



## ORDINANCE NO. 705

First Reading (By Title Only): July 9, 2018  
Second Reading: July 23, 2018  
Public Hearing: July 23, 2018  
Third and Final Reading: August 13, 2018

**AUTHORIZING THE EXECUTION OF THE AMENDED AND RESTATED MASTER AGREEMENT GOVERNING THE I-77 CORRIDOR REGIONAL INDUSTRIAL PARK BY AND BETWEEN FAIRFIELD COUNTY, SOUTH CAROLINA AND RICHLAND COUNTY, SOUTH CAROLINA; CONFIRMING THE BOUNDARIES OF THE I-77 CORRIDOR REGIONAL INDUSTRIAL PARK; AND OTHER RELATED MATTERS**

**WHEREAS**, Fairfield County, South Carolina (“Fairfield”), and Richland County, South Carolina (“Richland,” collectively, “Counties,” each, a “County”), as contiguous counties, are 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 (collectively, “Act”), to (i) develop jointly multicounty industrial and business parks, and (ii) include real and personal property located in the geographic boundaries of the Counties in such parks, which inclusion under the terms of the Act makes such property exempt from *ad valorem* property taxes, and changes the character of the annual receipts from such property to fees in-lieu-of *ad valorem* property taxes in an amount equivalent to the *ad valorem* taxes that would have been due and payable but for the location of the property in such multi-county industrial parks;

**WHEREAS**, pursuant to the Act, the Counties must enter a written agreement regarding the multicounty industrial and business park which (i) addresses the sharing of expenses of the multicounty industrial and business park; (ii) specifies the percentage of revenues generated by the multicounty industrial or business park to be allocated to each County; and (iii) specifies the manner in which revenues generated by the multicounty industrial or business park must be distributed to each of the taxing entities within each County;

**WHEREAS**, in accordance with the Act and to promote the economic welfare of their respective citizens, the Counties previously developed the I-77 Corridor Regional Industrial Park (“Park”) and entered into the Master Agreement Governing the I-77 Corridor Regional Industrial Park dated as of April 15, 2003 (“Original Agreement”) to govern the operation of the Park;

**WHEREAS**, in order to further the economic development activities of each County and enhance the effective operation of the Park, the Counties desire to amend and restate the Original Agreement in its entirety and enter into the Amended and Restated Master Agreement Governing the I-77 Corridor Regional Park (“Restated Agreement”), the form of which is attached as Exhibit A, to govern the operation of the Park in accordance with the Act; and

**WHEREAS**, the Counties further desire to confirm, ratify and approve the Park and the boundaries of the Park by confirming, ratifying and approving the real and personal property located in in the Park as set forth in Exhibit B.

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

**Section 1. Authorization and Execution of Restated Agreement.** The Restated Agreement and the governance of the Park pursuant to the terms of the Restated Agreement, including specifically the provisions relating to (i) the sharing of the Park’s expenses, (ii) the percentage of revenues generated by the Park to be allocated to each County, and (iii) the manner in which the revenues generated by the Park are distributed to each taxing entity within each County, are approved. The Chair of Fairfield County Council (“Chair”) is authorized to execute the Restated Agreement in the name of and on behalf of Fairfield, subject to the approval of any revisions or changes as are not materially adverse to Fairfield by the Fairfield County Administrator, or his designee (collectively, “County Administrator”) following receipt of advice from counsel to Fairfield. The Clerk to Fairfield County Council (“Clerk”) is authorized and directed to attest the Restated Agreement and to deliver the Restated Agreement to Fairfield.

**Section 2. Approval, Confirmation and Ratification of the Park.** The Park and the Park’s boundaries, which are comprised of and includes the real and personal property as set forth in Exhibit B, are approved, confirmed and ratified. Fairfield acknowledges that the boundaries of the Park may be enlarged or diminished in the future in accordance with the terms of the Restated Agreement. The Chair and the Clerk are authorized to execute such documents and take such further actions as may be necessary to evidence and confirm the boundaries of the Park.


**Section 3. Further Assurances.** The Chair, the Clerk and the County Administrator are authorized to execute whatever other documents and take whatever further actions as may be necessary to effect the intent of this Ordinance.

**Section 4. Severability.** The provisions of this Ordinance are separable. If any part of this Ordinance is, for any reason, unenforceable then the validity of the remainder of this Ordinance is unaffected.


**Section 5. General Repealer.** Any ordinance, resolution or order, the terms of which conflict with this Ordinance, is, only to the extent of that conflict, repealed.

**Section 6. Effective Date.** This Ordinance is effective after third and final reading. The Restated Agreement is effective on the later of (i) the effective date of this Ordinance or (ii) the Ordinance adopted by Richland County Council authorizing the Restated Agreement and confirming the Park and the Park’s boundaries.

FAIRFIELD COUNTY, SOUTH CAROLINA

  
\_\_\_\_\_  
William B. Smith, Jr. Chair of County Council  
Fairfield County, South Carolina

(SEAL)  
ATTEST:

  
\_\_\_\_\_  
Patti L. Davis, Clerk to County Council  
Fairfield County, South Carolina

**EXHIBIT A**  
**FORM OF RESTATED AGREEMENT**

[SEE ATTACHED]

**EXHIBIT B**  
**REAL AND PERSONAL PROPERTY LOCATED IN THE PARK**

**[SEE ATTACHED]**