STATE OF SOUTH CAROLINA
COUNTY OF JASPER

ORDINANCE: 2020-21

AN ORDINANCE
OF JASPER COUNTY COUNCIL

To amend the Lowcountry Commerce Park Development Agreement so as to terminate the Agreement as to Tax Map Parcel 081-00-01-042, consisting of 39.96 acres, and matters related thereto

WHEREAS, the owner of a parcel consisting of 39.96 acres, bearing Jasper County Tax Map Number 081-00-01-042, located along Highway 462 in an area subject to the Lowcountry Commerce Park Development Agreement (the "LCDA") approved by Jasper County Council and filed of Record in the Office of the Register of Deeds for Jasper County in Volume 789 at Pages 081-592, has requested termination of the Development Agreement as to this distinct parcel; and

WHEREAS, the LCDA (dated and effective May 3, 2010 and recorded in Records Book 789 at Pages 081 – 592) provided for a Term of five years, which would have expired on May 2, 2015, but for the effect of the Joint Resolutions enacted by the State Legislature in 2010 (H4445) and in 2013 (H3774) providing for the suspension of the running of time on various permits in South Carolina between January 1, 2008 until December 21, 2016; and

WHEREAS, the Development Agreement will therefore expire pursuant to its terms on the date which is five years after January 1, 2017, the date the tolling of time expired under the Joint Resolutions, being December 31, 2021; and

WHEREAS, Pursuant to § 6-31-100 of the Code of Laws of South Carolina, (1976 as amended) a development agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest; and

WHEREAS, Paragraph 17 of the LCDA provides the Agreement may be modified or amended by written agreement of the County, Owner, Developer, and their successors and assigns; that a modification, amendment or termination of the Agreement in whole or in part must in writing and signed by the party against whom the modification, amendment or termination is sought to be enforced; that the Agreement may be modified or amended as to a portion of the property and if an amendment affects less than all the persons and entities comprising all of the owners of the Property, then only the County and those affected persons or entities need to sign such written amendment or modification; and

WHEREAS, the only Owner affected by this amendment terminating the LCDA as to this tax parcel has, contemporaneously with the passage of this Ordinance, executed an amendment to the LCDA stating that the LCDA is amended by providing the Term of the LCDA as to Jasper County Tax Map Number 081-00-01-042, consisting of 39.96 acres, has expired and the LCDA is terminated as of the date of adoption of this Ordinance as to this parcel.

WHEREAS, this matter is now before the Jasper County Council for determination;

NOW THEREFORE BE IT ORDAINED, by the Jasper County Council in council duly convened and by the authority of the same:

1. Based upon the foregoing premises, adopted herein as findings of the Jasper County Council, the Council finds the proposed amendment terminating the Lowcountry Commerce Park Development Agreement as to this parcel prior

to the legislatively extended termination of December 31, 2021 is warranted, and consents to the amendment, authorizing the Chairman of County Council to execute the written Amendment to Development Agreement as described above, and to direct the filing of the Amendment with the Register of Deeds for Jasper County in due course.

2. This ordinance shall take effect upon approval by Council.

_____
Henry Etheridge
Chairman

ATTEST:

_____
Wanda Simmons
Clerk to Council

ORDINANCE: #2020-21

First Reading: September 8, 2020
Public Hearing: September 8, 2020
Second Reading: September 21, 2020

Adopted: _____

Reviewed for form and draftsmanship by the Jasper County Attorney.

_____ _____
David Tedder **Date**