

**AN ORDINANCE**  
**APPROVING THE KIAWAH RIVER PLANTATION, JOHNS ISLAND, SOUTH CAROLINA DEVELOPMENT AGREEMENT BY AND AMONG KIAWAH RIVER PLANTATION, L.P.; OCEAN BOULEVARD PROPERITIES, L.P. AND CHARLESTON COUNTY, SOUTH CAROLINA.**

WHEREAS, Charleston County, South Carolina (the "County"), acting by and through the Charleston County Council (the "County Council"), is empowered under and pursuant to the provisions of the South Carolina Local Government Development Agreement Act, Title 6, Chapter 31, Code of Laws of South Carolina 1976, as amended (the "Act"), to enter into development agreements relating to property within the County; and

WHEREAS, the County Council has determined that the Development Agreement for Kiawah River Plantation, Johns Island, South Carolina by and among Kiawah River Plantation, L.P.; Ocean Boulevard Properties, L.P.; and Charleston County, South Carolina (the "Development Agreement") is consistent with the Charleston County Comprehensive Plan (the "Comprehensive Plan"), the Charleston County Zoning and Land Development Regulations (the "ZLDR"); and is a proper exercise of the police power and other authority granted to the County government; and benefits the general health, safety and welfare of the citizens of the County for the County to enter into the Development Agreement relating to the development of the property known as Kiawah River Plantation, Johns Island, South Carolina;

NOW, THEREFORE, BE IT ORDAINED, by the County Council of Charleston County, South Carolina, in meetings duly assembled, as follows:

**SECTION I. FINDINGS INCORPORATED**

The above recitals and findings are incorporated herein by reference and made a part of this Ordinance. In addition to the recitals set forth above, which the County Council hereby adopts as findings of fact, the County Council specifically finds that the Development Agreement attached hereto as Exhibit "A" complies with the Act, the Comprehensive Plan, and the ZLDR.

**SECTION II. DEVELOPMENT AGREEMENT**

The terms of the Development Agreement are hereby approved in accordance with the Act and the County zoning and land development regulations. The Development Agreement shall be effective immediately upon approval of this Ordinance after third reading and execution by the parties, but implementation shall be subject to final approval of rezoning the Kiawah River Plantation property to a Planned Development pursuant to the terms set forth in the Development Agreement.

### SECTION III. EXECUTION

The Chairman of the County Council is authorized to execute and deliver the Development Agreement on behalf of the County, and any and all other necessary documents or instruments incidental to the approval of this Ordinance and the Development Agreement.

### SECTION IV. SEVERABILITY

If, for any reason, any part of this Ordinance is invalidated by a court of competent jurisdiction, the remaining portions of this Ordinance shall remain in full force and effect.

### SECTION V. EFFECTIVE DATE

This Ordinance shall become effective immediately upon its approval following third reading by the County Council.