

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR NEWBERRY COUNTY
ORDINANCE NO. 9-14-19

2019 OCT 17 PM 2:40
ELIZABETH P. FORBES
CLERK OF COUNTY
NEWBERRY COUNTY
FILED

AN ORDINANCE AUTHORIZING THE TERMINATION OF THE AGREEMENT GOVERNING THE LEXINGTON-NEWBERRY INDUSTRIAL PARK DATED JULY 28, 1998, BETWEEN LEXINGTON COUNTY, SOUTH CAROLINA AND NEWBERRY COUNTY, SOUTH CAROLINA.

WHEREAS, Newberry County, South Carolina (“County”), acting by and through its County Council (“County Council”) is authorized pursuant to the provisions of the Code of Laws of South Carolina 1976, as amended (“Code”), and particularly Title 12, Chapter 44 of the Code (“Negotiated FILOT Act”) as well as Title 4, Chapter 1 of the Code together with Article VIII, Section 13 of the South Carolina Constitution (collectively, “Multi-County Park Act”), to develop jointly an industrial or business park within the geographical boundaries of one or more counties; and

WHEREAS, pursuant to the Park Act, Newberry County and Lexington County, South Carolina (“Lexington County,” together with Newberry County, the “Counties”) previously entered into that certain Agreement for Development for Joint County Industrial and Business Park dated July 28, 1998 (the “Park Agreement”) whereby they agreed to develop a multi-county industrial/business park including within its boundaries property located in Lexington County and Newberry County (the “Park”); and

WHEREAS, the Park Agreement may be terminated upon the adoption of concurrent ordinances of the County Council and the County Council of Lexington County (“Lexington County Council”);

WHEREAS, Newberry County desires to terminate the Park Agreement.

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

Section 1. *Termination of Park Agreement.* Newberry County Council hereby approves the termination of the Park Agreement. Pursuant to the terms of the Park Agreement, the Park Agreement shall be terminated upon concurrent Ordinance of the Lexington County Council. Pursuant to a Resolution of the County Council dated November 7, 2018, all Newberry County properties located in the Park shall automatically, upon termination of the Park Agreement, be transferred to the multi-county industrial/business park formed in conjunction with Greenwood County, South Carolina.

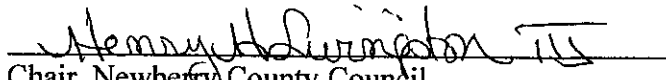
Section 2. *Further Assurances.* The Newberry County Council confirms the authority of the Chair, the County Administrator, the Clerk to County Council, and various other County officials and staff, acting at the direction of the Chair, the County Administrator or Clerk to County Council, as appropriate, 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.

Section 3. *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.

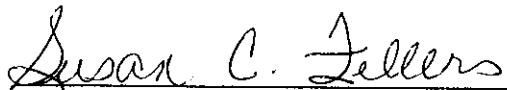
Section 4. *General Repealer.* Any prior ordinance, resolution, or order, the terms of which are in conflict with this Ordinance, is, only to the extent of that conflict, repealed.

Section 5. *Effectiveness.* This Ordinance is effective after its third reading and public hearing.

NEWBERRY COUNTY, SOUTH CAROLINA


Chair, Newberry County Council

(SEAL)
ATTEST:


Clerk of Council, Newberry County Council

First Reading: September 4, 2019
Second Reading: September 18, 2019
Public Hearing: October 16, 2019
Third Reading: October 16, 2019