



STATE OF SOUTH CAROLINA\
COUNTY COUNCIL FOR FAIRFIELD COUNTY
ORDINANCE NO. 754

**AUTHORIZING THE EXECUTION AND DELIVERY OF AN
AGREEMENT BETWEEN FAIRFIELD COUNTY AND PROJECT
WINDSOR TO PROVIDE CERTAIN INCENTIVES, AUTHORIZING THE
SALE OF CERTAIN REAL PROPERTY IN THE COUNTY; AND OTHER
RELATED MATTERS.**

WHEREAS, Fairfield County, South Carolina ("County"), acting by and through its County Council ("County Council") is authorized pursuant to the provisions of Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as amended ("FILOT Act"), to encourage manufacturing and commercial enterprises to locate in the State of South Carolina ("South Carolina" or "State") or to encourage manufacturing and commercial enterprises now located in the State to expand their investments and thus make use of and employ the manpower, products, and other resources of the State by entering into an agreement with a sponsor, as defined in the FILOT Act, that provides for the payment of a fee-in-lieu of *ad valorem* tax ("FILOT Payments"), with respect to economic development property, as defined in the FILOT Act;

WHEREAS, pursuant to Article VIII, Section 13 of the South Carolina Constitution and Title 4, Section 1, Code of Laws of South Carolina, 1976, as amended (collectively, "MCIP Act"), the County is authorized to jointly develop multicounty parks with counties having contiguous borders with the County and, in the County's discretion, include property within the boundaries of such multicounty parks. Under the authority provided in the MCIP Act, the County has created a multicounty park with Richland County more particularly known as the I-77 Corridor Regional Industrial Park ("Park");

WHEREAS, pursuant to the FILOT and MCIP Acts, the County is authorized to provide credits ("Infrastructure Credits") against FILOT Payments derived from economic development property to pay costs of designing, acquiring, constructing, improving or expanding (i) infrastructure serving a project or the County and (ii) improved and unimproved real estate and personal property used in the operation of a commercial enterprise or manufacturing facility ("Infrastructure");

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

WHEREAS, [PROJECT WINDSOR], a North Carolina corporation ("Sponsor"), desires to establish a concrete products manufacturing facility in the County ("Project") consisting of taxable investment in real and personal property of not less than \$25,9000,000 and the creation of 94 new, full-time jobs at the Project;

WHEREAS, at the request of the Sponsor and as an inducement to locate the Project in the County, the County desires to enter into a Fee-in-Lieu of *Ad Valorem* Taxes and Incentive Agreement with the Sponsor, as sponsor, the substantially final form of which is attached as Exhibit A ("Fee Agreement"), pursuant to which the County will provide certain incentives to the Sponsor with respect to the Project, including (i) providing for FILOT Payments, to be calculated as set forth in the Fee Agreement, with respect to the portion of the Project which constitutes economic development property; (2) locating the Project in the Park; (3) providing Infrastructure Credits, and other incentives, as described in the Fee Agreement, to assist in paying the costs of certain Infrastructure;

WHEREAS, at the request of the Sponsor, the County desires to enter into a purchase and sale agreement with the Sponsor, the substantially final form of which is attached as Exhibit B ("Purchase and

Sale Agreement”) pursuant to which the County will agree to sell certain Real Property to the Sponsor, as more particularly described on Exhibit C (collectively, “Real Property”); and

WHEREAS, to further the economic development of and the creation of new jobs in the County, the County desires to include the Real Property to the Park.

NOW THEREFORE, BE IT ORDAINED, by the County Council as follows:

Section 1. *Statutory Findings.* Based on information supplied to the County by the Sponsor, County Council evaluated the Project based on relevant criteria including, the purposes the Project is to accomplish, the anticipated dollar amount and nature of the investment, employment to be created, and the anticipated costs and benefits to the County, and hereby finds:

(a) The Project is anticipated to benefit the general public welfare of the County by providing services, employment, recreation, or other public benefits not otherwise adequately provided locally;

(b) The Project gives rise to no pecuniary liability of the County or incorporated municipality or a charge against its general credit or taxing power;

(c) The purposes to be accomplished by the Project are proper governmental and public purposes and the benefits of the Project are greater than the costs.

Section 2. *Approval of Incentives; Authorization to Execute and Deliver Fee Agreement.* The incentives as described in this Ordinance (“Ordinance”), and as more particularly set forth in the Fee Agreement, with respect to the Project are hereby approved. The form, terms and provisions of the Fee Agreement that is before this meeting are approved and all of the Fee Agreement’s terms and conditions are incorporated in this Ordinance by reference. The Chair of County Council (“Chair”) is authorized and directed to execute the Fee 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 Fee Agreement and to deliver the Fee Agreement to the Sponsor.

Section 3. *Authorization of Transfer of Real Property; Authorization to Execute and Deliver Purchase and Sale Agreement.* The County Council hereby authorizes the sale of the Real Property to the Sponsor for use in the Project. County Council hereby authorizes and directs the County Council Chair, the County Administrator, or their designees, execute and deliver the Purchase and Sale Agreement and to negotiate, execute and deliver any other agreements necessary to effectuate the sale or transfer of the Real Property from the County to the Sponsor, the form and terms of which shall be acceptable to individual signing on behalf of the County, who shall do so only after receiving advice from legal counsel to the County. Any agreements entered into prior to the effective date of this Ordinance are expressly ratified and confirmed.

Section 4. *Inclusion within the Park.* The expansion of the Park boundaries to include the Real Property and the Project is authorized and approved. The Chair, the County Administrator and the Clerk to County Council are each authorized to execute such documents and take such further actions as may be necessary to complete the expansion of the Park boundaries. Pursuant to the terms of the agreement governing the Park (“Park Agreement”), the expansion of the Park’s boundaries and the amendment to the Park Agreement is complete on adoption of this Ordinance by County Council and delivery of this Ordinance to the Clerk to County Council of Richland County.

Section 5. *Further Assurances.* The County Council confirms the authority of the Chair, the County


Administrator, the Director of Economic Development, the Clerk to County Council, and various other County officials and staff, acting at the direction of the Chair, the County Administrator, the County Economic Development Director, or Clerk to County Council, as appropriate, to take whatever further action and to negotiate, execute and deliver whatever further documents as may be appropriate to effect the intent of this Ordinance and the incentives offered to the Sponsor under this Ordinance and the Fee Agreement.

Section 6. *Savings Clause.* 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 7. *General Repealer.* Any prior ordinance, resolution, or order, the terms of which are in conflict with this Ordinance, is, only to the extent of that conflict, repealed.

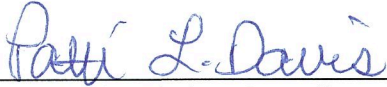
Section 8. *Effectiveness.* This Ordinance is effective after its third reading and public hearing.

FAIRFIELD COUNTY, SOUTH CAROLINA



Cornelius Robinson, Chair
Fairfield County Council

(SEAL)
ATTEST:



Patti L. Davis, Clerk to Council
Fairfield County Council

First Reading: September 14, 2020
Second Reading: October 5, 2020
Public Hearing: October 5, 2020
Third Reading: October 12, 2020

EXHIBIT A
FORM OF FEE AGREEMENT

EXHIBIT B

FORM OF PURCHASE AND SALE AGREEMENT

EXHIBIT C
DESCRIPTION OF REAL PROPERTY
[TO BE INSERTED]