

AN ORDINANCE

TO ADD AN UNCODIFIED ORDINANCE TO THE CODE OF THE CITY OF ROCK HILL TO AMEND THE ORIGINAL ORDINANCE ADOPTED ON MAY 8, 2017, AND TO RE-CERTIFY THE BAXTER MILL SITE AS A TEXTILE MILL SITE UNDER THE SOUTH CAROLINA TEXTILES COMMUNITIES REVITALIZATION ACT

WHEREAS, the City Council adopted that certain Ordinance (#2017-21) to certify The Baxter Mill as a “textile mill site” on or about May 8, 2017 (the “Original Ordinance”), under the South Carolina Textiles Communities Revitalization Act (Chapter 65 of Title 12 of the South Carolina Code) (the “Textile Mill Statute”); and

WHEREAS, the Original Ordinance related to the abandoned textile manufacturing facility located in the City of Rock Hill, County of York, State of South Carolina, known as Baxter Mill, and formerly as the Warehouse/Distribution Center of the Rock Hill Printing and Finishing Company, and more particularly listed as tax parcel 598-22-01-001 and depicted on the map attached hereto as Exhibit A (the “Warehouse/Distribution Property”); and

WHEREAS, an employee parking lot located on an adjacent parcel of land to the Warehouse/Distribution Property and more particularly listed as tax parcel 627-20-01-005 and depicted on the map attached hereto as Exhibit A (the “Employee Parking Property”) was used as an ancillary use to the textile manufacturing operations of the Warehouse/Distribution Property (the Warehouse/Distribution Property and the Employee Parking Property are collectively referred to herein as the “Property”); and

WHEREAS, Springsteen–RHDC, LLC, a South Carolina limited liability company (the “Warehouse/Distribution Developer”) desires to redevelop the Warehouse/Distribution Property and Welfare Lane, LLC, a South Carolina limited liability company (the “Employee Parking Developer”) desires to redevelop the Employee Parking Property (the Warehouse/Distribution Developer and the Employee Parking Developer are collectively referred to herein as the “Developers”); and

WHEREAS, the Property is anticipated to qualify for tax credits pursuant to the Textile Mill Statute and in accordance with SC Revenue Ruling #15-8 issued on or about July 8, 2015, by the South Carolina Department of Revenue (“Revenue Ruling #15-8”); 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, while Developers are not required to file a Notice of Intent to Rehabilitate with the South Carolina Department of Revenue pursuant to the Textile Mill Statute because the Property was acquired by such Developers prior to January 1, 2008, Developers have applied to the Rock Hill City Council for a certification of the Property as a 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 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:

1. That all recitals hereof are true and correct and a part of this Ordinance.
2. Upon information and belief that the Property, formerly part of the Rock Hill Printing and Finishing Company, 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.
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 2006, and, therefore, the Property was “abandoned” as defined in Section 12-65-20(1) of the Textile Mill Statute. Each of the Warehouse/Distribution Property and the Employee Parking Property is “abandoned” for purposes of the Textile Mill Statute and Revenue Ruling #15-8.
4. Upon information and belief that, as depicted on Exhibit A attached hereto, each of the Warehouse/Distribution property and the Employee Parking Property constitutes a “textile mill site” in conformance with Section 12-65-20(4) of the Textile Mill Statute.
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 of the Developers nor their affiliates owned the textile mill site when it was operational as a textile mill and immediately prior to its abandonment.
6. That the Warehouse/Distribution Property was acquired by CPG Properties, LLC, a South Carolina limited liability company and an affiliate of the Warehouse/Distribution Developer, on March 5, 2007, and subsequently transferred to Warehouse/Distribution Developer on May 29, 2015.
7. That the Employee Parking Property was acquired by The Old Cotton Factory, LLC, a South Carolina limited liability company and an affiliate of the Employee Parking Developer, on November 29, 2006, and subsequently transferred to Employee Parking Developer on April 27, 2007.
8. That the Original Ordinance and this Ordinance may be relied upon by the Developers.
9. That this Ordinance is intended to comply with the certification requirements set forth in Section 12-65-60 to the Textile Mill Statute.

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

11. This Ordinance shall take effect upon the second reading approval.

[END OF ORDINANCE TEXT]

DONE AND RATIFIED in Council assembled on this the 8th day of April, 2019.



