

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF DARLINGTON )

ORDINANCE NO. 23-02

**To Amend The Existing Agreement Governing The Darlington-Florence Industrial Park By And Between Darlington County, South Carolina And Florence County, South Carolina To Enlarge The Boundaries Of The Industrial Park To Include Certain Property Now Or To Be Hereafter Owned And/Or Operated By Hawfinch Solar, LLC; And Authorizing Other Related Matters.**

**WHEREAS**, Darlington County, South Carolina, a political subdivision of the State of South Carolina (the "**County**"), acting by and through its County Council (the "**Council**"), and Florence County, South Carolina, a political subdivision of the State of South Carolina ("**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, the County and Florence County entered into that certain Agreement Governing the Darlington-Florence Industrial Park dated as of April 21, 2016 (the "**Park Agreement**"), whereby the County and Florence County agreed to develop a joint county industrial or business park eligible to include property located in either the 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**, the County and Florence County, having determined that an enlargement of the boundaries of the Park would promote economic development and thus provide additional employment and investment opportunities within said Counties, have agreed to enter into an Amendment of the Agreement Governing the Darlington-Florence Industrial Park ("**Amendment**") to enlarge the boundaries of the Park by including therein certain property to be leased and/or operated by a company identified as Hawfinch Solar, LLC and located in the County ("**Hawfinch Solar Properties**"), as set forth in greater detail in the form of Amendment which is presented to this meeting and which Amendment is to be dated March 16, 2023, or such other date as the County and Florence County may agree; and

**WHEREAS**, Section 3.03(a)(i) of the Park Agreement sets forth the method for distribution of FILOT revenues for properties located in the County, and Section 3.03(b) of the Park Agreement authorizes each county to amend its distribution method unilaterally by ordinance; and

**WHEREAS**, the County wishes to amend the distribution method for FILOT Revenues as described therein with respect to the Project.

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

Section 1. The enlargement of the boundaries of the Park, and the granting of an extended period of time, for inclusion of Project Hawfinch Properties, as set forth in the Amendment are hereby authorized and approved. The provisions, terms, and conditions of the Amendment presented to this meeting and filed with the Clerk to the Council are hereby approved, and all of the provisions, terms, and conditions thereof are hereby incorporated by reference as if the Amendment were set out in this Ordinance in its entirety. The Chairman of the Council is hereby authorized, empowered, and directed to execute and deliver the Amendment in the name and on behalf of the County; the Clerk to Council is hereby authorized, empowered, and directed to attest the same; and the Chairman of the Council is further authorized, empowered, and directed to deliver the Amendment to Florence County. The Amendment is to be in substantially the form now before this meeting and hereby approved, or with such changes therein as shall not materially adversely affect the rights of the County thereunder and as shall be approved by the officials of the County executing the same, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of Amendment now before this meeting.

Section 2. The County hereby amends the distribution method for FILOT Revenues described in Section 3.03(a)(i) of the Park Agreement to provide that, with respect to the Hawfinch Solar Properties, after the allocation to Florence County of 1% of the FILOT Revenues from Hawfinch Solar Properties as provided by Section 3.02(b)(i) of the Park Agreement, 98% of the FILOT Revenues from Hawfinch Solar Properties shall be allocated to Darlington County for capital projects, and 1% of the FILOT Revenues from Hawfinch Solar Properties shall be allocated to all other taxing entities with jurisdiction over each applicable property in proportion to their respective share of the tax millage for the applicable year.

Section 3. All orders, resolutions, ordinances, and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and be in full force immediately upon public hearing and third reading of the Council.

[End of Ordinance]

DARLINGTON COUNTY, SOUTH CAROLINA

By: Bobby Hudson  
Bobby Hudson, Chairman  
Darlington County Council

(SEAL)  
ATTEST:

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

First Reading: March 6, 2023  
Second Reading: April 3, 2023  
Public Hearing: April 3, 2023  
Third Reading: May 1, 2023



**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 Hawfinch 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 Hudson  
Bobby Hudson, 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 M. 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: Will D. Outley  
Chairman  
Florence County Council

(SEAL)  
ATTEST:

Hope M. Jones  
Hope M. Jones, Clerk to Council  
Florence County Council

# SCHEDULE 1

## DESCRIPTION OF HAWFINCH SOLAR PROPERTIES

A portion of that certain piece, parcel, or tract of land, with all improvements thereon, situate lying or being in the County of Darlington, State of South Carolina, bearing Tax Map Parcel Numbers: 015-00-01-001, 015-00-01-002, 014-00-02-011, and 015-00-01-005.

For illustrative purposes only, see the image below:





# Darlington County Recording Page



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**Scott B. Suggs**  
Darlington County Courthouse  
1 Public Square - Room B-4  
Darlington, SC 29532  
(843) 398-4330

OrdinanceNo : **2023-06**



Doc ID - 003889770009

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