



Kershaw County



2018

# **AGENDA PACKET**

## **Part 1 of 2**

**KERSHAW COUNTY COUNCIL MEETING  
TUESDAY, FEBRUARY 27, 2024**



## KERSHAW COUNTY COUNCIL MEETING AGENDA

Tuesday, February 27, 2024 6:00 P.M.

Kershaw County Government Center

County Council Chambers

515 Walnut Street

Camden, SC 29020

1. **Call to Order**
2. **Invocation**
3. **Pledge of Allegiance**
4. **Adoption of Agenda**
5. **Public Comments (5 Minutes Per Speaker)**
6. **Public Hearing**  
An Amended and Restated Ordinance To Create A Joint Multi-County Business Park, Lee County and Kershaw County (Agenda Item 9B)
7. **Approval of Minutes**  
Kershaw County Council -Tuesday, February 13, 2024 - Regular Meeting
8. **Discussion**  
**Update on 2024 Initiative to Defeas 2008 General Obligation Bonds – Auditor's Report**  
(placed on the agenda by Councilman Russell Brazell)
9. **Ordinances**
  - A. **Third Reading:** An Ordinance To Amend The Official Zoning Map Of Kershaw County To Rezone Approximately +/- 0.92 Acres Of Property (TMS # 272-05-00-162), Owned by Richard And Janice Diehl, And Located On The North Side Of Bradley Road, With An Address Of 1523 Bradley Road, Camden, South Carolina, From R-10, Medium Density Residential District, To GD, General Development District.  
**First Reading: January 23, 2024    Second Reading: February 13, 2024**
  - B. **Second Reading:** An Amended And Restated Ordinance To Create A Joint Multi-County Business Park With Lee County, This Multi-County Business Park To Be Comprised Of Property Located In Lee County And Kershaw County And Established Pursuant To South Carolina Code Of Laws Of 1976 §4-1-170, Et Sequitur, As Amended; To Provide For An Amended Written Agreement With Lee County Providing For The Expenses Of The Park, The Percentage Of Revenue Application, And The Distribution Of Fees In Lieu Of *Ad Valorem* Taxes To The Counties And Relevant Taxing Entities; And, To Provide That Jobs Tax Credits Allowed By Law Be Provided For Industries Locating In Said Park, And To Permit A User Fee In Lieu Of *Ad Valorem* Taxation.  
**First Reading: February 13, 2024**
  - C. **First Reading: Kershaw County Planning and Zoning Commission Request for Text Amendment by Kershaw County (Case 24-04)**  
An Ordinance To Amend The Kershaw County, South Carolina Unified Code Of Zoning And Land Development Regulations, Article 2, Definitions And Section 5:2.3-1, To Amend The Definition Of Minor Subdivision.

**KERSHAW COUNTY COUNCIL MEETING AGENDA (Continued)**

*Tuesday, February 27, 2024 6:00 P.M.*

**D. First Reading: Kershaw County Planning and Zoning Commission – Request For Text Amendment By Kershaw County (Case 24-05)**

An Ordinance To Amend The Kershaw County, South Carolina Unified Code Of Zoning And Land Development Regulations, Section 3:1.3, Table 3-4 To Provide Greater Clarity To The Distinction In Maximum Allowed Residential Dwelling Densities Between Single Family Residential Development And Multifamily/Apartment Development.

**10. Resolutions**

A Resolution Authorizing The Approval Of And Execution Of A Lease Agreement By And Between United Way Of Kershaw County and Kershaw County

**11. New Business**

**A. FY 24/25 Budget Priorities**

(placed on the agenda by Chairwoman Katie Guinn)

**B. Finance Committee FY25 Workshop Dates (Approval by Council)**

(placed on the agenda by Councilman Sammie Tucker, Jr.)

**C. Kershaw County Proposed Schedule - FY25 Budget Readings (Approval by Council)**

(placed on the agenda by Councilman Sammie Tucker, Jr.)

**D. Consideration Of A Building Permit Allocation System**

(placed on the agenda Councilman Derek Shoemake)

**12. Old Business**

**Needed Fire Hydrants – Pine Grove Road**

(placed on the agenda by Councilman Russell Brazell)

**13. Council Member Briefings**

**14. Administrator's Briefing**

- Ankle Monitors
- Boat Ramps
- Sewer Expansion

**15. Legal Briefing**

**16. Executive Session - Attorney-Client Privileged Legal Briefing (Land Development Regulations)**

SC Code 30-4-70 (a) (2)

**17. Adjournment**

An executive session may be called and held at any time by Council for and permitted by South Carolina Freedom of Information Act and action may possibly be taken on issues subject to the executive session after Council reconvenes.

The public may access the internet as a guest through the County's Wi-Fi and locate the agenda on the County website: <https://www.kershaw.sc.gov/county-council/watch-county-council-live>

# **MINUTES**

**Kershaw County Council Minutes**  
**Tuesday, February 13, 2024**



A regular meeting of the Kershaw County Council was held on Tuesday, February 13, 2024, at 6:00 p.m. in the Council Chambers at the Kershaw County Government Center.

**County Council Present:** Chairwoman Katie Guinn  
Councilman Sammie Tucker, Jr.  
Councilman Danny Catoe  
Councilman Russell Brazell  
Vice-Chairman Jimmy Jones (arrived at 6:10 p.m.)  
Councilman Derek Shoemake  
Councilman Brant Tomlinson

**Staff Present:** Danny Templar  
John DuBose  
Chris Anderson  
Lauren Reeder  
Gerald Blanchard  
Joey Adams-Raczkowski  
Hannah Parler  
Jeremy Morrow  
Will Glover

**Members of the press and public were present.**

***In accordance with the Freedom of Information Act, copies of the agenda were sent to the newspapers, TV, and radio stations, citizens of the county, department heads, and posted on the website.***

**CALL TO ORDER**

Chairwoman Katie Guinn called the meeting to order at 6:00 p.m., welcomed and thanked those present in person and online to the meeting of Tuesday, February 13, 2024. The Invocation was led by Elder Shelly Hardy, Pastor of St. Mark Church of God in Christ, and all in attendance recited the Pledge of Allegiance.

**ADOPTION OF AGENDA**

Chairwoman Katie Guinn called for a motion on the adoption of the agenda for Tuesday, February 13, 2024. Councilman Sammy Tucker, Jr., made a motion to adopt the agenda, seconded by Councilman Russell Brazell. During the call for discussion, Chairwoman Katie Guinn made an amendment to the agenda to strike Item 11B - FY 24/25 Budget Priorities because no supporting documents were provided for public view in packets. After no further discussion, Chairwoman Katie Guinn called for a vote. In favor of amendment: Chairwoman Katie Guinn, Councilman Derek Shoemake, Councilman Sammie Tucker, Jr., Councilman Russell Brazell, Councilman Danny Catoe, and Councilman Brant Tomlinson. Vice-Chairman Jimmy Jones was absent for the vote. Chairwoman Katie Guinn reordered the agenda and stated that no amendment was needed to move Item 11A – South Carolina Senate, District 27 Update: Senator Penry Gustafson before Public Comments. Councilman Derek Shoemake made a motion to amend the agenda moving Item 16 A & B Executive Session after Public Presentations; seconded by Councilman Sammie Tucker, Jr. Chairwoman Katie Guinn called for discussion on the amendment and Councilman Derek Shoemake stated that there may be some issues coming up later in discussion that may be affected and felt having this Executive Session would help. Chairwoman Katie Guinn called for a vote on the amendment; In favor, Councilman Derek Shoemake, Councilman Brant Tomlinson, Councilman Danny Catoe, Councilman Sammie Tucker, Jr., and Councilman Russell Brazell. Opposed: Chairwoman Katie Guinn; Vice-Chairman Jimmy Jones was absent for this vote.

After no further discussions or amendments, Chairwoman Katie Guinn called for a vote to adopt the agenda as amended; All in favor of the amended agenda: Chairwoman Katie Guinn, Councilman Brant Tomlinson, Councilman Danny Catoe, Councilman Derek Shoemake, Councilman Sammie Tucker, Jr., and Councilman Russell Brazell. Vice-Chairman Jimmy Jones was absent for this vote.

**Kershaw County Council Minutes**  
**Tuesday, February 13, 2024**

**PROCLAMATIONS**

Chairwoman Katie Guinn read into the record a Proclamation honoring National Black History Month. This Proclamation celebrates in Kershaw County and recognizes the vast contributions of African Americans to the Nation's history and identifies many black achievements and trailblazers who made history such as honoring District 2 County Councilman Sammie Tucker, Jr., and the City of Camden's Mayor Alfred Mae Drakeford. Chairwoman Katie Guinn called for a motion to accept the Proclamation; Councilman Sammie Tucker, Jr. made the motion and it was seconded by Councilman Brant Tomlinson. During discussion, Councilman Sammie Tucker, Jr., thanked everyone and sent thanks to all contributors to education, leaders, and supporters in the County and Communities. Vice-Chairman Jimmy Jones stated he was in support of the Proclamation as he honored also George and Evelyn Gibson. In favor of Proclamation: Chairwoman Katie Guinn, Vice-Chairman Jimmy Jones, Councilman Sammie Tucker, Jr., Councilman Russell Brazell, Councilman Derek Shoemake, Councilman Brant Tomlinson, and Councilman Danny Catoe.

**PUBLIC COMMENTS (See Attached)**

**PUBLIC PRESENTATIONS**

**Responsible Growth For Kershaw County**

Arch Kingsley represents a Consortium of concerned citizens that recognizes that change is coming fast to Kershaw County and to the way of life and believes that it is coming whether Kershaw embraces it or resist it. As shareholders in the county, they feel threatened that their open spaces and existing communities being replaced with high density tracked housing will only destroy the healthy communities and become a profit of long Land Development Corporations.

**South Carolina Senate, District 27 Update: Senator Penry Gustafson**

Senator Penry Gustafson came before Council and Citizens and gave an update on Kershaw County within the South Carolina Senate, District 27. She spoke briefly on several Bills that are up for discussion and passed. (A copy of the handouts can be received from the Clerk to Council's office).

**South Carolina Equine Circuit: Lynne Conto**

Lynne Conto with the South Carolina Equine Circuit presented a PowerPoint in reference to the Camden Training Center Housing Development and how it will affect Kershaw County as a whole and impact the communities, schools, traffic, and more, but most of all, history of what the land represents. (A copy of the PowerPoint can be received from the Clerk to Council's office).

Lisa Cobb Moore shared a concern of the growth of Kershaw as well and thanked Council for their efforts to help with zoning pertaining to the possible project and encouraged Council to help the Responsible Growth For Kershaw County by possibly speaking with the City of Camden about the property remaining in the County.

**EXECUTIVE SESSION**

- A. Personnel Matter 30-40-70 (a)(1)
- B. Attorney Client Privileged Legal Briefing (Land Use Regulations) 30-40-70 (a)(2)

In Session: 7:55 p.m. – Motion to enter: Councilman Derek Shoemake; seconded Councilman Brant Tomlinson  
In favor to enter Executive Session with Council and County Attorney: Chairwoman Katie Guinn, Councilman Brant Tomlinson, Councilman Danny Catoe, Councilman Derek Shoemake, Councilman Sammie Tucker, Jr., and Councilman Russell Brazell. Opposed: Vice-Chairman Jimmy Jones was absent when agenda was amended.

KERSHAW COUNTY COUNCIL MEETING

**PUBLIC COMMENTS**

**2.13.2024**

If you would like to address the County Council during the Public Comments portion of the agenda, please sign in below. Public Comment allows 5 minutes per individual speaker. See back of agenda for complete guidelines.

	NAME:	SUBJECT:	ADDRESS & PHONE NO.
1.	✓ ANDREW WHITAKER	ROADSIDE LITTER	(203) 822-4727 153 KNIGHTS HILL RD CAMDEN SC
2.	✓ JIM STEELE	LITTER	2469 HATFIELD RICHETT RD 803 432 3864
3.	✓ TOM WEBB III	LITTER	640 LURICK HUSTON 803 432 9704
4.	✓ Gregory E. Fisher	Litter	3168 Hunter Rd, Kershaw SC 293 677 5139
5.	✓ ELIZABETH HAGINS	CTC	303 Leetny Sq. Cand
6.	✓ Matthew Hudson	Litter Ordinance	
7.	✓ Krishonda Torres	Litter Ordinance	114 Colony Dr Camden
8.	✓ Jeff Mattox		
9.	✓ Di DeBore		
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**Kershaw County Council Minutes**  
**Tuesday, February 13, 2024**

Out of Session: 9:05 p.m. – Motion to come out of Session: Chairwoman Katie Guinn, Councilman Brant Tomlinson, Councilman Danny Catoe, Councilman Derek Shoemake, Councilman Sammie Tucker, Jr., and Councilman Russell Brazell. Opposed: Vice-Chairman Jimmy Jones was absent when agenda was amended.

