

ORIGINAL
STAMPED IN RED

ORDINANCE NO.: 2022-128

*Consenting to the Inclusion of Property in a Multi-County Industrial/Business Park
2222 Main, LLC; TMS #09016-02-06*

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, 2222 MAIN, LLC, a Virginia limited liability company, (the "Sponsor"), desires to establish a multi-use commercial 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

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 17th day of January, 2023, 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: 12/20/2022
Final Reading: 1/17/2023

Mayor

[Signature]

ATTEST:

[Signature]
City Clerk

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EXHIBIT A
PROPERTY DESCRIPTION

All that piece, parcel, or tract of land, with the improvements thereon, situate, lying and being on the eastern side of Main Street, between Scott Street and Franklin Street, in the City of Columbia, County of Richland, State of South Carolina, said tract commencing at a point on the easterly margin of Main Street, a distance of eighty-one (81) feet, more or less, north of the intersection of Main Street and Scott Street; thence running north along the eastern side of Main Street for a distance of three hundred twelve and 9/10 (312.9) feet, more or less, to a point; and, there cornering and thence running east along property now or formerly of W. G. Belser, for a distance of one hundred forty-three and 3/10 (143.3) feet, more or less, to a point; and there cornering and thence running north for a distance of one hundred twenty-one (121) feet, more or less, along property now or formerly of W. G. Belser, and possibly of others, to a point; and, there cornering and thence running east along property of unknown party a distance of twenty-five (25) feet, more or less, to Gaillard Street, to a point; and there cornering and thence running south along Gaillard Street a distance of one hundred twenty-five (125) feet, more or less, to a point; and, there cornering and thence running east along the dead-end of Gaillard Street, to a point; and there cornering and thence running south along property now or formerly of Conrad Holding Co. for a distance of forty-six and 6/10 (46.6) feet, more or less, to a point; and there cornering and thence running east along property now or formerly of Conrad Holding Co. for a distance of two hundred seventeen (217) feet, more or less, to a point on the westerly margin of Sumter Street; and, there cornering and thence running south along the western side of Sumter Street for a distance of three hundred forty-three and 1/10 (343.1) feet, more or less, to a point on the northerly margin of Scott Street; and there cornering and thence running west along Scott Street for a distance of two hundred seventy and 6/10 (270.6) feet, more or less, to an alley; and, there cornering and thence running north along said alley for a distance of one hundred fifty-five and 7/10 (155.7) feet, more or less; and there, cornering and thence running west for a distance of ten (10) feet, more or less, to a point; and there cornering and thence running south along said alley for a distance of seventy-five and 6/10 (75.6) feet, more or less, to a point; and there cornering and running west along property now or formerly of M. O. Youmans for a distance of one hundred forty (140) feet, more or less, to the eastern side of Main Street, being the point of commencement.

ALSO: All that certain piece, parcel or lot of land, with improvements thereon, situate, lying and being at the southwestern corner of the intersection of Franklin Street and Sumter Street, in the City of Columbia, in the County of Richland, in the State of South Carolina, said lot being Lot No. 4, as shown on plat of property of Ridgewood Development Company, made by Tomlinson Engineering Company, dated July 5, 1938, said lot hereby conveyed being in shape a rectangle measuring on its northern and southern sides one hundred (100) feet, more or less, and on its eastern and western sides two hundred (200) feet, more or less, begin bounded on the north by said Franklin Street; on the east by said Sumter Street; on the south by lot formerly of Edgewood

Development Company, being Lot No. 5 as shown on said plat; and on the west by land formerly of Edgewood Development Company, being Lots Nos. 3 and 9 as shown on said plat.

ALSO: All that certain piece, parcel or lot of land, with improvements thereon, situate, lying and being at the southeastern corner of Franklin and Gaillard Streets, in the City of Columbia, in the County of Richland, in the State of South Carolina, and measuring and bounding as follows: on the north by Franklin Street and whereon it measures one hundred seventeen (117) feet; on the east by Lot No. 4 on plat hereinafter mentioned and whereon it measures two hundred (200) feet; on the south by Lots Nos. 5 and 10 on plat hereinafter mentioned and whereon it measures one hundred seventeen (117) feet; and on the west by Gaillard Street and whereon it measures two hundred (200) feet; said lot is composed of Lots Nos. 2, 3 and 9 as shown on plat of property surveyed for Wilson Motor Company by Barber, Keels and Associates, Engineers, on April 1, 1952.

ALSO: All that certain piece, parcel or lot land, with the improvements thereon, situate, lying and being on the Western side of Sumter Street in the City of Columbia, County of Richland, State of South Carolina, being shown and designated as Lots 5, 6, 10 and 11 on a plat of property of Edgewood Development Corp. made by Tomlinson Engineering Co., dated July 5, 1938, and recorded in the Office of the Register of Deeds for Richland County in Plat Book K at Page 1. The Lot hereby conveyed is also shown on a plat of property surveyed for Lucile K. Kibler by B. P. Barber & Associates, Inc., dated June 29, 1965. Said lot being bounded and measuring as follows: On the North by Lots 4 and 9 and measuring thereon Two Hundred Seventeen (217) feet; on the East by Sumter Street and measuring thereon One Hundred (100) feet; on the South by Lots 7 and 12 and measuring Two Hundred Seventeen (217) feet; and on the West by Gaillard Street and measuring thereon One Hundred (100) feet.

ALSO: All that certain piece, parcel or lot land, with the improvements thereon, situate, lying and being on the west side of Sumter Street, between Jefferson and Franklin Streets, in the City of Columbia, County of Richland, and State of South Carolina, said lot being and embracing Lots 7, 8, 12, and the eastern portion of Lot 13, as shown on plat of property of Edgewood Development Company embracing the same, made by Tomlinson Engineering Company, dated July 5, 1938, and recorded in the Office of the Register of Deeds for Richland County in Plat Book K at Page 1, said lot being a rectangle in shape, beginning on Sumter Street 300 feet South of the intersection thereof with said Franklin Street, and running thence south along said Sumter Street for a distance, in the aggregate, of 97.9 feet, then turning and running westward along lot now or formerly of C. G. Vogell for a distance, in the aggregate, of 217 feet, more or less, then turning and running northward along the remaining portion of said Lot 13 and along an unnamed street for a distance, in the aggregate, of 96.4 feet, more or less, then turning and running along Lots 11 and 6, as shown on said plat, for a distance, in the aggregate, of 217 feet to the point of beginning.

ALSO conveyed by this Deed are the rights and easements, if any, owned on the date of this Deed by Grantors, relating to the use of a strip of land twenty (20) feet in width of, along, and upon the remaining portion of Lot 13 above referred to for all purposes of access, ingress, and egress to and

from the premises above described, as is established by an agreement entered into between Charles G. Vogell and B. D. Cullum, which agreement is recorded in the Office of the Register of Deeds for Richland County in Deed Book F.A. at Page 160. This conveyance includes and is subject to, and Grantee expressly accepts and agrees to be bound by, the rights and obligations, if any, to which Grantors are subject on the date of this Deed established by party wall agreements of record; and particularly the agreement between Charles G. Vogell and B. D. Cullum dated January 30, 1941, and recorded in the Office of the Register of Deeds for Richland County in Deed Book E.Z. at Page 73.

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