

STATE OF SOUTH CAROLINA)
COUNTY OF KERSHAW) **ORDINANCE NO. 149.2009**

FILED FOR RECORD
2009 DEC 14 PM 4:28
CLERK OF COURT
KERSHAW COUNTY, S.C.

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 ACCEPTANCE OF AN ASSIGNMENT OF A CONTRACT OF SALE TO ACQUIRE A 13.46 ACRE PARCEL OF REAL PROPERTY AND THE IMPROVEMENTS THEREON, APPROVING THE ACQUISITION OF SAID 13.46 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 13.46 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 315-00-00-022 and containing approximately 13.46 acres (the "**Land**") which is located on Cleveland School Road immediately adjacent to that 1.06 acre portion of the property known as The Park for the S.C. Equine Center lying on the south 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 13.46 acre parcel extends in a southerly direction from Cleveland School Road and the 1.06 acre parcel all the way to the creek known as Geno Branch, as more particularly shown on a plat recorded in Plat Book C-42 at page 1. 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 five (5) miles Southeast of Camden, County of Kershaw, State of South Carolina containing 13.46 acres, more or less, on the plat hereinafter referenced and being bounded as follows: NORTH by property formerly of Claude Robert and Ruetta T. Rogers (now of Kershaw County and by the sixty six (66') foot right of way of Cleveland School Road (S-28-91); EAST by property of Frank and Dawn McCleer; property of Larry E. Westfall; and property of Lawrence S. Andrews; SOUTH by Geno Branch the center line being the property line; and WEST by property of Frank & Loy C. McLeod.

The above described property is more particularly shown on that plat prepared for Larry E. Westfall by Thomas W. Broadway, Jr. dated April 23, 2008 and recorded in the office of the Register of Deeds for Kershaw County in Plat Book C-42, at page 1.

The above described property is subject to a thirty (30') foot access easement as shown on the plat referenced hereinabove.

Tax Map Number: 315-00-00-022; and

WHEREAS, the Foundation has negotiated a contract with the current owner, Larry Westfall, for the purchase of this Land for \$80,000 and the parties are willing for the Foundation to assign the Contract to Kershaw County (the "*County*") for a nominal consideration, or if the Foundation, or its nominee, is required to purchase the property before the Ordinance is approved, then the Foundation is willing to convey the property to the County for the same consideration as it pays for the property, 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 cooperatives 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 the

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 13.46 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 Assignment 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.

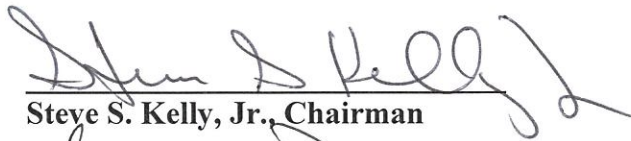
4. The Council Administrator or his designee will monitor the development of the Land for use as part of the Park for the S.C. Equine Center and report periodically to the Council on the progress of this economic development project.

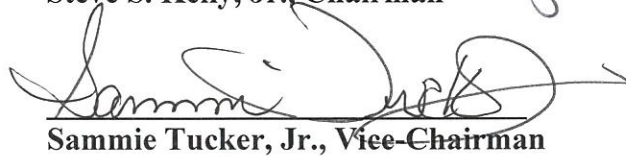
5. The Chairman and Vice-Chairman of the Council are authorized to do all other things necessary to effectuate the stated purposes of this Ordinance, including the execution and delivery of all documents which may be required to give full force and effect to this Ordinance.

AND IT IS SO ORDAINED by Kershaw County Council this 8th day of December, 2009 in meeting duly assembled at Camden, South Carolina.

(SEAL)

KERSHAW COUNTY COUNCIL


Steve S. Kelly, Jr., Chairman


Sammie Tucker, Jr., Vice-Chairman

Attest:


Merri M Seigler, Clerk to Council

1st reading: November 10, 2009
2nd reading: November 24, 2009
Public Hearing: December 8, 2009
3rd reading: December 8, 2009