**APPROVAL OF MINUTES**

Chairwoman Katie Guinn called for a motion to approve the minutes for the meeting of Tuesday, January 23, 2024. Councilman Derek Shoemake made the motion and it was seconded by Councilman Sammie Tucker, Jr. In favor: Chairwoman Katie Guinn, Vice-Chairman Jimmy Jones, Councilman Sammie Tucker, Jr., Councilman Brant Tomlinson, Councilman Danny Catoe, Councilman Derek Shoemake, and Councilman Russell Brazell.

**DISCUSSION**

**Update on 2024 Initiative to Defeas 2008 General Obligation Bonds**

After receiving the recommendation from the Finance Committee presented by Councilman Sammie Tucker, Jr., Councilman Russell Brazell suggested having the Auditor come and give their recommendation on the proposed report from the Finance Committee at the February 27<sup>th</sup> meeting.

**Needed Fire Hydrants – Pine Grove Road**

Councilman Russell Brazell shared concerns from citizens on the Pine Grove Road area about needed fire hydrants in proximity to their homes in case of fire issues. Fire Chief Will Glover spoke to Council and stated that the hydrants are needed and funds are not available in his budget due to other priorities of replacing hoses, and other equipment that they have already. Councilman Russell Brazell brought up for discussion and asked Council to consider finding and spending \$12,000 to install 2 fire hydrants on the Pine Grove Road area. The Administrator will continue to review and determine where funds can be withdrawn in support of the needed hydrants. Council agreed to have a continued discussion at the February 27<sup>th</sup> meeting.

**Planning and Zoning Overlay District**

Chairwoman Katie Guinn briefly brought this topic before Council for discussion only as the County plans to get into the Comprehensive Plan, basically an overlay district, which could be a tool that could be used to flex certain zones or criteria or development project to help plan development. This is for thought and feedback as the Council moves forward.

**ORDINANCES**

**SECOND READING: AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF KERSHAW COUNTY TO REZONE APPROXIMATELY +/- 0.92 ACRES OF PROPERTY (TMS # 272-05-00-162), OWNED BY RICHARD AND JANICE DIEHL, AND LOCATED ON THE NORTH SIDE OF BRADLEY ROAD, WITH AN ADDRESS OF 1523 BRADLEY ROAD, CAMDEN, SOUTH CAROLINA, FROM R-10, MEDIUM DENSITY RESIDENTIAL DISTRICT, TO GD, GENERAL DEVELOPMENT DISTRICT.**

During discussion of the First Reading of this ordinance, the owner of the property stated that there were no plans for the rezoning of the property and unsure of what would be placed on the property. It was advised that he come back to the Council once he decides what he plans to use the property for. Upon return for the Second Reading of this Ordinance, the property owner states he has the desire to put a warehouse for more storage on the property when rezoned to store equipment. After discussion, Chairwoman Katie Guinn called for a vote on Second Reading. Councilman Derek Shoemake, Councilman Sammie Tucker, Jr., Councilman Russell Brazell, Councilman Danny Catoe, Councilman Brant Tomlinson, and Vice-Chairman Jimmy Jones were all in favor; opposed Chairwoman Katie Guinn. **PASSED SECOND READING**



**Kershaw County Council Minutes**  
**Tuesday, February 13, 2024**

**SECOND READING: AN ORDINANCE OF THE KERSHAW COUNTY COUNCIL TO ESTABLISH A LITTER CONTROL ORDINANCE WHICH SHALL PROHIBIT THE UNLAWFUL DISPOSAL OF LITTER OR SOLID WASTE IN KERSHAW COUNTY AND PROVIDE ENFORCEMENT AND PENALTY PROVISIONS FOR VIOLATIONS.**

Chairwoman Katie Guinn called for a motion for Second Reading of an Ordinance to establish Litter Control which shall prohibit the unlawful disposal of litter or solid waste in Kershaw County and provide Enforcement and Penalty Provisions for violations; Councilman Derek Shoemake made a motion to pass for Second Reading and it was seconded by Councilman Brant Tomlinson.

During discussion of this ordinance, Councilman Derek Shoemake made an amendment to remove Section 7 (B) (E) (F); seconded by Councilman Russell Brazell. Before voting, Councilman Russell Brazell made a motion to revise and add under Section 6 (D) making fines no more than \$1,000. Councilman Derek Shoemake revised his motion to remove Section 7 (B) (E) (F), and amend to add Section 6 (D) in compliance with State Law for maximum penalty not to exceed \$1,000.00; seconded by Councilman Russell Brazell. Chairwoman Katie Guinn called for a vote to approve Second Reading of a Litter Ordinance as amended and by show of hands, Chairwoman Katie Guinn, Vice-Chairman Jimmy Jones, Councilman Brant Tomlinson, Councilman Danny Catoe, Councilman Derek Shoemake, Councilman Sammie Tucker, Jr., and Councilman Russell Brazell were all in favor. PASSED SECOND READING

**NEW BUSINESS**

**Finance Committee Update**

Councilman Sammie Tucker, Jr., provided for Council a Finance Committee Update (See attached).

**APPOINTMENTS**

**Assessment Appeals Board (2 Vacancies)**

There were no appointments to the Assessment Appeals Board.

**Board of Zoning Appeals**

Councilman Danny Catoe made a motion to appoint Ashleigh Hough to the Board of Zoning Appeals; seconded by Councilman Brant Tomlinson. By show of hands, Chairwoman Katie Guinn, Vice-Chairman Jimmy Jones, Councilman Brant Tomlinson, Councilman Danny Catoe, Councilman Derek Shoemake, Councilman Sammie Tucker, Jr., and Councilman Russell Brazell were all in favor of the appointment.

**COUNCIL BRIEFINGS**

**Councilman Derek Shoemake**

- Congratulations to Lugoff Elgin Wrestling Team for making it to the State Finals, and to Elgin Community Center on the Ground-Breaking

**Councilman Danny Catoe**

- Congratulations to North Central High student, Dylan Smith, ending his basketball career with over 1,000 points
- Wished a Happy Valentine's Day to all

**Councilman Brant Tomlinson**

- Thanked staff and colleagues for continued support and working together for Kershaw County

**Councilman Russell Brazell**

- Spoke with Michael Todd - SCDOT about the Hwy 1 Bridge and repairs with plans to be opened by April 1<sup>st</sup>

**Councilman Sammie Tucker, Jr.**

- No report



Kershaw County



2018

**FINANCE COMMITTEE  
KERSHAW COUNTY COUNCIL**

**MEMORANDUM AND RECOMMENDATION**

**To:** Kershaw County Council

**From:** Finance Committee

**Date:** February 13, 2024

**Summary**

The Finance Committee has begun its process of meeting with various departments on financial issues, and has received certain requests for review. The details of that review are contained herein.

**Detailed Information**

- I. Detention Center
  - a. The Detention Center is working on plans to adjust officer pay adjustment for the remainder of the year 2023-24, and is looking to acquire \$36,000-\$40,000 for nursing services.
  - b. We will continue studying recommendations to fund a new jail or a jail extension.
- II. Solid Waste
  - a. Solid waste is working on restructuring how they receive items at recycling centers, including white goods and tires; they are rotating new equipment; they are working on a new laydown area for yard debris; and they are purchasing new equipment for efficiency.
  - b. The Finance Committee supports exploring adjusting the hours of operation at the recycling centers.
- III. EMS
  - a. EMS is going to 24/72 shifts immediately with no budget increases.
  - b. They are completing Dominion Energy Building on 521 South for New EMS Station.
  - c. They are hiring an 6 additional FTE's for budget 2024-25 with no tax increases.

IV. ZLDR

- a. Planning and zoning informs us that any major ZLDR changes after March will delay the comprehensive plan, ZLDR rewrite, and add costs to the ZLDR process.
- b. Finance Committee recommends Council not move forward with any major ZLDR changes after March barring an emergency.

V. Impact Fees

- a. Staff has identified projects that would benefit from an impact fee. Moving forward will expend time and financial resources so Council should be sure it wants to explore this option.

VI. Overall Budget

- a. The 2023-24 Budget is overall on track to finish a good year.
- b. The Finance Committee recommends changing the date for the third reading of the budget from June 11 to June 25.
- c. Finance Committee met with the accountant who performed our audit. He stated that the County should continue making additional payments to defease bonds as it has been, but cautioned against an approach that would dig deeply into reserves because (1) borrowing costs would be substantially higher for new debt if needed; (2) our creditworthiness requires us to keep several million in reserves; and (3) we need to have to have \$7 million in cash reserves to match the sewer grant funding apart from any other reserves (which should, however, exist in the sewer reserves).

**Kershaw County Council Minutes**  
**Tuesday, February 13, 2024**

**Vice-Chairman Jimmy Jones**

No report

**Chairwoman Katie Guinn**

- Acknowledged Anna Locke with Responsible Growth For Kershaw County in audience
- Classes started on February 8<sup>th</sup> and 9<sup>th</sup> with the attendance including Chairwoman Katie Guinn, Councilman Russell Brazell, Councilman Derek Shoemake, and Councilman Brant Tomlinson with the SC Economic Development Association on how to improve and bring growth through Economic Development
- Invitation for anyone who wants to join the Camden Hunt Advisory Committee on growth for Kershaw

**ADMINISTRATOR'S BRIEFING**

No report

**LEGAL BRIEFING**

No report

**ADJOURNMENT**

After no further discussion, Chairwoman Katie Guinn called for a motion to adjourn. Councilman Danny Catoe made a motion, and it was seconded by Councilman Sammie Tucker, Jr., at 10:45 p.m. to adjourn the meeting of Tuesday, February 13, 2024.

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Hannah M. Parler, Clerk to Council

# **ORDINANCES**

# THIRD READING

An Ordinance To Amend The Official Zoning Map Of Kershaw County To Rezone Approximately +/- 0.92 Acres Of Property (TMS # 272-05-00-162), Owned by Richard And Janice Diehl, And Located On The North Side Of Bradley Road, With An Address Of 1523 Bradley Road, Camden, South Carolina, From R-10, Medium Density Residential District, To GD, General Development District.

**First Reading: January 23, 2024    Second Reading: February 13, 2024**

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STATE OF SOUTH CAROLINA

)

ORDINANCE NO. \_\_\_\_2024

COUNTY OF KERSHAW

)

**An Ordinance**

**To Amend The Official Zoning Map Of Kershaw County To Rezone Approximately +/- 0.92 Acres Of Property (TMS # 272-05-00-162), Owned By Richard and Janice Diehl, And Located On The North Side Of Bradley Road, With An Address of 1523 Bradley Road, Camden, South Carolina, From R-10, Medium Density Residential District, To GD, General Development District.**

Be it ordained by the County Council of Kershaw County (“Council”), South Carolina:

**Section 1. Findings and Determinations.**

The Council finds and determines that:

- a) Article VIII of the South Carolina Constitution and Section 4-9-30 of the Code of Laws of South Carolina (the Home Rule Act) gives Kershaw County broad authority to provide a variety of services and functions within its jurisdiction, including but not limited to, utility planning, programming, and construction, transportation planning, programming and construction, land use planning and regulation, economic development planning and programming; and similar activities and services.
- b) Title 6, Chapter 29, et. seq., Code of Laws of South Carolina (SCCL), the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, hereinafter referred to as Section 6-29, provides the statutory enabling authority for Kershaw County to engage in planning and regulation of development within its jurisdiction.
- c) The County Council adopted a Comprehensive Plan on March 27, 2018 pursuant to the requirements of Section 6-29-510, et. seq. SCCL.
- d) The Planning and Zoning Commission is the designated local planning commission pursuant to the requirements of Section 6-29-310, et. seq.
- e) Section 6-29-710 SCCL and Article 6 of the Kershaw County Unified Code of Zoning and Land Development Regulations provide the authority and process for Kershaw County to prepare, periodically amend and enforce zoning regulations that are consistent with and implement the latest version of the adopted Comprehensive Plan.
- f) Pursuant to the requirements of Section 6-29-540, all public and private development proposals shall be reviewed by the Kershaw County Planning and Zoning Commission to ensure the proposed project is compatible with and implements the latest version of the Comprehensive Plan.
- g) Jonathan Yates applied to rezone +/- 0.92 acres of property, owned by Richard and Janice Diehl, located on the northside of Bradley Road (1523 Bradley Road) Camden, South Carolina (TMS # 272-05-00-162) from R-10, Medium Density Residential District, to GD, General Development District.

