANCE NO. 506

AUTHORIZING AN AMENDMENT TO THE MASTER AGREEMENT GOVERNING THE I-77 CORRIDOR REGIONAL INDUSTRIAL PARK BY AND BETWEEN RICHLAND COUNTY, SOUTH CAROLINA AND FAIRFIELD COUNTY, SOUTH CAROLINA, IN ORDER TO EXPAND THE BOUNDARIES OF THE PARK TO INCLUDE CERTAIN PROPERTIES OWNED BY INTERNATIONAL PAPER, INC., MCENTIRE LIMITED PARTNERSHIP, AND METSO MINERALS INDUSTRIES, INC.; AND OTHER MATTERS RELATED THERETO.

WHEREAS, Fairfield County, South Carolina ("Fairfield") and Richland County, South Carolina ("Richland") (collectively, the "Counties"), as authorized under Article VIII, Section 13(D) of the South Carolina Constitution and Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended (the "Act"), have jointly developed the I-77 Corridor Regional Industrial Park (the "Park"); and,

WHEREAS, in response to requests from companies seeking to invest in either Fairfield or Richland, the Counties have heretofore expanded the boundaries of the Park to include additional property, which inclusion has afforded the requesting companies additional tax benefits under South Carolina law; and

WHEREAS, the Counties have entered into separate agreements to reflect each new phase of expansion of the Park ("Phase Agreements"); and

WHEREAS, on April 15, 2003, the Counties entered into an agreement entitled "Master Agreement Governing the I-77 Corridor Regional Industrial Park" (the "Master Agreement"), the provisions of which replaced all existing Phase Agreements and now govern the operation of the Park; and

WHEREAS, International Paper, Inc., its corporate affiliates and assigns (collectively, "IP"), has requested the Counties expand the boundaries of the Park to include its property located in Richland and described in the attached **Exhibit A** (hereafter, "IP Property"); and

WHEREAS, McEntire Limited Partnership, its corporate affiliates and assigns ("R.C."), has requested the Counties expand the boundaries of the Park to include its property located in Richland and described in the attached **Exhibit B** (hereafter, "R.C. Property"); and

WHEREAS, Metso Minerals Industries, Inc., its corporate affiliates and assigns ("Metso," with Metso, IP and R.C. being collectively referred to as the "Companies")), has requested the Counties expand the boundaries of the Park to include its property located in Richland and described in the attached **Exhibit C** (hereafter, "Metso Property"); and

WHEREAS, the Counties now desire to expand the boundaries to include the IP Property, R.C. Property and Metso Property.

NOW, THEREFORE, BE IT ORDAINED BY THE FAIRFIELD COUNTY COUNCIL AS FOLLOWS:

Section 1. Expansion of Park Boundaries. There is hereby authorized an expansion of the Park boundaries to include the IP Property, R.C. Property and Metso Property. The County Council Chair, or the Vice Chair in the event the Chair is absent, the County Administrator and the Clerk to the County Council are hereby authorized to execute such documents and take such further actions as may be necessary to complete the expansion of the Park boundaries. Pursuant to the terms of the Master Agreement, the expansion shall be complete upon the adoption of this Ordinance by the Fairfield County Council and a companion Ordinance by the Richland County Council authorizing same.

Section 2. Removal of Property from Park. Any of the Companies may request that a portion of their property be removed from the Park. In such case, the Counties hereby authorize removal of such property upon receipt of a written request from IP, R.C. or Metso, respectively, which request may only cover property owned by the Company making such request. No further action by either the Richland County Council or the Fairfield County Council shall be required. The County Council Chair, or the Vice Chair in the event the Chair is absent, the County Administrator and the Clerk to the County Council are hereby authorized to execute such documents and take such further actions as may be necessary to complete removal of such property from the Park. The public hearing requirement set forth in Section 1.03 of the Master Agreement regarding removal of property from the Park shall be waived.

Section 3. Savings Clause. If any portion of this Ordinance shall be deemed unlawful, unconstitutional or otherwise invalid, the validity and binding effect of the remaining portions shall not be affected thereby.

Section 4. General Repealer. Any prior Ordinance, the terms of which are in conflict herewith, is, only to the extent of such conflict, hereby repealed.

Section 5. Effectiveness. This Ordinance shall be effective after third and final reading.


