

WHEREAS, County Council has received from the Company the form of a First Amendment to the FILOT Agreement and the Infrastructure Agreement (the “First Amendment”), which is attached hereto and which the County proposes to execute and deliver;

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

Section 1. It is hereby found, reaffirmed and declared by the County Council, as follows:

(a) The Project will constitute a “project” and “economic development property” as said terms are referred to and defined in the FILOT Act, and the County’s actions herein will subserve the purposes and in all respects conform to the provisions and requirements of the FILOT Act;

(b) The terms and provisions of the First Amendment are incorporated herein and made a part hereof;

(c) The Project is anticipated to benefit the general public welfare of the County by providing services, employment, recreation or other public benefits not otherwise provided locally;

(d) The Project will give rise to no pecuniary liability of the County or any incorporated municipality or a charge against the general credit or taxing power of either;

(e) The purposes to be accomplished by the Project, i.e., economic development, creation of jobs and addition to the tax base of the County, are proper governmental and public purposes; and

(f) The benefits of the Project are anticipated to be greater than the costs.

Section 2. The form, terms and provisions of the First Amendment presented to this meeting is hereby approved and all of the terms and provisions thereof are hereby incorporated herein by reference as if the First Amendment were set out in this Ordinance in their entirety. The Chairman of County Council is hereby authorized and empowered to execute, acknowledge and deliver the First Amendment in the name of and on behalf of the County, and the Clerk of County Council is hereby authorized and directed to attest the same, and thereupon to cause the First Amendment to be delivered to the Company and the Company shall cause a copy of the First Amendment to be delivered to the Newberry County Auditor and Assessor. The First Amendment is to be in substantially the form now before this meeting and hereby approved, or with such minor changes therein as shall be approved by the officials of the County executing the same, upon advice of counsel, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of First Amendment now before this meeting.

Section 3. The Chairman of Newberry County Council, for and on behalf of the County, is hereby authorized to do any and all things reasonably necessary to effect the execution and delivery of the First Amendment and the performance of all obligations of the County under and pursuant to the First Amendment.

Section 4. The provisions of this ordinance are hereby declared to be separable and if any section, phrase or provisions shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder.

Section 5. All ordinances, resolutions, and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed. This ordinance shall take effect and be in full force from and after its passage by the County Council.

ENACTED in meeting duly assembled this ____ day of _____, 2016.

NEWBERRY COUNTY, SOUTH CAROLINA

BY: _____
Henry H. Livingston III, Chairman

ATTEST:

Approved as to form:

Laurie N. Renwick, Clerk to Council

A.J. Tothacer, Jr., County Attorney

Wayne R. Adams, County Administrator

First Reading: September 7, 2016
Second Reading: _____, 2016
Third Reading: _____, 2016
Public Hearing: _____, 2016

STATE OF SOUTH CAROLINA

COUNTY OF NEWBERRY

I, the undersigned Clerk to County Council of Newberry County, South Carolina, do hereby certify that attached hereto is a true, accurate and complete copy of an ordinance which was given reading, and received unanimous approval, by the County Council at its meetings of _____, 2016, _____, 2016 and _____, 2016, at which meetings a quorum of members of County Council were present and voted, and an original of which ordinance is filed in the permanent records of the County Council.

Clerk, County Council of Newberry County

Dated: _____, 2016