- h) On January 8, 2024, the Kershaw County Planning and Zoning Commission held a public hearing on the proposed rezoning and by a unanimous vote (6-0) recommended approval of the rezoning petition.
- i) The Future Land Use Map identifies this property as Residential Development, based on the *Kershaw County Comprehensive Plan 2017 - 2027*. Rezoning the property from R-10, Medium Density Residential District, to GD, General Development District, is compatible with the Comprehensive Plan.

**Section 2.      Rezoning.**

The Official Zoning Map is amended by changing the zoning district classification from R-10, Medium Density Residential District, to GD, General Development District, for the following property as identified by tax map number or other appropriate identifier:

Tax Map No. 272-05-00-162 (0.92 acres, more or less)

**Section 3.      Severability.**

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid for any such reason, such declaration shall not affect the validity of the ordinance as a whole, or any part thereof, which is not specifically declared to be invalid, or unconstitutional.

**Section 4.      Conflicting Provisions.**

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Kershaw County Code or other County ordinances, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

**Section 5.      Effective Date.**

This ordinance is effective upon Third Reading.

**AND IT IS SO ORDAINED**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**KERSHAW COUNTY, SOUTH CAROLINA**

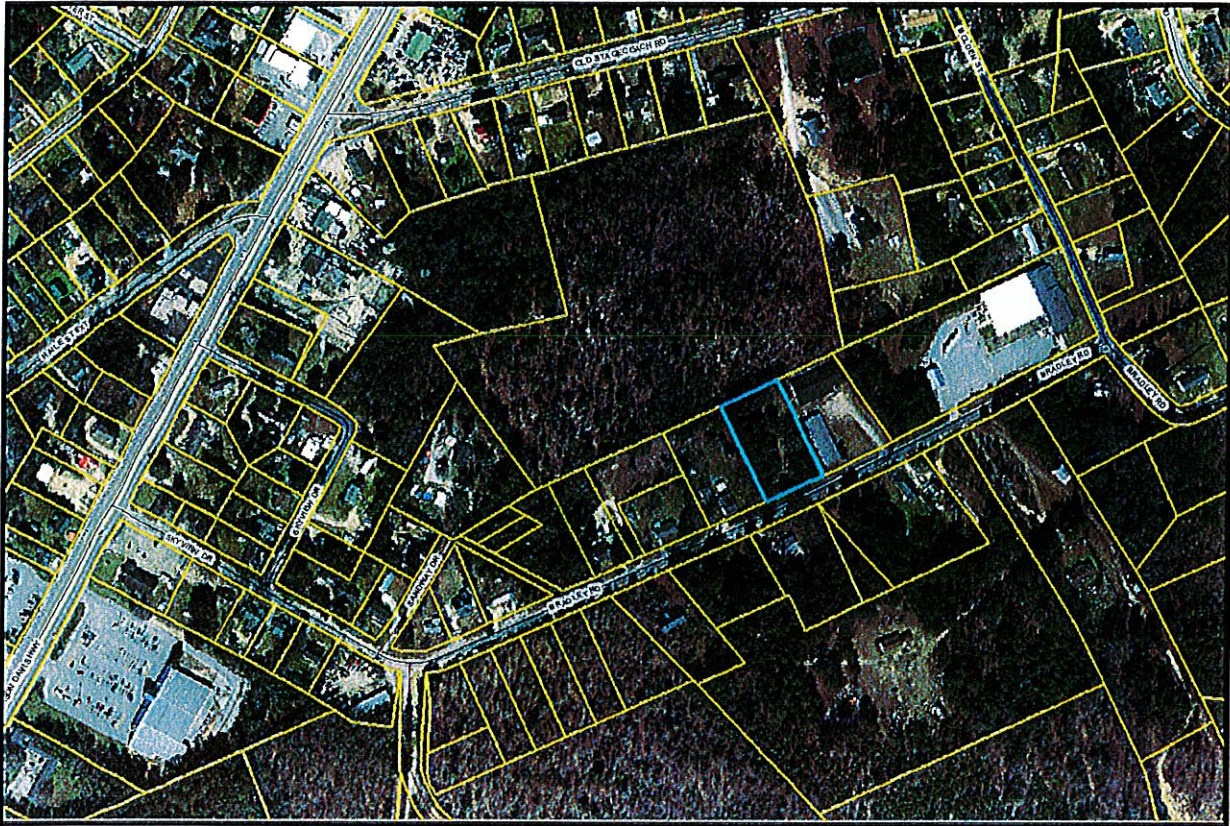
\_\_\_\_\_  
 Kaitlyn E. Guinn, Chairwoman  
 Kershaw County Council

ATTEST:

\_\_\_\_\_  
 Hannah M. Parler, Clerk to Council

First Reading:  
 Second Reading:  
 Third Reading:





# KERSHAW COUNTY PLANNING & ZONING COMMISSION

## REQUEST FOR MAP AMENDMENT BY RICHARD AND JANICE DIEHL - 1523 BRADLEY ROAD

Current Zoning: R-10 (Medium Density Residential District)

Proposed Zoning:GD (General Development District)

TMS# 272-05-00-162

January 8, 2024 (see pages 9 and 10 for Planning Commission Action Summary)

## STAFF REPORT

### KERSHAW COUNTY PLANNING & ZONING COMMISSION (January 8, 2024 Meeting)

Request #: 24-01  
Applicant: Richard & Janice Diehl  
Property Size: 0.92 +/- acres  
Current Zoning: R-10 (Medium Density Residential District)  
Proposed Zoning: GD (General Development District)  
Location: 1523 Bradley Road, Camden  
TMS#: 272-05-00-162

**Background Summary:** This rezoning request consists of one lot totaling approximately 0.92 acres. The parcel is owned by Richard and Jance Diehl and is currently vacant. The parcel is accessed via Bradley Road. The property is approximately ¾ of a mile east of Jefferson Davis Highway (US Highway 1) in east Camden.

The applicant also owns the property directly to the east with an address of 1525 Bradley Street and TMS# 272-06-00-010. This parcel is developed with older warehousing/commercial space.

The applicant has indicated specific uses that they would like to seek rezoning in order to allow warehousing or multi-family housing.

However, rezoning property for one specific use, or “conditional rezoning”, is illegal in the State of South Carolina. Therefore, this is a general use rezoning request. If approved, any and all permitted and conditional uses allowed in the GD (General Development) district could be developed on this property.

**Key Issue Summary:** The following key issues should be resolved through the consideration of this application:

- Does the request follow the Future Land Use Map?
- Does the request correlate with the current Kershaw County Comprehensive Plan?

### Current Property Information

Land Use	Vacant
Site Features	Partially wooded, flat topography.
Flood Hazards	No flood hazard or wetland areas.
Vehicle Access	The subject property is currently accessed via a state maintained road, Bradley Road.

### Surrounding Zoning and Land Use

	Zoning:	Land Use:
North:	R-10	Vacant wooded acreage.
South:	R-10	Single family residence.
East:	GD	Warehousing/storage
West:	R-10	Single family residence.

Zoning District Summary (Existing/ Proposed)

	Existing Zoning: R-10	Proposed Zoning: GD
<b>Zoning District Intent:</b>	The R-10 Residential District is intended to foster, protect, and accommodate single-family and two-family residential development and limited residential support facilities in areas so designated.	This is a multiple use district, the intent of which is to promote the “highest and best use” of land without negatively impacting surrounding land uses or environmental resources. The GD zoning district has the widest range of permitted residential uses - from single-family, to apartments, to manufactured home parks. The GD district also allows for the widest range of non-residential uses - from retail to agricultural to light industrial. The GD zoning district affords the applications of the Comprehensive Plan’s mixed use principals.
<b>Permitted Uses:</b> <i>Note: See Table 3-3 of the Zoning and Land Development Regulations for a complete listing of permitted and conditional uses.</i>	<ul style="list-style-type: none"> <li>Single-Family Detached</li> <li>Duplex</li> <li>Patio Homes</li> <li>Modular Homes</li> <li>Electric, Gas, and Sanitary Services</li> <li>Libraries and Archives</li> <li>Educational Services</li> <li>Museums</li> <li>Gold, tennis, and swim clubs</li> <li>Bed and Breakfast Inns</li> <li>Religious Organizations</li> <li>Fire and Police Protection</li> <li>Domestic Animal Shelters and Horse Stables</li> </ul>	<ul style="list-style-type: none"> <li>Single-Family Detached</li> <li>Manufactured Housing</li> <li>Multi-Family, Apartments</li> <li>Duplex, Triplex, Quadplex</li> <li>Patio Homes</li> <li>Mini Warehouses</li> <li>Manufacturing Uses</li> <li>Warehousing, storage, and distribution centers</li> <li>Electric Transmission Only</li> <li>Water Supply Systems Storage</li> <li>Agricultural Production Crops</li> <li>Food and Beverage Stores</li> <li>Libraries and Archives</li> <li>Eating Places</li> <li>Gasoline Stations</li> <li>General Auto Repair</li> <li>Banks</li> <li>Hotels and Motels</li> <li>Community Center for Elderly or Other Residential Care Facilities</li> <li>Museums</li> <li>Golf, Tennis, Swimming Club</li> <li>Religious Organizations</li> </ul>

Water and Sewer Service:	Cassatt Water	Septic tank
Lot and/or Density Requirements:	Minimum 15,000 SF for single family. Multifamily is a minimum of 15,000 SF plus and an additional 5,000 SF for each additional unit.	<p>Minimum lot size in GD for lots without access to public sewer or community onsite sewage treatment and disposal systems and public water (lots on septic tank and well) shall be three quarters (3/4) of an acre (.75 acre).</p> <p>The minimum lot size in GD for lots without access to public sewer or community onsite sewage treatment and disposal systems, <b>but on public water</b>, shall be one-half (1/2) acre (.50 acre).</p> <p>Minimum lot size in GD on public sewer and public water is .13 of acre (15,000 sq. ft.).</p>
Setbacks Required:	Street Frontage: 75' Front: 25' Side: 10' Rear: 20'	Street Frontage: 50' Front: 35' Side: 10' Rear: 10'
Height Restrictions:	35'	4 stories
Maximum Impervious Surface Ratio: Measured as a percent of total lot area	.60	.60
Maximum Density: Measurements in units per gross acre	4.35	None for non-residential uses 6.71 for residential uses

