

AN ORDINANCE

TO FURTHER AMEND THE AGREEMENT FOR DEVELOPMENT OF A JOINT COUNTY INDUSTRIAL PARK, BY AND BETWEEN CHARLESTON COUNTY, SOUTH CAROLINA AND COLLETON COUNTY, SOUTH CAROLINA, PROVIDING FOR THE DEVELOPMENT OF A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK, SO AS TO INCLUDE ADDITIONAL PROPERTY IN CHARLESTON COUNTY AS PART OF THE JOINT COUNTY INDUSTRIAL PARK.

WHEREAS, Charleston County, South Carolina (the "County") and Colleton County, South Carolina (jointly the "Counties") are authorized under Article VIII, Section 13 of the South Carolina Constitution to jointly develop an industrial or business park within the geographical boundaries of one or more of the member Counties; and

WHEREAS, in order to promote the economic welfare of the citizens of the Counties by providing employment and other benefits to the citizens of the Counties, the Counties entered into an Agreement for Development for a Joint County Industrial Park effective as of September 1, 1995 (the "Original Agreement"), to develop jointly an industrial and business park (the "Park"), as provided by Article VIII, Section 13 of the South Carolina Constitution and in accordance with Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended, (the "Act"); and

WHEREAS, the Original Agreement was initially approved by Charleston County Council Ordinance 972, adopted September 19, 1995; was further amended from time-to-time to add or remove property to the Park; and, in particular, was substantively amended by that First Modification to Agreement for Development for Joint County Industrial Park, effective December 31, 2006 (the "First Modification"), which First Modification was approved by Charleston County Council Ordinance 1475, adopted December 5, 2006; and by Colleton County Council Ordinance 06-R-20 adopted January 2, 2007; and

WHEREAS, the Original Agreement, as amended, is referred to herein as the "Agreement," and

WHEREAS, the Agreement contemplates the inclusion and removal of additional parcels within the Park from time to time; and

WHEREAS, The Boeing Company ("Boeing") has requested Charleston County Council to include certain parcels in the Park by adding to the Park (i) the parcels owned by the Charleston County Aviation Authority ("CCAA") and leased to Boeing and (ii) the parcel owned by Boeing, all as described on **Exhibit A** attached hereto; and

WHEREAS, the Counties desire to amend the Agreement to include parcels (i) owned by the CCAA and leased to Boeing and (ii) the parcel owned by Boeing;

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

SECTION 1. The Agreement is hereby amended so as to expand the Park premises located within Charleston County. Attached hereto as **Exhibit A** is the property description of the parcels to be added to the Park premises within Charleston County.

SECTION 2. All resolutions, ordinances, or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 3. This amendment to the Agreement shall become effective on the date of upon adoption of this Ordinance by the County, after third and final reading and public hearing. The City of North Charleston and Colleton County Council have been requested to give their respective approvals to the amendment by resolution.

SECTION 4. Should any part of this ordinance be determined by a court of competent jurisdiction to be invalid, illegal, or against public policy, said offending section shall be void and of no effect and shall not render any other section herein, nor this ordinance as a whole, invalid. Any terms which, by their nature, should survive the suspension, termination or expiration hereof shall be deemed to survive.

CHARLESTON COUNTY, SOUTH CAROLINA

Teddie E. Pryor, Chairman
Charleston County Council

ATTEST:

Beverly T. Craven, Clerk
Charleston County Council

First Reading: November 23, 2010
Public Hearing: December 7, 2010
Second Reading: December 7, 2010
Third Reading: December 16, 2010

EXHIBIT A

PROPERTY DESCRIPTION
CHARLESTON COUNTY ADDITIONAL PARCELS

PROPERTY DESCRIPTION FOR EACH PARCEL ADDED TO THE PARK BY THIS AMENDMENT AND INITIAL TAX YEAR (FOR TAXES WHICH WILL BE LEVIED ON PROPERTY OWNED ON DECEMBER 31 OF THE PRIOR CALENDAR YEAR).

<u>Parcels to be Added</u>	<u>Legal Description</u>	<u>Initial Tax Year</u>
Owned by the Charleston County Aviation Authority and leased to The Boeing Company	Parcels described as "Main Site Lease Area," "Existing Boeing Lease Area-Taxiway Extension," "New Lease Area No. 1," "New Lease Area No. 2," "New Lease Area No. 3," "Lease Expansion," "Proposed 35' Right-of-Entry Boundary and Easement," "Proposed Right-of-Entry Boundary Utility Easement," "Future Lease Area," and "Proposed 21 acre site", as more particularly described in Schedule 1 attached hereto (located in City of North Charleston)	2011
Owned by The Boeing Company	Parcels described as "Tract 9" and "Access Road", as more particularly described in Schedule 1 attached hereto (located in City of North Charleston)	2011