

ORIGINAL
STAMPED IN RED

ORDINANCE NO.: 2022-103

Consenting to the Inclusion of Property in a Multi-County Industrial/Business Park
(GSM of North Main, LLC and Peak Drift Beverages, LLC, Richland County TMS #09116-02-01,
09112-07-01, 09112-07-06, 09112-06-04, 09112-06-06 and 09112-06-07)

WHEREAS, the City of Columbia, South Carolina ("City"), is a body, politic and corporate located in Richland County, South Carolina ("County"); and,

WHEREAS, through Columbia City Council ("Council"), the City is entitled to exercise all the powers and privileges provided to municipal corporations in the State of South Carolina; and,

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"), the County 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 with Fairfield County, South Carolina ("Fairfield") more particularly known as the I-77 Corridor Regional Industrial Park ("Park"); and,

WHEREAS, the County and Fairfield entered into an agreement governing the Park (as so amended and restated, the "Park Agreement"); and,

WHEREAS, pursuant to the Park Agreement, the expansion of the Park's boundaries and the amendment to the Park Agreement is complete on adoption of an ordinance by the County Council of the County and delivery of written notice to Fairfield; and,

WHEREAS, GSM of North Main, LLC and Peak Drift Beverages, LLC, (collectively, the "Sponsor"), desire to establish a multi-use commercial, recreational, and entertainment venue on parcels located in the City as more particularly described on Exhibit A attached hereto (the "Property," and together with the proposed development, the "Project") consisting of investment in real and personal property of not less than \$30,000,000 and the creation of approximately 100 new, full-time equivalent jobs; and

WHEREAS, the County has agreed to offer an infrastructure credit to reduce the property taxes due on the Project ("Credit") pursuant to the terms of Section 4-1-175 of the Code of Laws of South Carolina 1976, as amended ("Credit Act") and an infrastructure credit agreement between the County and the Sponsor ("Credit Agreement") to provide Credits against certain of the Sponsor's payments in lieu of taxes with respect to the Project for the purposes of assisting in paying certain costs of designing, acquiring, constructing, improving or expanding public infrastructure; and,

WHEREAS, to grant the Sponsor the full value of the Credit, the County desires to locate the Project in the Park; and,

WHEREAS, pursuant to the MCIP Act and the Park Agreement, following application of the Credit, the payments in lieu of taxes generated from the Project will be distributed as set forth in the Park Agreement; and,

WHEREAS, pursuant the MCIP Act, because the Project is located within the City's geographical borders, the City must consent to the inclusion of the Project within the boundaries of the Park; NOW, THEREFORE,

BE IT ORDAINED by the Mayor and City Council this 6th day of December, 2022, that the City hereby consents to the inclusion of the Property in the Park, which consent is conditioned upon the following:

1. The County's adoption, by resolution or ordinance, authorizing the inclusion of the Property in the Park and delivery of written notice to Fairfield, pursuant to the Park Agreement; provided, the Property shall not be removed from the Park for so long as the Sponsor is receiving Credits as a result of inclusion of the Property within the Park.

2. The County's approval, execution and delivery of the Credit Agreement with the Sponsor related to the Project.

3. The Credit Agreement will provide that (a) the Sponsor will make payments in lieu of taxes related to the Project ("FILOT") during the term of the Credit Agreement; (b) the annual payments in lieu of taxes due with respect to the Project will be subject to reduction by the Credit, which is equal to the amount necessary to reduce the payments in lieu of taxes to the amounts and for the periods provided in the Credit Agreement, beginning with the first full year for which the Company owes a payment in lieu of tax with respect to the Project; (c) the City will be entitled to receive a portion of the payments in lieu of taxes as provided in the Park Agreement; and (d) the Project will be deemed removed from the Park on the expiration or earlier termination of the Credit Agreement.

4. The City Manager is authorized to execute any documents and take any further action as may be reasonably necessary to further the intent of this Ordinance.

5. Approval of this Ordinance does not constitute a development approval, as all regulatory permitting and approval requirements remain in effect, the requirement of such is not altered in any way by the approval of this Ordinance.

6. Any prior ordinance, resolution or order, the terms of which are in conflict with this Ordinance, is, only to the extent of that conflict, repealed.