### Infrastructure

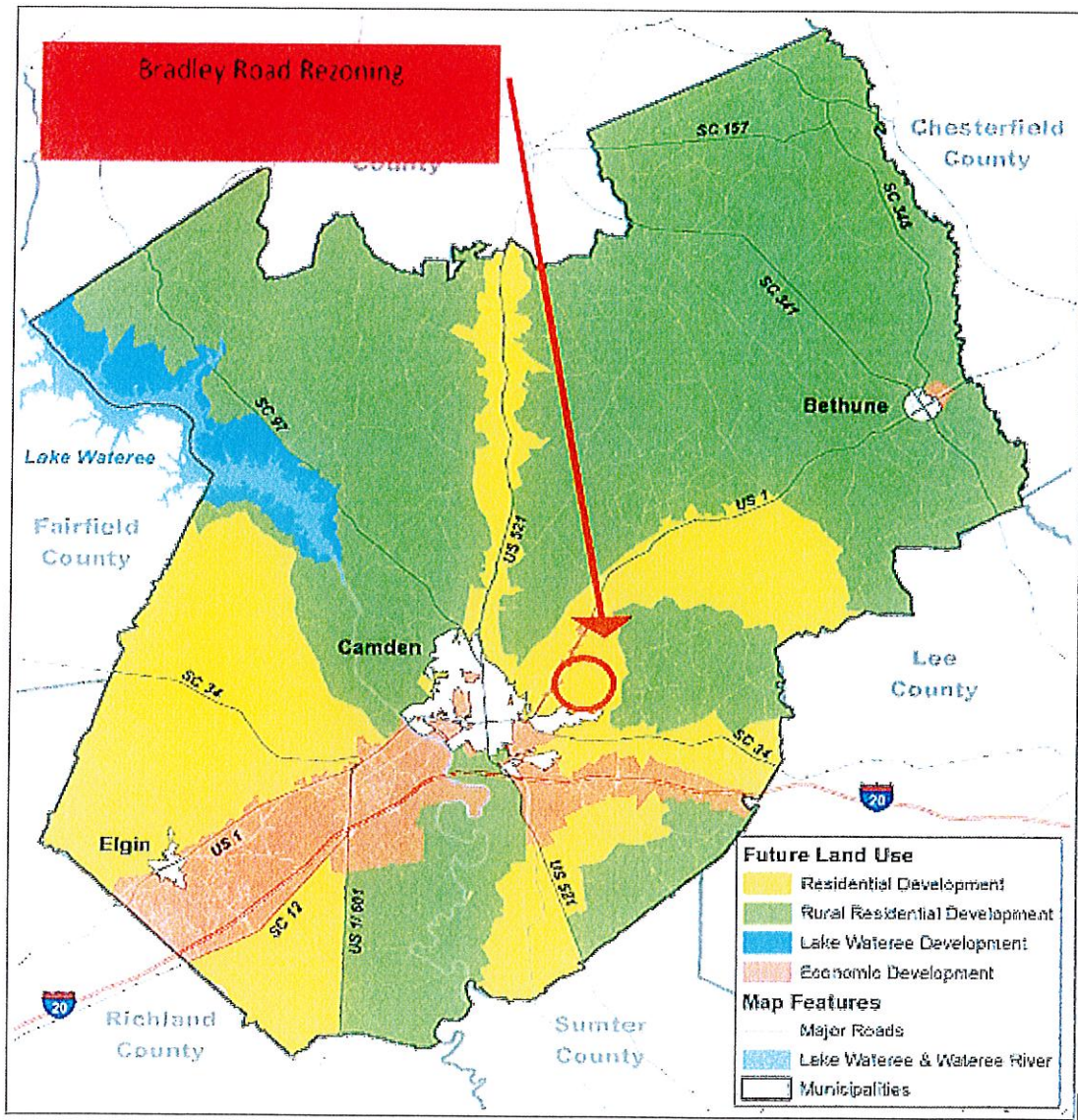
Council District	District 5
Water	Cassatt
Electricity	Camden
Sewer or Septic	Septic
School(s)	Jackson Elementary School Camden Middle School Camden High School
Fire District	Camden Fire Department
Police Department	Kershaw County Sheriff's Department

### Traffic

Street Classification	Current LOS (Level Of Service)
<p><b>Residential Local Street:</b> Internal subdivision streets with usage largely restricted to local traffic. For purposes of this classification, a residential local street shall be any residential road that is projected to receive no more than 2000 average daily trips.</p>	<p>Bradley Road is a state maintained road with an approximate right-of-way width of 55' with an 18' pavement width. This road is considered to be a residential local street. No traffic count data is available for Bradley Road.</p>

**Comprehensive Plan Considerations:**

- *Enable and promote a variety of commercial uses and development in locations that are appropriate and compatible with surrounding land uses, that provide employment opportunities, and that serve the needs of residents.*
- *Require larger scale commercial development to locate in areas of minimal impact to established residential uses, with access to roads that can accommodate the additional traffic that will be generated.*
- *Encourage the location of new and expanded residential, commercial, and industrial development in areas where existing water and sewer facilities, roads, and other infrastructure, or planned facilities upgrades, can accommodate the development.*



**Planning Considerations:**

- **Residential Development (RD)** - Residential Development areas are characterized by suburban development from the periphery of the urban core and reach into the unincorporated areas of the County, generally along and near major transportation routes including U.S. Highways 1 and 521 and S.C. Highways 12 and 34. Included in RD are residences of all types and densities and associated non-residential uses that support residential development such as institutional, retail, office, commercial, and service uses.

**Decision Criteria:**

Again the key issues that should be resolved through consideration of this application are:

- Does the request follow the Future Land Use Map?
- Does the request correlate with the current Kershaw County Comprehensive Plan?

**The Comprehensive Plan.**

*Preliminary Staff Comments:* The request could be found to be within compliance of the goals of the Comprehensive Plan and Future Land Use Map. The subject property is located completely within the county's comprehensive plan defined area of Residential District. This district addresses the need for neighborhood commercial areas to provide supportive services to development in the area. However, goals within the comprehensive plan also address supporting uses that are compatible with surrounding uses and have minimal impact on existing established residential uses.

**The current conditions and character of the current structures and uses in each district.**

*Preliminary Staff Comments:* The subject parcel is surrounded by R-10 zoning on three sides, and GD zoning to the east. R-10 zoning extends across Bradley Road to the south. The current GD zoned properties to the east total almost 5 acres in size.

The request does, however, negate the possibility of a spot zoning issue. Although the parcel is small, it directly adjoins GD zoning to the east. Therefore, the request is not arbitrary in nature. Staff provides the Planning Commission with the following for informational purposes. "As defined by the South Carolina Municipal Association: Zoning a small parcel as an island surrounded by a district with different zoning may be spot zoning. The Supreme Court stated that invalid "spot zoning" is the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area to benefit the owners of such property and to the detriment of other owners. *Bob Jones University, Inc. v. City of Greenville*, 243 S.C. 351, 133 S.E.2d 843 (1963). Small areas may be rezoned as long as the action is not arbitrary or unreasonable. To help avoid the problem of spot zoning, many zoning ordinances include a provision prohibiting some types of free standing zoning districts of less than two acres."

**The most desirable use for which the land in each district is adapted.**

*Preliminary Staff Comments:* The subject property is located adjacent to a stretch of GD zoning along the road front of Bradley Road with existing warehousing/storage uses. However, again, this specific parcel is also surrounded by existing residentially zoned land and residential uses on 3 sides which raises the question as to whether or not the change in zoning is compatible with, and will have minimal impact, on those existing established residential uses if developed with a use other than residential.

**The conservation of property values throughout the jurisdiction of Kershaw County.**

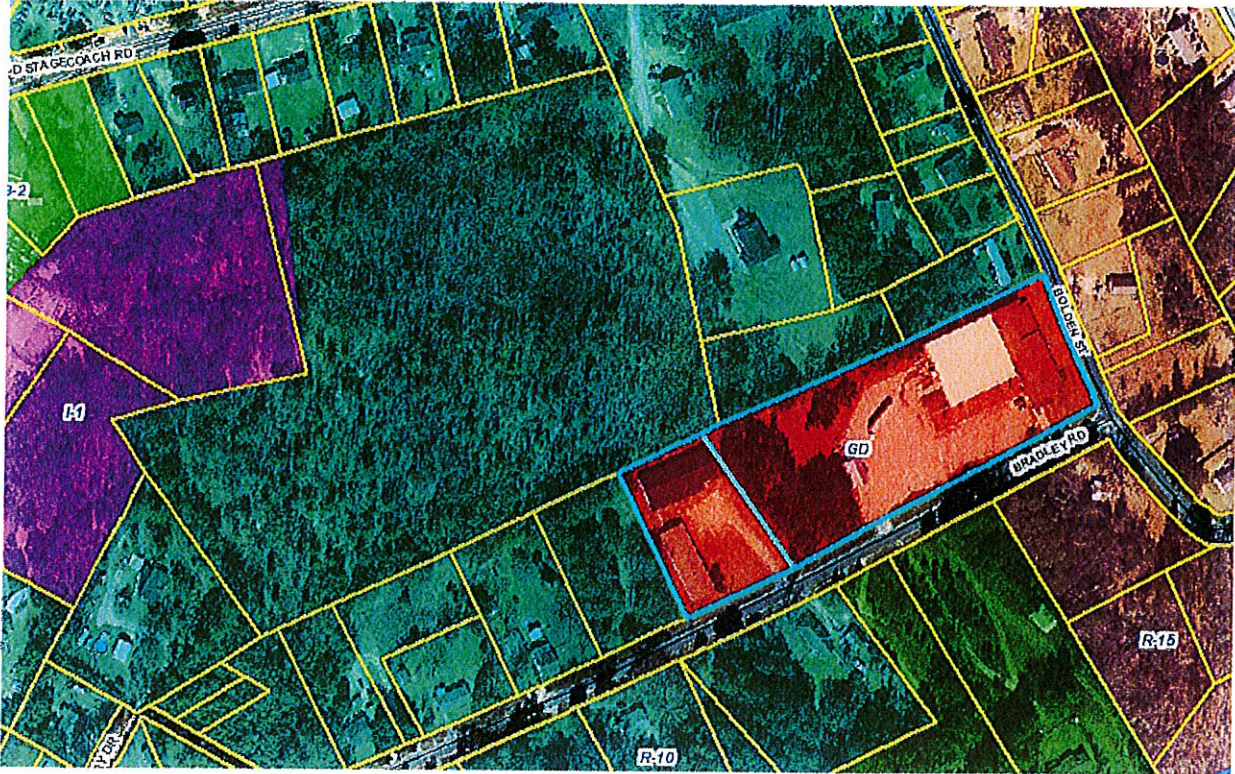
*Preliminary Staff Comments:* Staff has not seen any empirical evidence that additional new construction will have a negative impact on property values. On the contrary, infill development has the tendency to increase property values.

**Responsible growth and development:**

*Preliminary Staff Comments:* Given the existence of established residential zoning and uses directly abutting the subject parcel, the proposed rezoning, from staff's perspective, could be found to be inappropriate and incompatible with surrounding existing residentially zoned land existing residential uses if developed with anything other than residential uses. Ultimately, is it appropriate to allow the extension of additional GD zoning along this portion of Bradley Street?



## Current GD Zoning History



The current GD zoning district along Bradley Street was rezoned from R-15 back in January of 2009. According to the staff report accompanying that rezoning, what was once a sewing plant and associated buildings had been in existence since 1974. Therefore, the Planning Commission and County Council changed the zoning so the plant would be a conforming use.

### Planning and Zoning Commission Options:

Reviewing a request for a map amendment the Planning and Zoning Commission may:

1. Forward a favorable recommendation to the Kershaw County Council
2. Forward an unfavorable recommendation to the Kershaw County Council
3. Continue to the review to the next Planning and Zoning Commission Meeting

*Note: Kershaw County Council makes all final decisions regarding property rezoning requests.*

### PLANNING AND ZONING COMMISSION ACTION SUMMARY

On January 8, 2024 the Planning and Zoning Commission held a public hearing to review the request of property owners Richard and Janice Diehl.

This rezoning request consists of one parcel totaling approximately 0.92 acres. The parcel is currently vacant and is accessed via Bradley Road.

The applicant has indicated uses that they would like to seek rezoning to allow the placement of warehousing or multifamily housing.

However, rezoning property for one specific use, or “conditional rezoning”, is illegal in the State of South Carolina. Therefore, this is a general use rezoning request. If approved, any and all permitted and conditional uses allowed in the GD (General Development) zoning district could be developed on this property.

Planning and Zoning Commission members present were Chair Fiona Martin, Vice chair Libby Davis, Robert Horton, Ned Towell, Heather Dykes, and Cliffton Emmons. No members were absent.

During the public hearing, Joey Adams-Raczkowski, Planning Director, presented the staff report and staff analysis.

Property owner Richard Diehl stated that he owns the adjoining property and renovated the existing warehousing space. Mr. Diehl further stated that the main purpose for the rezoning request is to construct more warehouse space.

