ORDINANCE NUMBER 10-2014

AN ORDINANCE CONSENTING TO THE INCLUSION OF CERTAIN PROPERTY WITHIN THE BOUNDARIES OF THAT CERTAIN JOINT-COUNTY INDUSTRIAL AND BUSINESS PARK ESTABLISHED PURSUANT TO THE AGREEMENT FOR THE DEVELOPMENT OF A JOINT-COUNTY INDUSTRIAL AND BUSINESS PARK BY AND BETWEEN SPARTANBURG COUNTY, SOUTH CAROLINA AND UNION COUNTY, SOUTH CAROLINA DATED AS OF DECEMBER 28, 2007.

WHEREAS, the City of Greer, South Carolina (the “City”), is a perpetual body, politic and corporate located in Spartanburg County, South Carolina (“Spartanburg County”); and

WHEREAS, by and through the City Council of the City (the “Council”), the City is entitled to exercise all the powers and privileges provided to municipal corporations in the State of South Carolina; and

WHEREAS, in accordance with Article VIII, Section 13(D) of the Constitution of the State of South Carolina and Title 4, Chapter 1 of the Code of Laws of South Carolina 1976, as amended (the “Code”), and pursuant to the terms of that certain Agreement for the Development of a Joint-County Industrial and Business Park dated as of December 28, 2007 by and between Spartanburg County and Union County, South Carolina (“Union County”) (as amended, modified, and supplemented, the “Park Agreement”), Spartanburg County and Union County developed a joint county industrial or business park including, initially, property owned and/or operated by Michelin North America, Inc. (“Michelin”) or one of its affiliates and located in Spartanburg County (the “Park”); and

WHEREAS, to enhance the economic development of the City, Spartanburg County, and Union County, Spartanburg County and Union County are seeking to include within the boundaries of the Park additional property located in Spartanburg County presently owned and/or operated by Michelin North America, Inc. (“Michelin”) or one of its affiliates as shown and described on Schedule 1 attached hereto and to be added to Exhibit A of the Park Agreement (the “Michelin Property”); and

WHEREAS, the Michelin Property is located in the City, and Section 4-1-170 of the Code provides that a municipality must consent to the creation or expansion of a multi-county industrial or business park which encompasses property located within such municipality.

NOW, THEREFORE, BE IT ORDAINED by the Council, as follows:

Section 1. The City hereby agrees and consents to the inclusion of the Michelin Property within the Park.
Section 2. The Mayor of the City and the Clerk to the Council on behalf of the City, are hereby each authorized, empowered and directed to execute this Ordinance, and the Mayor of the City and the Clerk of the Council are hereby authorized to execute any and all such other instruments, certificates, agreements and documents as shall be necessary and appropriate to carry out the intent of this Ordinance.

Section 3. 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 unlawful, unconstitutional, or otherwise invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases, and provisions hereunder.

Section 4. All orders, ordinances, resolutions, and parts thereof of the Council in conflict herewith are to the extent of such conflict hereby repealed.

Section 5. This Ordinance shall take effect and be in full force from and often its passage and approval.

Enacted and approved, in meeting duly assembled, this 10th day of June, 2014.

CITY OF GREER, SOUTH CAROLINA

[Signature]
Richard W. Danner, Mayor

Attest:

[Signature]
Tammela Duncan, Municipal Clerk

Introduced By: Councilman Jay Arrowood

First Reading: May 27, 2014

Second and Final Reading: June 10, 2014
Approved as to form:

[Signature]

John Duggan, City Attorney
Schedule 1

Michelin Property to be Added to Exhibit A to the Park Agreement

ALL that piece, parcel or lot of land situated, lying, and being in Spartanburg County, South Carolina, and being shown as and designated on the plat prepared for Agracel, Inc., by Langford Land Surveying, LLC dated 5 Oct 2012, being more particularly described as follows:

Beginning at a pk nail found on the west side of the right-of-way of Brookshire Road and having the South Carolina state plane coordinate of northing 1121163.62 easting 1644576.13, (NAVD83) being the point of beginning; thence along said right of way N 04°54'55" E for a distance of 49.96' to a pk nail found at the common corner with TWKG Inc.; thence with TWKG Inc. S 85°05'17" E for a distance of 260.91' to a 1/2" rebar set; thence turning and continuing with TWKG Inc. N 04°54'23" E for a distance of 183.61' to a 3/4" pipe found at the common corner with Beckman Properties, LLC; thence turning with Beckman Properties S 87°00'34" E for a distance of 226.63' to a 1/2" rebar found at the common corner with Ra Bo Nette Properties, LLC; thence with Ra Bo Nette Properties, LLC S 86°59'25" E for a distance of 440.93' to an axle found at the common corner with Spartanburg County; thence turning and with Spartanburg County S 05°34'40" W for a distance of 472.89' to a 3/4" pipe found at the common corner with Cullum GSP 081 LP; thence with Cullum GSP 081 LP N 85°05'09" W for a distance of 661.65' to a 3/4" pipe at the common corner with 699 Fairview LLC; thence turning and with 699 Fairview LLC N 04°54'23" E for a distance of 216.98' to a 1/2" rebar set; thence turning and continuing with 699 Fairview LLC N 85°04'41" for a distance of 260.91' to a pk nail found on the right of way of Brookshire Road and being the point of beginning and containing 7.34 acres.