

**RESOLUTION NO. 10-23**

A RESOLUTION COMMITTING TO NEGOTIATE A FEE IN LIEU OF TAX AGREEMENT BETWEEN NEWBERRY COUNTY, SOUTH CAROLINA AND [PROJECT VIKING] WITH RESPECT TO AN INDUSTRIAL PROJECT IN THE COUNTY WHEREBY THE PROJECT WOULD BE SUBJECT TO PAYMENT OF CERTAIN FEES IN LIEU OF TAXES; IDENTIFYING THE PROJECT; AND PROVIDING FOR RELATED MATTERS.

**WHEREAS**, Newberry County, South Carolina (the “County”), acting by and through its County Council (the “County Council”), is authorized and empowered, under and pursuant to the provisions of Title 12, Chapter 44 (the “FILOT Act”) and Title 4, Chapter 1 (the “Multi-County Park Act”), Code of Laws of South Carolina 1976, as amended (the “Code”), to enter into agreements with industry, to offer certain privileges, benefits and incentives as inducements for economic development within the County; to acquire, or cause to be acquired, properties as may be defined as “projects” in the Act and to enter agreements with the business or industry to facilitate the construction, operation, maintenance and improvement of such projects; to enter into or allow financing agreements with respect to such projects; and to accept any grants for such projects through which powers the industrial and business development of the State will be promoted, whereby the industry would pay fees-in-lieu-of taxes with respect to qualified industrial projects; to provide credits against payment in lieu of taxes for reimbursement in respect of investment in certain infrastructure serving the County or the project, including improved or unimproved real estate and personal property, including machinery and equipment, used in the manufacturing or industrial enterprise (collectively, “Infrastructure”); through all such powers, the industrial development of the State of South Carolina (the “State”) will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate or remain in the State and thus utilize and employ the manpower, products and resources of the State and benefit the general public welfare the County by providing services, employment, recreation or other public benefits not otherwise provided locally; and

**WHEREAS**, [Project Viking] (the “Company”) desires to invest in the acquisition, construction and installation of land, buildings, improvements, fixtures, machinery, equipment, furnishings and other real and/or tangible personal property to constitute an expansion to its manufacturing facility in the County (collectively, the “Project”), which will result in expected investment by the Company in the Project of approximately \$17,703,823 in non-exempt investment and the expected creation of approximately (but not required) 30 new, full-time jobs (with benefits) in connection therewith, by December 31 of the fifth year after the first year which any portion of the Project is first placed in service; and

**WHEREAS**, as an inducement to the Sponsor to locate the Project in the County, the Company has requested that the County enter into a fee in lieu of tax agreement with the Company, thereby providing for certain fee in lieu of tax and infrastructure credit incentives with respect to the Project; and

**WHEREAS**, the County has determined, solely on the basis of the information supplied to it by the Company, that the Project would be a “project” and “economic development property” as such terms are defined in the FILOT Act and that the Project would serve the purposes of the FILOT Act; and

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

Section 1. The County agrees to negotiate a FILOT Agreement, the provisions, terms and conditions of which shall be prescribed and authorized by subsequent ordinance(s) of the County Council.

Section 2. All orders, resolutions and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed. This resolution shall take effect and be in full force from and after its passage by the County Council.

Section 3. The authorization of the execution and delivery of the documents related to the FILOT Agreement and all other related documents or obligations of the County is subject to the compliance by the County Council with the provisions of the Home Rule Act regarding the procedural requirements for adopting ordinances and resolutions.

Section 4. It is the intention of the County Council that this resolution shall constitute an inducement resolution with respect to the Project, within the meaning of the FILOT Act.

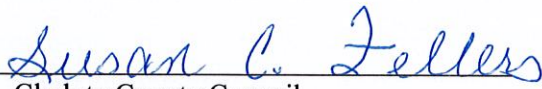
DONE in meeting duly assembled this 19<sup>th</sup> day of July, 2023.

(SEAL)

**NEWBERRY COUNTY, SOUTH CAROLINA**

By:   
Jeff Shacker, County Administrator

ATTEST:

By:   
Clerk to County Council,  
Newberry County, South Carolina