

OF SOUTH CAROLINA
COUNTY COUNCIL FOR FAIRFIELD COUNTY
ORDINANCE NO. 566

AUTHORIZING THE AMENDMENT OF THE AGREEMENT FOR DEVELOPMENT FOR JOINT COUNTY INDUSTRIAL PARK EXECUTED ON OCTOBER 18, 1995, BY AND BETWEEN NEWBERRY COUNTY, SOUTH CAROLINA, AND FAIRFIELD COUNTY, SOUTH CAROLINA, PROVIDING FOR THE INCLUSION OF ADDITIONAL PROPERTY IN NEWBERRY COUNTY AS PART OF THE JOINT COUNTY INDUSTRIAL AND BUSINESS PARK, AND OTHER RELATED MATTERS.

WHEREAS, in order to promote the economic welfare of its citizens by providing employment and other benefits, Fairfield County, South Carolina ("County") and Newberry County, South Carolina (jointly, the "Counties") are authorized under Article VIII, Section 13 of the South Carolina Constitution and Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended ("Act") to jointly develop an industrial or business park in the geographical boundaries of one or more of the member Counties; and

WHEREAS, pursuant to the Act, the Counties executed that certain Agreement for Development for Joint County Industrial Park ("Park") on October 18, 1995 ("Park Agreement"), with respect to certain parcels of land in the Counties; and

WHEREAS, the Park Agreement, by its terms, contemplates the inclusion of additional parcels in the Park from time to time and requires that the Counties authorize, by appropriate ordinance, any enlargement of the boundaries of the Park and the amendment of the Park Agreement to reflect that enlargement; and

WHEREAS, on December 31, 2009, Newberry County and Loblolly Green Power, LLC ("Company") entered into a fee-in-lieu-of-tax arrangement by which the Company committed to construct a new wholesale renewable power generation facility located in Newberry County ("Project"); and

WHEREAS, the real property on which the Project is located ("Land") is not currently included in the Park; and

WHEREAS, the Counties desire to add the Land to the Park so that the Company may receive all of the benefits which may accrue to the Company as a result of the Project's location in the Park.

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

Section 1. Pursuant to Section 3a. of the Park Agreement, the Park Agreement is amended to include in the Park the Land, the legal description of which is attached as Exhibit A.

Section 2. If any part of this Ordinance is unenforceable, the remainder is unaffected.

Section 3. Any ordinance, resolution or order, the terms of which conflict with this Ordinance, is, only to the extent of that conflict, repealed.

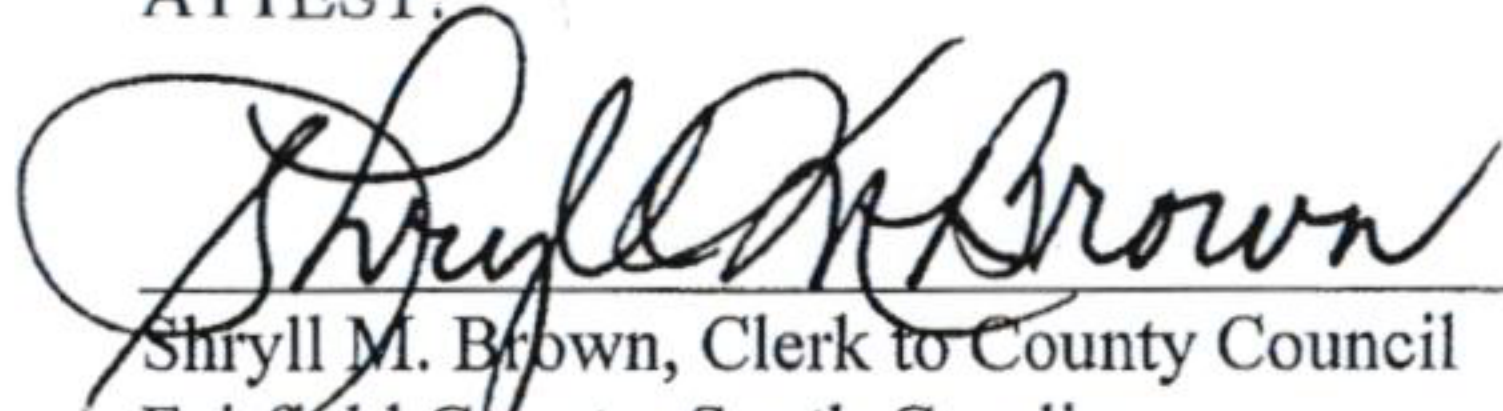
Section 4. This Ordinance is effective after third and final reading.

