

ORDINANCE NO. 23-22

**AN ORDINANCE AUTHORIZING THE ENLARGEMENT
OF THE JOINT COUNTY INDUSTRIAL PARK BETWEEN
DARLINGTON COUNTY, SOUTH CAROLINA AND
FLORENCE COUNTY, SOUTH CAROLINA; AND OTHER
MATTERS RELATED THERETO.**

WHEREAS, pursuant to Article VIII, Section 13 of the South Carolina Constitution and Title 4, Section 1, Code of Laws of South Carolina, 1976, as amended (collectively, "*MCIP Act*"), Darlington County (the "*County*"), acting by and through its County Council ("*County Council*"), is authorized to jointly develop multicounty parks with counties having contiguous borders with the County and, in the County's discretion, include property within the boundaries of such multicounty parks. Under the authority provided in the MCIP Act, the County has created a multicounty park in 2016 with Florence County ("*Park*");

WHEREAS, Duke Energy Progress, LLC, formerly identified as Project Apollo, (the "*Company*") has obtained certain land in Darlington County and is presently recruiting a project on such land; and

WHEREAS, in connection therewith, the Company and the County desire to include certain property owned or to be owned by the Company as more particularly described on Exhibit A attached hereto (the "*Property*") in the Park created pursuant to that certain Agreement Governing the Darlington-Florence Industrial Park, effective April 21, 2016, between Darlington County and Florence County (the "*Agreement*");

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

SECTION 1. The Property is hereby included within the Park.

SECTION 2. Pursuant to the MCIP Act and the terms of the Agreement, the expansion of the Park's boundaries is complete on adoption of this ordinance by County Council and the adoption of a resolution by Florence County authorizing the expansion of the Park with a description of the additional property to be included in the Park.

SECTION 3. The provisions of this ordinance are hereby declared to be separable and if any section, phrase or provisions shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder.

SECTION 4. All ordinances, resolutions, and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed. This ordinance shall take effect and be in full force from and after its passage by the County Council.

[Signature Page Follows]

ENACTED in meeting duly assembled this 2nd day of January, 2024.

DARLINGTON COUNTY, SOUTH
CAROLINA

By: Bobby Hudson
Name: Bobby Hudson
Chairman, Darlington County Council

ATTEST:

J. Janet Bishop
Name: J. Janet Bishop
Clerk, Darlington County Council

First Reading: November 6, 2023
Second Reading: December 4, 2023
Third Reading: January 2, 2024
Public Hearing: December 4, 2023

Exhibit A

PROPERTY DESCRIPTION

That parcel located in the County of Darlington, State of South Carolina, bearing Tax Map Parcel Number 018-00-02-001.

STATE OF SOUTH CAROLINA)
)
COUNTY OF DARLINGTON)
COUNTY OF FLORENCE)

**AMENDMENT TO AGREEMENT
GOVERNING THE DARLINGTON-
FLORENCE INDUSTRIAL PARK TO
INCLUDE DUKE ENERGY PROGRESS, LLC
SOLAR PROPERTIES**

This Amendment to Agreement Governing the Darlington-Florence Industrial Park (the "*Amendment*") is made and entered into by and between Darlington County, South Carolina ("*Darlington County*") and Florence County, South Carolina ("*Florence County*"), each a body politic and corporate and political subdivision of the State of South Carolina (collectively the "*Counties*"), and is to be effective as of the 2nd day of January, 2024.

WITNESSETH:

WHEREAS, Darlington County, acting by and through its County Council, and Florence County, acting by and through its County Council, are authorized pursuant to 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 the State of South Carolina 1976, as amended, and specifically Section 4-1-170 thereof (collectively, the "*Park Act*"), to develop jointly an industrial or business park with other counties within the geographical boundaries of one or more member counties; and

WHEREAS, pursuant to the Park Act, Darlington County and Florence County entered into that certain Agreement Governing the Darlington-Florence Industrial Park dated as of April 21, 2016 (as amended, modified, and supplemented, collectively, the "*Park Agreement*"), whereby Darlington County and Florence County agreed to develop a joint county industrial or business park eligible to include property located in either Darlington County or Florence County (the "*Park*"); and

