

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR NEWBERRY COUNTY
ORDINANCE NO. 07-18-17

APPROVING THE ACQUISITION OF CERTAIN REAL PROPERTY LOCATED IN NEWBERRY COUNTY; AUTHORIZING THE TRANSFER OF CERTAIN REAL PROPERTY; AUTHORIZING THE EXECUTION AND DELIVERY OF ONE OR MORE LICENSE OR LEASE AGREEMENTS; AUTHORIZING THE PROVISION OF A COUNTY GRANT AND ADMINISTRATION OF A STATE GRANT; AND OTHER MATTERS RELATED THERETO.

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, Samsung Electronics America, Inc., together with one or more existing or to be formed subsidiaries and affiliates (“*Samsung*”), intends to establish a manufacturing facility in the County (“*Project*”) representing a significant investment and creation of a substantial number of new jobs;

WHEREAS, in support of the Project and at the request of Samsung, the County desires to acquire, license, lease, or transfer several parcels of land, interests in land, and improvements thereon, if any, each of which is identified by the following names and tax map numbers on the attached **Exhibit A:** 451-21-1 (SWM), 451-8 (Newberry County), 451-9 (Caterpillar), 451-21 (Hamilton), 451-28 (Hamilton), and 451-22-4 (Caterpillar) (collectively, the “*Properties*” and each a “*Property*”);

WHEREAS, the County desires to enter into one or more agreements to effect one or more transactions involving the Properties (collectively, “*Agreements*”); and

WHEREAS, in support of the Project, the County intends to offer a grant to Samsung in the amount of \$3,500,000 (“*County Grant*”), the terms of which shall be governed by separate agreement to be approved by the County Council, and the County intends to administer a grant from the State of South Carolina (“*State Grant*”) in accordance with the terms of the Performance Agreement among Samsung, the State of South Carolina and the County.

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

Section 1. Findings. County Council determines that support of the Project 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 acquisition, license, lease and transfer of any or all of the Properties (“*Transactions*”) in support of the Project. Any actions taken in the name of or on behalf of the County in connection with the foregoing 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 necessary to effectuate the Transactions, the form and terms of which shall be acceptable to individual signing on behalf of the County, who shall do so only after receiving advice from legal counsel to the County. Any Agreements entered into prior to the effective date of this Ordinance are expressly ratified and confirmed.

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 that, in their discretion, is most impactful on the Project.

Section 5. Administration of State Grant. County Council hereby 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.

*[Remainder Intentionally Left Blank
Signature Page to Follow]*

NEWBERRY COUNTY, SOUTH CAROLINA

Chair, Newberry County Council

(SEAL)
ATTEST:

Clerk to Council, Newberry County Council

READINGS:

First Reading: July 19, 2017
Second Reading: August 16, 2017
Public Hearing: August 16, 2017
Third Reading:

EXHIBIT A
MAP OF PROPERTIES

Newberry County, S.C. Industrial Park

