



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: July 3, 2024

Subject: Bill No. 66-24 – Approval of Amended and Restated Lease between the County and Wiley Bates School LLC

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. 66-24.

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. Council subsequently approved a Second Amendment to the Lease pursuant to Bill No. 49-23, whereby the lease term was extended for an additional 42 years, to expire on March 27, 2097 (“Second Amendment”). The Lease, First Amendment, and Second Amendment are collectively referred to as the “Original Lease.”

The leased property includes seventy-one (71) units of affordable senior housing, exhibit space, and a memorial garden. Enterprise Community Development, Inc., a non-profit that provides development services for affordable housing and community revitalization, desires to work with the tenant to renovate the senior housing project, and has formed Wiley Bates School LLC for that purpose. The scope of improvements includes unit upgrades to include new kitchens, bathrooms, LVT-flooring, new in-unit heat pumps, roof replacement, upgraded trash collection area, drywall, painting, upgraded finishes in common areas, elevator modernization, and new common area HVAC (“Improvements”).

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

To facilitate the proposed renovations to the senior housing improvements, Bates School Limited Partnership, intends to assign its rights and interest in the Original Lease to Wiley Bates School LLC, pursuant to an Assignment and Assumption of Lease, and Wiley Bates School LLC desires, and the County agree, to amend and restate the Lease as set forth in the Amended and Restated Lease Agreement, a copy of which is attached hereto. The term of the Amended and Restated Lease commences upon full execution of the Amended and Restated Lease and expires 99 years thereafter.

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.

Purpose

The purpose of this Bill is to approve the Amended and Restated Lease between the County and Wiley Bates School LLC.

Bill No. 66-24 **(uncodified)**

SECTION 1

This section approves the Amended and Restated Lease between the County and Wiley Bates School LLC.

SECTION 2

This section provides that the Amended and Restated Lease is incorporated therein by reference as if fully set forth, and further provides that a certified copy of the Amended and Restated 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 Stuart Pittman, County Executive
Christine Anderson, Chief Administrative Officer
Ethan Hunt, Director of Government Affairs
Jeff Amoros, Chief of Staff
Chris Trumbauer, Senior Policy Advisor to the County Executive & Budget Officer
Susan Herrold, Central Services Officer