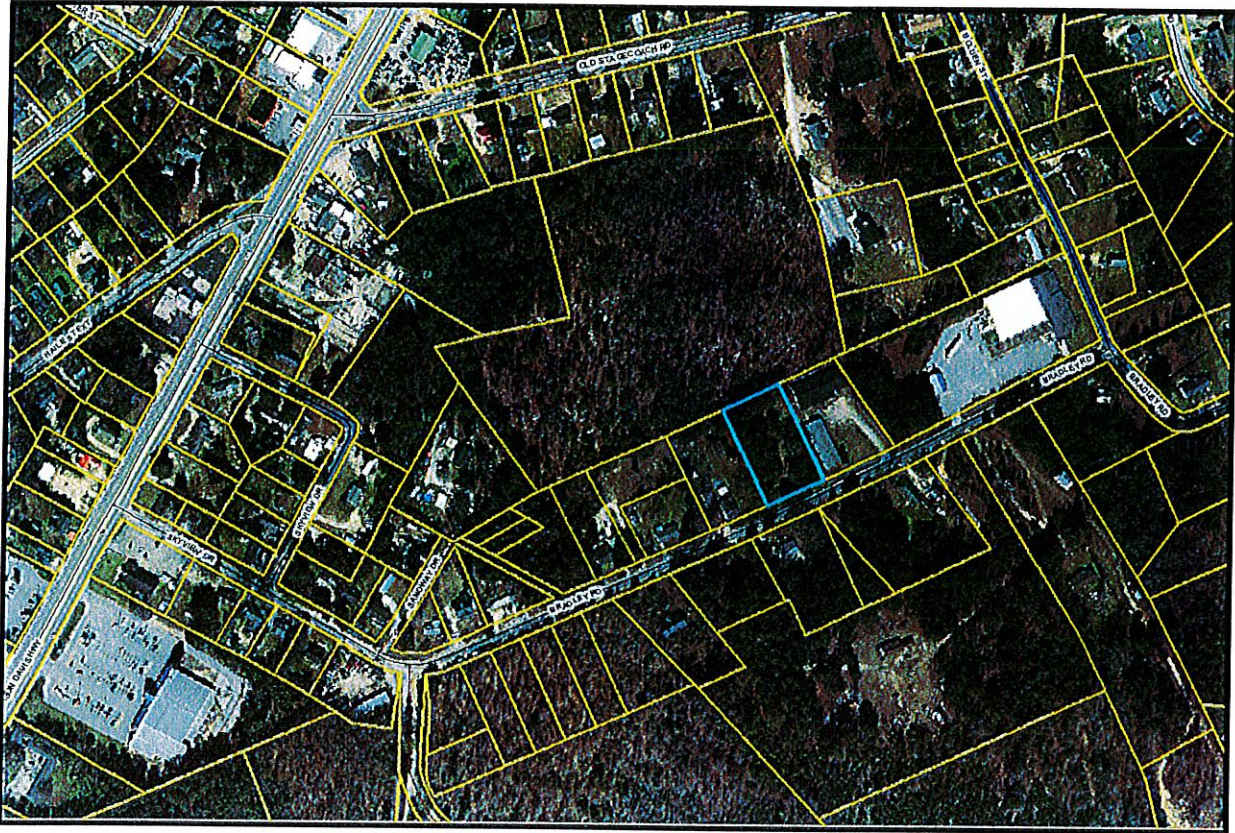
No one else from the general public spoke in favor or against the rezoning request.

Mr. Emmons made a motion to forward a recommendation of approval of this rezoning request to the County Council. Mr. Towell seconded the motion.

During board discussion Mr. Emmons stated that Mr. Diehl already owns two sections of property, so it is reasonable to expect that he would want to rezone this adjoining property, and he has no opposition to the request. Mr. Towell expressed support given that Mr. Diehl has already cleaned up the other lots, and does not feel the rezoning change will have a negative impact on Bradley Street.

With no additional discussion, the vote on the motion to forward a favorable recommendation to County Council was unanimous (6-0) and therefore the matter has been referred to the Kershaw County Council with recommendation for approval.

Aerial view of subject property in relation to nearby existing residential development (Case# 24-01)





Perspective looking westward along Bradley Road. Subject property on the right just beyond the existing commercial buildings. (Case # 24-01)



Perspective looking along Bradley Road. Subject property is on the left. Adjoining residence across Bradley Road from the subject property (Case # 24-01)



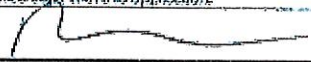
**PETITION TO PLANNING AND ZONING COMMISSION  
REZONING (ZONING MAP AMENDMENT) APPLICATION**

Date: 11/13/23 Request # 24-01 The applicant requests that the property described below be re-zoned from R-10 to G1

**APPLICANT**

NAME: <u>Richard and Janice Diehl</u>	E-MAIL: <u>richarddiehl@aol.com</u>
MAILING ADDRESS: <u>711 Laurens St.</u>	CITY: <u>Camden</u> STATE: <u>SC</u> ZIP: <u>29020</u>
TELEPHONE: <u>803.210.9903</u>	CELL: <u>803.210.9903</u>
THE APPLICANT IS: PROPERTY OWNER <input checked="" type="checkbox"/> AGENT OF PROPERTY OWNER <input type="checkbox"/> OPTION HOLDER <input type="checkbox"/>	
If applicant is other than owner, state applicant's interest in the land proposed to be rezoned:	

**PROPERTY LOCATION**

Street address: <u>1523 Bradley Rd.</u>	Street address:
TMS#: <u>212-05-00-162</u> Number of acres: <u>.42</u>	TMS#: _____ Number of acres: _____
Deed book: <u>4986-267</u> Plat book: <u>3581-192</u>	Deed book: _____ Plat book: _____
Sewer district: <u>Septic/Private</u> Water district: <u>Cassatt WAFD</u>	Sewer district: _____ Water district: _____
Current use: <u>Vacant</u>	Current use: _____
Proposed use: <u>Warehouse or Multi Family</u>	Proposed use: _____
Community/subdivision: _____ Council district: _____	Community/subdivision: _____ Council district: _____
Has previous application been made to rezone all or any part of this/these property/properties? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, when?	
Reason for request: <u>Future development - warehouse or Multi Family housing</u>	
As per the SC Local Government Planning Enabling Act (Section 6-29-1145 of the South Carolina Code of Laws), is/are this/these tract(s) or parcel(s) restricted by any recorded covenant, restriction, easement, etc., that is contrary to, conflicts with, or prohibits the proposed land use? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If so, submit a copy with this application.	
Applicant's Signature: 	Date: <u>11/13/23</u>

**PROPERTY OWNER** - If other than applicant. If property is owned by more than one person, all owners must be listed. Each owner must complete the designation of Agent Form provided on the following page of this application.

NAME: <u>Richard Diehl</u>	TELEPHONE: <u>803.210.9903</u>
MAILING ADDRESS: <u>711 Laurens St.</u>	CITY: <u>Camden</u> STATE: <u>SC</u> ZIP: <u>29020</u>
E-MAIL: <u>richarddiehl@aol.com</u>	

**DESIGNATION OF AGENT** - To be completed by the property owner if the owner is not the applicant. If the property is owned by more than one person, each owner must complete a separate Designation of Agent Form. The signature of the owner must be notarized. An additional form is provided at the end of this application and may be duplicated in order to list all owners.

I, \_\_\_\_\_ (PROPERTY OWNER) hereby appoint \_\_\_\_\_ (APPLICANT) as my agent to represent me in this request for rezoning.

Owner's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Given under my hand and seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Seal)

Notary Public for South Carolina

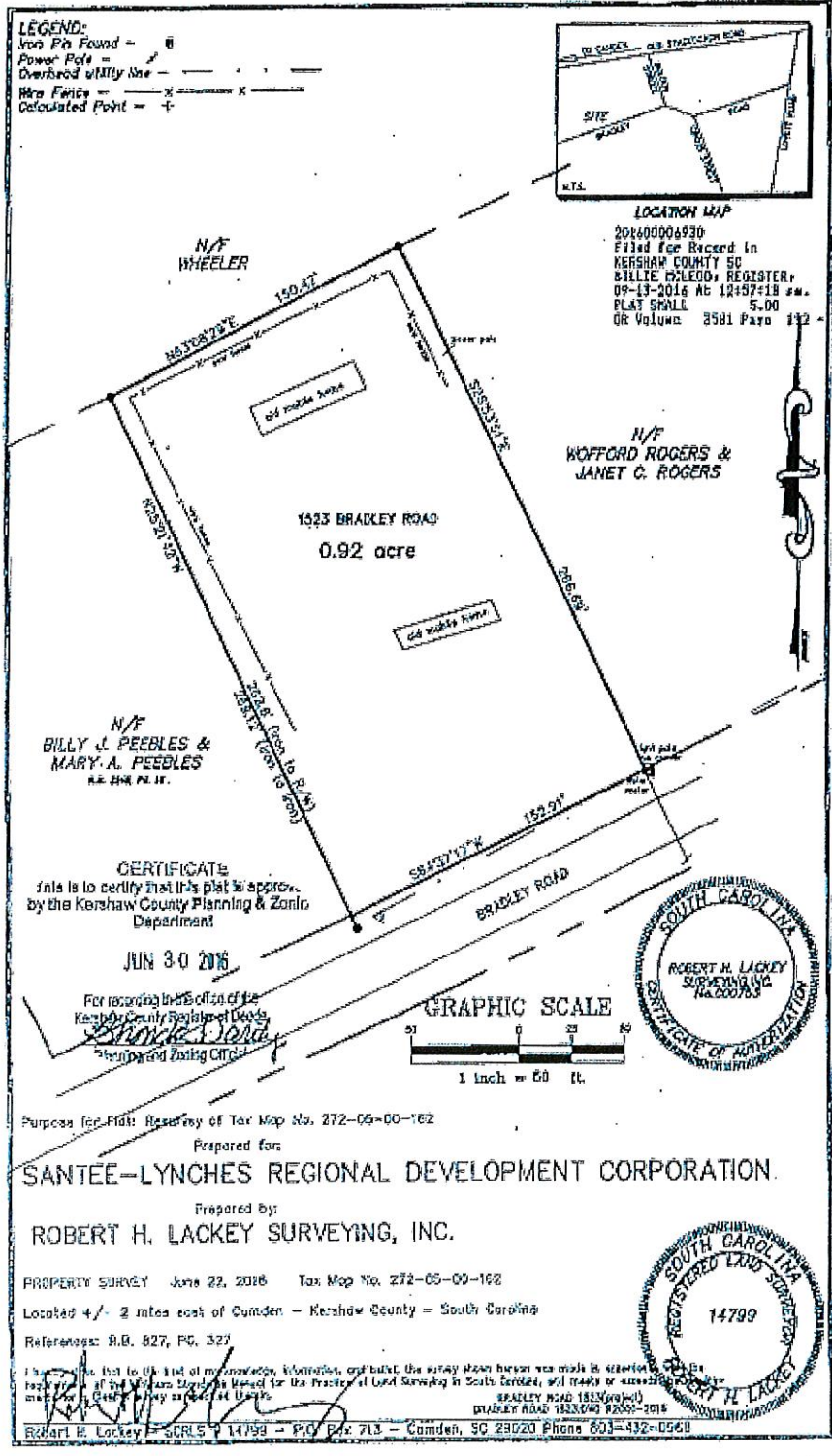
My commission expires on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Recorded Plat Rezoning (Case # 24-01)

Instrument  
201600006930 08

Volume Page  
3581 192

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# SECOND READING

An Amended And Restated Ordinance To Create A Joint Multi-County Business Park With Lee County, This Multi-County Business Park To Be Comprised Of Property Located In Lee County And Kershaw County And Established Pursuant To South Carolina Code Of Laws Of 1976 §4-1-170, Et Sequitur, As Amended; To Provide For An Amended Written Agreement With Lee County Providing For The Expenses Of The Park, The Percentage Of Revenue Application, And The Distribution Of Fees In Lieu Of *Ad Valorem* Taxes To The Counties And Relevant Taxing Entities; And, To Provide That Jobs Tax Credits Allowed By Law Be Provided For Industries Locating In Said Park, And To Permit A User Fee In Lieu Of *Ad Valorem* Taxation.

**First Reading:** February 13, 2024





**Section 1.** Kershaw County is hereby authorized to execute and deliver a written agreement to create a Park with Lee County. The Park is to be located within the boundaries of both Counties. The form of the joint industrial park agreement (“Agreement”) is attached hereto and all terms of the Agreement are hereby incorporated herein and all terms of the Agreement are hereby filed with the Clerk of the Kershaw County Council and they are hereby approved and all of the terms, provisions and conditions thereof are hereby incorporated herein by reference as if the Agreement were set out in the Ordinance in its entirety. The Agreement is to be in substantially the form now before this meeting and hereby approved, or with such minor changes therein as shall be approved by the officials of the County executing the same, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of Agreement now before this meeting.

**Section 2.** The maximum tax credits allowable by South Carolina Code of 1976, Section 12-6-3360, as amended, will apply to any business enterprise locating in the Park.

**Section 3.** Any business or industrial enterprise locating in the Park shall pay a fee-in-lieu of *ad valorem* taxes as provided for in the Agreement, Article VIII, Section 13 of the South Carolina Constitution and the Act (“User Fee”). The User Fee paid in lieu of *ad valorem* taxes shall be paid to the County Treasurer of the respective County in which a particular parcel of Park property is located. That portion of the fees from the Park premises located in one County and allocated pursuant to the Agreement to the other County shall be paid by the collecting County Treasurer to the other County Treasurer within five business days following the end of the calendar quarter of receipt for distribution, in accordance with the Agreement. Payments of User Fees shall be made by a business or industrial enterprise on or before the due date for taxes for a particular year. Penalties for late payment will be at the same rate and at the same times as for late tax payment. Any late payment beyond said date will accrue interest at the rate of statutory judgment interest. The Counties, acting by and through the county tax collector for the collecting County, shall maintain all liens and rights to foreclose upon liens provided for counties in the collection of *ad valorem* taxes.

