

ORDINANCE 4379

AN ORDINANCE AUTHORIZING THE CITY OF HARTSVILLE TO GRANT AND AUTHORIZE A RIGHT OF FIRST REFUSAL TO HARTSVILLE PARKING, BEAUTIFICATION AND BUSINESS IMPROVEMENT COMMISSION; AND OTHER MATTERS RELATING THERETO.

WHEREAS, the City of Hartsville, South Carolina (the “*City*”) is a municipal corporation of the State of South Carolina (the “*State*”) located in Darlington County, South Carolina, and as such possesses all general powers granted by the Constitution and statutes of the State of South Carolina to such public entities; and

WHEREAS, Arthur Properties, LLC (“*Seller*”) owns that certain real estate designated as TMS Nos. 056-10-01-042 and 056-10-01-043 (the “*Property*”); and

WHEREAS, pursuant to Ordinance No. 4371 dated September 10, 2019, the City Council of the City of Hartsville, as the governing body of the City (the “*Council*”), authorized the acquisition of the Property; and

WHEREAS, the City has entered into a purchase agreement with the Seller to acquire the properties for the sum of \$49,000; and

WHEREAS, half of the funds necessary to acquire the Property have been appropriated to the City from Hartsville Parking, Beautification and Business Improvement Commission (the “*Commission*”); and

WHEREAS, the City is acquiring the property and in consideration of the sums appropriated by the Commission for the purchase of the Property, the City has determined to grant a Right of First Refusal to the Commission, the form of which is attached hereto as Exhibit A (the “*First Refusal*”).

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hartsville duly assembled, as follows:

Section 1: Findings

Each finding or statement of fact set forth in the recitals hereto has been carefully examined and has been found to be in all respects true and correct.

Section 2: First Refusal

A. The Council has reviewed the First Refusal, the form of which is attached to this Ordinance as Exhibit A.

B. The First Refusal shall be executed and delivered on behalf of the City by the City Manager. Upon such execution, the Council shall be timely informed of the execution of the First Refusal and advised of any changes from the form attached to this Ordinance. The consummation

of the transactions and undertakings described in the First Refusal, and such additional transactions and undertakings as may be determined by the First Refusal in consultation with the Council to be necessary or advisable in connection therewith, are hereby approved.

C. It is expected and anticipated that the First Refusal shall be executed and delivered as a part of the closing for the Property. However, the City Manager, acting in the best interest of the City, is authorized to adjust or change the date of delivery of the First Refusal as she, in her sole discretion, may determine.

Section 4 Other Documents; Closing; Ratification of Prior Actions

In connection with the execution and delivery of the First Refusal, the City Manager may participate in the Property and is additionally authorized to prepare, review, negotiate, execute, deliver, and agree to such additional agreements, certifications, documents, closing proofs, and undertakings as she, shall deem necessary or advisable as necessary to acquire the Property. Any actions previously undertaken by the City Manager, the Council or City staff in connection with the execution and delivery of the First Refusal or any other negotiations involving the Property prior to the enactment of this Ordinance are ratified and confirmed.

Section 5 Severability

If any one or more of the provisions this Ordinance should be contrary to law, then such provision shall be deemed severable from the remaining provisions, and shall in no way affect the validity of the other provisions of this Ordinance.

Section 6 Repealer

Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired or liability incurred, or any cause of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 7 Inconsistency

All ordinances, Ordinances or parts of any ordinances or Ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed to the extent of the conflict or inconsistency.

Section 8 Effect

This Ordinance shall be enacted immediately upon second reading and approval by the Council.

DONE AND ORDAINED IN COUNCIL ASSEMBLED, this ___th day of January, 2020.

CITY OF HARTSVILLE,
SOUTH CAROLINA

(SEAL)

Carl M. (Mel) Pennington IV, Mayor

Attest:

Sherron L. Skipper, City Clerk

First Reading: December 10, 2019
Public Hearing: January __, 2020
Second Reading: January __, 2020

EXHIBIT A
FORM OF FIRST REFUSAL