



STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR FAIRFIELD COUNTY
ORDINANCE NO. 765

AUTHORIZING THE FIRST AMENDMENT TO THE MASTER AGREEMENT GOVERNING THE FOREST ACRES BUSINESS PARK BETWEEN FAIRFIELD COUNTY AND RICHLAND COUNTY; AND OTHER RELATED MATTERS.

WHEREAS, Fairfield County, South Carolina (“Fairfield County”) and Richland County, South Carolina (“Richland County”) previously jointly developed the Forest Acres Business Park (“Park”) and entered into a “Master Agreement Governing the Forest Acres Business Park” dated as of June 21, 2016 (the “Master Agreement”) to, among other things, govern the operations of the Park including the sharing of expenses and revenues and the manner in which the revenue is to be distributed to each of the taxing entities within Richland County and Fairfield County; and

WHEREAS, Richland County and Fairfield County now to desire to amend certain provisions of the Master Agreement to amend the term of the Master Agreement by entering into the First Amendment to the Master Agreement, the form of which is attached as Exhibit A (“First Amendment”).

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

Section 1. *Approval of Amendment; Execution of the First Amendment to Master Agreement.* The amendments to the Master Agreement as set forth in the First Amendment are hereby approved. The form, terms and provisions of the First Amendment are hereby approved with any such revisions as are not materially adverse to Fairfield County and are approved by the Fairfield County Administrator (“Administrator”) after consultation with legal counsel to Fairfield County. The Fairfield County Council Chair (“Chair”) is authorized to execute the Amendment, the Clerk to the Fairfield County Council (“Clerk”) is authorized to attest the same, and the Administrator is authorized to deliver the First Amendment to Richland County.

Section 2. *Further Assurances.* The Chair, the Clerk and the Administrator (or their respective designees) are authorized to execute whatever other documents and take whatever further actions as may be necessary to effect the intent of this Ordinance.

Section 3. *Severability.* If any part of this Ordinance is unenforceable, the remainder is unaffected.

Section 4. *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resolution or order, the terms of which conflict with this Ordinance, is, only to the extent of that conflict, repealed.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 5. *Effective Date.* This Ordinance is effective after third and final reading.

FAIRFIELD COUNTY, SOUTH CAROLINA

Moses W. Bell

Moses Bell, Chairman of County Council
Fairfield County, South Carolina

(SEAL)

ATTEST:

Patti L. Davis

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

READINGS:

First Reading: February 22, 2021
Second Reading: March 8, 2021
Third Reading: March 22, 2021

EXHIBIT A
FIRST AMENDMENT TO MASTER AGREEMENT

FIRST AMENDMENT TO MASTER AGREEMENT

THIS FIRST AMENDMENT TO MASTER AGREEMENT GOVERNING THE FOREST ACRES BUSINESS PARK (this “Amendment”), dated as of March [], 2021, is made and entered into by and between RICHLAND COUNTY, SOUTH CAROLINA, a public body corporate and a political subdivision of the State of South Carolina (“Richland County”), and FAIRFIELD COUNTY, SOUTH CAROLINA, a public body corporate and a political subdivision of the State of South Carolina (“Fairfield County” and together with Richland County, the “Counties”). All capitalized terms used herein without definition shall have the same meanings herein as such terms are defined in the Master Agreement (hereinafter defined).

RECITALS

WHEREAS, the Counties previously developed the Forest Acres Business Park (“Park”) and entered into a Master Agreement Governing the Forest Acres Business Park dated as of June 21, 2016 (the “Master Agreement”) to, among other things, govern the operations of the Park and provide for the sharing of FILOT Revenue generated by the Park;

WHEREAS, the Counties desire to amend certain provisions of the Master Agreement to extend the term of the Master Agreement; and

WHEREAS, the Counties have obtained the consent of the City of Forest Acres, South Carolina (“City”) to this Amendment because the Property is geographically situated in the Park.

NOW, THEREFORE, in consideration of the foregoing premises and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Counties hereby agree as follows:

ARTICLE I AMENDMENTS

Section 1.1. Subsections 3.02(b) and 3.03(a) of the Master Agreement are amended by adding the clause “Commencing with tax year 2020,” to the beginning of each subsection.

Section 1.2 Section 3.04 of the Master Agreement is hereby amended by striking Section 3.04 in its entirety and replacing it with the following:

Section 3.04. Annual Report and Disbursement. Not later than July 15 of each year, starting July 15, 2021, each County shall prepare and submit to the other County a report detailing the FILOT Revenue owed and paid to such other County under this Agreement in the prior fiscal year. Each County shall deliver a check for the amount reflected in that report at the same time to the other County.

Section 1.3 Section 4.10 of the Master Agreement is amended by striking Section 4.10 in its entirety and replacing it with the following:

Section 4.10. Termination. Notwithstanding any part of this Agreement to the contrary, this Agreement terminates automatically on the earlier of (a) the termination of the Intergovernmental Agreement between Richland County and the City dated as of July 16, 2016, as amended, or (b) July 15, 2031.

ARTICLE II
MISCELLANEOUS

Section 2.1. This Amendment shall be effective from the date first above written.

Section 2.2. Except as specifically amended hereby, the Master Agreement shall continue in full force and effect in accordance with its terms. Reference to this specific Amendment need not be made in the Master Agreement or any other instrument or document executed in connection therewith, or in any certificate, letter or communication issued or made pursuant to or with respect to the Master Agreement, any reference in any of such items to the Master Agreement being sufficient to refer to the Master Agreement as amended hereby. Richland County and Fairfield County confirm all their respective representations and covenants made under the Master Agreement as if made on the date of this Amendment.

Section 2.3. This Amendment shall be governed by State law.

Section 2.4. This Amendment may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same instrument.

[Remainder of Page Intentionally Left Blank. Signature Page Follows.]

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be duly executed and delivered by their respective duly authorized officers as of the date first above written.

RICHLAND COUNTY, SOUTH CAROLINA

(SEAL)

By: _____
County Council Chair

ATTEST:

By: _____
Clerk to County Council
Richland County, South Carolina

FAIRFIELD COUNTY, SOUTH CAROLINA

(SEAL)

By: Moss W. Bell
County Council Chair

ATTEST:

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

ACKNOWLEDGED AND CONSENTED TO BY
THE CITY OF FOREST ACRES, SOUTH CAROLINA:

City Administrator