FAIRFIELD COUNTY, SOUTH CAROLINA



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

(SEAL)
ATTEST:



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

READINGS:

| | |
|-----------------|---------------|
| First Reading: | June 14, 2010 |
| Second Reading: | June 28, 2010 |
| Public Hearing: | July 12, 2010 |
| Third Reading: | July 12, 2010 |

EXHIBIT A

PROPERTY DESCRIPTION

All that certain piece, parcel or tract of land situate, lying and being in the County of Newberry, State of South Carolina, School District No. 11, containing one hundred forty-two and 41/100 (142.41) acres, more or less, and bounded now or formerly on the northeast by lands of John Cousins; on the southeast by lands of John Cousins, Idalia Cousins, lands now or formerly of Mrs. C. Y. Hunter and lands now or formerly of Hutchinson; on the southwest by Bush River; and on the northwest by lands of Mrs. O. B. Mayer, the same being the identical tract of land conveyed to Gladys H. Carlton by Mrs. Geneva Harmon Havird, by her deed of conveyance dated June 18, 1935, and recorded in the Office of the Clerk of Court for Newberry County in Deed Book 49 at page 418. This property is more fully outlined and delineated on a Plat prepared by E. O. Counts, surveyor, dated December 12, 1944, and recorded in the Office of the Clerk of Court for Newberry County in Plat Book H at page 12.

LESS AND EXCEPT all that certain piece, parcel or lot of land, together with all improvements thereon, containing collectively twenty-three and 32/100 (23.32) acres and consisting of three tracts of land as shown on a plat from a survey of Thomas B. Abraham dated March 18, 1993 as tracts A, B and C. These three tracts of land are bounded on the north by SC Highway 121 and lands of Vernon C. Carlton, Jr.; on the east by lands of Franklin D. Beatty and lands, now or formerly, of the City of Newberry; on the south by lands, now or formerly, of the City of Newberry; and on the west by the Bush River.

Tax Map No.: 294-2

Derivation: This is a portion of the property conveyed to grantor by deed of Gladys H. Carlton dated October 3, 1959 and recorded in the Office of the Clerk of Court for Newberry County in Deed Book 90 at page 92.

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWERRY)

ORDINANCE NO. 06-16-10

AN ORDINANCE AUTHORIZING THE AMENDMENT OF THE AGREEMENT FOR DEVELOPMENT FOR JOINT COUNTY INDUSTRIAL PARK EXECUTED ON OCTOBER 18, 1995, BY AND BETWEEN NEWBERRY COUNTY, SOUTH CAROLINA AND FAIRFIELD COUNTY, SOUTH CAROLINA, PROVIDING FOR THE DEVELOPMENT OF A JOINT COUNTY INDUSTRIAL AND BUSINESS PARK SO AS TO INCLUDE ADDITIONAL PROPERTY IN NEWBERRY COUNTY AS PART OF THE JOINT COUNTY INDUSTRIAL PARK, AND OTHER MATTERS RELATING THERETO.

