

ORDINANCE 4346

AN ORDINANCE TO APPROVE AND ASSIST IN THE DEVELOPMENT OF A JOINTLY OWNED AND OPERATED MULTI-COUNTY BUSINESS PARK WITH AND BETWEEN DARLINGTON COUNTY AND LEE COUNTY, SUCH PARK TO BE GEOGRAPHICALLY LOCATED IN THE CITY OF HARTSVILLE AND ESTABLISHED PURSUANT TO SECTIONS 4-1-170 ET SEQ. OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED; ACKNOWLEDGING THE DELIVERY OF AN AGREEMENT GOVERNING THE MULTI-COUNTY PARK BETWEEN DARLINGTON COUNTY AND LEE COUNTY; AUTHORIZING THE EXECUTION AND DELIVERY OF AN INTERGOVERNMENTAL AGREEMENT DARLINGTON COUNTY; AND OTHER MATTERS RELATED THERETO.

WHEREAS, the City of Hartsville, South Carolina (the “City”) desires to establish and encourage an economic development program in order to stimulate commercial redevelopment of a mixed-use commercial and multi-family housing project within an area along 4<sup>th</sup> Street in the City and designated as the Canal District (the “Canal District”) located in the City and as more particularly shown on Exhibit A; and

WHEREAS, the City desires to provide or cause to be provided certain infrastructure (“Infrastructure”) to support the redevelopment of the Canal District and surrounding areas to assist with the economic development program at the Canal District; and

WHEREAS, Darlington County, South Carolina (“Darlington County”) and Lee County, South Carolina (“Lee County” and together with Darlington County, the “Counties”) are authorized pursuant to Article VIII, Section 13(D) of the Constitution of South Carolina 1895, as amended and in accordance with Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended (collectively, the “MCIP Law”) to jointly develop an industrial or business park within the geographical boundaries of one or both of the member Counties; and

WHEREAS, the City has requested that the Counties jointly develop a multi-county business park (the “Park”) in which to locate the real and personal property comprising the Canal District (the “Property”); and

WHEREAS, through the creation of the Park, the Property therein shall be exempt from *ad valorem* property taxes, and the character of the annual receipts from such Property shall be changed to fees-in-lieu of *ad valorem* property taxes (the “Fees”) in an amount equivalent to the *ad valorem* taxes that would have been due and payable but for the location of the Property in the Park; and

WHEREAS, pursuant to the authority of the MCIP Law and *Horry County School District v. Horry County and the City of Myrtle Beach*, 346 SC 621 (2001), the City has further requested,

in order to assist the City in paying for the costs of the Infrastructure, that Darlington County distribute a portion of the Fees to the City in an amount greater than the City's proportionate share of the tax levy applicable to the Property had it not been located in the Park; and

WHEREAS, the Counties, to promote the economic welfare of their citizens and in consideration of the request of the City, have expressed a desire to jointly develop the Park; and

WHEREAS, to ratify the creation of the Park and the various findings herein, the Counties shall execute and deliver the "Master Agreement Governing the Canal District Business Park", the substantially final form of which is attached as Exhibit B ("Master Agreement"); and

WHEREAS, the provisions of Master Agreement shall govern the operation of the Park, including the sharing of expenses and revenues of the Park, and the manner in which the revenue is to be distributed to each of the taxing entities within each of the Counties; and

WHEREAS, Darlington County and the City desire to enter into an Intergovernmental Agreement, the form of which is attached as Exhibit B ("Intergovernmental Agreement"); and

WHEREAS, the Intergovernmental Agreement sets forth the terms and conditions under which Darlington County will distribute Fees to the City and other matters generally affecting the Park; and

WHEREAS, the MCIP Act requires that, prior to the inclusion of property located within the corporate boundaries of a municipality within a multi-county industrial or business park, the consent of the municipality must be obtained; and

WHEREAS, the City desires to give its permission and consent, pursuant to the terms of the MCIP Act, for the creation and operation of the Park by the Counties.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HARTSVILLE, AS FOLLOWS:

**Section 1. *Statutory Findings.*** The City finds and confirms its representations to Darlington County that the development of the Canal District and the Infrastructure will enhance the economic development of Darlington County.

**Section 2. *Consent; Acknowledgment of Master Agreement.*** The consent of the City is hereby expressly given for the creation, development and operation of the Park, which includes those properties described as Exhibit B to the Master Agreement. The City's consent shall be further ratified and confirmed by and through its acknowledgment of the Master Agreement. The Master Agreement, the form of which is attached hereto as Exhibit B, shall be duly acknowledged by the City Manager.

**Section 3. *Intergovernmental Agreement.*** The City is authorized to enter into the Intergovernmental Agreement with Darlington County, the form of which is attached hereto as Exhibit C, pertaining to the development of the Park and the terms and conditions under which

Darlington County will distribute Fees. The Mayor is authorized to execute the Intergovernmental Agreement and the City Clerk is authorized to attest the same. The City Manager is authorized to deliver the Intergovernmental Agreement to the City and Darlington County. The consummation of the transactions and undertakings described in the Intergovernmental Agreement and such additional transactions and undertakings as may be determined by the City Manager to be necessary or advisable in connection therewith, are hereby approved. In connection with the execution and delivery of the Intergovernmental Agreement, the City Manager is additionally authorized to prepare, review, negotiate, execute, deliver, and agree to such additional agreements, certifications, documents, closing proofs, and undertakings as he/she shall deem necessary or advisable.

**Section 4. *Further Assurances.*** In connection with the creation of the Park and the execution and delivery of the Intergovernmental Agreement, the Mayor, the City Manager and the City Clerk are additionally authorized to prepare, review, negotiate, execute, deliver, and agree to such additional agreements, certifications, documents, closing proofs, and undertakings as he/she shall deem necessary or advisable to effect the intent of this Ordinance.

**Section 5. *Severability.*** If any part of this Ordinance is unenforceable, the remainder is unaffected.

**Section 6. *General Repealer.*** Any ordinance, resolution or order, the terms of which conflict with this Ordinance, is, only to the extent of that conflict, repealed.

**Section 7. *Effective Date.*** This Ordinance is effective after its final reading.

**DONE AND ENACTED IN COUNCIL ASSEMBLED,** this \_\_ day of \_\_\_\_\_, 2018.

CITY OF HARTSVILLE, SOUTH CAROLINA

(SEAL)

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Carl M. (Mel) Pennington IV, Mayor

ATTEST:

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Sherron L. Skipper, Clerk to City Council

First Reading: September 11, 2018

Public Hearing:

Final Reading: