

ORIGINAL  
STAMPED IN RED

**ORDINANCE NO.: 2023-115**

*Consenting to the Inclusion of Property in a Multi-County Industrial/Business Park  
(LDE LLC and Shop Grove 1 LLC, Richland County TMS # R16200-04-18 and R13500-03-05)*

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, the County and Fairfield County, South Carolina ("Fairfield"), entered into an Agreement for Designation of the I-77 Corridor Regional Industrial Park dated as of April 15, 2003 (the "Original Agreement"), which Original Agreement was amended and restated pursuant to the Amended and Restated Master Agreement dated as of September 1, 2018 (as so amended and restated, the "Park Agreement"); and,

WHEREAS, pursuant to Section 1.02 of the Park Agreement, the boundaries of the park created therein (the "Park") may be enlarged pursuant to ordinance of the County Council of the County and delivery of notice of such enlargement to Fairfield; and,

WHEREAS, the project to be undertaken by LDE LLC and Shop Grove 1 LLC (collectively, the "Developer") has committed to establish, in phases, certain facilities which may be used for manufacturing, warehousing, distribution or commercial activities, to be located on parcels located in the City, as more particularly described on Exhibit A (the "Property," together with the development, "Project"), consisting of total taxable investments by the Developer in real and personal property in the aggregate of not less than \$29,000,000; and,

WHEREAS, the County has agreed to offer a public infrastructure credit to reduce the property taxes due on the Project (as more particularly defined herein, "Credit") pursuant to the terms of Section 4-1-175 of the Code of Laws of South Carolina 1976, as amended ("Credit Act"), and two fee in lieu of tax agreements between the County and the Developer for the Property (each, a "Fee Agreement," and together the "Fee Agreements") to provide for the payment of a negotiated fee in lieu of tax as well as the issuance of Credits against certain of the Developer's fee in lieu of tax payments with respect to the Project for the purpose of assisting in paying certain costs of designing, acquiring, constructing, improving or expanding public infrastructure (collectively, "Public Infrastructure"); and,

WHEREAS, to grant the Developer the full value of the Credit, the County desires to locate the Project in the Park the County has jointly developed with Fairfield, pursuant to 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 ("Park Act" and, together with the Credit Act, "Act"); and,

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

WHEREAS, pursuant to the 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; and,  
WHEREAS, the Project is anticipated to provide substantial public benefits, and it is appropriate to consent to including the Project in the Park; NOW, THEREFORE,

BE IT ORDAINED by the Mayor and City Council this 5<sup>th</sup> day of December, 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 Section 1.02 of the Park Agreement; provided, the Property shall not be removed from the Park for so long as the Developer is receiving Credits under either of the Fee Agreements.

2. The County's approval, execution and delivery of the Fee Agreements related to the Property.

3. The Fee Agreements will each provide that (a) the Developer will make fee in lieu of tax ("FILOT") payments related to the Property during the term of the Fee Agreement, which FILOT shall be based on property tax assessment of the Property of six percent and a fixed millage rate equal to 0.5502; (b) the annual FILOT payment payable from the Developer to the County will be subject to reduction by a 35% infrastructure credit (herein defined as the "Credit") to reimburse the Developer's Public Infrastructure costs; (c) the term of each Fee Agreement shall be thirty (30) years for each phase of the Project placed in service in the investment period (as defined therein); (d) the term of the Credits under each Fee Agreement shall be for ten (10) consecutive years, as shall be set forth in the Fee Agreement; (e) in each year during the term of the Credit, the City will be entitled to receive the portion of the FILOT payment (net of the Credit, as applicable) as provided in the Park Agreement; and (f) the Property will be deemed removed from the Park upon the expiration or earlier termination of both of the Fee Agreements.

4. Notwithstanding the foregoing, if the Project proceeds in a phased approach, the time limit for the Project Credit period under each Fee Agreement as allowed in this Ordinance shall be as set forth in Section 3 hereof, and the timeline for additional phases under either Fee Agreement shall be for the period of time or Credit amount that remains available on the original period and shall not have a new beginning date.

5. 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.

6. 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.

7. 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:

\_\_\_\_\_

Approved by:

Teresa B. Wilson

City Manager

Approved as to form:

City Attorney

Introduced: 11/21/2023

Final Reading: 12/5/2023

Mayor

ATTEST:

Tika D. Hammond

City Clerk

**EXHIBIT A**  
**PROPERTY DESCRIPTION**

That certain parcel bearing Richland County tax map number R16200-04-18, consisting of approximately 37.33 acres, more or less, 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;

Together with that certain parcel bearing Richland County tax map number R13500-03-05, consisting of approximately 0.87 acres, more or less, 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.