

ORDINANCE No. 280.2016

AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE AGREEMENT BY AND BETWEEN KERSHAW COUNTY, SOUTH CAROLINA, AND TEP REAL ESTATE, LLC, ITS AFFILIATES AND ASSIGNS, TO PROVIDE FOR A FEE IN LIEU OF *AD VALOREM* TAXES INCENTIVE, AND OTHER MATTERS RELATED THERETO

2016 JUN 27 PM 1:53
KERSHAW COUNTY, S.C.
CLERK OF COURT
TEP REAL ESTATE, LLC

WHEREAS, the County, acting by and through its County Council ("Council"), is authorized and empowered, under and pursuant to the provisions of the Code of Laws of South Carolina 1976, as amended through the date hereof ("Code"), particularly Title 12, Chapter 44 thereof ("Fee in Lieu of Tax Simplification Act") and by Article VIII, Section 13 of the South Carolina Constitution: (i) to enter into agreements with certain investors to establish projects through which the economic development of the State of South Carolina ("State") will be promoted and trade developed, thus utilizing and employing the manpower, agricultural products, and natural resources of the State; and (ii) to covenant with such investors to accept certain fee in lieu of *ad valorem* tax ("FILOT") payments with respect to a project;

WHEREAS, TEP Real Estate, LLC, acting for itself, one or more current or future affiliates and other project sponsors (collectively, "Company") proposes to invest in, or cause others to invest in, the establishment of certain manufacturing and related facilities in the County ("Project"), which the Company expects will result in the investment of a minimum of \$2,500,000;

WHEREAS, the County hereby identifies the Project as a project or proposed project and intends this Ordinance to serve as the inducement resolution, as described by the Act; and

WHEREAS, the County has determined to offer the Company a FILOT incentive package at an assessment ratio either of 6%, with a fixed millage rate for 20 years. The terms and conditions of each of these incentives are more fully described in the Fee Agreement ("Fee Agreement") attached hereto as Exhibit A.

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

Section 1. Authorization to Execute and Deliver Fee Agreement. The Chairman of County Council and the County Administrator are hereby authorized and directed to execute the Fee Agreement which is in substantially final form as hereto attached, with any minor modifications and revisions as may be approved by the Chairman of County Council and the County Administrator, in the name of and on behalf of the County, and the Clerk to County Council is hereby authorized and directed to attest the same; and the Chairman of County Council and the County Administrator are hereby further authorized and directed to deliver the executed Fee Agreement to the Company.

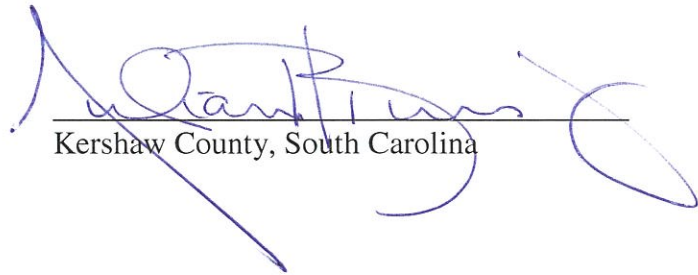
Section 2. Statutory Findings. Based on information provided by the Company, the County hereby finds: (i) the Project will benefit the general public welfare of the County by providing service, employment, recreation or other public benefits not otherwise provided

locally; (ii) the Project gives rise to no pecuniary liability of the County or incorporated municipality or to no charge against its general credit or taxing power; (iii) the purposes to be accomplished by the Project are proper governmental and public purposes; and (iv) the benefits of the Project to the public are greater than the costs to the public.

Section 3. General Repealer. All ordinances, resolutions, and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.


This Ordinance takes effect and is in full force only after the County Council has approved it following three readings and a public hearing.