FAIRFIELD COUNTY, SOUTH CAROLINA


Chairman, County Council
Fairfield County, South Carolina



(SEAL)

ATTEST:


Clerk to County Council
Fairfield County, South Carolina

READINGS:

First Reading: 8/22/05
Second Reading: 9/12/05
Third Reading: 10/10/05
Public Hearing: 10/10/05

EXHIBIT A

LEGAL DESCRIPTION OF IP PROPERTY

1. Parcel 1 (from 1991 FILOT Agreement):

TRACT NO. 17 - (NO. 1 PULP DRYER)

That certain tract, containing 1.18 acres, and being more fully described as follows: From said Point of Commencement run North 69°49'48" East a distance of 6683.68 feet to the Point of Beginning, said point being located by reference to the grid coordinates, in feet, of said grid coordinate system at North - 746,459.78 and East - 2,109,632.90 and from said Point of Beginning running

THENCE North 73 degrees 00 minutes 14 seconds East for a distance of 64.36 feet;
THENCE South 16 degrees 59 minutes 46 seconds East for a distance of 20.30 feet;
THENCE North 73 degrees 00 minutes 14 seconds East for a distance of 23.60 feet;
THENCE South 16 degrees 59 minutes 46 seconds East for a distance of 250.27 feet;
THENCE South 73 degrees 00 minutes 14 seconds West for a distance of 9.51 feet;
THENCE South 16 degrees 59 minutes 46 seconds East for a distance of 314.69 feet;
THENCE South 73 degrees 00 minutes 14 seconds West for a distance of 87.98 feet;
THENCE North 16 degrees 59 minutes 46 seconds West for a distance of 337.63 feet;
THENCE North 73 degrees 00 minutes 14 seconds East for a distance of 9.54 feet;
THENCE North 16 degrees 59 minutes 46 seconds West for a distance of 247.63 feet to the Point of Beginning.

2. Parcel 2: 797 acres identified by Tax Map Number 1476242-002-A00001.

EXHIBIT B

LEGAL DESCRIPTION OF R.C. PROPERTY

All that certain piece, parcel or tract of land, with all improvements thereon, situate, lying and being in the County of Richland, State of South Carolina, containing 29.994 Acres (which includes 1.086 acres within the right-of-way of American Italian Way), and being more particularly shown and delineated on a boundary survey prepared for McEntire Limited Partnership by B.P. Barber & Associates, Inc. dated June 9, 2004, revised July 26, 2004 and recorded in the Office of the Register of Deeds for Richland County in Plat Book 960 at Page 2105, and shown thereon as having the following boundaries and measurements, to-wit: Beginning at a 5/8" rebar on the northern right-of-way of Norfolk Southern Railroad, being 4,329 feet, more or less, southeast of Pineview Road (S.C. Highway No. 768), thence turning and running N43E12'01"E along property of Richland County as shown on said plat for a distance of 1,801.50 feet to a 5/8" rebar; thence turning and running S55E17'50"E along property of Kal Kan Foods, Inc. as shown on said plat for a distance of 716.65 feet to a 5/8" rebar; thence turning and running S43E12'14"W along property of Plasti-Line Columbia, Inc. as shown on said plat for a distance of 1,886.82 feet to a 5/8" rebar; thence turning and running along the northern right-of-way of Norfolk Southern Railway along a curve having a chord bearing of N48E23'58"W for a chord distance of 561.36 feet (said curve having an arc distance of 561.37 feet and a radius of 64,145.85 feet) to a 5/8" rebar; thence turning and continuing in a direction of N48E50'18"W for a distance of 147.72 feet to a 5/8" rebar, being the point of beginning.

This being the same property conveyed to McEntire Limited Partnership by Resource Electronics, Inc. n/k/a/Rclosedel, Inc. by deed dated July 28, 2004 and recorded in the Office of the Register of Deeds for Richland County on July 30, 2004 in Book 962 at page 193.

