

**KERSHAW COUNTY
ORDINANCE NO. 299.2016**

FILED FOR RECORD
2017 MAR 30 10 38 AM
KERSHAW COUNTY
SOUTH CAROLINA

AN ORDINANCE (1) AMENDING ORDINANCE NO. 10.2002 ENACTED ON NOVEMBER 12, 2002 RELATING TO THE JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK DEVELOPED IN CONJUNCTION WITH SUMTER COUNTY (THE "PARK") SO AS TO REMOVE THE CURRENT EXPIRATION DATE APPLICABLE TO SUCH PARK AS WELL AS THE SECOND AMENDMENT OF AGREEMENT DATED APRIL 27, 1999 FOR THE DEVELOPMENT OF A JOINT COUNTY INDUSTRIAL AND BUSINESS PARK MADE AND ENTERED INTO AS OF NOVEMBER 26, 2002 REGARDING SUCH PARK (THE "PARK AGREEMENT"); (2) APPROVING AN AMENDMENT TO THE PARK AGREEMENT TO ENLARGE THE BOUNDARIES OF THE PARK TO INCLUDE CERTAIN PROPERTY OWNED AND/OR OPERATED BY BETHUNE NONWOVENS, INC., TO THE EXTENT NOT ALREADY SO INCLUDED; AND (3) AUTHORIZING OTHER MATTERS RELATED THERETO.

WHEREAS, Kershaw County, South Carolina, a political subdivision of the State of South Carolina ("Kershaw County"), acting by and through its County Council (the "Kershaw County Council"), and Sumter County, South Carolina, a political subdivision of the State of South Carolina ("Sumter County"), acting by and through its County Council (the "Sumter County Council"), are authorized pursuant to Article VIII, Section 13(D) of the Constitution of the State of South Carolina and Title 4, Chapter 1 of the Code of Laws of the State of South Carolina 1976, as amended, and specifically Section 4-1-170 thereof (collectively, the "Park Act"), to develop jointly an industrial or business park within the geographical boundaries of one or more of the member counties; and

WHEREAS, pursuant to the Park Act, Ordinance No. 10.2002 duly enacted by Kershaw County on November 12, 2002 (the "Kershaw Park Ordinance"), and Ordinance No. 02-484 duly enacted by Sumter County on November 26, 2002 (together with the Kershaw Park Ordinance, collectively, the "Ordinances") Kershaw County and Sumter County previously entered into a Second Amendment of Agreement dated April 27, 1999, for the Development of a Joint County Industrial and Business Park which was made and entered into as of November 26, 2002 (the "Park Agreement"), whereby they agreed to continue to develop a jointly owned and operated industrial and business park including within its boundaries property located in Kershaw County and Sumter County (the "Park"); and

WHEREAS, pursuant to Section VIII of the Kershaw Park Ordinance, Kershaw County provided that its authorization as to the establishment of the Park automatically expires twenty (20) years from the date of the execution of the Park Agreement by both Kershaw County and Sumter County; and

WHEREAS, Kershaw County desires to hereby amend Section VIII of the Kershaw Park Ordinance to remove the above-referenced expiration provision; and

WHEREAS, as set forth in Section 1 of the Park Agreement, the property located within the boundaries of the Park is identified and described in Appendix A to the Park Agreement; and

WHEREAS, pursuant to Section 12 of the Park Agreement, the Park Agreement may be amended by affirmative vote of both the Kershaw County Council and the Sumter County Council; and

WHEREAS, Kershaw County and Sumter County further desire to amend the Park Agreement to enlarge the boundaries of the Park to include, to the extent not already so included, certain property located in Kershaw County and owned and/or operated by Bethune Nonwovens, Inc., as identified and described on **Exhibit A** hereto (the "Bethune Nonwovens Property").

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL, as follows:

SECTION I. Kershaw County hereby amends Section VIII of Ordinance No. 10.2002 to read as follows:

The **SECOND AMENDMENT OF AGREEMENT** may not be terminated except by concurrent ordinances of Sumter County Council and Kershaw County Council.

SECTION II. Kershaw County hereby approves the amendment of the Park Agreement, and specifically Appendix A thereto, to enlarge the boundaries of the Park to include the Bethune Nonwovens Property, to the extent not already so included, effective as of December 31, 2016.

