

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF KERSHAW )

ORDINANCE NO. 155. 2010

FILED FOR RECORD  
2010 MAY -5 PM 1:35  
JOYCE McDONALD  
CLERK OF COURT  
KERSHAW COUNTY, SC

AN ORDINANCE TO APPROVE THE USE OF GRANT FUNDS RECEIVED FROM ONE OR MORE ELECTRIC COOPERATIVES FOR THE ACQUISITION OF ADDITIONAL LANDS TO EXPAND THE PARK FOR THE S.C. EQUINE CENTER (THE "FACILITY") IN FURTHERANCE OF THE ECONOMIC DEVELOPMENT PROGRAM OF KERSHAW COUNTY, APPROVING THE CONTRACT OF SALE TO ACQUIRE A 13.41 ACRE PARCEL OF REAL PROPERTY AND THE IMPROVEMENTS THEREON, APPROVING THE ACQUISITION OF SAID 13.41 ACRE TRACT OF REAL PROPERTY FOR THAT PURPOSE, AND APPROVING THE AMENDMENT OF THE LEASE AND MANAGEMENT AGREEMENT BETWEEN KERSHAW COUNTY AND THE SOUTH CAROLINA EQUINE PROMOTION FOUNDATION, INC. TO ADD THIS 13.41 ACRES PARCEL OF LAND TO THE AREA USED FOR THE OPERATION OF THE FACILITY IN FURTHERANCE OF THE ECONOMIC DEVELOPMENT PURPOSES OF KERSHAW COUNTY, AND GRANTING THE POWERS TO EXECUTE AND DELIVER THE DOCUMENTS NECESSARY TO ACCOMPLISH THESE PURPOSES.

**WHEREAS**, the South Carolina Equine Promotion Foundation, Inc., a/k/a the S.C. Equine Promotion Foundation, Inc. (the "**Foundation**"), a nonprofit corporation duly organized under the laws of the State of South Carolina and based in Camden, South Carolina, has identified a site bearing Kershaw County Tax Map Number P/O 315-00-00-009 and containing approximately 13.41 acres (the "Land") which is located on Cleveland School Road immediately adjacent to that property known as The Park for the S.C. Equine Center lying on the north side of Cleveland School Road now owned by the County of Kershaw and leased to the Foundation as the Park for the S.C. Equine Center. This parcel extends in a northerly direction from Cleveland School Road all the way to Interstate 20, as more particularly shown as 13.42 acres on a plat recorded in Plat Book A-151 at page 6 and as 13.41 acres on a plat dated April 14, 2010. The County Council believes that the acquisition and addition of this property to the Park for the S.C. Equine Center will help ensure the

success of this economic development project for the County, and will reinforce efforts to develop all aspects of the equine industry in Kershaw County; and

**WHEREAS**, the Land is more particularly described as:

All that piece, parcel or tract of land, lying, being and situate about five miles East of the City of Camden, County of Kershaw, State of South Carolina, containing 13.41 acres, more or less, and fronting on Cleveland School Road. The above described property is more fully shown and described on a plat prepared by Robert H. Lackey Surveying, Inc. dated April 14, 2010 and to be recorded in the office of the Register of Deeds for Kershaw County in Plat Book \_\_\_\_\_ at Page \_\_\_\_\_. Reference is also made to a plat recorded in Plat Book A-151 at page 6.

The above described property is the same property conveyed to John L. Cushman by deed of Frank McCleer and Dawn McCleer dated February 26, 2010 and recorded on March 1, 2010 in Book 2640, at page 238 in the office of the Register of Deeds for Kershaw County.

