

FINAL

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2018, Legislative Day No. 34

Bill No. 73-18

Introduced by Mr. Peroutka, Chairman
(by request of the County Executive)

By the County Council, July 16, 2018

Introduced and first read on July 16, 2018
Public Hearing set for and held on September 4, 2018
Bill Expires October 19, 2018

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Approval of the Amended and Restated Lease of County-
2 owned Property to Piney Ice, LLC

3
4 FOR the purpose of approving the amended and restated lease of County-owned property
5 identified as 8781 Piney Orchard Parkway, Odenton, Maryland, to Piney Ice, LLC.

6
7 WHEREAS, the County owns real property identified as 8781 Piney Orchard
8 Parkway in Odenton, Maryland (“the Property”), which is improved with an ice
9 rink; and

10
11 WHEREAS, Piney Orchard Master Partnership, a Maryland general partnership,
12 was party to a Lease dated as November 30, 1990, recorded among the Land
13 Records of Anne Arundel County, Maryland in Liber 5226, folio 296, by and
14 between the County, as landlord, and Piney Orchard Master Partnership, as tenant
15 (the “Original Lease”) for the Property; and

16
17 WHEREAS, the Original Lease provided for an initial term of thirty (30) years,
18 with the right to extend the initial term for two (2) additional periods of fifteen (15)
19 years each; and

20
21 WHEREAS, Piney Orchard Master Partnership constructed certain improvements
22 on the Property, namely an ice rink; and

23
24 WHEREAS, Piney Orchard Master Partnership and the County entered into an
25 Addendum to Lease on December 5, 1995 (the “First Addendum”); and

26
27 WHEREAS, Piney Orchard Master Partnership assigned all of its rights, title and
28 interest to Piney Orchard Ice Forum, L.L.C. pursuant to a Deed of Lease

1 Assignment dated February 15, 1996, and recorded among the Land Records of
2 Anne Arundel County, Maryland in Liber 7322, folio 646; and

3
4 WHEREAS, Piney Orchard Ice Forum, L.L.C. changed its name to SkateNation of
5 Piney Orchard, LLC (“SkateNation”) pursuant to a name change Amendment filed
6 with the State Department of Assessments and Taxation in Film F3939, folio 2832
7 on May 22, 1997; and

8
9 WHEREAS, SkateNation assigned all of its rights, title and leasehold interest to
10 OR Investment Group, LLC (“OR Investment”) pursuant to a Deed of Lease
11 Assignment dated February 28, 2001, and recorded among the Land Records of
12 Anne Arundel County, Maryland in Liber 10262, folio 630; and

13
14 WHEREAS, pursuant to an Assumption and Estoppel Agreement dated October
15 27, 2015, OR Investment assigned all of its rights, title and leasehold interest to the
16 Property to Piney Ice, Inc., a Delaware Corporation qualified to do business in the
17 State of Maryland; and

18
19 WHEREAS, Piney Ice, Inc. and the County entered into a Second Addendum to
20 the Lease dated November 2, 2015 amending the Original Lease to, among other
21 things, provide for one additional option period of twenty-five (25) years, such that,
22 provided all options to extend the lease term are timely exercised, the Original
23 Lease expires on November 29, 2075 (the “Second Addendum”; the Original Lease,
24 First Addendum and Second Addendum are collectively referred to as the “Lease”);
25 and

26
27 WHEREAS, on January 4, 2016, Piney Ice, Inc. filed with the Delaware Secretary
28 of State a Certificate of Conversion of Piney Ice, Inc. from a Delaware corporation
29 to Piney Ice, LLC, a Delaware limited liability company; and

30
31 WHEREAS, the County and Piney Ice, LLC are desirous of amending and restating
32 the Lease, in its entirety, to, among other things, extend the expiration date of the
33 initial term of the Lease until November 29, 2070, permit the addition of a second
34 ice rink on the Property, to allow for the use of turf/sport court material on one of
35 the rinks for all-purpose sports use, to provide for an option to extend the Lease for
36 two (2) additional terms of twenty-three (23) years each, and to secure a
37 performance bond before undertaking any material improvements to the Property,
38 as set forth in the Amended and Restated Lease, incorporated herein by reference
39 as if fully set forth; and

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41 WHEREAS, § 8-3-301 of the County Code requires certain leases of County-
42 owned property in excess of three years, including renewal terms, to be approved
43 by ordinance of the County Council; now, therefore,

44
45 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
46 That the Amended and Restated Lease, incorporated herein by reference as if fully set forth,
47 which amends and restates the Lease in its entirety is hereby approved.

1 SECTION 2. *And be it further enacted*, That the Amended and Restated Lease is
2 incorporated herein by reference as if fully set forth. A certified copy of the Amended and
3 Restated Lease shall be permanently kept on file with the Administrative Officer to the
4 County Council and the Office of Central Services.
5

6 SECTION 3. *And be it further enacted*, That this Ordinance shall take effect 45 days
7 from the date it becomes law.

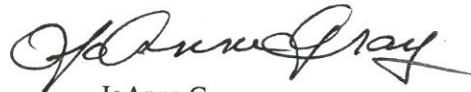
READ AND PASSED this 4th day of September, 2018

By Order:



JoAnne Gray
Administrative Officer

PRESENTED to the County Executive for his approval this 5th day of September, 2018



JoAnne Gray
Administrative Officer

APPROVED AND ENACTED this 7th day of September, 2018



Steven R. Schuh
County Executive

EFFECTIVE DATE:

OCT 22 2018

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.
73-18 . THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.



JoAnne Gray
Administrative Officer