

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR FAIRFIELD COUNTY
ORDINANCE NO. 551

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, TO EXPAND THE BOUNDARIES OF THE PARK TO INCLUDE CERTAIN REAL PROPERTY LOCATED IN RICHLAND COUNTY, AND OTHER RELATED MATTERS.

WHEREAS, Richland County, South Carolina ("Richland"), and Fairfield County, South Carolina ("Fairfield") (collectively, "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 ("Act"), have jointly developed the I-77 Corridor Regional Industrial Park ("Park"); 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" ("Master Agreement"), the provisions of which replaced all existing Phase Agreements and now govern the operation of the Park; and

WHEREAS, Richland now desires, and has requested Fairfield, to expand the boundaries of the Park to include property located in Richland and described on the attached **Exhibit A** (collectively, "Property"); and

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

Section 1. Expansion of Park Boundaries. There is hereby authorized an expansion of the Park boundaries to include the 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.

Section 2. 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 3. General Repealer. Any prior Ordinance, the terms of which are in conflict herewith, is, only to the extent of such conflict, hereby repealed.

Section 4. Effectiveness. This Ordinance shall be effective after third and final reading.



FAIRFIELD COUNTY, SOUTH CAROLINA

Russell David Brown

Russell David Brown, Chairman of County Council
Fairfield County, South Carolina

(SEAL)
ATTEST:

Shryll M. Brown

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

READINGS:

First Reading: September 14, 2009
Second Reading: September 23, 2009
Third Reading: October 12, 2009
Public Hearing: Not Required

EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY

(Approximately 206 +/- Acres)

All that certain piece, parcel or tract of land, together with improvements thereon, containing 121.831 acres, more or less, situate, lying and being on the northwestern side of Farrow Road, in the County of Richland, State of South Carolina, being shown and designated as Tract A on a Boundary Survey prepared for South Capital Group, Inc. by B. P. Barber & Associates, Inc. dated May 16, 2005, and recorded in the Office of the Register of Deeds for Richland County in Record Book 1055 at page 3524. Reference is made to said plat for a more complete and accurate description.

AND all that certain piece, parcel or tract of land, together with improvements thereon, containing 84.82 acres, more or less, situate, lying and being in the County of Richland, State of South Carolina, being shown and delineated on a plat prepared for Bi-Lo, Inc. by Cox and Dinkins, Inc. dated August 19, 1994, and recorded in the Office of the Register of Deeds for Richland County in Plat Book 55 at page 4681. Reference is made to said plat for a more complete and accurate description.

The above parcels are also shown together as a 206.63 acre tract on a plat prepared for Richland County by B.P. Barber & Associates, Inc. dated November 9, 2006, last revised November 16, 2006, and recorded or to be recorded in the Office of the Register of Deeds for Richland County, being an update of the Boundary Plat prepared by B.P. Barber & Associates, Inc. for South Capital Group, Inc. dated May 31, 2006, and recorded in Book R-1203 at page 2515.

The property is bounded by the right-of-way for Farrow Road; property now or formerly of Ferguson Enterprises, Inc.; property now or formerly of Mad Jack, LLC; property now or formerly of Washington Heights Subdivision; property now or formerly of Charles P. Watson; the centerline of Crane Creek dividing the 206.630 acres from property now or formerly of James and Estelle S. Lassiter; property now or formerly of Edward Rose Development Co., LLC; property now or formerly of Accent Development Co.; and property now or formerly of Susan M. Brown.

TOGETHER WITH all easements, rights and privileges conveyed to Bi-Lo, LLC in Easement of SPS Limited Liability Company dated May 15, 2001, recorded May 26, 2001, in Record Book 534 at page 2154.

Tax Map Numbers: 17300-02-10 and 17300-02-33

Derivation: This being the same property conveyed to South Capital Group, Inc. by (i) deed from SPS Limited Liability Company dated May 20, 2005, and recorded on May 26, 2005, in Book 1057 at page 107, and (ii) deed from Bi-Lo, LLC dated March 17, 2005, and recorded on March 18, 2005, in Book 1034 at page 1075.