SECTION III. The provisions of this Ordinance are hereby declared to be separable and if any section, phrase, or provision shall for any reason be declared by a court of competent jurisdiction to be invalid, unconstitutional, or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases, and provisions hereunder.

SECTION IV. All orders, ordinances, resolutions, and parts thereof in conflict herewith are to the extent of such conflict hereby repealed. This Ordinance shall be effective after third and final reading.

[End of Ordinance]

Enacted and approved, in meeting duly assembled, this 23rd day of May, 2017.

KERSHAW COUNTY, SOUTH CAROLINA

By: _____

Kershaw County, South Carolina

[SEAL]

Attest:

By: _____

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

First Reading:	November 22, 2016
Second Reading:	November 30, 2016
Public Hearing:	May 23, 2017
Third Reading:	May 23, 2017

EXHIBIT A
LAND DESCRIPTION
BETHUNE NONWOVENS PROPERTY

TRACT 1:

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND LYING, BEING AND SITUATE PARTLY WITHIN THE TOWN OF BETHUNE, IN KERSHAW COUNTY, SOUTH CAROLINA, AND BEING SHOWN AND DESIGNATED AS TAX PARCELS 141-00-00-007, 141-00-00-008 AND 141-00-00-002 CONTAINING 347.04 ACRES ON A PLAT BY ERVIN ENGINEERING COMPANY, INC. FOR AHLSTROM NONWOVENS LLC, DATED MAY 9, 2007 AND BEING MORE PARTICULARLY DESCRIBED ACCORDING TO SAID PLAT, AS FOLLOWS: BEGINNING AT A POINT WHERE THE WESTERN BANK OF LYNCHES RIVER INTERSECTS THE NORTHERN RIGHT-OF-WAY LINE OF U.S. ROUTE 1 LABELED P.O.B. 1 ON SURVEY; THENCE, ALONG SAID NORTHERN RIGHT-OF-WAY OF U.S. ROUTE 1 WHICH HAS A RIGHT-OF-WAY MEASURING 75 FEET FROM THE CENTERLINE OF THE HIGHWAY IN A SOUTHWESTERLY DIRECTION S56°-44'-27"W A DISTANCE OF 141.03 TO POINT AT THE TRANSITION OF RIGHT-OF-WAY WIDTH; THENCE, IN A SOUTHEASTERLY DIRECTION S33°-15'-33"E A DISTANCE OF 25 FEET TO A POINT ON SAID NORTHERN RIGHT-OF-WAY OF U.S. ROUTE 1 MEASURING 50 FEET FROM THE CENTERLINE OF THE HIGHWAY; THENCE, IN A SOUTHWESTERLY DIRECTION S56°-44'-27"W A DISTANCE OF 84.11 FEET TO A POINT AT THE BEGINNING OF A CURVE; THENCE, ALONG SAID CURVE (WHICH HAS A RADIUS OF 11,509.16 FEET AND A CHORD OF S55°-07'-52"W 646.67 FEET) A DISTANCE OF 646.75 FEET TO A POINT; THENCE, IN A SOUTHWESTERLY DIRECTION S53°-31'-13"W A DISTANCE OF 245.72 FEET TO A POINT AT THE BEGINNING OF A CURVE; THENCE, ALONG SAID CURVE (WHICH HAS A RADIUS OF 11,403.10 FEET AND A CHORD OF S55°-07'-48"W 641.04 FEET) A DISTANCE OF 641.13 FEET TO A POINT; THENCE, IN A SOUTHWESTERLY DIRECTION S56°-44'-27"W A DISTANCE OF 31.95 FEET TO A POINT AT THE TRANSITION OF RIGHT-OF-WAY WIDTH; THENCE, IN A SOUTHEASTERLY DIRECTION S33°-15'-33"E A DISTANCE OF 12.50 FEET TO A POINT ON SAID NORTHERN RIGHT-OF-WAY OF U.S. ROUTE 1 MEASURING 37.50 FEET FROM THE CENTERLINE OF THE HIGHWAY; THENCE, IN A SOUTHWESTERLY DIRECTION S56°-44'-27"W A DISTANCE OF 1389.40 FEET TO A CONCRETE MONUMENT; THENCE, DEPARTING SAID NORTHERN RIGHT-OF-WAY OF U.S. ROUTE 1 IN A NORTHERLY DIRECTION N22°-03'-05"W A DISTANCE OF 456.13 FEET TO A CONCRETE MONUMENT ON THE SOUTHERN RIGHT OF WAY OF THE SEABOARD AIR LINE RAILROAD; THENCE, DEPARTING SAID SOUTHERN RIGHT-OF-WAY OF THE SEABOARD AIR LINE RAILROAD IN A NORTHWESTERLY DIRECTION N33°-24'-13"W A DISTANCE OF 100.00 FEET TO A CONCRETE MONUMENT ON THE NORTHERN RIGHT-OF-WAY OF THE SEABOARD AIR LINE RAILROAD; THENCE, ALONG SAID NORTHERN RIGHT-OF-WAY OF THE SEABOARD AIR LINE RAILROAD IN A SOUTHWESTERLY DIRECTION S56°-35'-49" W A DISTANCE OF 4108.37 FEET TO A CONCRETE MONUMENT; THENCE, DEPARTING SAID NORTHERN RIGHT-OF-WAY

