

ORDINANCE No. 01-446

AN ORDINANCE TO AMEND THE AGREEMENT FOR DEVELOPMENT OF A MULTI-COUNTY INDUSTRIAL AND BUSINESS PARK BY AND BETWEEN SUMTER COUNTY AND KERSHAW COUNTY, SOUTH CAROLINA, PROVIDING FOR THE DEVELOPMENT OF A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK AS TO INCLUDE ADDITIONAL PROPERTY IN KERSHAW COUNTY AS PART OF THE JOINT COUNTY INDUSTRIAL PARK, AND OTHER MATTERS RELATING THERETO.

WHEREAS, Sumter County and Kershaw County, South Carolina, are authorized under Article VIII, Section 13 of the South Carolina Constitution to jointly develop an industrial or business park within the geographical boundaries of one or more of the member Counties; and

WHEREAS, in order to promote the economic welfare of the citizens of both Sumter County and Kershaw County, by providing employment and other benefits to the citizens of Sumter County and Kershaw County, Sumter County and Kershaw County desired to develop jointly an industrial and business park (the "Park") as provided by Article VIII, Section 13 of the South Carolina Constitution and in accordance with Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended (the "Act"); and

WHEREAS, Sumter County duly adopted an ordinance dated April 27, 1999, formally "Authorizing the Development and Operation of A Joint Industrial/Business Park in Conjunction with Kershaw County; and

WHEREAS, in furtherance of the such ordinance, Sumter County and Kershaw County executed an Agreement for the Development of A Joint County Industrial and Business Park dated as of April 27, 1999, as it may have been amended from time to time (together, the "Agreement"); and

WHEREAS, the Agreement, by its terms, contemplates the expansion of the Park by inclusion of additional parcels within the Park from time to time; and

WHEREAS, the Counties desire to amend the Agreement to expand the Park and include an additional parcel that has been designated as an industrial site in Kershaw County.

NOW, THEREFORE, BE IT ORDAINED BY THE SUMTER COUNTY COUNCIL:

Section 1: The Agreement shall be amended to expand the Park premises that are located in Kershaw County to include within the Park certain property owned by Oak Mitsui, a South Carolina general partnership, as more particularly described in Exhibit A attached hereto and incorporated herein by reference.

Section 2: The Chairman of the Sumter County Council is hereby authorized to execute and deliver on behalf of Sumter County any desired amendment to the Agreement deemed necessary to accomplish the enlargement of the Park referenced herein.

Section 3: This Ordinance shall be effective immediately upon adoption.

ADOPTED this _____ day of _____, 2001.

Frank E. Williams, Jr.
Chairman, Sumter County Council

ATTEST:

Mary W. Blanding
Clerk to County Council

First Reading: _____, 2001
Second Reading: _____, 2001
Third Reading: _____, 2001
Public Hearing: _____, 2001

EXHIBIT A

OAK MITSUI PROPERTY DESCRIPTION

FEE TRACT

All that certain piece, parcel or tract of land, situate, lying and being South of U.S. Highway 1 and 601 and Northeast of Wateree River and West of the City of Camden, in the County of Kershaw, State of South Carolina, shown as Parcel 1 containing 38.0 acres on a Property Survey of the Allied-Signal Inc. Project prepared for Town & Country, Inc. by C. A. Holland Surveyors, Inc., dated April 30, 1990 and recorded in the Office of the Clerk of Court for Kershaw County, South Carolina, in Plat Book 38 at Page 2098 (the "Plat") and having the following courses and distances as shown thereon, to wit:

