

ORDINANCE 4292

AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF A CITY OF HARTSVILLE INDUSTRIAL PARK; THE EXECUTION AND DELIVERY OF CERTAIN INDUSTRIAL PARK MARKETING AND DEVELOPMENT AGREEMENTS IN CONNECTION THERETO; THE EXECUTION AND DELIVERY OF CERTAIN OPTION CONTRACTS FOR THE PURCHASE OF LAND THAT WILL COMPRISE THE AFOREMENTIONED CITY INDUSTRIAL PARK, CONSISTING OF APPROXIMATELY 225 ACRES; AND OTHER RELATED MATTERS.

WHEREAS, the City of Hartsville (“City”) desires to create jobs and investment for the City and Darlington County, South Carolina (“County”) by supporting development of certain industrial and commercial development and recruiting business and industry to locate in the City of Hartsville area;

WHEREAS, in furtherance of the aforementioned economic development objectives of the City, the City desires to enter into certain agreements as further described in this Ordinance to develop a City industrial park (“Hartsville Industrial Park”);

WHEREAS, pursuant to Section 5-7-40 of the South Carolina Code of Laws of 1976, as amended (“Code”), the City is authorized to purchase, convey, lease and dispose of real property both in and outside the boundaries of the City for the Hartsville Industrial Park;

WHEREAS, pursuant to Section 5-37-25 of the Code, the City is authorized to make certain improvements to real property outside the City from general revenues of the City and intends to do so for purposes of the development of the Hartsville Industrial Park;

WHEREAS, the City desires to enter into two Industrial Park Marketing and Development Agreements (each a “Development Agreement”, and, collectively, the “Development Agreements”), each of which is attached hereto as Exhibit A-1 and Exhibit A-2, setting forth the terms and conditions in connection with the creation and development of the Hartsville Industrial Park; and

WHEREAS, in connection with the Development Agreements, the City desires to enter into related option agreements attached hereto as an Exhibit D to each of the respective Development Agreements (each an “Option Agreement”, and, collectively, the “Option Agreements”), for the option to purchase certain parcels of land as more particularly described in those Option Agreements, such property comprising in the aggregate approximately 225 acres located both in and outside the City limits to become a part of the proposed Hartsville Industrial Park (collectively, the “Property”).

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Council of the City (“Council”), the creation and development of the Hartsville Industrial Park in accordance with the terms and conditions of the Development Agreements and Option Agreements.

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Council, that the Development Agreements and Option Agreements are hereby approved.

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Council, that the City Manager is hereby authorized to execute and deliver all necessary documents in connection with the creation and development of the Hartsville Industrial Park and take all such actions required to carry out those obligations of the City as set forth in the Development Agreements and the Option Agreements, including any activities required for making any improvements to the Property comprising the Hartsville Industrial Park and for purchasing, conveying, leasing and disposing of all or any portion of the Property.

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Council that the City Manager shall, after consultation with legal counsel to the City and the Mayor, have the authority to undertake such actions to assign the Development Agreements and Option Agreements to Darlington County, the Darlington County Economic Development Partnership or other entities established by the City for purposes of promoting economic development on behalf of the County or the City.

NOW, THEREFORE BE IT ORDAINED, by the Mayor and City Council that the provisions of this Ordinance are hereby declared to be separable, and if any section, phrase, or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases, and provisions hereunder.

NOW, THEREFORE BE IT ORDAINED, all orders, resolutions, ordinances, and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed, and this Ordinance shall take effect and be in full force from and after its passage and approval.

NOW, THEREFORE BE IT FINALLY ORDAINED IN A MEETING DULY ADVERTISED AND ASSEMBLED on the 13th day of June 2017 and to become effective upon final reading.

Carl M. (Mel) Pennington IV, Mayor

ATTEST: _____
Sherron L. Skipper, City Clerk

First Reading: May 9, 2017
Public Hearing: June 13, 2017
Second Reading: June 13, 2017

Exhibit A-1

Development Agreement (Wilds)

Exhibit A-2

Development Agreement (Wiggins)