

**ORDINANCE NO. 2020-\_\_\_**

**AN ORDINANCE AUTHORIZING AND APPROVING THE DEVELOPMENT OF A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK IN CONJUNCTION WITH CHESTER COUNTY, SUCH INDUSTRIAL/BUSINESS PARK TO BE GEOGRAPHICALLY LOCATED IN YORK COUNTY AND ESTABLISHED PURSUANT TO SEC. 4-1-170 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED; TO PROVIDE FOR A WRITTEN AGREEMENT WITH CHESTER COUNTY TO PROVIDE FOR THE EXPENSES OF THE PARK, THE PERCENTAGE OF REVENUE APPLICATION, AND THE DISTRIBUTION OF FEES IN LIEU OF AD VALOREM TAXATION; TO PROVIDE FOR THE EXECUTION AND DELIVERY OF AN INTERLOCAL AGREEMENT WITH THE CITY OF ROCK HILL; AND OTHER MATTERS RELATED THERETO.**

**BE IT ORDAINED BY THE COUNTY COUNCIL OF YORK COUNTY, SOUTH CAROLINA:**

**SECTION I:** York County, South Carolina ("*York County*") is hereby authorized to jointly develop an industrial and business park (the "*Park*") with Chester County, South Carolina ("*Chester County*"). The Park shall initially be located on lands located wholly within York County, and located in whole or in part within the City of Rock Hill, South Carolina (the "*City*") as authorized by Sec. 4-1-170 of the South Carolina Code of Laws 1976, as amended (the "*Act*").

**SECTION II:** York County will enter into a written agreement to develop the Park jointly with Chester County in substantially the form attached hereto as Schedule I and incorporated herein by reference (the "*Park Agreement*"). York County will also enter into an Interlocal Agreement with the City of Rock Hill, South Carolina in substantially the form attached hereto as Schedule II and incorporated herein by reference (the "*Interlocal Agreement*"). The County Manager or the Chairman of York County Council are hereby authorized to execute the Park Agreement and the Interlocal Agreement on behalf of York County in the forms attached hereto as Schedule I and Schedule II, with such changes thereto as the County Manager or Chairman of York County Council shall deem, upon advice of counsel, appropriate.

**SECTION III:** The City of Rock Hill, has or will, by Ordinance, grant its consent to the inclusion of certain property located within the City within the Park, in accordance with applicable provisions of the Act; provided, however that such consent is conditioned upon the City of Rock Hill and York County executing and entering into the Interlocal Agreement regarding the distribution of Park revenues and other matters related to the Park; and

**SECTION IV:** The businesses or industries located in the Park will pay a fee in lieu of ad valorem taxes as provided for by law or as set forth in the Park Agreement. The fees paid in lieu of ad valorem taxes shall be paid to the Treasurer of York County. That portion of such fee allocated pursuant to the Park Agreement to Chester County shall be thereafter paid by the Treasurer of York County to the Treasurer of Chester County within ten (10) business days following the end of the calendar quarter of receipt, or as soon as practicable thereafter, for distribution in accordance with the terms of the Park Agreement.

**SECTION V:** Revenues generated from industries or businesses located in the Park and to be retained by York County pursuant to the Park Agreement shall be distributed and applied as set forth in the Interlocal Agreement, subject to the requirements of Section 7 of the Park Agreement; and, due to the intricacies of the projects and pursuits contemplated in the Interlocal Agreement as authorized herein, York County finds that should the requirements, provisions, and processes memorialized in the Interlocal Agreement deviate from the requirements, provisions, and competitive processes of the York County procurement code, it is in the best interest of York County and fiscal efficiency, that the requirements,

provisions, and processes as set out in the Interlocal Agreement shall control with respect to such York County procurement measures, otherwise applicable.

SECTION VI: York County hereby expressly excludes the Park created hereunder from that certain Ordinance No. 3412 of York County, as amended, or any other subsequently enacted Ordinance of York County, and from the Master Agreement Governing the York-Chester Industrial Park dated as of December 31, 2012, as amended.

SECTION VII: Should any section of this Ordinance be, for any reason, held void or invalid, it shall not affect the validity of any other section hereof which is not itself void or invalid.

SECTION VIII: This Ordinance shall be effective after third and final reading thereof.

[signature page follows]

Enacted in meeting duly assembled this 20<sup>th</sup> day of April, 2020.

**YORK COUNTY, SOUTH CAROLINA**

(SEAL)

By: \_\_\_\_\_  
Michael Johnson  
Chairman of County Council  
York County, South Carolina

ATTEST:

By: \_\_\_\_\_  
David Hudspeth, County Manager  
York County, South Carolina

First Reading: March 11 2020  
Second Reading: March 16, 2020  
Third Reading: April 20, 2020  
Public Hearing: April 20, 2020

**STATE OF SOUTH CAROLINA**

**COUNTY OF YORK**

I, the undersigned Clerk to County Council of York County, South Carolina, do hereby certify that attached hereto is a true, accurate and complete copy of an ordinance which was given reading, and received majority approval, by the County Council at meetings of March 11, 2020 March 16, 2020 and April 20, 2020, at which meetings a quorum of members of County Council were present and voted, and an original of which ordinance is filed in the permanent records of the County Council.

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Clerk to County Council  
York County, South Carolina

Dated: April 20, 2020

**SCHEDULE I**

**AGREEMENT FOR DEVELOPMENT OF  
JOINT COUNTY INDUSTRIAL/BUSINESS PARK  
(PROJECT AVALANCHE)**

**SCHEDULE II**

**INTERLOCAL AGREEMENT  
(Project Avalanche)**