**Section 4.** The administration, development, promotion, and operation of the Park shall be the responsibility of the County in which the Park property in question is located. Provided, that to the extent any Park premises is owned by a private developer, the developer shall be responsible for development expenses as contained in the Agreement.

**Section 5.** In order to avoid any conflict of laws or ordinances between the Counties, the County ordinances of the County in which a parcel of Park property is located will be the reference for such regulations or laws in connection with that part of the Park. Nothing herein shall be taken to supersede any state or federal law or regulation. The County in which the Park property is located is specifically authorized to adopt restrictive covenants and land use requirements for that part of the Park at that County’s sole discretion.

**Section 6.** The Sheriff’s Department for each respective County will have initial jurisdiction to make arrests and exercise all authority and power within the boundaries of the Park located in that County and fire, sewer, water and EMS service for that part of the Park will be provided by the applicable service district or other political unit within the County.

**Section 7.** Should any section of this Ordinance be, for any reason, held void or invalid, it shall not affect the validity of any other section hereof, which is not itself void or invalid.

**Section 8.** The Agreement may not be terminated except by concurrent ordinances of Kershaw County Council and Lee County Council, in accordance with the terms of the Agreement. In any event, this Ordinance shall terminate sixty (60) years from the date of its execution by both parties.

**Section 9.** Kershaw County hereby designates that the distribution of the fee-in-lieu of *ad valorem* taxes pursuant to the Agreement actually received by Kershaw County for Park premises is to be paid to each of the taxing entities in Kershaw County which levy an *ad valorem* property tax in any of the areas comprising the Park in the same manner as set forth in accordance with an ordinance adopted by Kershaw County Distributing the Payment of Fees in Lieu of *Ad Valorem* Property Taxes Received by Kershaw County for Park Premises Located in Kershaw County from the Joint Kershaw County/Lee County Industrial Park and as set forth in the Kershaw County annual budget adopted by Kershaw County. A portion of the fee-in-lieu of *ad valorem* taxes which Kershaw County receives pursuant to the Agreement for Park premises may be, from time to time and by ordinance of Kershaw County Council or its successor, designated for the payment of special source revenue bonds.

**Section 10.** This Ordinance takes effect after third and final reading and public hearing.

KERSHAW COUNTY, SOUTH CAROLINA

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Kaitlyn E. Guinn, Chair  
Kershaw County, South Carolina

ATTEST:

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Hannah M. Parler, Clerk to Council  
Kershaw County, South Carolina

READINGS:

First Reading:  
Second Reading:  
Third Reading:  
Public Hearing:

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LEE )  
 )  
COUNTY OF KERSHAW )

**AMENDMENT OF AGREEMENT DATED  
NOVEMBER 9, 2021 FOR DEVELOPMENT  
OF A JOINT INDUSTRIAL AND BUSINESS  
PARK BETWEEN KERSHAW COUNTY  
AND LEE COUNTY**

THIS AMENDED AGREEMENT, made and entered into as of April \_\_\_\_, 2024, by and between Lee County, a political subdivision of the State of South Carolina (“Lee”), and Kershaw County, a political subdivision of the State of South Carolina (“Kershaw”), is made pursuant to Article VIII, Section 13(D) of the South Carolina Constitution, as amended, and Title 4, Chapter 1, Section 170 of the Code of South Carolina, 1976 (the “Act”).

**RECITALS**

WHEREAS, the Counties entered into an Agreement for Development of Joint County Industrial and Business Park on January 9, 2007 (“2007 Agreement”); and

WHEREAS, the Counties thereafter agreed to amend the 2007 Agreement and entered into a First Amended Agreement for Development of a Joint County Industrial and Business Park on November 9, 2021 (“First Amended Agreement”); and

WHEREAS, Lee County, South Carolina (“Lee County”), and Kershaw County, South Carolina (“Kershaw County”) (collectively, “Counties”), have determined that, in order to promote economic development and thus provide additional employment opportunities within both of said counties, there should be established in one or both Counties a Joint County Industrial and Business Park (“Park”); and

WHEREAS, as a consequence of the establishment of the Park, property therein shall be exempt from *ad valorem* taxation pursuant to the provisions of Article VII, Section 13 of the South Carolina Constitution, during the term of this Agreement, but the owners or lessees of such property shall pay annual fees during that term in an amount equal to that amount of *ad valorem* taxes for which such owner or lessee would be liable except for such exemption (“User Fees”); and

NOW, THEREFORE, in consideration of the mutual agreement, representations, and benefits contained in this Agreement and for other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereby agree as follows:

1. **Binding Agreement.** This Agreement serves as a written instrument setting forth the entire agreement between the parties and shall be binding on the Counties, their successors and assigns.
2. **Authorization.** Article VIII, Section 13(d), of the Constitution of South Carolina provides that counties may jointly develop an industrial or business park with other counties within the geographical boundaries of one or more of the member counties, provided that certain conditions specified therein are met and further provided that the General Assembly of the State of South Carolina provides by law a means by which the value of property in such park will be

considered for purposes of bonded indebtedness of political subdivisions and school districts and for purposes of computing the index of taxpaying ability for school districts. Section 4-1-170, Code of Laws of South Carolina, 1976, as amended (“Act”), satisfies the conditions imposed by Article VIII, Section 13(d), of the Constitution and provides the statutory vehicle whereby a joint county industrial park may be created.

### 3. *Location of the Park.*

(A) The initial Park boundaries consist of property located in Kershaw County and property located in Lee County as is hereinafter described in Exhibit “A.” The boundaries of the Park may be enlarged, to include additional properties in one or both Counties, or diminished from time to time as authorized by ordinances of both of the Counties.

(B) In the event of any enlargement or diminution of the boundaries of the Park, this Agreement shall be deemed amended and there shall be attached hereto a revised Exhibit A which shall contain a legal description of the boundaries of the Park, as enlarged or diminished, together with a copy of the ordinances of Kershaw County Council and Lee County Council pursuant to which such enlargement or diminution was authorized.

(C) Prior to the adoption by Lee County Council and by Kershaw County Council of ordinances authorizing the diminution of the boundaries of the Park, a public hearing shall first be held by the respective County Council of the County in which area proposed for deletion is located. Notice of such public hearing shall be published in a newspaper of general circulation in that County at least once and not less than fifteen (15) days prior to such hearing. Notice of such public hearing shall also be served in the manner of service of process at least fifteen (15) days prior to such public hearing upon the owner and, if applicable, the lessee of any real property which would be excluded from the Park by virtue of the diminution.

(D) Notwithstanding the foregoing, for a period of thirty (30) years commencing with the later of the effective date of this Agreement or the effective date of the expansion of the boundaries of the Park to include such parcel, the boundaries of the Park shall not be diminished so as to exclude therefrom any parcel of real estate without the consent of the owner and the Counties and, if applicable, lessee of such parcel; and this sentence of this Agreement may not be modified or deleted herefrom for a period of thirty (30) years commencing with the effective date hereof; except as provided in Section 11 below.

4.1 *Fee-in-Lieu of Taxes.* Property located in the Park shall be exempt from *ad valorem* taxation, only during the term of this Agreement. The owners or lessees of any property situated in the Park shall pay in accordance with and during the term of this Agreement an amount equivalent to the *ad valorem* property taxes or other in lieu of payments that would have been due and payable but for the location of such property within the Park. The User Fee paid in lieu of *ad valorem* taxes shall be paid to the respective County Treasurer of the County in which the Park property is located.

4.2 *Negotiated Fee-in Lieu of Taxes.* The amount of the annual payments due from the owner or lessee may be reduced if the owner or lessee has negotiated a FILOT incentive with either Kershaw County or Lee County pursuant to the provisions of Sections 12-44-10, *et seq.*, 4-12-30, or 4-29-67 of the Code of Laws of South Carolina 1976, as amended, or any successor

provision thereto as may be provided under South Carolian law. In such case, the terms of the executed FILOT agreement between the company and the applicable county shall govern the calculation of the annual FILOT payment.

**4.3 Payment, Collection, and Disbursement of Fees.** That portion of the fees from the Park premises located in one County and allocated pursuant to the Agreement to the other County shall be paid by the collecting County Treasurer to the other County Treasurer within five business days following the end of the calendar quarter of receipt for distribution, in accordance with the Agreement. Payments of fees shall be made by a business or industrial enterprise on or before the due date for taxes for a particular year. Penalties for late payment will be at the same rate and at the same times as for late tax payment. Any late payment beyond said date will accrue interest at the rate of statutory judgment interest. The Counties, acting by and through the county tax collector for the County in which a parcel of Park property in question is located, shall maintain all liens and rights to foreclose upon liens provided for counties in the collection of *ad valorem* taxes.

**5. Allocation of Park Expenses.** The Counties shall bear expenses, including, but not limited to, development, operation, maintenance and promotion of the Park in the following proportions:

- A. Site Location County      100%
- B. Partner County            0%

Provided, that to the extent any Park premises is owned by a private developer, the developer shall be responsible for development expenses.

**6. Allocation of Park Revenues.** The Counties shall receive an allocation of all revenue generated by the Park through payment of fees in lieu of *ad valorem* property taxes or from any other source in the following proportions:

- A. Site Location County      99%
- B. Partner County            1%

**7. Revenue Allocation Within Each County.** Revenues generated by the Park through the payment of fees in lieu of *ad valorem* property taxes shall be distributed to the Counties according to the proportions established by Paragraph 6. Such revenue shall be distributed within Lee County to the political subdivisions in Lee County (“Lee Participating Taxing Entities”) in accordance with an ordinance to be adopted by Lee County. Revenues received by Kershaw County shall be distributed by Kershaw County to Kershaw County and the political subdivisions of Kershaw County (hereinafter referred to as the “Kershaw Participating Taxing Entities”) in accordance with the Ordinance adopted by Kershaw County authorizing this Agreement and denominated “An Ordinance to Create a Joint Multi-County Business Park with Lee County...”.

**8. Statutory Fees in Lieu of Taxes.** It is hereby agreed that the entry by Lee County or Kershaw County into any one or more agreements pursuant to Sections 4-29-67, 4-12-10, et seq., or 12-44-10, et seq., Code of Laws of South Carolina, 1976, as amended, with respect to property located within the Park and the terms of such agreements shall be at the sole discretion of the

two counties, respectively.

9. **Assessed Valuation.** For the purpose of calculating the bonded indebtedness limitation of the Lee Participating Taxing Entities and the Kershaw Participating Taxing Entities and for the purpose of computing the index of taxpaying ability of the respective School Districts of each County pursuant to Section 59-20-20(3), Code of Laws of South Carolina, 1976, as amended, allocation of the assessed value of property within the Park to Lee County and Kershaw County shall be identical to the percentage established for the allocation of revenue to each of the counties pursuant to Paragraphs 6 and 7, respectively. To the extent any of the eligible taxing entities for either County are school districts, said school districts shall apportion any revenue received on a pro-rata basis between operating and debt service millage.

10. **Jobs Tax Credit Valuation.** For purposes of the jobs tax credit authorized by subsections of Section 12-6-3360 of the South Carolina Code, the County in which a particular business enterprise is located is the county in which the permanent business enterprise is deemed to be located. Section 12-6-3360, Code of Laws of South Carolina, 1976, has been amended so as to provide an additional annual corporate income tax credit equal to One Thousand Dollars (\$1,000.00) beyond the current jobs tax credit amount applicable for new jobs in the respective County in which a business enterprise is located for each new full-time job created in the Park property located in that County.

11. **Non-qualifying Use.** In the event that a tract or site of land located in the Park is purchased and developed by a business enterprise which locates employees within the Park and which employees, because of the nature of their employment, do not qualify for the corporate income tax credit provided in South Carolina Code of Laws, 1976, as amended, Section 12-6-3360 (“Non-qualifying Site”), the respective County in which that tract or site is located may remove, by ordinance, the Non-qualifying Site from the Park.

12. **Records.** The Counties, parties to this Agreement, covenant and agree that, upon the request of either, the other will provide to the requesting party copies of the records of the annual tax levy and copies of the actual tax bills, for parcels of property encompassed by this Agreement, and will further provide copies of the County Treasurer’s collection records for the taxes so imposed, all as such records became available in the normal course of County procedures. It is further agreed that none of the parties shall request such records from any other party more frequently than once annually, absent compelling justification to the contrary.

13. **Applicable Law.** In order to avoid any conflict of laws or ordinances between the Counties, the County ordinances of the County in which a parcel of Park property is located will be the reference for such regulations or laws in connection with that part of the Park. Nothing herein shall be taken to supersede any state or federal law or regulation. The County in which Park property is located is specifically authorized to adopt restrictive covenants and land use requirements for that part of the Park at that County’s sole discretion.

