**A** **CONCURRENT RESOLUTION**

TO RECOGNIZE THE CITY OF NORTH CHARLESTON’S CONTRACTUAL RIGHT TO LIMIT RAIL ACCESS TO THE CHARLESTON NAVAL COMPLEX AND TO DECLARE THAT NO ACTIONS MAY BE TAKEN TO IMPAIR THE CITY’S ABILITY TO EXERCISE ANY OF ITS CONTRACTUAL RIGHTS CONCERNING THE COMPLEX.

Whereas, Act 256 of 2002 required the State Ports Authority to begin environmental impact studies and other required actions concerning the permitting process and related matters to locate new terminal facilities on the west bank of the Cooper River to meet increased customer demand; and

Whereas, Act 356 of 2002 required the Charleston Naval Complex Redevelopment Authority to convey certain real property on the Charleston Naval Complex to the City of North Charleston and the State Ports Authority after the City and the Authority entered into a Memorandum of Understanding and Agreement; and

Whereas, on October 25, 2002, the City of North Charleston and the State Ports Authority entered into a Memorandum of Understanding and Agreement concerning development of a marine facility and other related facilities at the Charleston Naval Complex; and

Whereas, the Memorandum of Understanding and Agreement memorialized the division of the real estate on the Charleston Naval Complex between the City of North Charleston and the State Ports Authority; and

Whereas, the City of North Charleston and the State Ports Authority agreed in the Memorandum of Understanding and Agreement that the development of a marine facility and other related facilities at the Charleston Naval Complex would foster continued growth and vitality of the port; and

Whereas, Section 4.84 of the Memorandum of Understanding and Agreement provides that the State Ports Authority will have “continuous and uninterrupted road access” as necessary during the construction process and that the State Ports Authority will have “rail access exclusively from the south end of” the Charleston Naval Complex. Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

That the General Assembly recognizes the City of North Charleston’s contractual right to limit rail access to the Charleston Naval Complex to the south end of the port.

Be it further resolved by the Senate, the House of Representatives concurring:

That the General Assembly declares that no actions should be taken to impair the City of North Charleston’s ability to exercise any of its rights under the Memorandum of Understanding and Agreement.

Be it further resolved that a copy of this resolution be forwarded to the Mayor of the City of North Charleston and the Chairman of the Board of Directors of the South Carolina State Ports Authority.

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