



ANNE ARUNDEL COUNTY OFFICE OF LAW

Legislative Summary

To: Members, Anne Arundel County Council

From: Christine Neiderer, Senior Assistant County Attorney /s/

Via: Gregory J. Swain, County Attorney /s/

Date: May 15, 2023

Subject: Bill No. 49-23 – Approval of Second Amendment to Lease between the County and Bates School Limited Partnership

This summary was prepared by the Anne Arundel County Office of Law for use by members of the Anne Arundel County Council during consideration of Bill No. 49-23.

Background

The County owns property known and designated as the Wiley H. Bates High School and surrounding land on Smithville Street and South Villa Avenue in Annapolis (“Property”). The County, as landlord, and Bates School Limited Partnership (“Bates”), as tenant, entered into a fifty (50) year lease dated March 18, 2005 (“Lease”) for a portion of the Property. The Lease was approved pursuant to Bill No. 73-04. The Lease was amended in December 2015 for the purpose of permitting Bates to enter into a sub-lease to permit the installation of communications equipment and antennas at the Property (“First Amendment”). The First Amendment was approved pursuant to Bill No. 120-15. The Lease and First Amendment are collectively referred to as the “Lease.”

The current term of the Lease began on March 18, 2005 and expires after a period of fifty (50) years on March 17, 2055, unless sooner terminated as provided in the Lease. Bates is requesting that the County amend the Lease to extend the term for an additional forty-two years, to expire on March 17, 2097, as set forth in the Second Amendment to Lease.

Section 8-3-301 of the County Code requires that any contract for lease of County-owned property that specifies a term, including renewal options, of three years or more, must be approved by ordinance of the County Council.

Note: This Legislative Summary provides a synopsis of the bill as introduced. It does not address subsequent amendments to the bill.

Purpose

The purpose of this Bill is to approve a Second Amendment to Lease between the County and Bates to extend the lease term for an additional period of forty-two (42) years.

Bill No. 49-23
(Uncodified)

SECTION 1

This section approves the Second Amendment to Lease, which extends the term of the Lease for an additional period of forty-two years, to expire on March 17, 2097.

SECTION 2

This section provides that the Second Amendment to Lease is incorporated therein by reference as if fully set forth, and further provides that a certified copy of the Second Amendment to Lease shall be kept on file with the Administrative Officer to the County Council and the Office of Central Services.

SECTION 3

This section provides that the bill takes effect 45 days after it becomes law.

The Office of Law is available to answer any additional questions regarding the attached ordinance. Thank you.

cc: Honorable Steuart Pittman, County Executive
Christine Anderson, Chief Administrative Officer
Jeff Amoros, Chief of Staff
Peter Baron, Chief Strategy Officer
Chris Trumbauer, Budget Officer
Susan Herrold, Central Services Officer