

STATE OF SOUTH CAROLINA )  
  )  
COUNTY OF KERSHAW       )          **ORDINANCE NO. 330.2019**

**AN ORDINANCE TO APPROVE AND AUTHORIZE THE EXECUTION OF AN EXTENSION TO BASE LEASE AND OPERATING AGREEMENT BETWEEN THE COUNTY OF KERSHAW, SOUTH CAROLINA AS LESSOR, AND THE SOUTH CAROLINA EQUINE PROMOTION FOUNDATION, INC., AS LESSEE DATED MAY 19, 2009 AS AMENDED.**

WHEREAS, Kershaw County entered into a Base Lease and Operating Agreement (Lease) as Lessor with the South Carolina Equine Promotion Foundation as Lessee dated May 19, 2009 and entered into a Second Amendment (as amended) dated April 27, 2010;

**RECORDED  
2019 JUN 25 AM 2:10  
JANET D. HASTY  
CLERK OF COURT  
KERSHAW COUNTY, S.C.**

WHEREAS, the Lease and Second Amendment were duly authorized by Ordinance No. 139.2009 and Ordinance No. 155.2010;

WHEREAS, the Lease and Second Amendment contains the following provision:

**SECTION 3.1. Lease of the Premises.** The County does hereby demise and lease to the Foundation and the Foundation hereby leases from the County the Premises for a Base Lease Term of 5 years commencing as of the date of the delivery hereof (the “Base Lease Term”) for the rentals and other consideration set forth in Section 3.3 hereof and in accordance with the provisions of this Base Lease. At the conclusion of the initial term or the first extension thereof, the Base Lease Term hereof shall be extended automatically for an additional 5 years unless either party hereto provides written notice of termination not less than 90 nor more than 180 days prior to the expiration of the then current term. In no event shall the Base Lease Term be extended without further action by the County Council of the County for any period beyond 10 years from the date hereof.

WHEREAS, the date of delivery of the Base Lease Term is May 19, 2009;

WHEREAS, Kershaw County and the South Carolina Equine Promotion Foundation, Inc. desire to extend the Base Lease Term of the Lease and Second Amendment from May 19, 2019 for an additional ten (10) years to May 19, 2029.

**NOW, THEREFORE, BE IT ORDAINED BY KERSHAW COUNTY COUNCIL:**

1. That the Base Lease and Operating Agreement by and between the County of Kershaw, as Lessor, and the South Carolina Equine Promotion Foundation, Inc., as Lessee, as

amended is extended from May 19, 2019 until May 19, 2029 and Section 3.1 Lease of Premises is so amended and modified.

2. Section 3.1 Lease of the Premises shall now read as follows:

The County does hereby demise and lease to the Foundation from the County the Premises for a Base Lease term of ten (10) years commencing May 19, 2019 and ending May 19, 2029. This applies to the Base Lease and Operating Agreement (recorded in the Register of Deeds Office for Kershaw County in Volume 2522 at Page 234) and Second Amendment (recorded in the Register of Deeds Office for Kershaw County in Volume 2668 at Page 115)

3. That except as amended and modified to extend the Base Lease term for ten (10) years the Lease and Second Amendment is reaffirmed and is effective according to its terms and conditions in its entirety.

4. That the entering into and execution of the Amendment and Modification of Base Lease and Operating Agreement and Second Amendment by and between the County of Kershaw and the South Carolina Equine Promotion Foundation, Inc. as to Lease of the Premises and Extension of the Base Lease Term attached as Exhibit A is approved and authorized.

**AND IT IS SO ORDAINED** by Kershaw County Council this 14<sup>th</sup> day of May, 2019 in meeting duly assembled at Camden, South Carolina.

**KERSHAW COUNTY COUNCIL**



**Attest:**

  
Merri M. Seigler, Clerk to Council

1<sup>st</sup> reading: April 9, 2019  
2<sup>nd</sup> reading: April 23, 2019  
Public Hearing: May 14, 2019  
3<sup>rd</sup> reading: May 14, 2019