



STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR FAIRFIELD COUNTY
ORDINANCE NO. 740

**AUTHORIZING AMENDMENTS TO A LEASE AGREEMENT
PROVIDING FOR A NEW COUNTY ADMINISTRATION
BUILDING TO BETTER SERVE THE CITIZENS OF FAIRFIELD
COUNTY; AND OTHER RELATED MATTERS.**

WHEREAS, pursuant to Title 4, Chapter 9 of the Code of Laws of South Carolina, 1976, as amended, Fairfield County, South Carolina ("County"), acting by and through its County Council, ("County Council"), is authorized to enact ordinances, not inconsistent with the Constitution and general law of the State of South Carolina, 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, on October 8 2018, the County Council adopted an Ordinance ("Approving Ordinance") approving, among other things, the redevelopment of the historic Mount Zion Institute into a government complex ("Project") in partnership with 1st & Main Development, LLC ("Developer");

WHEREAS, since the adoption of the Approving Ordinance, the Developer has worked diligently with several different investors on the financing for the development of the Project, and a closing for the financing is scheduled on or before January 31, 2020 ("Closing");

WHEREAS, the Approving Ordinance also authorized the execution and delivery of a Lease Agreement by and between the County and MZI Master Tenant, LLC ("Lease Agreement"); and

WHEREAS, the investors for the Project have requested certain that certain modifications be made to the Lease Agreement prior to Closing, and the County Council desires to enter into an Amendment to Lease Agreement, the final form of which is attached hereto as **Exhibit A** ("Amendment") in order to effectuate the intent of the Approving Ordinance.

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

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

Section 2. Approval of Amendment. County Council hereby authorizes and directs the County Council Chair, the County Administrator, or their designees, to negotiate, execute and deliver the Amendment, the form, terms and provisions of which are before this meeting and are approved and incorporated into this Ordinance by reference.

Section 3. 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 effectuate the Closing. Any Agreements entered into prior to the effective date of this Ordinance are expressly ratified and confirmed.

Section 4. Savings Clause. The provisions of the 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 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 6. *Effectiveness.* This Ordinance is effective after third reading and a public hearing.

*[Signature Page Follows
Remainder Intentionally Left Blank]*

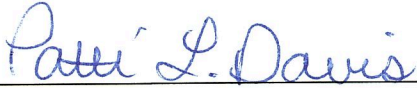
FAIRFIELD COUNTY, SOUTH CAROLINA



Cornelius Robinson, Chair of County Council
Fairfield County, South Carolina

(SEAL)

ATTEST:



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

READINGS:

First Reading: December 18, 2019
Second Reading: January 13, 2020
Public Hearing: January 27, 2020
Third Reading: January 27, 2020

EXHIBIT A