

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR NEWBERRY COUNTY
ORDINANCE NO.10-15-14

AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AGREEMENT BETWEEN NEWBERRY COUNTY, SOUTH CAROLINA AND HAMILTON PROPERTIES, LLC; THE CONVEYANCE OF CERTAIN PROPERTY OWNED BY AND LOCATED IN NEWBERRY COUNTY TO HAMILTON PROPERTIES, LLC; AND OTHER MATTERS RELATED THERETO

WHEREAS, pursuant to Title 4, Chapter 9, Section 30 of the Code of Laws of South Carolina, 1976, as amended, Newberry County, South Carolina (“County”), acting by and through its County Council, is authorized to sell real property and to make and execute contracts;

WHEREAS, the County owns real property, as more particularly described on the attached Exhibit A (“Property”);

WHEREAS, Hamilton Properties, LLC, (“Company”) desires to purchase the Property from the County for the purpose of establishing a warehouse and light manufacturing facility on the Property;

WHEREAS, the County desires to sell the Property to the Company, subject to appropriate protections for the County and other conditions the County and the Company have negotiated regarding the development of the Property;

WHEREAS, the County desires to enter into (i) a real estate sales agreement (“Purchase Agreement”) for the sale of the Property, the form of which is attached as Exhibit B, and (ii) a memorandum of understanding (“MOU”) regarding the conditions for development of the Property, the form of which is attached as Exhibit C, with the Company;

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

Section 1. Approval of Sale of Property. County Council authorizes the sale of the Property to the Company for the purpose of establishing a warehouse and light manufacturing facility, with such conditions as may be appropriate to protect the County’s interest in the development of the Property for the furtherance of the continued economic development of the County.

Section 2. Approval and Execution of Purchase Agreement and MOU. The form, terms and provisions of the Purchase Agreement and MOU are approved, with such changes, as may be approved by the County Council Chair (“Chair”), the County Administrator or the County Economic Development Director following receipt of advice from the County’s legal counsel. The Chair and the County Administrator are each authorized to execute and deliver the Purchase Agreement and the MOU to the Company on behalf of and in the name of the County.

Section 3. Further Assurances. The Chair, the County Administrator, and the County Economic Development Director, are authorized to take such further acts and negotiate, prepare, and execute such other documents or certificates as may be necessary to effect the sale and development of the Property in accordance with the intent of this Ordinance.

Section 4. 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 5. Effectiveness. This Ordinance is effective after third reading and a public hearing.

NEWBERRY COUNTY, SOUTH CAROLINA

Henry H. Livingston, III, Chairman of County Council
Newberry County, South Carolina

(SEAL)
ATTEST:

Laurie Renwick, Clerk to County Council
Newberry County, South Carolina

READINGS:

First Reading: October 15, 2014
Second Reading: November 5, 2014
Public Hearing: November 19, 2014
Third Reading: November 19, 2014

EXHIBIT A
PROPERTY DESCRIPTION

SEE ATTACHED PLAT: "CONFALONIERI TRACT #2 – 11.65 ACRES" & "NEWBERRY COUNTY - 21.43 ACRES REMAINDER LAND"

EXHIBIT B
FORM OF PURCHASE AGREEMENT

EXHIBIT C
FORM OF MOU