OF SEABOARD AIR LINE RAILROAD IN A NORTHWESTERLY DIRECTION N33°-22'-44"W A DISTANCE OF 473.25 FEET TO A CONCRETE MONUMENT ON THE SOUTHERN RIGHT-OF-WAY OF CHESTNUT STREET; THENCE, ALONG SAID SOUTHERN RIGHT-OF-WAY OF CHESTNUT STREET IN A NORTHEASTERLY DIRECTION N56°-33'-37"E A DISTANCE OF 352.41 FEET TO A POINT AT THE END OF CHESTNUT STREET; THENCE IN A NORTHWESTERLY DIRECTION N33°-34'-34"W A DISTANCE OF 74.04 FEET TO A POINT AT THE END OF THE NORTHERN RIGHT-OF-WAY OF CHESTNUT STREET; THENCE, IN A SOUTHWESTERLY DIRECTION S56°-36'-01"W A DISTANCE OF 352.03 FEET TO A CONCRETE MONUMENT; THENCE, DEPARTING SAID NORTHERN RIGHT-OF-WAY OF CHESTNUT STREET IN A NORTHWESTERLY DIRECTION N33°-21'-24"W A DISTANCE OF 415.91 FEET TO A CONCRETE MONUMENT; THENCE, IN A SOUTHWESTERLY DIRECTION S56°-13'-16"W A DISTANCE OF 427.96 FEET TO A POINT INSIDE A PINE TREE MARKED WITH AN "X" ON THE EASTERN RIGHT OF WAY OF PICKENS STREET; THENCE, ALONG SAID EASTERN RIGHT-OF-WAY OF PICKENS STREET IN A NORTHWESTERLY DIRECTION N33°-37'-47"W A DISTANCE OF 436.69 FEET TO A 3/8" PIPE; THENCE, DEPARTING SAID EASTERN RIGHT-OF-WAY OF PICKENS STREET IN A NORTHEASTERLY DIRECTION N56°-15'-52"E A DISTANCE OF 257.70 FEET TO A 3/8" PIPE; THENCE, IN A NORTHWESTERLY DIRECTION N33°-38'-58"W A DISTANCE OF 900.19 FEET TO A 3/8" PIPE; THENCE, IN A SOUTHWESTERLY DIRECTION S56°-12'-32"W A DISTANCE OF 257.40 FEET TO A 3/8" PIPE ON THE EASTERN RIGHT-OF-WAY OF PICKENS STREET; THENCE, ALONG SAID EASTERN RIGHT-OF-WAY OF PICKENS STREET IN A NORTHWESTERLY DIRECTION N33°-37'-47"W A DISTANCE OF 50.00 FEET TO A 5/8" ROD; THENCE, DEPARTING SAID EASTERN RIGHT-OF-WAY OF PICKENS STREET IN A NORTHEASTERLY DIRECTION N56°-12'-32"E A DISTANCE OF 257.41 FEET TO A 3/8" PIPE; THENCE, IN A NORTHWESTERLY DIRECTION N33°-34'-18"W A DISTANCE OF 239.92 FEET TO A CONCRETE MONUMENT; THENCE, IN A NORTHEASTERLY DIRECTION N64°-39'-25"E A DISTANCE OF 1828.36 FEET TO A CONCRETE MONUMENT; THENCE, IN A NORTHERLY DIRECTION N18°-48'-00"W A DISTANCE OF 591.80 FEET TO A CONCRETE MONUMENT; THENCE, IN AN EASTERLY DIRECTION S76°-35'-01"E A DISTANCE OF 1286.25 FEET TO A CONCRETE MONUMENT; THENCE, IN A NORTHERLY DIRECTION N19°-02'-16"E A DISTANCE OF 1829.10 FEET TO A CONCRETE MONUMENT; THENCE, IN AN EASTERLY DIRECTION S71°-50'-04"E A DISTANCE OF 789.80 FEET TO A CONCRETE MONUMENT; THENCE, IN A SOUTHEASTERLY DIRECTION S26°-21'-01"E A DISTANCE OF 1015.89 FEET TO A CONCRETE MONUMENT; THENCE, IN A SOUTHEASTERLY DIRECTION S61°-11'-32"E A DISTANCE OF 340.57 FEET TO A CONCRETE MONUMENT; THENCE, IN A SOUTHERLY DIRECTION S17°-07'-50"E A DISTANCE OF 891.19 FEET TO A CONCRETE MONUMENT; THENCE, IN A NORTHEASTERLY DIRECTION N56°-38'-21"E A DISTANCE OF 287.33 FEET TO A CONCRETE MONUMENT; THENCE, CONTINUING IN A NORTHEASTERLY DIRECTION N54°-02'-00"E A DISTANCE OF 404.34 FEET TO A CONCRETE MONUMENT; THENCE, AGAIN IN A NORTHEASTERLY DIRECTION N50°-05'-23"E A DISTANCE OF 366.56 FEET TO A CONCRETE MONUMENT; THENCE, YET AGAIN IN A NORTHEASTERLY DIRECTION N47°-46'-59"E A DISTANCE OF 731.40' TO A CONCRETE MONUMENT; THENCE, IN A NORTHWESTERLY DIRECTION N30°-07'-56"W A DISTANCE OF 553.82 FEET TO A

