

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR NEWBERRY COUNTY
ORDINANCE NO. 08-11-18

**AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL
PROPERTY FROM NEWBERRY COUNTY, SOUTH CAROLINA TO
NEWBERRY ELECTRIC COOPERATIVE, INC.; AUTHORIZING THE
PROVISION OF CERTAIN GRANT FUNDS TO ATTRACT ECONOMIC
DEVELOPMENT PROJECTS; AND OTHER RELATED MATTERS.**

WHEREAS, pursuant to Title 4, Chapter 9 of the Code of Laws of South Carolina, 1976, as amended, Newberry County, South Carolina ("**County**"), acting by and through its County Council, ("**County Council**"), is authorized to enter into contracts, to acquire interests in real property, grant occupancy rights in real property, lease real property and transfer real property owned by the County;

WHEREAS, in order to promote economic development within the County, the County Council desires to partner with Newberry County Electric Cooperative ("**Cooperative**") and Marlboro Development Team, Inc. ("**MDT**") to develop a speculative building which will be marketed to industries looking to locate economic development projects in the County ("**Spec Building**");

WHEREAS, to facilitate construction of the Spec Building, the County desires to license, lease, or transfer certain real property, more particularly described on the attached Exhibit A ("**Property**"), to the Cooperative, on which MDT will construct the Spec Building (collectively, the "**Transactions**");

WHEREAS, the County desires to enter into one or more agreements to effect the Transactions including, but not limited to, a grant agreement by and between the County and Cooperative, a copy of which is attached hereto as Exhibit B ("**Grant Agreement**"), a real estate contract by and between the County and Cooperative, a copy of which is attached hereto as Exhibit C ("**Real Estate Contract**"), and a real property license and access agreement by and among the County, the Cooperative, and MDT, a copy of which is attached hereto as Exhibit D ("**License Agreement**," collectively "**Agreements**");

WHEREAS, in support of the Project, the County intends to offer certain grant funds to the Cooperative in an amount of \$500,000 ("**County Grant**") to be used by the Cooperative to pay for certain site improvements to the Property; and

WHEREAS, the County intends to apply for a \$300,000 cash grant from the State of South Carolina through the South Carolina Coordinating Council for Economic Development ("**State Grant**") to pay for additional site improvements to the Property.

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

Section 1. Findings. County Council determines that support of the Transactions authorized hereby fulfills a public purpose and is anticipated to benefit the general public welfare of the County.

Section 2. Authorization of Property Transactions. County Council hereby authorizes the license, lease, and transfer of the Property from the County to the Cooperative and the development of the Spec Building by MDT. Any actions taken in the name of or on behalf of the County in connection with the Transactions prior to the effective date of this Ordinance are expressly ratified and confirmed.

Section 3. Authorization of Agreements. County Council hereby authorizes and directs the County Council Chair, the County Administrator, or their designees, to negotiate, execute and deliver the Agreements, including the Grant Agreement, Real Estate Agreement, and License Agreement, the form, terms and provisions of which are before this meeting, and are hereby approved and are incorporated into this Ordinance by reference.

Section 4. *Approval of County Grant.* County Council hereby approves the County Grant and authorizes and directs the County Council Chair, the County Administrator, or their designees, to expend the County Grant in the manner set forth in the Grant Agreement.

Section 5. *State Grant.* County Council hereby agrees to apply for the State Grant and, upon receipt of the State Grant, approves the administration of the State Grant by the County Administrator and County Economic Developer.

Section 6. *Further Acts.* County Council authorizes the County Council Chair, the County Administrator, or their designees, as appropriate, following receipt of advice from legal counsel to the County, to take such further acts and negotiate, approve and execute whatever further instruments on behalf of the County as deemed necessary, desirable or appropriate to effect the Transactions.

Section 7. *General Repealer.* Any ordinance, resolution, or other order of County Council, the terms of which are in conflict with this Ordinance, is, only to the extent of that conflict, repealed.

Section 8. *Effectiveness.* This Ordinance is effective after third reading and a public hearing.

NEWBERRY COUNTY, SOUTH CAROLINA

Chair, Newberry County Council

(SEAL)
ATTEST:

Clerk to Council, Newberry County Council

READINGS:

First Reading:	August 15, 2018
Second Reading:	September 5, 2018
Public Hearing:	October 3, 2018
Third Reading:	October 3, 2018

EXHIBIT A
Property Description

EXHIBIT B
Grant Agreement

EXHIBIT C
Real Estate Agreement

EXHIBIT D
License Agreement