Requested by:

Assistant City Manager Gentry

Approved by:

Teresa B. Wilson
City Manager

Approved as to form:

[Signature]
City Attorney

Introduced: 11/15/2022
Final Reading: 12/2022

[Signature]
Mayor

ATTEST:

[Signature]
City Clerk

ORDINANCE NO.: 2022-103

**EXHIBIT A
PROPERTY DESCRIPTION**

R09112-07-06

ALL THAT CERTAIN PIECE, PARCEL OR LOT of land, together with the improvements, thereon, if any, situate, lying and being in the County of Richland, State of South Carolina, being shown and designated as No. 1219 on a Final Plat prepared for Texolina Hinton by A&S of Columbia, Inc. dated October 1, 1998 and recorded in the Office of the Register of Deeds for Richland County in Plat book 209 at Page 370. Reference is hereby made to said plat for a more complete and accurate description, be all measures a little more or less.

This being the same property conveyed to Grantees by Deed of Bernard Hentz Clark and Effie Trushock Clark, as Trustees of the Clark Trust UTD the 27th Day of May, 1999, dated March 4, 2003, and recorded March 10, 2003, in the Office of the Register of Deeds for Richland County in Book 767 at page 1072.

TMS: 09112-07-06

**GRANTEE'S ADDRESS: 1624 Main Street
Columbia, SC 29201**

R09112-07-01

All that certain piece, Parcel, or tract of land, together with building and improvements thereon, situate, lying and being in the City of Columbia, County of Richland, State of South Carolina. This tract contains 3.547 acres, more or less, and is shown and delineated as parcel "A" on a Plat made for David G. Carmen by Richard L. All, PLS, dated June 18, 2002, and recorded June 27, 2002, in the Office of the Register of Deeds for Richland County, in Plat Book 679, at Page 944.

This tract is bounded according to the Plat as follows: On the North by the right of way of Avondale Drive for a distance of 521.04 feet, more or less; on the East by the right of way of CSX Transportation, Inc., for a distance of 329.01 feet, more or less; on the South by the tract shown as Parcel "B", by of Texolina Hinton, and by lands of The Joyce Topshe Mullins Revocable Trust, for a total distance of 439.19 feet, more or less, and on the West by right of way of North Main Street for a distance of 324.08 feet, more or less.

LESS AND EXCEPT:

All that certain parcel of land containing 1,573.65 square feet/0.04 acres, more or less, and all improvements thereon, if any, owned by Enterprise Bank of South Carolina, shown as the "Area of Acquisition" on Exhibit A, attached to that certain deed from Enterprise Bank of South Carolina, P.O. Box 389, Barnwell, South Carolina 29812 to Richland County dated November 30, 2015 and recorded December 30, 2015 in Book 2079 at Page 676 in the Office of the Register of Deeds for Richland County.

This being the identical property conveyed to Enterprise Bank of South Carolina, by Deed of Joseph Strickland, Master in Equity, dated March 10, 2010, recorded March 16, 2010, in the Office of the Register of Deeds for Richland County, in Book 1593, at Page 905.

TAX MAP NUMBER: 09112-07-01

GRANTEE'S ADDRESS: 1624 Main Street, Columbia, SC 29201

R09112-06-06 and R09112-06-07

All that certain piece, parcel or lot of land, together with the improvements thereon, situate, lying and being in the Town of Eau Claire, in the County of Richland, State of South Carolina, said lot measuring Forty Nine Feet on Main Street and running back therefrom to a depth of Two Hundred Feet, more or less; and being bounded North by lands now or formerly of Dandeehan Taylor; on the East by lands formerly of Edward F. Boozer; on the South by Avondale Road; and on the West by Main Street.

LESS AND EXCEPT: All that parcel or strip of land, in fee simple, containing 0.02 acre (844.79 square feet), more or less, and all improvements thereon, if any owned, now or formerly, by the Estate of Myra M. Boozer shown as "total obtain" on the survey being part of Exhibit B, attached to that certain Cancellation of Lis Pendens filed in the Richland County, South Carolina Court of Common Pleas for the Fifth Judicial Circuit in Civil Action No. 2016-CP-40-02163, made a part hereof, between approximate survey stations 76+17 and 76+65, on the right, of the N. Main Street relocated survey centerline and between approximate survey stations 10+42 and 11+25, on the left, of the Avondale Drive East survey centerline.