WHEREAS, Section 1.01 of the Park Agreement establishes the procedure for enlargement of the boundaries of the Park to include additional property; and

WHEREAS, Darlington County and Florence County, having determined that an enlargement of the boundaries of the Park to include therein certain property described in greater detail in Schedule 1 attached hereto (the "*Duke Energy Solar Properties*"), would promote economic development and thus provide additional employment and investment opportunities within said Counties, have agreed to enter into this Amendment of the Agreement Governing the Darlington-Florence Industrial Park to enlarge the boundaries of the Park by including therein the Duke Energy Solar Properties that are located in Darlington County; and

WHEREAS, each of Darlington County and Florence County has authorized the execution and delivery of this Amendment by Darlington County Ordinance No. 23-22 and Florence County Resolution No. 766.

NOW THEREFORE, in consideration of the mutual agreement, representations and benefits contained in this Amendment and for other good and valuable consideration, the adequacy of which is hereby acknowledged, the parties hereby agree as follows:

1. Exhibit A-1 to the Park Agreement, which describes the boundaries of the Park property located in Darlington County, is hereby amended to include the Duke Energy Solar Properties, consisting of the parcels which are described on Schedule 1 hereto and made a part hereof by reference.

2. Except as expressly amended or modified herein, the remaining terms and conditions of the Park Agreement shall remain in full force and effect.

3. In the event that any clause or provisions of this Amendment shall be held to be invalid by any court of competent jurisdiction, the invalidity of such clause or provision shall not affect any of the remaining provisions hereof.

4. This Amendment may be executed in multiple counterparts, each of which shall be an original but all of which shall constitute but one and the same instrument.

[Signature page follows.]

In WITNESS WHEREOF, the duly authorized and appointed officers of Darlington County, South Carolina and Florence County, South Carolina have set their hand and seals hereto to be effective as of the above written date.

DARLINGTON COUNTY, SOUTH CAROLINA

By: Bobby Keenan
Chairman
Darlington County Council

(SEAL)
ATTEST:

J. Janet Bishop
J. Janet Bishop, Clerk to Council
Darlington County Council

FLORENCE COUNTY, SOUTH CAROLINA

By: _____
Chairman
Florence County Council

(SEAL)
ATTEST:

Hope Jones, Clerk to Council
Florence County Council

In WITNESS WHEREOF, the duly authorized and appointed officers of Darlington County, South Carolina and Florence County, South Carolina have set their hand and seals hereto to be effective as of the above written date.

DARLINGTON COUNTY, SOUTH CAROLINA

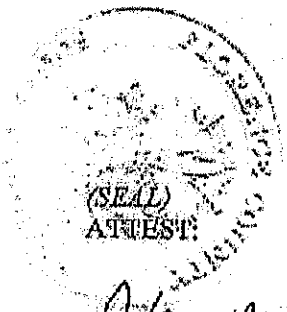
By: _____
Chairman
Darlington County Council

(SEAL)
ATTEST:

J. JaNet Bishop, Clerk to Council
Darlington County Council

FLORENCE COUNTY, SOUTH CAROLINA

By: C. William Schofield
Chairman
Florence County Council



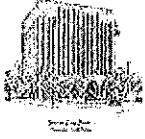
Hope Jones
Hope Jones, Clerk to Council
Florence County Council

SCHEDULE 1

DESCRIPTION OF DUKE ENERGY SOLAR PROPERTIES

That parcel located in the County of Darlington, State of South Carolina, bearing Tax Map Parcel Number 018-00-02-001.

Darlington County Recording Page



Darlington Clerk of Court / ROD
Scott B. Suggs
Darlington County Courthouse
1 Public Square - Room B-4
Darlington, SC 29532
(843) 398-4330

OrdinanceNo : **2024-06**



Doc ID - 003972220009

On (Recorded Date) : **3/27/2024**
At (Recorded Time) : **2:50:15 PM**

Recording Pages : **9**
Recording Fee : **\$0.00**

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Index Type : **ORDINANCE**
Type of Instrument :
Type of Transaction: **Ordinance**

First INDEXED NAME

DARLINGTON COUNTY COUNCIL

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Darlington County, South Carolina
