

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR NEWBERRY COUNTY
ORDINANCE NO. 9-15-19

**AN ORDINANCE APPROVING THE TRANSFER OF CERTAIN PROPERTY
LOCATED IN NEWBERRY COUNTY, SOUTH CAROLINA; 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 and to lease, sell, or otherwise dispose interests in real property;

WHEREAS, to further the economic development of and the creation of new jobs in the County, the County has identified and desires to transfer certain land, interests in land, and improvements thereon, if any, in the County, as more particularly identified on the attached Exhibit A (collectively, "Real Property"); and

WHEREAS, the County desires to enter into, or assign, one or more purchase agreements or other agreements (collectively, "Agreements") with KRA Real Estate, LLC, together with one or more related or affiliated entities, as transferee of the Real Property (the "Transferee"), to set forth the terms and conditions of the transfer of the Real Property by the County.

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

Section 1. Findings. County Council determines that the transfer or other disposition of the Real Property to the Transferee is a proper governmental and public purpose and is anticipated to benefit the general public welfare of the County.

Section 2. Approval of Transfer of Real Property. County Council approves the transfer of the Real Property by the County to the Transferee and authorizes the County Council Chair, the County Administrator, or their designees, to execute and deliver those documents that may be reasonably necessary to accomplish the transfer of the Real Property. Any actions taken in the name of or on behalf of the County prior to the effective date of this Ordinance with respect to the sale of the Real Property are expressly ratified and confirmed.

Section 3. Approval of Agreements. County Council approves the negotiation, preparation, execution and delivery of the Agreements, the form, terms and provisions of which shall be approved by the County Council Chair, the County Administrator, or their designees, as appropriate, following receipt of advice from counsel to the County.

Section 4. Further Acts. County Council authorizes the County Council Chair, the County Administrator, or their designees, as appropriate, following receipt of advice from 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 described in this Ordinance.


Section 5. 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 6. 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: September 4, 2019
Second Reading: September 18, 2019
Public Hearing: October 16, 2019
Third Reading: October 16, 2019

EXHIBIT A
LEGAL DESCRIPTION

Parcel 1

All that certain piece, parcel or tract of land, with any improvements thereon, located in the County of Newberry, State of South Carolina, having an acreage of 1.07 acres, and being shown and depicted on that certain "Boundary Survey & Plat Prepared for: Newberry County" prepared by Abraham Land Surveying, dated April 17, 2019 and recorded in Plat Book D139, page 7. Said plat being incorporated herein by reference for a more complete and accurate description; be all measurements a little more or less.

This being the same property conveyed to the Grantor herein by that deed of County of Newberry dated September 15, 2017 and recorded September 20, 2017 in Book 1996, page 229.

Newberry County TMS No.: 574-10 (Portion)

Parcel 2

All that certain piece, parcel or tract of land, situate, lying and being located in the Mid Carolina Commerce Park, along Mid Carolina Court, near the Town of Prosperity, Newberry County, State of South Carolina, shown as 14.58 acres on a boundary survey and plat prepared for Newberry County by Abraham Land Surveying, dated June 19, 2019, and being described as follows: Beginning at a IPF #5 RB located on the eastern right-of-way of Commerce Park Avenue, approximately 0.2 miles to S.C. Highway 773, thence running N 63°30'22" W for a distance of 29.39 feet to an IP #5 RB; thence running along a curved line of length 392.14 feet with a radius of 537.50 feet, chord bearing of N 42°45'44" W, and a chord distance of 383.50 feet along the eastern right-of-way of Commerce Park Avenue to a #5 rebar iron pin set near the intersection of Commerce Park Avenue and Mid-Carolina Court; thence running N 22°00'55" W for a distance of 29.39 feet to a #5 rebar iron pin set near the intersection of Commerce Park Avenue and Mid-Carolina Court; thence turning and running N 20°41'09" E for a distance of 148.22 feet along the eastern right-of-way of Mid-Carolina Court to a #5 rebar iron pin set; thence running along a curved line of length 179.10 feet with a radius of 967.00 feet, chord bearing of N 25°59'31" E, and a chord distance of 178.85 feet along the eastern right-of-way of Mid-Carolina Court to a #5 rebar iron pin set; thence running N 31°17'52" E for 580.60 feet (total) to an IPF #5 RB on the eastern right-of-way of Mid-Carolina Court; thence turning and running S 58°41'01"E for a distance of 664.73 feet to an IPF #5 RB; thence turning and running along a curved line of length 70.46 feet with a radius of 433.07 feet, chord bearing of S 33°13'01" W, and a chord distance of 70.38 feet to an IPF #5 RB; thence running S 26°22'37" W for a distance of 42.35 feet to a calculated point; thence running 419.21 feet S 25°35'41" W to a #5 rebar iron pin set; thence running along a curved line of length 392.83 feet with a radius of 467.00 feet, chord bearing of S 49°41'34" W, and a chord distance of 381.35 feet to a IPF #5 RB; thence running S 73°47'27" W for a distance of 180.42 feet to an IPF #5 RB which is the point of beginning, located on the eastern right-of-way of Commerce Park Avenue, approximately 0.2 miles to S.C. Highway 773. All measurements being a little more or less. Reference to said boundary survey and plat is craved for a more complete and accurate description.