

CLARENDON COUNTY ORDINANCE NO. 2025-02

**AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT
CONCERNING THE DEERCREEK AT WYBOO DEVELOPMENT,
AUTHORIZING THE EXECUTION THEREOF, AND OTHER MATTERS
RELATING THERETO.**

NOW THEREFORE, BE IT ORDAINED, by the County Council of Clarendon County (the “*County Council*”), the governing body of Clarendon County, South Carolina (the “*County*”), as follows:

Section 1 Findings. The County Council makes the following findings of fact in connection with the enactment of this ordinance (this “*Ordinance*”):

(1) The County Council is authorized pursuant to the South Carolina Local Government Development Agreement Act, codified at Title 6, Chapter 31 of the Code of Laws of South Carolina 1976, as amended (the “*Act*”) to enter into development agreements (generally, “*Development Agreements*”) with developers that provide certain terms under which developments may proceed.

(2) The County Council has enacted general provisions and procedures for the consideration of Development Agreements through Section 95 of the County’s Unified Development Code, pursuant to which, Development Agreements must first be submitted to the Clarendon County Planning Commission (the “*Planning Commission*”), which shall make a recommendation to County Council.

(3) The County has received a request from Deercreek Plantation Properties, Inc. (the “*Property Owner*”) that the County consider entering into a Development Agreement concerning 131.1 acres of real property of the Property Owner comprising a portion of the Deercreek at Wyboo development (the “*Development*”), which is in the vicinity of Players Course Drive, the form of which is attached to this Ordinance at **Exhibit A** (the “*Deercreek at Wyboo Development Agreement*”).

(4) At a meeting held on February 18, 2025, the Planning Commission recommended that the County Council approve the Deercreek at Wyboo Development Agreement.

(5) In accordance with Section 6-31-50 of the Act, the County has caused a notice of a public hearing concerning the Deercreek at Wyboo Development Agreement to be published in a newspaper of general circulation within the County, providing notification of the date, time, and location of such public hearing, and which included certain particulars concerning the Development and the Deercreek at Wyboo Development Agreement. As further required by Section 6-31-50 of the Act, at this public hearing the County Council announced the date, time, and place of a second public hearing concerning the Deercreek at Wyboo Development Agreement.

CERTIFIED TRUE COPY
OF ORIGINAL FILED IN THIS OFFICE

DATE 05/16/2025

Shanita Brangman
CLERK OF COURT
CLARENDON COUNTY, SC

Shanita Brangman, CLK - Clarendon SC
2025 MAY 16 PM 2:44

(6) The County Council now desires to approve and enter into the Deecreek at Wyboo Development Agreement in accordance with the Act.

Section 2 Approval of Development Agreement. The County hereby agrees to enter into the Deecreek at Wyboo Development Agreement. The form, provisions, terms, and conditions of the Deecreek at Wyboo Development Agreement, as attached at **Exhibit A** of this Ordinance, are hereby approved, and all of the provisions, terms, and conditions thereof are hereby incorporated herein by reference as if the Deecreek at Wyboo Development Agreement were set out in this Ordinance in its entirety. The Chairman of the County Council (the “*Chairman*”) is hereby authorized, empowered, and directed to execute the Deecreek at Wyboo Development Agreement in the name and on behalf of the County; the Clerk to the County Council (the “*Clerk*”) is hereby authorized, empowered, and directed to attest the same; and the Chairman is further authorized, empowered, and directed to cause the delivery the Deecreek at Wyboo Development Agreement to the Developer. The Deecreek at Wyboo Development Agreement, as executed and delivered, is to be in substantially the form as attached at **Exhibit A** of this Ordinance, or with such changes therein as shall not materially adversely affect the rights of the County thereunder and as shall be approved by the official or officials of the County executing the same, upon the advice of legal counsel; their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of the Deecreek at Wyboo Development Agreement approved hereby.

Section 3 Further Action. The Chairman, the County Administrator (the “*County Administrator*”), and the Clerk, for and on behalf of the County, are hereby each authorized, empowered, and directed to do any and all things necessary or proper to effect the performance of all obligations of the County under and pursuant to the Deecreek at Wyboo Development Agreement. The Chairman and the County Administrator, or either one of them acting alone, are hereby authorized to execute and deliver on behalf of the County all certificates and documents as they deem necessary, upon advice of counsel, to accomplish the foregoing.

Section 4 Severability. The provisions of this Ordinance are hereby declared to be severable and if any section, phrase, or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases, and provisions hereunder.

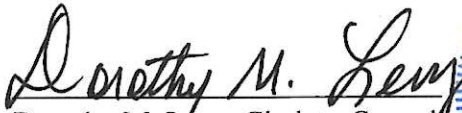
Section 5 Repealer; Effective Date. All orders, ordinances, resolutions, and parts thereof in conflict herewith are to the extent of such conflict hereby repealed. This Ordinance shall take effect and be in full force from and after its enactment.

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DONE AND ENACTED this 12th day of May, 2025.

CLARENDON COUNTY COUNCIL

ATTEST:


Dorothy M. Levy, Clerk to Council




John E. Johnson, III Chairman

First Reading: March 10, 2025

First Public Hearing: March 10, 2025

Second Reading: April 14, 2025

Second Public Hearing: April 14, 2025

Third Reading: May 12, 2025

Exhibit A
Form of Development Agreement