This is the identical property conveyed to Robert E. Boozer, John Douglas Boozer, and Edward Fulewider Boozer, Jr., by deed of distribution from Robert E. Boozer as Personal Representative of the Estate of Myra M. Boozer dated August 30, 2016 and recorded September 12, 2016 in Book 2145 at Page 3051 in the Office of the Register of Deeds for Richland County.

TMS No.: R09112-06-07

Property Address: 3500 Main St., Columbia, SC 29203

ALSO:

All that certain piece, parcel, tract or lot of land with any improvements thereon, situate, lying and being near the City of Columbia, in the Town of Eau Claire, County of Richland, State of South Carolina, and being bounded: On the North by lands now or formerly of D.A. Swygert and measuring thereon Two Hundred Seventeen and four tenths (217.4') feet; on the East by lands now or formerly of Miller and measuring thereon forty-nine (49') feet; on the South by a street known as Avondale Drive, and measuring thereon Two Hundred Seventeen and four tenths (217.4') feet; and on the West by other lands of Bertha

A. Boozer, and measuring thereon forty-nine (49') feet.

This is the identical property conveyed to Robert E. Boozer, John Douglas Boozer, and Edward Fulewider Boozer, Jr., by deed of distribution from Robert E. Boozer as Personal Representative of the Estate of Myra M. Boozer dated August 30, 2016 and recorded September 12, 2016 in Book 2145 at Page 3051 in the Office of the Register of Deeds for Richland County.

TAX MAP NUMBER: 9112-06-07

GRANTEE'S ADDRESS: 1624 Main St. Columbia, SC 29201

R09112-06-04

All that certain piece, parcel or lot of land, with improvements thereon, if any, situate, lying and being just east of the Winnsboro Road about one-half mile north of the City of Columbia, County of Richland, State of South Carolina, and being in the shape of a parallelogram measuring 242 feet, more or less, on its northern and southern sides, and 105.75 feet, more or less, on its eastern and western sides, and bounded: on the North by Lot "A"; on the East by a public street; on the South by property of Malcom, and on the West by Lot Nos. 1 and 2 as delineated on a Plat made by J.C. Covington, C.E. dated February 6, 1919, and recorded in Plat Book "C" at Page 236.

This being the same property conveyed to Debra Croft, Denyse Nodden, and W.H. Croft, Jr., by deed of Mary Bleckley Boozer, George Franklin Boozer, Thomas Chappell Boozer, Mary C. Boozer, Chad Haskel Boozer, and James Marion Boozer dated September 16, 2004, recorded on April 21, 2005 in the Office of the Register of Deeds for Richland County in Book 1044 at Page 3931. Said property being further conveyed to Debra Croft by deed of Denyse Nodden dated February 16, 2006, recorded February 24, 2006 in Book 1155 at Page 1239, and by deed of Ward Croft dated August 13, 2015, recorded August 24, 2015 in Book 2052 at Page 3251 in the Office of the Register of Deeds for Richland County.

TMS#: 09112-06-04

Property Address: 3509 Phillips Street, Columbia, SC 29201

R09116-02-01

ALL that certain piece, parcel or lot of land, with improvements thereon, situate lying and being at the Southeastern corner of the intersection of Cook Avenue and Phillip Street in the County of Richland, State of South Carolina, being known as 1308 Cook Ave., containing 1.87 acres and being more particularly shown on a plat for Columbia Storage Associates by W. Frank MaCaulay, dated March 25, 1986 and recorded in the office of the Register of Deeds for Richland County in Plat Book 50 at Page 8234. The metes and bounds as shown on said plat are incorporated by reference herein.

Together with the Grantor's right, title and interest in and to that certain easement and right-of-way agreement between the Columbia Baking Company and the City Housing Company dated September 16, 1949 and recorded in the office of the Register of Deeds for Richland County in Book 42 at Page 140.

DERIVATION: This being the same property conveyed to RDBF, LLC by Deed from First Citizens Bank and Trust Company, Inc. dated May 1, 2014 recorded May 5, 2014 in the Office of the Register of Deeds for Richland County in Record Book 1943 at Page 2728.

TMS#: R09116-02-01

The legal description includes parcels bearing Richland County tax map numbers: R09116-02-01; R09112-07-01; R09112-07-06; R09112-06-04; R09112-06-06; and R09112-06-07. It being understood that such parcels may be further subdivided or combined or may be enlarged by the closure of adjoining public roadways or public rights-of-way in accordance with applicable law.