John Pressly Gettys, Jr., Mayor



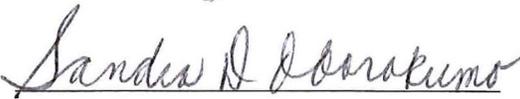
Kathy S. Pender, Mayor Pro-Tempore



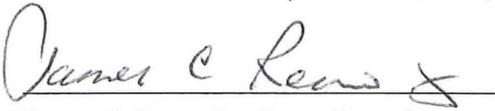
John A. Black, III, Councilmember



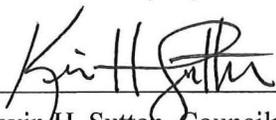
Nikita L. Jackson, Councilmember



Sandra D. Oborokumo, Councilmember



James C. Reno, Jr., Councilmember



Kevin H. Sutton, Councilmember

ATTEST:

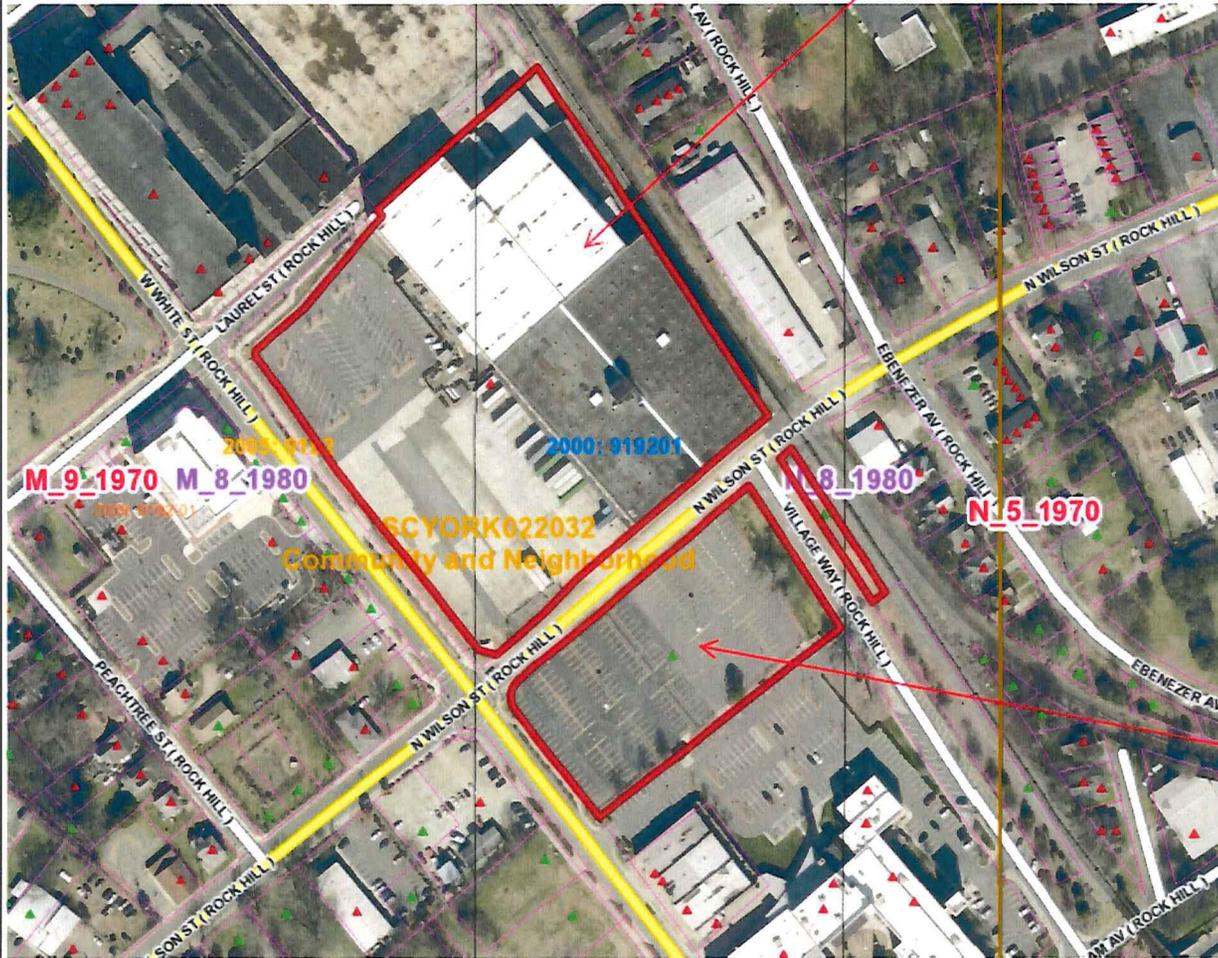


Anne P. Hart
Municipal Clerk



Baxter Mill Site

Warehouse/Distribution Property



Legend

Address

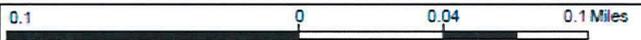
- ▲ Occupied
- ▲ Meter
- ▲ Vacant

1:2,400

Notes
Enter Map Description

Employee Parking Property

EXHIBIT A



NAD_1983_StatePlane_South_Carolina_FIPS_3900_Feet_Int
GIS@YorkCountyGov.com

Printed: 11/14/2018

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

038

THIS MAP IS NOT TO BE USED FOR NAVIGATION