

AN ORDINANCE

AUTHORIZING THE EXECUTION AND DELIVERY OF AN INFRASTRUCTURE FINANCING AGREEMENT BY AND BETWEEN CHARLESTON COUNTY AND LEGGETT & PLATT, INCORPORATED, WHEREBY, CHARLESTON COUNTY WILL PROVIDE CERTAIN SPECIAL SOURCE REVENUE CREDITS TO LEGGETT & PLATT, INCORPORATED, TO OBTAIN THE EQUIVALENT OF A FEE IN LIEU OF TAXES ARRANGEMENT; AND OTHER MATTERS RELATING THERETO.

WHEREAS, Charleston County, South Carolina (the County), acting by and through its County Council (the County Council) is authorized and empowered under and pursuant to the provisions of Sections 4-1-175 and 4-29-68 of the Code of Laws of South Carolina 1976, as amended (collectively, the SSRC Act), to provide special source revenue payments for the purpose of defraying the cost of designing, acquiring, improving, or expanding the infrastructure serving Charleston County in order to enhance the economic development of Charleston County; and

WHEREAS, Leggett & Platt, Incorporated (the Company), has acquired certain assets of Goer Manufacturing Company, Inc. (Goer), including Goer's leasehold interest in a manufacturing facility located in the City of North Charleston, Charleston County, South Carolina (the Project Site); and

WHEREAS, the Company intends to operate a store fixtures manufacturing facility (the Project) at the Project Site which will provide employment for approximately 150 full-time employees; and

WHEREAS, the County Council desires to induce the Company to undertake the Project by offering an equivalent to a fee-in-lieu of taxes arrangement of a 6% assessment ratio at the millage rate for the Project Site on June 30, 2003, for 10 years, by means of special source revenue payments against property taxes payable with respect to the Project Site; and

WHEREAS, County Council intend to expand the joint county industrial/business park (the Park) established by the County and Charleston County to include the entire Project Site.

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

Section 1. Findings by County Council. Based upon their investigation of the Project and information provided by the Company, County Council hereby find that:

- (a) the Project will be located entirely within Charleston County;
- (b) the Project is anticipated to benefit the general public welfare of

Charleston County by providing services, employment, and other public benefits not otherwise adequately provided locally;

(c) neither the special source revenue payments nor the Project gives rise to pecuniary liability of the County or charge against its general credit or taxing power;

(d) the purposes to be accomplished by the Project are proper governmental and public purposes;

(e) the inducement of the location of the Project is of paramount importance;

(f) the benefits of the Project to the public are greater than the cost to the public; and

(g) the Project consists of improved and unimproved real property used in the operation of a manufacturing enterprise that enhances the economic development of Charleston County.

Section 2. Special Source Revenue Payments. Pursuant to the authority of the SSRC Act, and in order to enhance the economic development of Charleston County, the County Council hereby approve special source revenue payments (the SSR Payments) to finance the infrastructure components of the Project, in an amount to provide that the net amount of fee-in-lieu of taxes to be paid with respect to the Project Site shall be the equivalent of a fee-in-lieu of taxes arrangement with the Company that provides FILOT payments to be made based upon a 6% assessment ratio with the millage rate to be fixed for the entire 10-year term of the fee-in-lieu of taxes arrangement at 273 mils, all as more fully set forth in the Infrastructure Financing Agreement, between the County and the Company authorized hereby (the Agreement). SSR Payments will be available commencing for tax year 2004. In the event that the Company makes additional capital investment at the Project Site such that the investment would qualify for fee-in-lieu of tax treatment, the County Council agree to make that incentive available to the Company at that time.

Section 3. No Pecuniary Liability of County. The obligation to make SSR Payments available is a limited obligation of the County to be credited only against actual payments of fee-in-lieu of taxes made with respect to the Project Site. The obligation to provide SSR Payments is not and shall never constitute an indebtedness of the County within the meaning of any State constitutional provision (other than the provisions of Article X, Section 14(10) of the South Carolina Constitution) or statutory limitation and shall never constitute or give rise to a pecuniary liability of the County or a charge against its general credit or taxing power. Nothing in this ordinance or the Agreement shall be construed as an obligation or commitment by the County to expend any of its funds.

Section 4. Approval of Infrastructure Financing Agreement. The form of the Agreement, as submitted to this meeting and made a part of this ordinance as though set forth in full herein, is hereby approved. The Chairman of the County Council is hereby authorized and directed to execute and deliver the Agreement with any changes, insertions, and omissions as do not impose liability upon the County and as may be approved by the Chairman, with the advice of counsel, his execution being conclusive evidence of his approval; and the Clerk of the County Council is hereby authorized and directed to affix the corporate seal of the County to the Agreement and to attest the same.

Section 5. Multi-County Industrial Park. The County Council agree to take sufficient action necessary to place the Project Site in a Multi-County Industrial Park established under Title 4, Chapter 1 of the Code of Laws of South Carolina 1976, as amended. The County will diligently take all reasonable acts to ensure that the Project Site will continuously be included within the boundaries of the Park or another multi-county park in order that the maximum tax benefits afforded by the laws of the State of South Carolina for projects located within multi-county industrial parks and the benefits of the SSR Payments will be available to the Company.

Section 6. Miscellaneous.

(a) The Chairman and all other appropriate officials of the County are hereby authorized to execute, deliver, and receive any other agreements and documents as may be required by the County in order to carry out, give effect to, and consummate the transactions authorized by this Ordinance.

(b) This Ordinance shall be construed and interpreted in accordance with the laws of the State of South Carolina.

(c) This Ordinance shall become effective immediately upon approval after third reading by the County Council.

(d) The provisions of this Ordinance are hereby declared to be severable and if any section, phrase, or provisions shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, that declaration shall not affect the validity of the remainder of the sections, phrases, and provisions hereunder.

(e) All orders, resolutions, and parts thereof in conflict herewith are, to the extent of the conflict, hereby repealed.

CHARLESTON COUNTY COUNCIL

Barrett S. Lawrimore, Chairman

Attest:

Beverly T. Craven, Clerk

First Reading: July 27, 2004
Second Reading: August 17, 2004
Public Hearing August 17, 2004

Third Reading

September 14, 2004