CONCRETE MONUMENT; THENCE, IN A NORTHEASTERLY DIRECTION N60°-55'-21"E A DISTANCE OF 1329.19 FEET TO A POINT ON THE WESTERN BANK OF LYNCHES RIVER; THENCE, ALONG SAID WESTERN BANK OF LYNCHES RIVER, WHICH IS THE PROPERTY LINE IN A GENERALLY SOUTHERLY DIRECTION THE FOLLOWING COURSES AND DISTANCES: S15°-07'-34"W, 54.81'; S02°-22'-35"W, 51.96'; S00°-43'-05"E, 78.71'; S00°-16'-35"W, 90.74'; S08°-16'-08"W, 80.57'; S09°-19'-33"W, 60.24'; S18°-08'-21"W, 88.80'; S25°-55'-20"E, 76.78'; S51°-55'-58"E, 69.67'; S77°-46'-34"E, 44.63'; N68°-06'-59"E, 148.19'; N63°-12'-49"E, 52.83'; S62°-29'-40"E, 20.42'; S07°-58'-44"E, 66.36'; S31°-17'-59"W, 69.67'; S23°-18'-48"W, 106.75'; S22°-10'-41"W, 31.83'; S10°-55'-15"E, 59.18'; S11°-32'-21"E, 62.21'; S31°-19'-49"E, 149.11'; S42°-50'-30"E, 77.64'; S42°-10'-49"E, 127.28'; S24°-54'-01"E, 154.38'; S56°-44'-27"W, 65.62'; S56°-35'-49"W, 65.94 TO THE POINT OF BEGINNING, LABELED P.O.B. 1 ON SURVEY.

TRACT 2:

