



**STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR FAIRFIELD COUNTY
ORDINANCE NO. 733**

AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT BY AND BETWEEN FAIRFIELD COUNTY, SOUTH CAROLINA, AND VICTORY BOATS, LLC TO PROVIDE CERTAIN INCENTIVES; AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY IN THE COUNTY; AND OTHER RELATED MATTERS.

WHEREAS, pursuant to Title 4, Chapter 9 of the Code of Laws of South Carolina, 1976, as amended, Newberry County, South Carolina (“*County*”), acting by and through its County Council, (“*County Council*”), is authorized to enter into contracts, to acquire interests in real property, grant occupancy rights in real property, lease real property and transfer real property owned by the County;

WHEREAS, Victory Boats, LLC, a South Carolina limited liability company, together with one or more existing or to be formed subsidiaries and affiliates (“*Company*”) has committed to establishing a manufacturing facility in the County (“*Project*”) which is expected to result in the investment of approximately \$3,000,000 (“*Investment Commitment*”) and the creation of approximately 120 new, full-time jobs in the County (“*Jobs Commitment*”);

WHEREAS, in support of the Project and at the request of the Company, the County desires to acquire, license, lease, or transfer certain real property, interests in real property, and improvements thereon, if any, which is more particularly described on Exhibit A (the “*Property*”);

WHEREAS, the Company intends to locate the Project on the Property pursuant to a lease agreement between the County and the Company, and upon the Company’s satisfaction of the Investment Commitment and the Jobs Commitment, the County intends to transfer the Property to the Company; and

WHEREAS, in support of the Project and at the request of the Company, the County intends to offer a grant to the Company in the amount of \$400,000 (“*Grant*”), the terms of which shall be governed by a grant agreement between the County and the Company, the final form of which is attached hereto as Exhibit B (the “*Grant Agreement*”), and the County intends to administer a grant from the State of South Carolina (“*State Grant*”) in accordance with the terms of the Performance Agreement among the Company, the State of South Carolina and the County.

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

Section 1. Findings. County Council determines that support of the Project hereby fulfills a public purpose and is anticipated to benefit the general public welfare of the County.

Section 2. Authorization of Property Transactions. County Council hereby authorizes the acquisition, license, lease, conveyance and transfer of the Property (“*Transactions*”) in support of the Project. Any actions taken in the name of or on behalf of the County in connection with the foregoing prior to the effective date of this Ordinance are expressly ratified and confirmed.

Section 3. Authorization of Grant. County Council hereby approves the Grant and authorizes and directs the County Council Chair, the County Administrator, or their designees, to expend the Grant.

Section 4. Authorization of Agreements. The form, terms, and conditions of the Grant Agreement that is before this meeting are hereby approved and incorporated in this Ordinance by reference. The

County Council Chair, the County Administrator, or their designees, are authorized and directed to execute the Grant Agreement in the name of and on behalf of the County, subject to the approval of any revisions or changes as are not materially adverse to the County by the County Administrator and counsel to the County, and the Clerk to County Council is hereby authorized and directed to attest the Grant Agreement and to deliver the Grant Agreement to the Company. Any Agreements entered into prior to the effective date of this Ordinance are expressly ratified and confirmed.

Section 5. Administration of State Grant. County Council hereby approves the administration of the State Grant by the County Administrator and County Economic Development Director.

Section 6. Further Acts. County Council authorizes the County Council Chair, the County Administrator, or their designees, as appropriate, following receipt of advice from legal counsel to the County, to take such further acts and negotiate, approve and execute whatever further instruments on behalf of the County as deemed necessary, desirable or appropriate to effect the Grant.

Section 7. General Repealer. Any ordinance, resolution, or other order of County Council, the terms of which are in conflict with this Ordinance, is, only to the extent of that conflict, repealed.

Section 8. Effectiveness. This Ordinance is effective after third reading and a public hearing.

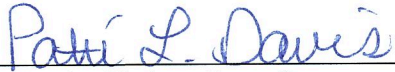
*[Remainder Intentionally Left Blank
Signature Page to Follow]*

FAIRFIELD COUNTY, SOUTH CAROLINA



Cornelius Robinson, Chairman
Fairfield County Council

(SEAL)
ATTEST:



Patti L. Davis, Clerk to Council
Fairfield County Council

READINGS:

First Reading: October 14, 2019
Second Reading: December 9, 2019
Public Hearing: January 27, 2020
Third Reading: January 27, 2020

EXHIBIT A
PROPERTY DESCRIPTION

All that piece, parcel, or tract of land, lying, being and situate in the County of Fairfield, State of South Carolina, together with all improvements located thereon, consisting of approximately 10.48 acres, more or less, as shown as Tract B on a plat prepared by Knight Surveying & Mapping, LLC dated May 2, 2019, and recorded May 10, 2019 in the Office of the Clerk of Court for Fairfield County in Plat Book 605, page 2892, which is hereby incorporated by reference and reference being made to the Plat for a more complete and accurate description, be all measurements a little more or less.

EXHIBIT B
GRANT AGREEMENT