

AN ORDINANCE

TO ADD AN UNCODIFIED ORDINANCE TO THE CODE OF THE CITY OF ROCK HILL TO CERTIFY A PORTION OF THE CELANESE ACETATE PLANT AS A TEXTILE MILL SITE UNDER THE SOUTH CAROLINA TEXTILES COMMUNITIES REVITALIZATION ACT

WHEREAS, LRB Property LLC (“Developer”) desires to redevelop a portion of the abandoned textile manufacturing facility located in the City of Rock Hill, County of York, State of South Carolina, formerly known as the Celanese Acetate Plant and more particularly listed as tax parcel 662-07-01-141 and depicted on the map attached hereto as Exhibit A (the “Property”); and

WHEREAS, the Property is anticipated to qualify for tax credits pursuant to the South Carolina Textiles Communities Revitalization Act (Chapter 65 of Title 12 of the South Carolina Code) (the “Textile Mill Statute”); and

WHEREAS, the Textile Mill Statute contains a detailed definition of the specific property that will qualify as a “Textile Mill Site” (as defined in the Textile Mill Statute); and

WHEREAS, the Textile Mill Statute specifically applies to sites located on the Catawba River near Interstate 77 where a “Textile Mill Site” encompasses all land and improvements which were used directly for textile manufacturing operations or ancillary uses, or were located on the same parcels within one-thousand feet of any textile mill structure¹ or ancillary uses²; such portion of the Textile Mill Statute is attached hereto as Exhibit B (the “Catawba Provision”); and

WHEREAS, Rock Hill City Council acknowledges and recognizes the history and past operations of the Celanese Acetate Plant and acknowledges the location of existing structures and areas of former ancillary uses (as defined in footnote 2) of the Property, and deems the Property in its location and past use, as on the Catawba River within the meaning of the Catawba Provision; and

WHEREAS, that the Property falls within the area defined under the Catawba Provision eligible for certain tax credits (such area falls within 1000 feet of existing structures and/or areas used for ancillary uses as set forth in the Textile Mill Statute); and

WHEREAS, Developer intends to file or has already filed a Notice of Intent to Rehabilitate with the South Carolina Department of Revenue pursuant to the Textile Mill Statute; and

¹ “Textile Mill” means a facility or facilities that were initially used for textile manufacturing, dying, or finishing operations and for ancillary uses to those operations. S.C. Code Ann. § 12-65-20(3)

² “Ancillary uses” means uses related to the textile manufacturing, dying, or finishing operations on a textile mill site consisting of sales, distribution, storage, water runoff, wastewater treatment and detention, pollution control, landfill, personnel offices, security offices, employee parking, dining and recreation areas, and internal roadways or driveways directly associated with such uses. S.C. Code Ann. § 12-65-20(2).

WHEREAS, Developer has applied to the Rock Hill City Council for a certification of the Textile Mill Site; and

WHEREAS, the Rock Hill City Council has, after careful investigation and due deliberation, determined that the redevelopment of the Property will bring significant capital investment and create new jobs, will be beneficial to the City of Rock Hill, and the City agrees to provide the binding ordinance set forth herein in compliance with Section 12-65-60 of the Textile Mill Statute.

NOW THEREFORE, BE IT ORDAINED by the Rock Hill City Council as follows:

Section 1. That all recitals hereof are true and correct and a part of this Ordinance.

Section 2. Upon information and belief that the Property, formerly part of the Celanese Acetate Plant, is a facility that was initially used for textile manufacturing, dying or finishing operations and for ancillary uses to those operations (i.e., a “textile mill”) as more particularly defined in Section 12-65-20(3) of the Textile Mill Statute.

Section 3. Upon information and belief that at least eighty percent of the textile mill has been closed continuously to business or otherwise nonoperational as a textile mill since 2005, and, therefore, the Property was “abandoned” as defined in Section 12-65-20(1) of the Textile Mill Statute.

Section 4. Upon information and belief that, as depicted on Exhibit A attached hereto, the Property constitutes a “Textile Mill Site” consistent with Section 12-65-20(4) of the Textile Mill Statute.

Section 5. Upon information and belief that, in accordance with Section 12-65-30(D) of the Textile Mill Statute, (i) the Property has not previously received tax credits under the Textile Mill Statute, and (ii) neither Developer nor any affiliate of Developer owned the Property when it was operational as a textile mill and immediately prior to its abandonment.

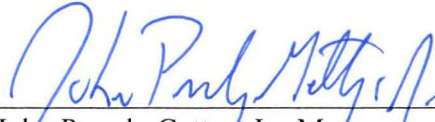
Section 6. That this Ordinance is intended to comply with the certification requirements set forth in Section 12-65-60 to the Textile Mill Statute.


