

WHEREAS, based on information provided by the Company, the County has determined that the Project would directly and substantially benefit the general public welfare of the County by providing the creation of jobs and employment, the increase of ad valorem tax base, service, employment, or other public benefits not otherwise provided locally; that the Project gives rise to no pecuniary liability of the County or incorporated municipality or a charge against the general credit or taxing power of either; that the purposes to be accomplished by the Project, i.e., economic development, creation of jobs, and addition to the tax base of the County, are proper governmental and public purposes; and that the benefits of the Project will be greater than the costs; and

WHEREAS, the County Council, having heard the particulars of the Project, wishes to reflect and identify the Project for purposes of § 12-44-40(D), and other relevant provisions, of the Act.

NOW, THEREFORE, BE IT RESOLVED, by the County Council of Newberry County, South Carolina as follows:

Section 1. Identification of Project. The Project, as described above, is hereby reflected and identified for purposes of the Act.

Section 2. Fee-in-Lieu-of-Tax Arrangement. The County shall favorably consider granting the Company a fee-in-lieu-of-tax arrangement pursuant to the Act, including an infrastructure improvement credit pursuant to Section 12-44-70 of the Act and Section 4-1-175 of the Code..

Section 3. Fee Agreement. The provisions, terms, and conditions of a fee agreement (the “Fee Agreement”), under and pursuant to the Act by and between the County and the Company, shall be prescribed and authorized by subsequent ordinance of the County Council.

Section 4. Procedural Requirements. The authorization by the County Council of the Fee Agreement and of inclusion by the County of the Project in a joint county industrial park (the “Park”) established with an adjoining South Carolina county pursuant to Section 4-1-170 of the Code, and by the partner county with respect to the Park, is subject to compliance by such parties with the requirements of the Home Rule Act and the Code and Constitution regarding the procedural requirements for adopting all required ordinances and resolutions.

Section 5. Effectiveness of Resolution. All orders, resolutions, and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed. This resolution shall take effect and be in full force from and after its passage by the County Council.

Section 6. Official Action. It is the intention of the County Council that this Resolution and the Fee Agreement attached hereto, the content, terms, and provisions of which are hereby incorporated by reference herein as fully as set forth verbatim, shall constitute an official action on the part of the County within the meaning of any statute or other legislative enactment relating to the provision of incentives including, without limitation, the approval of a fee-in-lieu-of-tax agreement for the inducement of economic development projects.

Adopted in meeting duly assembled this ____ day of _____ 2009.

NEWBERRY COUNTY, SOUTH CAROLINA

By: _____
Henry H. Livingston, III, Chairman, County Council
of Newberry County, South Carolina

(SEAL)

ATTEST:

By: _____
Laurie N. Renwick, Clerk to County
Council of Newberry County,
South Carolina