BEGINNING at an existing iron designated as POB, said iron being located at the Southeastern margin of the Right of Way of an unnamed street at a joint lot corner with land now of South Carolina Department of Vocational Rehabilitation and running S 78 degrees 53' 45" E along property of South Carolina Department of Vocational Rehabilitation for a distance of Three Hundred Thirty-nine and thirty-eight hundredths (339.38) feet to an iron; thence turning and running S 11 degrees 06' 38" W along property of Kershaw County (C.C.G. Corporation) for a distance of Four Hundred Ninety-nine and seventy-five hundredths (499.751) feet to an iron; thence continuing along property of Kershaw County (C.C.G. Corporation) S 11 degrees 06' 83" W for a distance of Four Hundred Ninety-four and fifty-nine hundredths, (494.59) feet to an iron; thence continuing along property of Kershaw County (C.C.G. Corporation) S 116 degrees 51' 57" W for a distance of One Hundred Ninety-seven and forty-five hundredths (197.45) feet to a point on the Northwestern margin of the Right of Way of Seaboard Coastline Railroad (100' Right of Way); thence turning and running along said Railroad Right of Way margin S 60 degrees 58' 22" W for a distance of Sixty-one and seventy-eight hundredths (61.78) feet to a point; thence continuing along said Railroad Right of way margin, S 54 degrees 07' 22" W for a distance of Three Hundred Eleven (311.001) feet to a point; thence continuing along said Railroad Right of way margin S 51 degrees 48' 22" W for a distance of Twenty-seven and fifty-six hundredths (27.56') feet to an iron; thence turning and running along property of Town & Country, Inc. down the centerline of an existing sanitary sewer line for the following courses and distances: N 35 degrees 29' 56" W for a distance of Forty-one and thirty-six hundredths (41.36) feet; N 40 degrees 34' 00" W for a distance of Two Hundred Thirty-two and forty-nine hundredths (232.49) feet, N 51 degrees 26' 41" W for a distance of Three Hundred seventy-eight and twelve-hundredths, (378.12) feet; N 50 degrees 45' 21" W for a distance of Three Hundred Fifty-three and ninety-three hundredths (353.93) feet to an iron; N 51 degrees 05' 08" W for a distance of Three Hundred Thirty-nine and ten-hundredths (339.10) feet; N 50 degrees 47' 44" W for a distance of Sixty-three and thirty-one hundredths (63.31) feet to an iron; thence turning and running along other property of Town & Country, Inc., N 11 degrees 06' 15" E for a distance of Seven Hundred Twenty-seven and sixty-two hundredths (727.62) feet to an iron on the Southern Right of Way margin of a proposed street (66' Right of Way); thence turning along said Right of Way margin S 78 degrees 55' 00" E for a distance of One Thousand One Hundred Three and Sixty-Seven Hundredths (1,103.67) feet to an iron; thence turning and continuing along said Right of Way margin N 56 degrees 07' 58" E for a distance of seventy and seventy-seven hundredths (70.77) feet to the

point of beginning.

TOGETHER WITH the following permanent, assignable and appurtenant easements which shall run with the land of the foregoing Fee Tract and burden the property set forth below:

1. Easement A. A non-exclusive easement and right-of-way over, across and through a portion of Parcel 2 as shown on the Plat for purposes of access, ingress and egress to and from U.S. Highway 1 and 601 at the two locations shown on the Plat and for purposes of utility installation and maintenance. The easement herein granted includes the right at all times to have at least two access points from the Fee Tract onto the contiguous portion of the 66 foot right-of-way which makes up Parcel 2. This easement does not grant to Grantee the right to use the westerly portion of Parcel 2 extending approximately 400 feet into other property of Town & Country, Inc. on the western portion of Parcel 2 or the circular turn around.
2. Easement B. A non-exclusive 50 foot wide easement approximately 2,050 feet in length extending over across and through property of Town & Country, Inc. from the southern portion of the Fee Tract to the Wateree River, which easement is parallel with and adjacent to the Seaboard Coastline Railroad 100 foot right-of-way as shown on the Plat for the purpose of installation, maintenance, repair and replacement of pipe lines to and from the Wateree River and for the purpose of installation, repair, maintenance or replacement of high voltage overhead power lines and conductors, poles and supporting structures associated therewith. This easement specifically includes the right to assign to a utility company the easement for installation and maintenance, repair and replacement of the overhead power lines.
3. Easement C. A non-exclusive easement 25 feet in width running from the southern portion of the Fee Tract over, across and under property of Town & Country, Inc. lying between the Fee Tract and the pond known as Alligator Hole for the purpose of installation, maintenance, repair and replacement of a drainage pipe, together with the right to drain water from the Fee Tract into Alligator Hole at all times. Said easement to be located within an area bounded by the Fee Tract, the Seaboard Coastline Railroad 100' Right-of-Way, the Alligator Hole and a line extending from the Northwest side of the Earthen Dam to the Fee Tract as shown on the Plat.
4. Easement D. A non-exclusive easement and right-of-way 15 feet in width lying within the 66 foot right-of-way labeled as Parcel 2, being 7 ½ feet on either side of the portion of the Privately owned 8' Water Line shown on the Plat lying south of the City of Camden easement recorded in Deed Book JG, Page 2208 and north of the Fee Tract.