

Sponsor(s) : County Council
Adopted : March 5, 2024
Committee Referral : N/A
Committee Consideration Date : N/A
Committee Recommendation : N/A

RESOLUTION NO. 24-R-16

COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT FOR COLLETON COUNTY

[TO AMEND THE AGREEMENT FOR THE ESTABLISHMENT OF THE JASPER OCEAN TERMINAL MULTI-COUNTY INDUSTRIAL/BUSINESS PARK (THE “PARK”) SO AS TO INCLUDE ADDITIONAL PROPERTY LOCATED IN JASPER COUNTY AS PART OF THE PARK AND OTHER MATTERS RELATING THERETO.]

WHEREAS, Jasper County, South Carolina (“Jasper County”), Allendale County, South Carolina (“Allendale County”), Bamberg County, South Carolina (“Bamberg County”), Barnwell County, South Carolina (“Barnwell County”), Beaufort County, South Carolina (“Beaufort County”), Colleton County, South Carolina (“Colleton County”), and Hampton County, South Carolina (“Hampton County”) (collectively, the “Member Counties”), are authorized under Article VIII, Section 13(D) of the South Carolina Constitution and Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended (the “Act”), to jointly develop an industrial or business park within the geographical boundaries of one or more of the Member Counties;

WHEREAS, in order to promote economic development within the Counties, the Member Counties agreed to jointly develop an industrial and business park (the “Park”) through the execution and delivery of that certain Agreement for the Establishment of the Jasper Ocean Terminal Multi-County Industrial/Business Park effective July 16, 2018 (the “MCP Agreement”);

WHEREAS, Colleton County (the “County”) desires to amend the MCP Agreement to enlarge the boundaries of the Park to include: (i) additional parcels of real property located in the County, identified by tax map numbers 037-00-02-014, 037-00-02-018, 037-00-02-017, 076-00-00-001, 037-00-02-016, 037-00-02-010, 037-00-02-001, 036-00-02-001, 036-00-02-002, 034-00-00-003, 036-00-02-004, 036-00-02-016 and 034-00-00-008; (ii) any property lying between the boundaries of the lands described by the tax map number in (i) and the high water marks of any adjacent marsh, river or body of water; and, (iii) any gaps, strips or gores between the boundaries of the lands described by the tax map numbers in (i) and any adjacent roads, rights of way, or boundaries with adjacent properties ((i) – (iii) is the “New JOT Property” collectively with the Initial Property (as defined in the MCP Agreement), the “JOT Property”), all as collectively set forth on the attached **Exhibit A**;

WHEREAS, the New JOT Property does not include any property located within the corporate limits of a municipality, and, therefore, the Member Counties were not required to obtain any municipality’s consent prior to the addition of the New JOT Property to the Park pursuant to Section 4-1-170(C) of the Act;

WHEREAS, Section 3 of the MCP Agreement contemplates the enlargement of the Park by inclusion of additional property from time to time, pursuant to the adoption of an ordinance of Jasper

County Council and the adoption of a resolution by each of the governing bodies of the other Member Counties; and

WHEREAS, the County, having determined that enlarging the boundaries of the Park to include the New JOT Property would promote economic development of the County and the other Member Counties, has agreed to enlarge the boundaries of the Park by adding the New JOT Property in accordance with section 3 of the MCP Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the County Council as follows:

Section 1. The enlargement of the boundaries of the Park is hereby authorized to include the New JOT Property, and Exhibit A to the MCP Agreement is hereby deleted and replaced in its entirety with Exhibit A to this Resolution. Pursuant to Section 3(B) of the MCP Agreement, the enlargement of the Park shall be complete on (i) the adoption of an ordinance by the Jasper County Council and (ii) delivery of this Resolution and the resolutions adopted by the governing bodies of the other Member Counties to Jasper County, all of which shall be attached to and made part of the MCP Agreement.

Section 2. The MCP Agreement is amended only to the extent to enlarge the boundaries of the Park so as to include the New JOT Property as set forth herein, and all other terms of the MCP Agreement shall remain the same and are not affected by this Resolution.

Section 3. The County Council Chair (“Chair”), or the Vice Chair in the event the Chair is absent, is hereby authorized to execute such documents and deliver a copy of the same to Jasper County.

Section 4. The County Council confirms the authority of the Chair, or the Vice-Chair in the absence of the Chair, the County Administrator and the Clerk to County Council, and various other County officials and staff, acting at the direction of the Chair, County Administrator or Clerk to Council, as appropriate, to take whatever further action and to draft, execute, deliver and post whatever further documents as may be appropriate to effect the intent of this Resolution.

Section 5. The provisions of this Resolution 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 invalid or unenforceable, such declaration shall not affect the validity of the remaining sections, phrases, or provisions of this Resolution.

Section 6. Should any portion of the New JOT Property ever be found to be outside the territorial boundaries of the State of South Carolina, such property shall be deemed excluded from the definition of New JOT Property and removed from Exhibit A with no further action of the County.

Section 7. Any prior resolution, the terms of which are in conflict herewith, is, only to the extent of such conflict, hereby repealed.

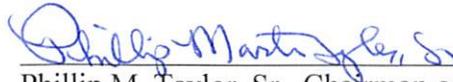
Section 8. This Resolution shall be effective after its adoption by the County Council.

[END OF RESOLUTION]

[SIGNATURE PAGE FOLLOWS]

Adopted this 5th day of March, 2024.

COLLETON COUNTY, SOUTH CAROLINA



Phillip M. Taylor, Sr., Chairman of County Council
Colleton County, South Carolina

ATTEST:



Kaela Brinson, Clerk to County Council
Colleton County, South Carolina

EXHIBIT A

Legal Description of the JOT Property

All those certain pieces, parcels or lots of land, situate, lying and being in Jasper County, South Carolina, having and containing 1517.78 acres, more or less, shown and designated as "Tract 14A and Tract 14B" (the "Property") on that certain plat entitled "Jasper Ocean Terminal Tracts 14A & 14B, being lands of The Georgia Department of Transportation, Jasper County, South Carolina", dated June 30, 2008, prepared by Hussey Gray Bell & De Young, Inc., certified to by James M. Sims, S.C.R.L.S #13169, and recorded in the Land Records of Jasper County, South Carolina, in Plat Book 31 at Page 183 (the "Plat").

All or a portion of that parcel of real property, with improvements thereon, located in Jasper County, South Carolina, consisting of approximately 8904.6 acres, identified by tax map numbers 037-00-02-014, 037-00-02-018, 037-00-02-017, 076-00-00-001, 037-00-02-016, 037-00-02-010, 037-00-02-001, 036-00-02-001, 036-00-02-002, 034-00-00-003, 036-00-02-004, 036-00-02-016 and 034-00-00-008 as well as any property lying between the boundaries of the lands described by the tax map numbers above and the high water marks of any adjacent marsh, river or body of water, and including any gaps, strips or gores between the boundaries of the lands described by the tax map numbers above and any adjacent roads, rights of way, or boundaries with adjacent properties.

TOGETHER with the perpetual, exclusive, appurtenant and relocatable easement for a transportation and utility corridor as provided for in the Intergovernmental Agreement, dated January 27, 2008 (the "Intergovernmental Agreement"), among the Department of Transportation, and the Georgia Ports Authority, and the South Carolina State Ports Authority, said easement, and the terms and conditions of same, more particularly described in the Intergovernmental Agreement which easement may be relocated pursuant to Section 2(e) and 2(f) of the Intergovernmental Agreement.