Kershaw County, South Carolina



Kershaw County, South Carolina

ATTEST:



Merri Seigler, Clerk to County Council
Kershaw County, South Carolina

READINGS:

First Reading:	May 10, 2016
Second Reading:	May 24, 2016
Third Reading:	June 14, 2016
Public Hearing:	June 14, 2016

STATE OF SOUTH CAROLINA)
)
KERSHAW COUNTY)

Resolution No. 103.2016
KERSHAW COUNTY, SC

PROVIDING PRELIMINARY APPROVAL FOR CERTAIN INCENTIVES TO INDUCE TEP REAL ESTATE, LLC, ACTING FOR ITSELF, ONE OR MORE CURRENT OR FUTURE AFFILIATES AND OTHER PROJECT SPONSORS (COLLECTIVELY, "COMPANY") TO ESTABLISH MANUFACTURING AND RELATED FACILITIES IN KERSHAW COUNTY, SOUTH CAROLINA ("COUNTY"), INCLUDING NEGOTIATED FEE IN LIEU OF AD VALOREM TAX ARRANGEMENTS

WHEREAS, the County, acting by and through its County Council ("Council"), is authorized and empowered, under and pursuant to the provisions of the Code of Laws of South Carolina 1976, as amended through the date hereof ("Code"), particularly Title 12, Chapter 44 thereof ("Fee in Lieu of Tax Simplification Act") and by Article VIII, Section 13 of the South Carolina Constitution: (i) to enter into agreements with certain investors to establish projects through which the economic development of the State of South Carolina ("State") will be promoted and trade developed, thus utilizing and employing the manpower, agricultural products, and natural resources of the State; and (ii) to covenant with such investors to accept certain fee in lieu of *ad valorem* tax ("FILOT") payments with respect to a project;

WHEREAS, TEP Real Estate, LLC, acting for itself, one or more current or future affiliates and other project sponsors (collectively, "Company") proposes to invest in, or cause others to invest in, the establishment of certain manufacturing and related facilities in the County ("Project"), which the Company expects will result in the investment of a minimum of \$2,500.000; and

WHEREAS, based on the information the Company provided, the County has determined the Project would serve the purposes of the Act and would be directly and substantially beneficial to the County, the taxing entities of the County, and the citizens and residents of the County due to the investment associated therewith, which contribute to the tax base and the economic welfare of the County, and, accordingly, the County wishes to induce the Company to undertake the Project by offering the FILOT incentive hereinafter described, subject, however, to final approval by ordinance of the County Council.

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

Section 1. As contemplated by Section 12-44-40(A) of the Code, based on the information the Company provided, the County identifies the Project as a "project" and makes the following findings and determinations: (a) the Project will constitute a "project" within the meaning of the Fee in Lieu of Tax Simplification Act; (b) the Project, and the County's actions herein, will serve the purposes of the Fee in Lieu of Tax Simplification Act; (c) the Project is anticipated to benefit the general public welfare of the State and the County by providing

services, employment, recreation, or other public benefits not otherwise provided locally; (d) the Project gives rise to no pecuniary liability of the County or incorporated municipality or a charge against its general credit or taxing power; (e) the purposes to be accomplished by the Project are proper governmental and public purposes; (f) the benefits of the Project are greater than the costs; and (g) the Project will have a substantial public benefit.

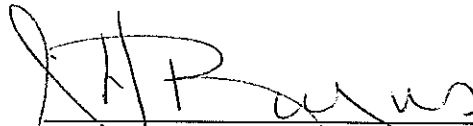
Section 2. Subject to the provisions of the Act and to final approval by the Council through adoption of an ordinance ("Approving Ordinance"), the County Chairman and such other officials of the County as may be designated by such Approving Ordinance are hereby authorized, by and on behalf of the County, to negotiate and enter into a fee in lieu of tax and incentive agreement as a means of inducing the Project expand in the County.

Section 3. 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 upon adoption by the Council.

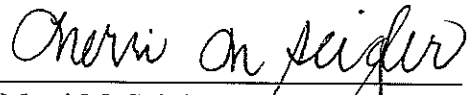
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Adopted: May 10, 2016

KERSHAW COUNTY, SOUTH CAROLINA


Kershaw County, South Carolina

ATTEST:


Merri M. Seigler, Clerk to County Council
Kershaw County, South Carolina