Section 7. That all ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

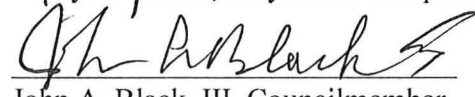
Section 8. This Ordinance shall take effect upon the second reading approval.


[END OF ORDINANCE TEXT]

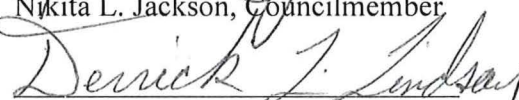
DONE AND RATIFIED in Council assembled on this the 9th day of March, 2020.

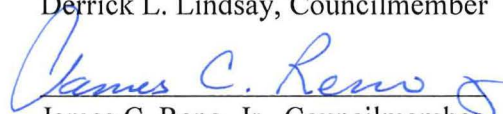

John Pressly Gettys, Jr., Mayor


Kathy S. Fender, Mayor Pro Tempore


John A. Black, III, Councilmember


Nikita L. Jackson, Councilmember


Derrick L. Lindsay, Councilmember


James C. Reno, Jr., Councilmember


Kevin H. Sutton, Councilmember

ATTEST:

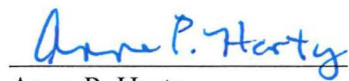

Anne P. Harty
Municipal Clerk

Exhibit A
[THE PROPERTY]

[illegible]

DATE	11/6/13				
SCALE	1"=40'				
RES.	JCB				
R.	KCH				
KD					

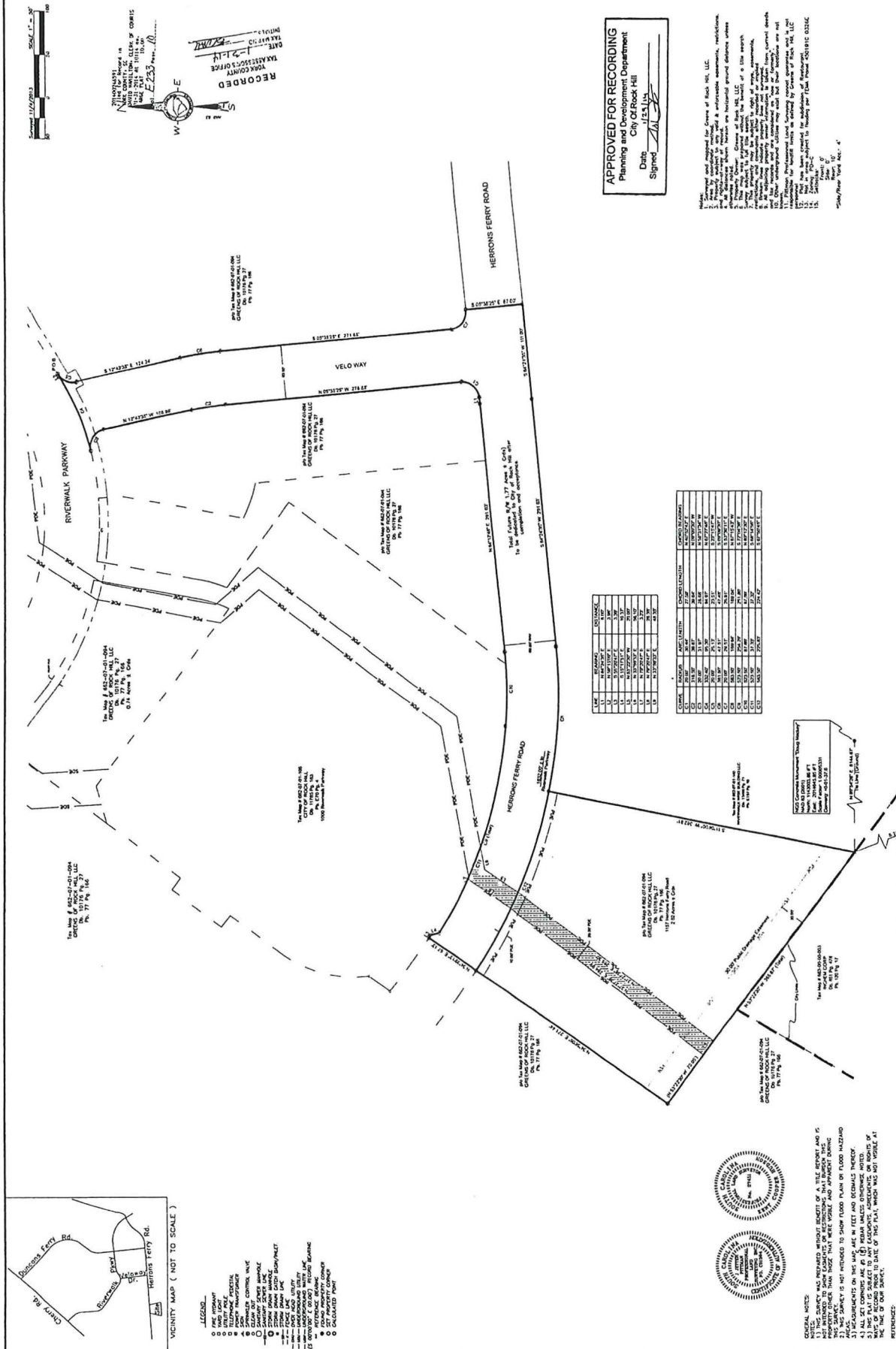
APPROVED FOR RECORDING
Planning and Development Department
City Of Rock Hill
Date 1/25/14
Signed [Signature]