WHEREAS, in order to promote the economic welfare of its citizens by providing employment and other benefits, Newberry County, South Carolina (the "County") and Fairfield County, South Carolina (jointly, the "Counties") are authorized under Article VIII, Section 13 of the South Carolina Constitution and Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended (the "Act") to jointly develop an industrial or business park within the geographical boundaries of one or more of the member Counties; and

WHEREAS, pursuant to the Act, the Counties executed that certain Agreement for Development for Joint County Industrial Park (the "Park") on October 18, 1995 (the "Park Agreement") with respect to certain parcels of land in the Counties; and

WHEREAS, the Park Agreement, by its terms, contemplates the inclusion of additional parcels within the Park from time to time and requires that the Counties authorize by appropriate ordinance any enlargement of the boundaries of the Park and the amendment of the Park Agreement to reflect such enlargement; and

WHEREAS, on December 31, 2009, the County and Loblolly Green Power, LLC (the "Company") entered into a fee-in-lieu-of-tax arrangement by which the Company committed to construct a new wholesale renewable power generation facility located within the County (the "Project"); and

WHEREAS, the real property on which the Project is located (the "Land") is not currently included within the Park; and

WHEREAS, the Counties desire to add the Land to the Park so that the Company may receive all of the benefits which may accrue to the Company as a result of the Project's location within the Park.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF NEWBERRY COUNTY, SOUTH CAROLINA, IN A MEETING DULY ASSEMBLED:

1. Pursuant to Section 3a. of the Park Agreement, the Park Agreement is hereby amended to include within the Park the Land, the legal description of which is attached hereto as Exhibit A.
2. The provisions of this Ordinance are declared to be separable. If any section, phrase, or provision shall be declared by a court of competent jurisdiction to be invalid or unenforceable for any reason, the remaining sections, phrases, and provisions of the Ordinance shall remain valid.
3. All orders, resolutions, and other ordinances in conflict with this Ordinance are repealed to the extent of such conflict.
4. This Ordinance shall take effect immediately upon third reading thereof by the County Council of Newberry County and shall supersede any inconsistent ordinances.

First Reading: June 16, 2010

Second Reading: July 7, 2010

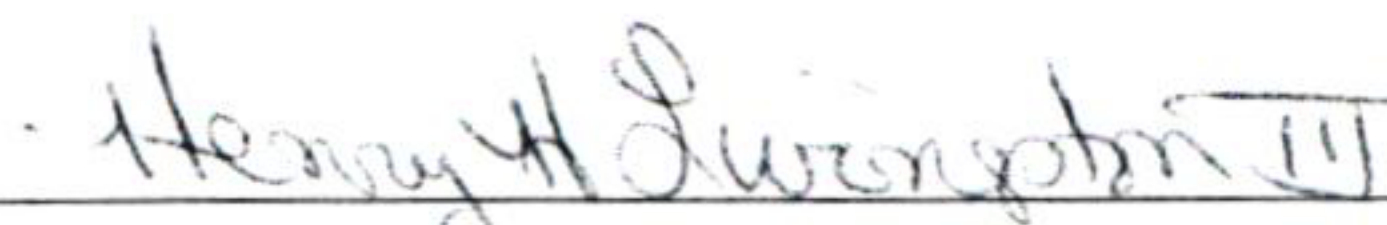
Public Hearing: July 7, 2010

Third Reading: July 21, 2010

AND IT IS SO ORDAINED, ENACTED AND ORDERED.

Dated this 21st day of July 2010.

NEWBERRY COUNTY COUNCIL


Henry H. Livingston, III, Chairman

ATTEST



Laurie N. Renwick, Clerk to Council

EXHIBIT A

Legal Description of Land

All that certain piece, parcel or tract of land situate, lying and being in the County of Newberry, State of South Carolina, School District No. 11, containing one hundred forty-two and 41/100 (142.41) acres, more or less, and bounded now or formerly on the northeast by lands of John Cousins; on the southeast by lands of John Cousins, Idalia Cousins, lands now or formerly of Mrs. C. Y. Hunter and lands now or formerly of Hutchinson; on the southwest by Bush River; and on the northwest by lands of Mrs. O. B. Mayer, the same being the identical tract of land conveyed to Gladys H. Carlton by Mrs. Geneva Harmon Havird, by her deed of conveyance dated June 18, 1935, and recorded in the Office of the Clerk of Court for Newberry County in Deed Book 49 at page 418. This property is more fully outlined and delineated on a Plat prepared by E. O. Counts, surveyor, dated December 12, 1944, and recorded in the Office of the Clerk of Court for Newberry County in Plat Book H at page 12.

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