14. **Law Enforcement.** The Sheriff’s Department for each respective County will have initial jurisdiction to make arrests and exercise all authority and power within the boundaries of the Park located in that County and fire, sewer, water and EMS service for that part of the Park will

be provided by the applicable service district or other political unit within that County.

15. **Severability.** In the event and to the extent (and only to the extent) that any provision or any part of a provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable the remainder of that provision or any other provision or part of a provision of this Agreement.

16. **Termination.** Notwithstanding any provision of this Agreement to the contrary, Lee County and Kershaw County agree that this Agreement may not be terminated by either party for a period of thirty (30) years commencing with the effective date hereof.

WITNESS our hands and seals this \_\_\_\_\_ day of April, 2024.

**KERSHAW COUNTY, SOUTH CAROLINA**

\_\_\_\_\_  
Kaitlyn E. Guinn., Chairperson of County Council  
Kershaw County, South Carolina

ATTEST:

\_\_\_\_\_  
Hannah Parler, Clerk to County Council  
Kershaw County, South Carolina

WITNESS our hands and seals this \_\_\_\_\_ day of April, 2024.

**LEE COUNTY, SOUTH CAROLINA**

\_\_\_\_\_  
R. Travis Windham, Chairman of County Council  
Lee County, South Carolina

ATTEST:

\_\_\_\_\_  
Julie Stokes, Clerk to County Council  
Lee County, South Carolina



## EXHIBIT A

### LEGAL DESCRIPTION OF LAND LOCATED IN LEE COUNTY:

PARCEL ONE: All that certain piece, parcel or lot of land, with improvements thereon, situate, lying, and being in the Bishopville Township, County of Lee, State of South Carolina containing 119.35 acres, more or less, and being more particularly shown and delineated, on that certain plat by Ben J. Makela, RLS, dated November 16, 1998, and recorded in the office of the Clerk of Court for Lee County, South Carolina in Plat Book F-1 at page 57 and having such metes, courses and distance as are delineated and shown on said plat reference to which is hereby made pursuant to authority contained in Section 30-5-250 of the Code of Laws of South Carolina, 1976, as amended.

Tax Map Number: 029-00-001-145

PARCEL TWO: All that certain piece, parcel or tract of land, with improvements thereon, situate, lying and being in the Bishopville Township, County of Lee, State of South Carolina being more particularly shown and delineated as tract containing 90.0 acres on that certain plat by Ben J. Makela, RLS, dated March 9, 1999, and recorded in the office of the Clerk of Court for Lee County, South Carolina in Plat Book F-1 at page 103 and having such metes, courses and distances as are delineated *and* shown on said plat reference to which is hereby made pursuant to authority contained in Section 30-5-250 of the Code of Laws of South Carolina, 1976, as amended.

Tax Map Number: 029-00-01-074

PARCEL THREE: All that certain piece, parcel or tract of land, with improvements thereon, situate, lying and being in the Bishopville Township, County of Lee, State of South Carolina being more particularly shown and delineated as tract containing 32.75 acres on that certain plat prepared for County of Lee by Ben J. Makela, RLS, dated March 9, 1999, and recorded in the office of the Clerk of Court for Lee County, South Carolina in Plat Book G-I at page 171 and having such metes, courses and distances as are delineated and shown on said plat reference to which is hereby made pursuant to authority contained in Section 30-5-250 of the Code of Laws of South Carolina, 1976, as amended.

Tax Map Number: 029-00-00-074

LESS AND EXCLUDING, all that certain piece, parcel or tract of land, with improvements thereon, situate, lying and being in the Bishopville Township, County of Lee, State of South Carolina being more particularly shown and delineated as tract containing 19.97 acres on that certain plat prepared for The King Company of Lee by Ben J. Makela, RLS, dated December 8, 1999, and 10.94 acres on that certain plat prepared for Ahlstrom Air Media, LLC of Lee by Ervin Engineering Co., dated October 5, 2006 and recorded in the office of the Clerk of Court for Lee County, South Carolina in Plat Book G-I at page 142 and having such metes, courses and distances as are delineated and shown on said plat reference to which is hereby made pursuant to authority contained in Section 30-5-250 of the Code of Laws of South Carolina, 1976, as amended. These parcels are presently designated on the official tax maps of Lee County as a portion of Tax Maps Numbers: 029-00-00-145, 029-00-00-074 and 029-00-00-294.

**LEGAL DESCRIPTION OF LAND LOCATED IN KERSHAW COUNTY:**

**PRESTAGE PARCELS:**

**PARCEL ONE:** All that piece, parcel or lot of land lying and being situate Southeast of the City of Camden, in the County of Kershaw, State of South Carolina, containing 210.46 acres, more or less, and being shown and delineated on that plat prepared for Kershaw County by Robert H. Lackey Surveying, Inc., dated September 13, 2002, and recorded in the Office of the Clerk of Court for Kershaw County in Plat Book B-67 at Page 9; said property is bound generally as follows: NORTH by property now or formerly of Michael K. Chapman and Kellie K. Chapman and property now or formerly of Phoenix Services, Inc.; EAST by Dr. Humphries Road (S-28-329); SOUTH by Mount Olivet Road (S-28-189); and WEST by property now or formerly of The Graves Company, Inc. and now or formerly of Albert H. Hough, et. Al.

Metes and bounds description:

BEGINNING AT: an iron pin (set) located at the southeastern corner of subject property designated POB – positioned NORTH  $34^{\circ} 08'35''$  WEST a distance of 53.48 feet from a PK Nail located on the Intersection of Mount Olivet Road (S-28-189) and Dr. Humphries Road (S-28-329).

THENCE: NORTH  $85^{\circ} 23'27''$  WEST 144.22 feet to a calculated point  
THENCE: NORTH  $88^{\circ} 01'38''$  WEST 83.21 feet to a calculated point  
THENCE: SOUTH  $88^{\circ} 34'27''$  WEST 102.31 feet to a calculated point  
THENCE: SOUTH  $87^{\circ} 18'49''$  WEST 80.36 feet to a calculated point  
THENCE: SOUTH  $87^{\circ} 18'49''$  WEST 968.66 feet to a calculated point  
THENCE: SOUTH  $85^{\circ} 40'38''$  WEST 103.25 feet to a calculated point  
THENCE: SOUTH  $81^{\circ} 59'17''$  WEST 102.01 feet to a calculated point  
THENCE: SOUTH  $79^{\circ} 07'17''$  WEST 64.64 feet to a calculated point  
THENCE: SOUTH  $76^{\circ} 42'15''$  WEST 89.04 feet to a calculated point  
THENCE: SOUTH  $75^{\circ} 15'47''$  WEST 446.73 feet to an iron pin (found)  
THENCE: NORTH  $01^{\circ} 55'04''$  WEST 76.44 feet to a calculated point  
THENCE: NORTH  $02^{\circ} 26'51''$  EAST 73.16 feet to a calculated point  
THENCE: NORTH  $01^{\circ} 58'16''$  EAST 169.67 feet to a calculated point  
THENCE: NORTH  $02^{\circ} 00'56''$  EAST 292.90 feet to a calculated point  
THENCE: NORTH  $02^{\circ} 06'59''$  EAST 263.26 feet to a calculated point  
THENCE: NORTH  $02^{\circ} 11'46''$  EAST 166.72 feet to a calculated point  
THENCE: NORTH  $02^{\circ} 38'29''$  EAST 125.70 feet to a fence post  
THENCE: NORTH  $01^{\circ} 02'50''$  EAST 1914.31 feet to a 34" oak tree  
THENCE: NORTH  $00^{\circ} 32'53''$  WEST 54.97 feet to a 38" oak tree  
THENCE: NORTH  $00^{\circ} 47'20''$  EAST 629.96 feet to an iron pin (found)  
THENCE: NORTH  $75^{\circ} 56'13''$  EAST 1748.00 feet to an iron pin (found)  
THENCE: NORTH  $75^{\circ} 59'56''$  EAST 606.91 feet to an iron pin (set)  
THENCE: SOUTH  $11^{\circ} 43'26''$  EAST 1214.03 feet to a calculated point  
THENCE: along a curve to the right having a radius of 921.93 feet, having a chord which bears SOUTH  $06^{\circ} 32'50''$  WEST 563.43 feet, and having an arc distance of 572.59 feet to a calculated point  
THENCE: along a curve to the left having a radius of 1468.31 feet, having a chord which bears SOUTH  $15^{\circ} 55'44''$  WEST 383.61 feet, and having an arc distance of 384.71 feet to a calculated point  
THENCE: SOUTH  $08^{\circ} 48'58''$  WEST 1484.85 feet to a calculated point  
THENCE: along a curve to the left having a radius of 4330.18 feet,

having a chord which bears SOUTH 06° 03'02" WEST 403.86 feet, and having an arc distance of 404.00 feet to a calculated point  
THENCE: SOUTH 03° 57'42" WEST 145.26 feet to an iron pin (set) at the Point-of-Beginning (POB).

### **OAK CAMP SOLAR, LLC PARCELS:**

**PARCEL ONE:** All of that property identified by Kershaw Tax Parcel Number 070-00-00-022, being a 685 acre tract of land located at 3011 Camp Road and being a part of Red Oak Camp, and more particularly described as follows:

All that piece, parcel or tract of land lying, being and situate in the Buffalo Township, County of Kershaw, State of South Carolina, and containing six hundred eighty-five (685) acres, more or less, and being bounded on the North by property now or formerly owned by Wade Gainey and Mack Horton; South by property owned or formerly owned by Small McCaskill; and on the West by property now or formerly owned by Joe Henry.

Parcel IDs: 070-00-00-022; 088-00-00-002

**PARCEL TWO:** All of that property identified by Kershaw Tax Parcel Number 088-00-00-002, being a 102.57 acre tract of land located at 3711 Timrod Road and being a part of Red Oak Camp, and more particularly described as follows:

All that piece, parcel or tract of land lying, being and situate in the County of Kershaw, State of South Carolina, containing one hundred two and fifty-seven one-hundredths (102.57) acres, more or less, and being bounded as follows: North by property of Gainey; East by S.C. Highway 346; South by lands now or formerly of Horton; and West by the old Bishopville Road separating same from Parcel 1 hereinabove.

LESS AND EXCEPT all that certain piece, parcel or tract of land approximately four (4) miles North of the Town of Bethune, in the County of Kershaw, State of South Carolina containing four and 72/100 (4.72) acres more or less, and being more particularly described on a plat of survey prepared for W. H. Howey, Jr. and Jimmy Parker by Daniel 8. Wilson, R.L.S., dated March 12, 1980, and recorded in Plat Book 36 at Page 2917, in the office of the Clerk of Court for Kershaw County, South Carolina; said tract having boundaries and measurements as follows: On the North by property of James Gainey and measuring thereon five hundred eighty-three and 81/100 (583.81) feet; on the East by S.C. Highway 346 and fronting thereon four hundred thirty-six and 47/100 (436.47) feet; on the South by property of Annabelle Gainey and measuring thereon three hundred fifty-three and 94/100 (353.94) feet; and on the Southwest by property of Howey and Parker and measuring thereon four hundred ninety-nine and 06/100 (499.06) feet.

ALSO LESS AND EXCEPT all that certain piece, parcel or tract of land approximately four (4) miles North of the Town of Bethune, in the County of Kershaw, State of South Carolina containing One (1.0) acre more or less, and being more particularly described on a plat of survey prepared for W. H. Howey, Jr. and Jimmy Parker by Daniel 8. Wilson, R.L.S., dated March 12, 1980, and recorded in Plat Book 36 at Page 2916, in the office of the Clerk of Court for Kershaw County, South Carolina; said tract having boundaries and measurements as follows: On the North by property now or formerly of Parker and Howey and measuring thereon one hundred seventy-five (175) feet; on the East by S.C. Highway 346 and fronting thereon two hundred ten (210) feet; on the South by property now or formerly of James Gainey and measuring thereon two hundred forty and 61/100 (240.61) feet; and on the West by property now or formerly of Howey and Parker and measuring thereon two hundred sixteen and 21/100 (216.21) feet;

Parcels 1 and 2 above being the same property conveyed to W.H. Howey, Jr. and Jimmy Parker by deed of W. Kemp Steen and Linda M. Steen dated November 22, 1976, and recorded on November 23, 1976, in Deed Book IG at Page 1937, in the Office of the Clerk of County for Kershaw County, South Carolina, and being all of Parcel 1 on said deed and a portion of Parcel 2 on said deed.