[illegible]

CERTIFICATE OF DONATION

The undersigned hereby acknowledge that we are the owners of the property shown and described herein and that we hereby consent to the subordination and assignment as shown herein.

Date: 1/23/2014 Owner: [Signature]



GENERAL NOTE:
NOTES:
1) THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT AND IS
2) THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT AND IS
PROPERTY OTHER THAN THOSE THAT WERE VISIBLE AND APPARENT DURING
THIS SURVEY.
3) THIS SURVEY IS NOT INTENDED TO SHOW FLOOD PLAIN OR FLOOD HAZARD
AREAS.
4) ALL MEASUREMENTS ON THIS MAP ARE IN FEET AND DECIMALS THEREOF.
5) THIS PLAT IS SUBJECT TO ANY EASEMENTS, AGREEMENTS OR RIGHTS OF
THAT THE DATE OF THIS PLAT, WHICH WAS NOT VISIBLE AT
THE TIME OF OUR SURVEY.
REFERENCES:
AS SHOWN

COMPETENCE
IN VARIOUS STATE TO THE BEST OF MY PROFESSIONAL KNOWLEDGE
INFORMATION AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN
ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE
MANUAL FOR LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS
THE REQUIREMENTS OF CLASSIFICATION OF CLASSIFICATION OF CLASSIFICATION
THESE ARE MY USUAL CONCLUSIONS OR PROJECTIONS OTHER THAN
SHOWN.

7-11-14
SIGNED JOHN TOWNSHIP SURVEYOR
MY NORTH CAROLINA PLAT 10/11

Exhibit B

[CATAWBA PROVISION]

§ 12-65-20. Definitions.

Currentness

For the purposes of this chapter, unless the context requires otherwise:

(1) "Abandoned" means that at least eighty percent of the textile mill has been closed continuously to business or otherwise nonoperational as a textile mill for a period of at least one year immediately preceding the date on which the taxpayer files a "Notice of Intent to Rehabilitate". For purposes of this item, a textile mill site that otherwise qualifies as abandoned may be subdivided into separate parcels, which parcels may be owned by the same taxpayer or different taxpayers, and each parcel is deemed to be a textile mill site for purposes of determining whether each subdivided parcel is considered to be abandoned.

(2) "Ancillary uses" means uses related to the textile manufacturing, dying, or finishing operations on a textile mill site consisting of sales, distribution, storage, water runoff, wastewater treatment and detention, pollution control, landfill, personnel offices, security offices, employee parking, dining and recreation areas, and internal roadways or driveways directly associated with such uses.

(3) "Textile mill" means a facility or facilities that were initially used for textile manufacturing, dying, or finishing operations and for ancillary uses to those operations.

(4)(a) "Textile mill site" means the textile mill together with the land and other improvements on it which were used directly for textile manufacturing operations or ancillary uses. However, the area of the site is limited to the land located within the boundaries where the textile manufacturing, dying, or finishing facility structure is located and does not include land located outside the boundaries of the structure or devoted to ancillary uses.

(b) Notwithstanding the provisions of item (4)(a), with respect to (i) any site acquired by a taxpayer before January 1, 2008, (ii) a site located on the Catawba River near Interstate 77, or (iii) a site which, on the date the notice of intent to rehabilitate is filed, is located in a distressed area of a county in this State, as designated by the applicable council of government, "textile mill site" means the textile mill structure, together with all land and improvements which were used directly for textile manufacturing operations or ancillary uses, or were located on the same parcel or a contiguous parcel within one thousand feet of any textile mill structure or ancillary uses. For purposes of this subitem, "contiguous parcel" means any separate tax parcel sharing a common boundary with an adjacent parcel or separated only by a private or public road.