| STATE OF SOUTH CAROI | LINA ) |                     |
|----------------------|--------|---------------------|
|                      | )      | ORDINANCE NO. 10-23 |
| COUNTY OF SALUDA     | )      |                     |

ORDINANCE APPROVING SALE OF REAL PROPERTY LOCATED AT THE SOUTHEAST INTERSECTION OF HIGHWAY 378 AND NORTH BOUKNIGHT FERRY ROAD IN SALUDA COUNTY, SOUTH CAROLINA TO F&A OF SALUDA, LLC.

WHEREAS, Saluda County is the owner of record of a tract of property located in Saluda County, South Carolina, identified as Tax Map No. 099-00-00-016, that is part of an area known as the Saluda County Commerce Park; and

WHEREAS, F&A of Saluda, LLC has offered to purchase and Saluda County has agreed to sell F&A of Saluda, LLC an approximate 4.87-acre portion of this property, which is located at the southeast intersection of Highway 378 and North Bouknight Ferry Road; and

WHEREAS, F&A of Saluda, LLC is purchasing this property for the purpose of building and operating a retail store; and

WHEREAS, Saluda County Council has determined that it is in the best interests of Saluda County and its residents to sell such property and to approve an agreement to sell the property; and

WHEREAS, South Carolina Code Annotated section 4-9-130 and Saluda County Code section 2-58 require that the Saluda County Council act by ordinance following public hearing prior to taking final action to sell, lease, or contract to sell or lease real property owned by Saluda County; and

WHEREAS, Saluda County Code section 2-33 gives Saluda County Council the sole authority to enter into contracts, agreements, or other documents on behalf of Saluda County and its citizens and authorizes the County Administrator and/or Chairman of Saluda County Council to sign on its behalf.

## NOW, THEREFORE, BE IT ORDAINED by the Council as follows:

- 1. The County Administrator and/or Chairman of Saluda County Council are authorized on behalf of Saluda County to execute and deliver a Purchase and Sale Agreement between F&A of Saluda, LLC and Saluda County, South Carolina. This agreement shall be in substantially the same form as the agreement attached hereto as Exhibit A.
- 2. The sale, by appropriate deed, of the county-owned property described above and in the attached agreement to F&A of Saluda, LLC for the purpose of building and operating the retail store designated in the agreement is approved and authorized. The deed shall be prepared or approved by the Saluda County Attorney and approved by the County Administrator and/or Chairman.

- 3. The County Administrator and/or Chairman of Saluda County Council are authorized on behalf of Saluda County to sign the deed and such other affidavits, agreements, assignments, notices, certificates, settlement statements, instruments, and other documents as may be required and that either or both of them may deem necessary to consummate the transaction set forth in the Purchase and Sale Agreement, all with such changes as may be approved by either or both of them, with approval to be conclusively by either or both of their signatures.
- 4. To the extent that the ordinances are inconsistent, Ordinance No. 08-22 is hereby repealed.

This ordinance shall take effect immediately upon adoption following public hearing.

DONE, RATIFIED, AND ADOPTED THIS 2<sup>nd</sup> DAY OF October, 2023.

Public Hearing: October 2, 2023 Third Reading: October 2, 2023

| ATTEST:   | SALUDA COUNTY COUNCIL    |
|---|--------------------------|
| Regina Turner, Clerk to Council   | James L. Moore, Chairman |
| First Reading: September 11, 2023<br>Second Reading: September 13, 2023 |                          |