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND LYING, BEING AND SITUATE IN KERSHAW COUNTY, SOUTH CAROLINA, JUST NORTHEAST OF THE TOWN OF BETHUNE, BOUNDED ON THE SOUTH BY THE NORTHERN RIGHT-OF-WAY OF U.S. ROUTE 1 AND ON THE NORTH BY THE SOUTHERN RIGHT-OF-WAY OF THE SEABOARD AIR LINE RAILROAD. SAID TRACT CONTAINS 0.67 ACRES AND IS DESIGNATED AS TRACT 2 ON A PLAT BY ERVIN ENGINEERING COMPANY, INC. FOR AHLSTROM NONWOVENS LLC, DATED MAY 9, 2007 AND BEING MORE PARTICULARLY DESCRIBED ACCORDING TO SAID PLAT, AS FOLLOWS: BEGINNING AT A POINT LABELED P.O.B. 2 ON PLAT; SAID POINT OF BEGINNING IS REACHED BY STARTING AT A POINT WHERE THE WESTERN BANK OF LYNCHES RIVER INTERSECTS THE NORTHERN RIGHT-OF-WAY LINE OF U.S. ROUTE 1 LABELED P.O.B. 1 ON SURVEY; THENCE, ALONG SAID NORTHERN RIGHT-OF-WAY OF U.S. ROUTE 1 WHICH HAS A RIGHT-OF-WAY MEASURING 75 FEET FROM THE CENTERLINE OF THE HIGHWAY IN A SOUTHWESTERLY DIRECTION S56°-44'-27"W A DISTANCE OF 141.03 TO POINT AT THE TRANSITION OF RIGHT-OF-WAY WIDTH; THENCE, IN A SOUTHEASTERLY DIRECTION S33°-15'-33"E A DISTANCE OF 25 FEET TO A POINT ON SAID NORTHERN RIGHT-OF-WAY OF U.S. ROUTE 1 MEASURING 50 FEET FROM THE CENTERLINE OF THE HIGHWAY; THENCE, IN A SOUTHWESTERLY DIRECTION S56°-44'-27"W A DISTANCE OF 84.11 FEET TO A POINT AT THE BEGINNING OF A CURVE; THENCE, ALONG SAID CURVE (WHICH HAS A RADIUS OF 11,509.16 FEET AND A CHORD OF S55°-07'-52"W 646.67 FEET) A DISTANCE OF 646.75 FEET TO A POINT; THENCE, IN A SOUTHWESTERLY DIRECTION S53°-31'-13"W A DISTANCE OF 245.72 FEET TO A POINT AT THE BEGINNING OF A CURVE; THENCE, ALONG SAID CURVE (WHICH HAS A RADIUS OF 11,403.10 FEET AND A CHORD OF S55°-07'-48"W 641.04 FEET) A DISTANCE OF 641.13 FEET TO A POINT; THENCE, IN A SOUTHWESTERLY DIRECTION S56°-44'-27"W A DISTANCE OF 31.95 FEET TO A POINT AT THE TRANSITION OF RIGHT-OF-WAY WIDTH; THENCE, IN A SOUTHEASTERLY DIRECTION S33°-15'-33"E A DISTANCE OF 12.50 FEET TO A POINT ON SAID NORTHERN RIGHT-OF-WAY OF U.S. ROUTE 1 MEASURING 37.50 FEET FROM THE CENTERLINE OF THE HIGHWAY; THENCE, IN A SOUTHWESTERLY DIRECTION S56°-44'-27"W A DISTANCE OF 3417.70 FEET TO A CONCRETE

MONUMENT WHICH IS THE POINT OF BEGINNING AND LABELED "P.O.B. 2 ON SURVEY; THENCE, ALONG SAID NORTHERN RIGHT-OF-WAY OF U.S. ROUTE 1 IN A SOUTHWESTERLY DIRECTION S56°-44'-27"W A DISTANCE OF 65.62 FEET TO A CONCRETE MONUMENT; THENCE, DEPARTING SAID NORTHERN RIGHT-OF-WAY OF U.S. ROUTE 1 IN A NORTHWESTERLY DIRECTION N33°-22'-19"W A DISTANCE OF 442.19' TO A CONCRETE MONUMENT ON THE SOUTHERN RIGHT OF WAY OF THE SEABOARD AIR LINE RAILROAD; THENCE, ALONG SAID SOUTHERN RIGHT-OF-WAY OF THE SEABOARD AIR LINE RAILROAD IN A NORTHEASTERLY DIRECTION N56°-35'-49"E A DISTANCE OF 65.94 FEET TO A CONCRETE MONUMENT; THENCE, DEPARTING SAID SOUTHERN RIGHT-OF-WAY OF THE SEABOARD AIR LINE RAILROAD IN A SOUTHEASTERLY DIRECTION S33°-19'-52"E A DISTANCE OF 442.35 FEET TO A CONCRETE MONUMENT AT THE POINT OF BEGINNING, LABELED "P.O.B.2" ON SURVEY