

AN ORDINANCE TO ESTABLISH, PURSUANT TO SECTION 4-1-170 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, A MULTI-COUNTY INDUSTRIAL/BUSINESS PARK, IN CONJUNCTION WITH COLLETON COUNTY, SOUTH CAROLINA; TO PROVIDE FOR A WRITTEN AGREEMENT WITH COLLETON COUNTY AS TO THE SHARING OF THE REVENUES AND EXPENSES OF THE PARK; TO PROVIDE FOR THE DISTRIBUTION OF REVENUES FROM THE PARK AMONG TAXING ENTITIES HAVING JURISDICTION OVER THE PARK; TO PROVIDE FOR A FEE IN LIEU OF AD VALOREM TAXATION; AND OTHER MATTERS RELATED THERETO.

WHEREAS, Charleston County, South Carolina (“Charleston County”) and Colleton County, South Carolina (“Colleton County”) (collectively, the “Counties” and together with any additional counties that become parties to the MCP Agreement described below, the “Member Counties”), as authorized under Article VIII, Section 13(D) of the South Carolina Constitution and Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended (the “Act”), propose to establish jointly a multi-county industrial/business park within the geographical boundaries of one or more of the Member Counties (the “Park”); and

WHEREAS, Article VIII, Section 13(B) of the South Carolina Constitution provides that nothing in the State Constitution may be construed to prohibit any of the counties in South Carolina from agreeing to share the lawful cost, responsibility, and administration of functions with one or more governments, whether within or without the State of South Carolina; and

WHEREAS, certain real property sites which the Counties, from time to time, desire to include within the Park have been included within a “redevelopment project area” (within the meaning of Sections 31-6-30, 31-7-30, or 31-12-30 of the Code of Laws of South Carolina 1976, as amended, or comparable provisions of law [the “TIF Law”]) for the purposes of tax increment financing by a municipality, a county, or a redevelopment authority (or comparable governmental entity) (the “TIF Authority”), the effect of which is to limit the allocation of tax revenues derived from such real property sites to be consistent with the applicable “redevelopment plan” (the “Redevelopment Plan”) as established by the applicable TIF Authority under the TIF Law; and

WHEREAS, the Counties desire to establish the Park pursuant to a MCP Agreement (as defined below) having such terms as are consistent with the applicable Redevelopment Plan; and

WHEREAS, in order to promote the economic development of Charleston County and Colleton County, the Counties have initially agreed to include in the Park properties located in Charleston County and described in Exhibit A hereto (the “Initial Property”) and as more particularly described in Exhibit A to that certain “Agreement for the Establishment of Multi-County Industrial/Business Park for TIF Properties” to be entered into by the Counties as of such date as may be agreed to by the Counties (the “MCP Agreement”); and

WHEREAS, the City of Charleston and the City of North Charleston are the applicable TIF Authorities with respect to the Initial Property, and each municipality has been requested to consent to adding the Initial Property to the Park properties; and

WHEREAS, the Counties have agreed to the specific terms and conditions of the arrangement set forth in the MCP Agreement; and

WHEREAS, the Counties now desire to establish the Park to include the Initial Property;

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

Section 1. Establishment of Multi-County Park; Approval of MCP Agreement; Location of Park; Change of Park Boundaries.

- (a) There is hereby authorized to be established, initially in conjunction with Colleton County, a multi-county industrial/business park to include therein the Initial Property. The form, provisions, terms, and conditions of the MCP Agreement now before this meeting and filed with the Clerk to County Council be and they are hereby approved, and all of the provisions, terms, and conditions thereof are hereby incorporated herein by reference as if the MCP Agreement were set out in this Ordinance in its entirety.
- (b) The MCP Agreement is to be in substantially the form now before this meeting and hereby approved, or with such changes therein as shall not materially adversely affect the rights of Charleston County thereunder and as shall be approved by the officials of Charleston County executing the same, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of the MCP Agreement now before this meeting. The Chairman of County Council, for and on behalf of Charleston County, is hereby authorized, empowered, and directed to do any and all things necessary or proper to effect the establishment of the Park and the execution and delivery of the MCP Agreement and the performance of all obligations of Charleston County under and pursuant to the MCP Agreement and to carry out the transactions contemplated thereby and by this Ordinance.
- (c) As of the date of enactment of this Ordinance, the Park shall consist of the Initial Property located in Charleston County. It is recognized that the Park will from time to time consist of non-contiguous properties within each or any Member County. The boundaries of the Park may be enlarged or diminished from time to time as authorized by (a) an ordinance of the Member County in which the property to be added or removed from the Park is actually located, and (b) a resolution (or comparable action) of the governing bodies of the applicable Members.