Tax Map Number: 315-00-00-009; and

**WHEREAS**, Kershaw County (the "County") has negotiated a contract with the South Carolina Equine Promotion Foundation, Inc. (which has contracted to purchase the property for sale to the County) for the purchase of this Land for \$105,000 plus reimbursement for its reasonable and necessary closing costs; and

**WHEREAS**, the County has acquired sufficient funds by grants from the electric cooperatives serving the County and surrounding counties (the "*Grant Funds*") to acquire the Land without expending any County tax monies; and

**WHEREAS**, the Foundation will agree to add this Land to that property known as The Park for the S.C. Equine Center which it is leasing and managing for the County, under the same terms and conditions as the other property under lease, so as to develop the Land and make it part of a first class facility for all types of equine activities and to encourage on

the premises, as enlarged by this acquisition, the development of a variety of retail and commercial uses of the Land related to the economic development purposes of the Park; and

**WHEREAS**, the Foundation has agreed to manage and operate this Land, together with the other leased facilities, for economic development purposes in order that the electric co-operatives which have provided the Grant Funds to the County will qualify for income tax credits for the Grant Funds pursuant to the provisions of S.C. Code Ann. § 12-20-105; and

**WHEREAS**, such development includes the establishment of businesses for the sale of saddles and tack, riding equipment, horse feed, vitamins and food supplements, farrier services, provision of horse training services, riding and equitation lessons, grooming services, stable maintenance services, veterinary services, horse boarding services, commercial horse transportation services; and

**WHEREAS**, the Foundation will also sponsor, or encourage other responsible organizations to sponsor, equine exhibitions, competitions, youth development programs, after-school programs, and educational programs relating to careers in the equine industry, and the like; and

**WHEREAS**, each of these activities is integral to the continued support and development of the equine industry in the County and in surrounding areas in central South Carolina, and the acquisition of this 13.41 acre tract will assist the County in meeting those economic development goals; and

**WHEREAS**, the County Council of Kershaw County (the "**Council**") has determined that the acquisition of the Land on terms deemed appropriate by the County, the use of only Grant Funds to acquire the Land, and the execution of an amended Agreement with the Foundation are all proper public purposes of the County, which will promote economic

development in the County and attract tourists and horse owners and horse enthusiasts to the County and surrounding areas to use the facilities; and

**WHEREAS**, such economic development project will have a positive impact on the economy of the County, will create jobs and economic activity that would not otherwise be present in the County, and will not be a tax burden to County taxpayers.

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

1. That the acceptance of the Contract and the acquisition of the Land on the terms described above, and on such other terms as the Council deems appropriate, is approved.

2. That the use of the Grant Funds for the acquisition of the Land is approved, provided that the Council is satisfied that the use of the Grant Funds for such acquisition is within legal requirements for the use of such Grant Funds imposed by the State of South Carolina or by contract with the electric cooperatives.

3. Upon the purchase of the Land by the County utilizing the Grant Funds, the Chairman and Vice-Chairman of the County Council are authorized and directed to execute the amendment to the Agreement with the Foundation for the uses and purposes set forth therein.

4. The Council Administrator or his designee will monitor the development of the Land for use as part of the Park for the S.C. Equine Center and report periodically to the Council on the progress of this economic development project.

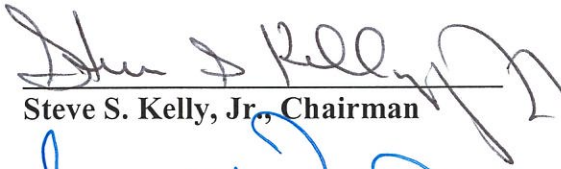
5. The Chairman and Vice-Chairman of the Council are authorized to do all other things necessary to effectuate the stated purposes of this Ordinance, including the execution and delivery of all documents which may be required to give full force and effect to this

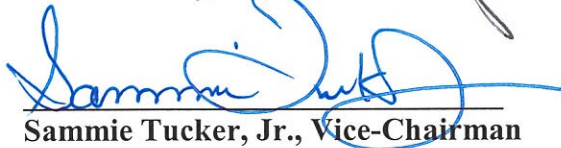
Ordinance.

AND IT IS SO ORDAINED by Kershaw County Council this 27th day of April, 2010 in meeting duly assembled at Camden, South Carolina.

(SEAL)

**KERSHAW COUNTY COUNCIL**

  
Steve S. Kelly, Jr., Chairman

  
Sammie Tucker, Jr., Vice-Chairman

**Attest:**

  
Merri Seigler, Clerk to Council

1<sup>st</sup> reading: March 23, 2010  
2<sup>nd</sup> reading: April 13, 2010  
Public Hearing: April 27, 2010  
3<sup>rd</sup> reading: April 27, 2010