TMS No. 19000-05-05

EXHIBIT C

LEGAL DESCRIPTION OF METSO PROPERTY

TMS No. 22910-01-02

TRACT 1: ALL that certain piece, parcel or tract of land, with the improvements thereon, situate, lying and being near the City of Columbia, in the County of Richland, State of South Carolina and being more particularly shown and delineated as Tract 1 on plat prepared for Hewitt-Robins Corp. by Keels Engineering Co., Arthur H. Keels, S.C.: Registered Civil Engineer and Land Surveyor #1726, dated April 11, 1991 and recorded in Plat Book 53 at Page 4427, and according to said plat having the following boundaries and measurements, to-wit: Beginning at an iron along the northern boundary of the right-of-way of Seaboard Coastline Railroad at such right-of-way's intersection with the Northern right-of-way of Risdon Road (50 foot right-of-way) and running along said right-of-way S53°53'W for a distance of 126.0' to an iron; then turning and running along said right-of-way S56°23'W for a distance of 394.8' to a concrete marker; then turning and running along property now or formerly of Peacher-Schwank Plastics, Inc. N42°42'W for a distance of 872.7' to an iron; then continuing and running along property now or formerly of Church of Jesus Christ N42°42'W for a distance of 319.1' to an iron; then continuing and running along property now or formerly of Pine Springs, Inc. N42°42'W for a distance of 221.7' to an iron; then turning and running along the right-of-way of Seaboard Coastline Railroad N48°10'E for a distance of 91.1' to an iron; then turning and running along Tract 2 S42°43'E for a distance of 549.0' to an iron; then turning and running along Tract 2 N47°07'E for a distance of 894.3' to an iron; then turning and running along Tract 2 S42°50'E for a distance of 896.0' to an iron; then turning and running along Tract 2 S47°52'W for a distance of 495.6' to an iron; then turning and running along Tract 2 S66°24'E for a distance of 56.8' to an iron at the point of beginning; be all measurements a little more or less.

LESS AND EXCEPTING FROM TRACT 1 THE FOLLOWING PROPERTY, TO-WIT:

Risdon Road (S.C. Highway S-40-2271) 50' R/W consisting of 1.962 acres, which area is more particularly shown and delineated on the above referenced plat prepared for Hewitt-Robins Corp. By Keels Engineering Co., Arthur H. Keels, Registered Civil Engineer and Surveyor #1726, dated April 11, 1991, recorded in Plat Book 53 at Page 4427.

ALSO:

TRACT 2: ALL that certain piece, parcel or tract of land, with the improvements thereon, situate, lying and being near the City of Columbia, in the County of Richland, State of South Carolina and being more particularly shown and delineated as Tract 2 on plat prepared for Hewitt-Robins Corp. by Keels Engineering Co., Arthur H. Keels, Registered Civil Engineer and Surveyor #1726, dated April 11, 1991, recorded in Plat Book 53 at Page 4427, and according to said plat having the following boundaries and measurements, to-wit: Beginning at an iron along the northern boundary of the right-of-way of Seaboard Coastline Railroad at such right-of-way's intersection with the northern right-of-way of Risdon Road (50 foot right-of-way) and running along Tract 1 and the right-of-way of Risdon Road N66°24'W for a distance of 56.8' to an iron; then turning and running along Tract 1 N47°52'E for a distance of 495.6' to an iron; then turning and running along Tract 1 N42°50'W for a distance of 896.0' to an iron; then turning and running along Tract 1 S47°07'W for a distance of 894.3' to an iron; then turning and running along Tract 1 N42°43'W for a distance of 549.0' to an iron; then turning and running along property now or formerly of Richland County Support Service Center N48°10'E for a distance of 1,192.7' to an iron; then turning and running along property now or formerly of Clemson Agricultural College of SC S42°50'E for a distance of 588.3' to a concrete marker; then continuing and running along property now or formerly of Richland County and Robins and Myers S42°50'E for a distance of 912.0' to a concrete marker; then turning and running along the right-of-way of Seaboard Coastline Railroad S47°33'W for a distance of 300.0' to an iron; then turning and running along the right-of-way of Seaboard Coastline Railroad S49°58'W for a distance of 300.0' to an iron; then turning and running along the right-of-way of Seaboard Coastline Railroad S52°13'W for a distance of 174.0' to an iron at the point of beginning, be all measurements a little more or less.

TOGETHER WITH an easement for access, ingress and egress over a fifty (50') foot roadway connecting the above described property with U.S. Highway #1 across the railroad track on the Southeastern side of the above property as shown on the above plat; *and as created by The Plat recorded in Deed Book D 47 at Page 495.*