Section 2. Payment of Fee-in-lieu of Taxes. (a) In accordance with Article VIII, Section 13(D) of the South Carolina Constitution, the area comprising the Park and all property having a situs therein is exempt from all *ad valorem* taxation. All owners and lessees of property situated in the Park will pay a fee in lieu of *ad valorem* taxes as provided for in the MCP

Agreement. The fee paid in lieu of *ad valorem* taxes shall be paid to the county treasurer of the county in which such property is located. That portion of the fee from the Park property located in a Member County and allocated pursuant to the MCP Agreement to the other Member County shall be paid to the respective county treasurer (or other designated official) of the other Member County in accordance with the terms of the MCP Agreement. Payments of fees in lieu of *ad valorem* taxes will be due on the due date for taxes for a particular year. Penalties for late payment will be at the same rate as late tax payments. Any late payment beyond the due date will accrue interest at the rate of statutory judgment interest. The Member Counties, acting by and through the appropriate official, shall maintain all liens and rights to foreclose upon liens provided for counties in the collection of *ad valorem* taxes.

(b) Nothing herein shall be construed to prohibit any Member County from negotiating and collecting reduced fees in lieu of taxes pursuant to Title 4, Chapter 29 or Chapter 12, or Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as amended, or any similar provision of South Carolina law.

Section 3. Sharing of Expenses and Revenues. Sharing of expenses and revenues of the Park by the Member Counties shall be as set forth in the MCP Agreement and as approved by the applicable TIF Authority consistent with the applicable Redevelopment Plan as provided in the MCP Agreement.

Section 4. Distribution of Revenues to Taxing Entities. Revenues from the Park shall be distributed to and within the Member Counties as set forth in the MCP Agreement.

Section 5. Allocation of Revenues Within Charleston County. (a) Pursuant to the provisions of Section 7(A) and (B) of the Agreement, Charleston County hereby provides for the distribution of Park Revenues generated by the Park through the payment of fees in lieu of ad valorem property taxes as follows: Beginning with Fiscal Year 2017, 7.5% of Park Revenues collected in each Fiscal Year from all Park Revenues generated, collected, and paid to Charleston County pursuant to Section 7(A) or (B) of the Agreement shall be allocated to the Charleston County Economic Development Fund for such uses as provided in the Charleston County annual budget for such Fiscal Years.

(b) After making provision for the appropriations provided in paragraph (a) above, all net Park Revenues generated by the Park shall be distributed to the applicable overlapping taxing entities in accordance with the provisions of Section 7(A) or (B), as applicable.

Section 6. Governing Laws and Regulations. In order to avoid any conflict of laws or ordinances among the Member Counties, the ordinances or other local laws of each Member County will be the reference for such regulations or laws in connection with Park premises located within such Member County. Nothing herein shall be taken to supersede any applicable municipal, state, or federal law or regulation, including the TIF Law. The Member County in which a parcel of Park premises is located is specifically authorized to adopt restrictive covenants and land use requirements in accordance with law for each such parcel at that Member County's sole discretion. The ordinances of a Member County shall in no way apply to Park property not located in such Member County.

Section 7. Savings Clause. If any portion of this Ordinance shall be held void or otherwise invalid, the validity and binding effect of the remaining portions shall not be affected thereby.

Section 8. General Repealer. Any prior ordinance or resolution of Charleston County Council, the terms of which are in conflict herewith, is, only to the extent of such conflict, hereby repealed.

Section 9. Effectiveness. This Ordinance shall be effective upon approval following third and final reading.

CHARLESTON COUNTY, SOUTH CAROLINA

By: _____
Chairman of County Council
Charleston County, South Carolina

ATTEST:

Clerk to County Council
Charleston County, South Carolina

First reading: August 23, 2016
Second reading: September 6, 2016
Public hearing: September 20, 2016
Third reading: September 20, 2016

EXHIBIT A

**PROPERTY DESCRIPTION
CHARLESTON COUNTY INITIAL PROPERTY**

PROPERTY DESCRIPTION FOR EACH INITIAL PROPERTY TO BE INCLUDED IN THE PARK 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>Property Description</u>	<u>Initial Tax Year</u>
Project Daily	TMS # 464-00-00-046	2016
Urban Electric	TMS # 471-16-00-255 & 400-00-00-110	2016
Comcast	TMS # 393-00-00-431	2016
Project Albina	TMS # 471-16-00-130, 471-16-00-249, 471-16-00-250	2016
Boom Town	TMS # 464-10-00-091	2016
People Matter	TMS # 460-12-02-031, 460-12-02-032	2016
Project FLE	TMS # 400-00-00-049, 469-08-00-001, 469-08-00-286	2016

SCHEDULE 1

PROPERTY DESCRIPTIONS