Parcel ID: 088-00-00-002

**PARCEL THREE:** All of that property identified by Kershaw Tax Parcel Number 070-00-00-005, being a 44.20 acre tract of land located at 3014A Blair Road and being a part of Red Oak Camp, and more particularly described as follows:

All that piece, parcel or tract of land lying, being and situate in the Buffalo Township, County of Kershaw, State of South Carolina, lying West of S.C. Road 346, containing forty-four and two tenths (44.20) acres, more or less, and being bounded generally as follows: North by property of Squires, in part, separated therefrom by the run of Red Oak Camp Creek, and property of Hilton, in part; East by Tracts 1, 2, 3 and 4 of Palmetto Investment Co.; South by property now or formerly of Gainey and by property now or formerly of Freeman; and West by property now or formerly of Howey and Parker in part, and by property now or formerly of Westvaco, in part.

The above described property is more particularly delineated and shown on a plat of the Bailey Faile Estate prepared by Daniel B. Wilson, R.L.S., dated February 26, 1980 and recorded in the office of the Clerk of Court for Kershaw County, South Carolina in Plat Book 36 at Page 1464; Parcel 3 above being the same property conveyed to W.H. Howey, Jr. and Jimmy Parker by deed of Rolly W. Jacobs, Master for Kershaw County, South Carolina, dated May 23, 1980 and recorded May 29, 1980, in Deed Book 10 at Page 19, in the office of the Clerk of Court for Kershaw County, South Carolina.

Parcel ID: 088-00-00-003

All that piece, parcel or tract of land approximately four (4) miles North of Bethune, in the County of Kershaw, State of South Carolina, containing five and 72/100 (5. 72) acres and being more particularly shown on a plat of survey prepared for William Wade Gainey by H,R Oliver, R.L.S., dated November 27, 1973, and recorded in the office of the Clerk of Court for Kershaw County, South Carolina in Plat Book 35 at Page 1584; said tract being bounded now or formerly as follows:

On the East by property now or formerly of James L. Gainey and measuring thereon five hundred thirty and five-tenths (530.5) feet; on the South by property now or formerly of W. Wade Gainey and measuring thereon five hundred thirty-four and seven-tenths (534. 7) feet; on the West by property now or formerly of W. Wade. Gainey and. measuring thereon three hundred eighty-five and five-tenths (385.5) feet; and on the North by property now or formerly of W. Wade Gainey and measuring thereon in the aggregate five hundred forty-seven and five-tenths (547.5) feet.

The above being part of the same property conveyed to. Robert H. Morrison by deed of George P. Houston, Jr., Melvin T. Graham and Nancy C. Daves dated January 11, 1996, and recorded on January 12, 1996, in Deed Book 396 at Page 166, in the office of the Clerk of County for Kershaw County, South Carolina.

## **SANDYWOODS SOLAR, LLC PARCELS:**

**PARCEL ONE:** All that certain tract or parcel of land located in Kershaw County, South Carolina, containing 887 acres more or less and more particularly shown on a plat of survey made by R.H. Marett, Registered Surveyor, dated March 11, 1956, recorded in Plat Book 34, Page 1942 in the records of Kershaw County, South Carolina, which plat is incorporated into this description by reference thereto and to which plat reference is made for a metes and bounds description of said land.

Less and except the following tract or parcel of land as referenced in that certain instrument to Denton Farms, Inc. from Bowater Incorporated dated June 27, 1995, recorded in Book 351, Page 92, and as more particularly described as follows:

All that tract or parcel of land situated, lying and being in Flat Rock Township of Kershaw County, South Carolina, containing 303.0 acres, more or less, and being more fully shown and described on a plat of survey for Denton Farms, Inc., made by Daniel Riddick & Associates, Inc., S. C. Registered Land Surveyor No. 693, dated March 13, 1995, and recorded in the Office of the clerk of Court for Kershaw County, South Carolina, in Plat Book A-1, Page 8, which plat is incorporated into this description by reference thereto and to which plat reference is made for a metes and bounds description of said land.

FURTHER LESS AND EXCEPT the following tract or parcel of land as referend to in that certain instrument from R. Justin Conder, John W. Conder and Charles M. Heaton to Clark O'Neill and Susan B. O'Neill, dated and recorded March 7, 2011, in Volume 2779, Page 48, Kershaw County, South Carolina, Register of Deeds, and as more particularly described as follows:

All that certain piece parcel or lot of land, with improvements thereon, situate, lying and being approximately 6 miles northeast of the City of Camden, near the right of way of Sanders Creek Road (S-28-26) and being shown and delineated as 10.00 Acres on a plat prepared for Clark O'Neill by Robert H. Lackey Surveying, Inc., dated December 21, 2010 and recorded on March 2, 2011, in Plat Book 099 at Page 7-A. Kershaw County ROD, reference being made to said plat for a more complete and accurate description. Said Property being bounded on the Northwest, Northeast, Southeast, and Southwest by property now or formerly of R. Justin Conder, et. al. Be all measurements a little more or less.

FURTHER LESS AND EXCEPT the following tract or parcel of land as referend to in that certain instrument from R. Justin Conder, John W. Conder and Charles M. Heaton to Scott W. Lyon, dated and recorded March 24, 2008 in Volume 2336, Page 66, Kershaw County, South Carolina, Register of Deeds, and as more particularly described as follows:

All that certain piece parcel or lot of land, with improvements thereon, situate, lying and being on the Northeast side of Sanders Creek Road, approximately 6 miles northeast of the City of Camden and being shown and delineated as 5.00 Acres on a plat prepared for Scott Lyon by Thomas W. Broadway dated February 28, 2008 and recorded on March 18, 2008 In Book C37 at Page 5B, Kershaw County ROD, reference being made to said plat for a more complete and accurate description. Said Property being bounded on the Northwest, Northeast and Southeast by property now or formerly of R. Justin Conder, et. al. and on the Southwest by the right of way of Sanders Creek Road. Be all measurements a little more or less.

TOTAL ACREAGE: 569 acres, more or less  
TAX PARCEL ID NUMBER (PIN): 199-00-00-003

**PARCEL TWO:** All that certain piece, parcel or tract of land, with improvements thereon, if any, situate, lying and being approximately 6 miles northeast of the City of Camden, near the right of way of Sanders Creek Road (S-28-26) and being shown and delineated as 10.00 acres, more or less, on a plat prepared for Clark O'Neill by Robert H. Lackey Surveying, Inc., dated December 21, 2010, and recorded on March 2, 2011, in Plat Book C99, at Page 7-A, Kershaw County ROD. Reference being made to said plat for a more complete and accurate description. Said property being bounded on the Northwest, Northeast, Southeast, and Southwest by property now or formerly of R. Justin Conder, et al. Be all measurements a little more or less.

TOTAL ACREAGE: 10 acres, more or less  
TAX PARCEL ID NUMBER (PIN): 199-00-00-010

**EVERGREEN SOLAR, LLC PARCELS:**

**LOCATION:** 3425 Boise Cascade Road, Bethune, SC 29009; 3595 Boise Cascade Road, Bethune, SC 29009; and 3439 Timrod Road, Bethune, SC 29009, all of these being located within the bounds of Kershaw County, South Carolina.

TOTAL ACREAGE: 573.268, more or less  
TAX PARCEL ID NUMBERS (PIN): 088-00-00-013; 088-00-00-014; and 088-00-00-015

**PARCEL ONE:** All that piece, parcel or tract of land containing 414.28 acres being about 3 miles north of the town of Bethune, Buffalo township, county of Kershaw, state of South Carolina; said tract of land being described as follows:

Commence from the intersection of Timrod Road and Boise Cascade Road, North 51°03'13" West, a distance of 3,914.64 feet to a set 5/8" rebar with cap, said re bar being the point of beginning.

Thence South 01°37'05" West, a distance of 2,478.69 feet to a 1" rod;  
Thence South 01°28'16" West, a distance of 352.96 feet to a set 5/8" rebar;  
Thence North 87°55'29" West, a distance of 4,542.53 feet to a set 5/8" rebar;  
Thence North 87°54'50" West, a distance of 29.88 feet to a calculated point;  
Thence South 53°07'44" West, a distance of 201.65 feet to a calculated point;  
Thence southwestwardly, with the arc of a curve to the left having a radius of 847.11 feet, a central angle of 32°10'41", and a chord that bears South 36°19'39" West, a chord distance of 469.52 feet to a calculated point;  
Thence North 74°45'36" West, a distance of 19.12 feet to a set 5/8" rebar;  
Thence North 74°45'36" West, a distance of 1,528.44 feet to a set 5/8" rebar;  
Thence North 10°42'53" East, a distance of 164.62 feet to a set 5/8" rebar;  
Thence North 64°16'26" West, a distance of 63.39 feet to a 3/4" pipe;  
Thence North 13°04'14" East, a distance of 2,773.77 feet to a 1" iron rod;  
Thence South 88°43'08" East, a distance of 5,981.77 feet to the point of beginning;

Containing 414.28 acres of land, more or less.

Parcel ID: 088-00-00-013

**PARCEL TWO:** All that piece, parcel or tract of land containing 109.74 acres being about 3 miles north of the town of Bethune, Buffalo township, county of Kershaw, state of South Carolina; said tract of land being described as follows:

Commence from the intersection of Timrod Road and Boise Cascade Road, North 51 °03'13" West, a distance of 3,914.64 feet to a set 5/8" rebar with cap, said rebar being the point of beginning.

Thence South 88°19'29" East, a distance of 125.98 feet to a set 5/8" rebar;  
Thence South 87°16'23" East, a distance of 2,065.74 feet to a found 5/8" rebar;  
Thence South 19°12'24" West, a distance of 427.94 feet to found 5/8" rebar;  
Thence South 18°59'21" West, a distance of 1,573.81 feet to a found 1/2" rebar in the center of a road;  
Thence South 19°41 '20" West, a distance of 32.86 feet to a found 3/4" pipe;  
Thence South 19°06'33" West, a distance of 901.56 feet to a found 1" pipe;  
Thence North 87°52'49" West, a distance of 874.18 feet to a found 1" rod;  
Thence North 06°50'48" West, a distance of 458.94 feet to a set 5/8" rebar;  
Thence South 76°35'44" West, a distance of 382.35 feet to a found 1" rod;  
Thence North 01 °37'05" East, a distance of 2,478.69 feet to the point of beginning.

Containing 109. 74 acres of land, more or less.

Parcel ID: 088-00-00-014

**PARCEL THREE:** All that piece, parcel or tract of land containing 60.22 acres being about 3 miles north of the town of Bethune, Buffalo township, county of Kershaw, state of South Carolina; said tract of land being described as follows:

Commence from the intersection of Timrod Road and Boise Cascade Road, North 20"44'35" East, a distance of 2,003.04 feet to a set 5/8" rebar with cap, said rebar being the point of beginning.

Thence South 14°52'44" West, a distance of 1,039.87 feet to a set 5/8" rebar;  
Thence southwestwardly, with the arc of a curve to the right having a radius of 849.98 feet, a central angle of 14"43'13", and a chord that bears South 23°26'52" West, a chord distance of 217.77 feet to a set 5/8" rebar;  
Thence South 30"22'32" West, a distance of 82.38 feet to a found 5/8" rebar;  
Thence North 66"56'31" West, a distance of 251.75 feet to a found 3/4" pipe;  
Thence South 30°54'11" West, a distance of 209.98 feet to a found 1 1/4" pipe;  
Thence North 66°58'52" West, a distance of 213.12 feet a found 5/8" rebar;  
Thence South 27°20'28" West, a distance of 442.83 feet to a found 5/8" rebar;  
Thence South 27°20'28" West, a distance of 17.14 feet to a calculated point;  
Thence North 68°52'19" West, a distance of 493.05 feet to a calculated point;  
Thence northwestwardly, with the arc of a curve to the left having a radius of 1,112.75 feet, a central angle of 17°32'58", and a chord that bears North 77°20'10" West, a chord distance of 339.50 feet to a calculated point;  
Thence North 85°12'32" West, a distance of 285.16 feet to a found 1/2" rebar in the center of a road;  
Thence North 18°59'21" East, a distance of 1,573.81 feet to a found 5/8" rebar;  
Thence South 87°14'04" East, a distance of 652.00 feet to a found 5/8" rebar;  
Thence South 87°17'07" East, a distance of 1,055.37 feet to the point of beginning;

Containing 60.22 acres of land, more or less.

Parcel ID: 088-00-00-015