



TOPIC: Frostburg State University: Second Amendment to Ground Lease with Allegany County to Adjust Property Boundaries and Create a “no-build” Area

COMMITTEE: Finance

DATE OF COMMITTEE MEETING: September 10, 2015

SUMMARY: Frostburg State University requests Board of Regents approval to amend the Ground Lease between the University and Allegany County dated January 10, 2001. Under that Ground Lease, the University leased approximately 59 acres to the County to develop the Allegany Business Center Business Park (Business Park). Since the date of the original Ground Lease, development at the Business Park has required the construction of storm water management ponds and conveyance by the University of an adjacent parcel to the University of Maryland Center for Environmental Science (UMCES). Also, the University has constructed a Sustainable Energy Research Facility in the Business Park for research and classroom use. Each of these activities has necessitated that the boundary lines of the original Ground Lease be adjusted. In addition, UMCES requested the identification of a “no-build” area on the Business Park land to establish a buffer between the Business Park activities and the UMCES Appalachian Lab. The University and the County have agreed to the terms of the Second Amendment.

ALTERNATIVES: The Board could elect not to execute the proposed second amendment. Without the amendment there would not be clarity of title to the Business Park and University property. This could create future development issues.

FISCAL IMPACT: There is no fiscal impact anticipated.

CHANCELLOR’S RECOMMENDATION: That the Finance Committee recommend that the Board of Regents approve for Frostburg State University the second amendment to the Ground Lease between the Frostburg State University and Allegany County, Maryland to adjust property boundaries and to create a “no-build” area; and, delegate to the Chancellor the authority to execute all required documentation following legal review by the Office of the Attorney General and consistent with USM Policy and Procedures for the Acquisition and Disposition of Real Property.

COMMITTEE RECOMMENDATION:

DATE:

BOARD ACTION:

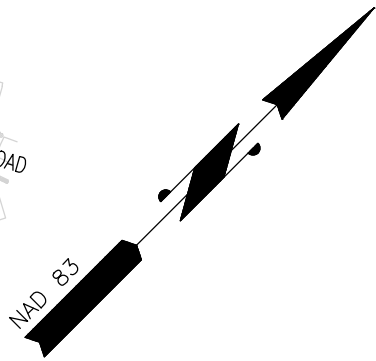
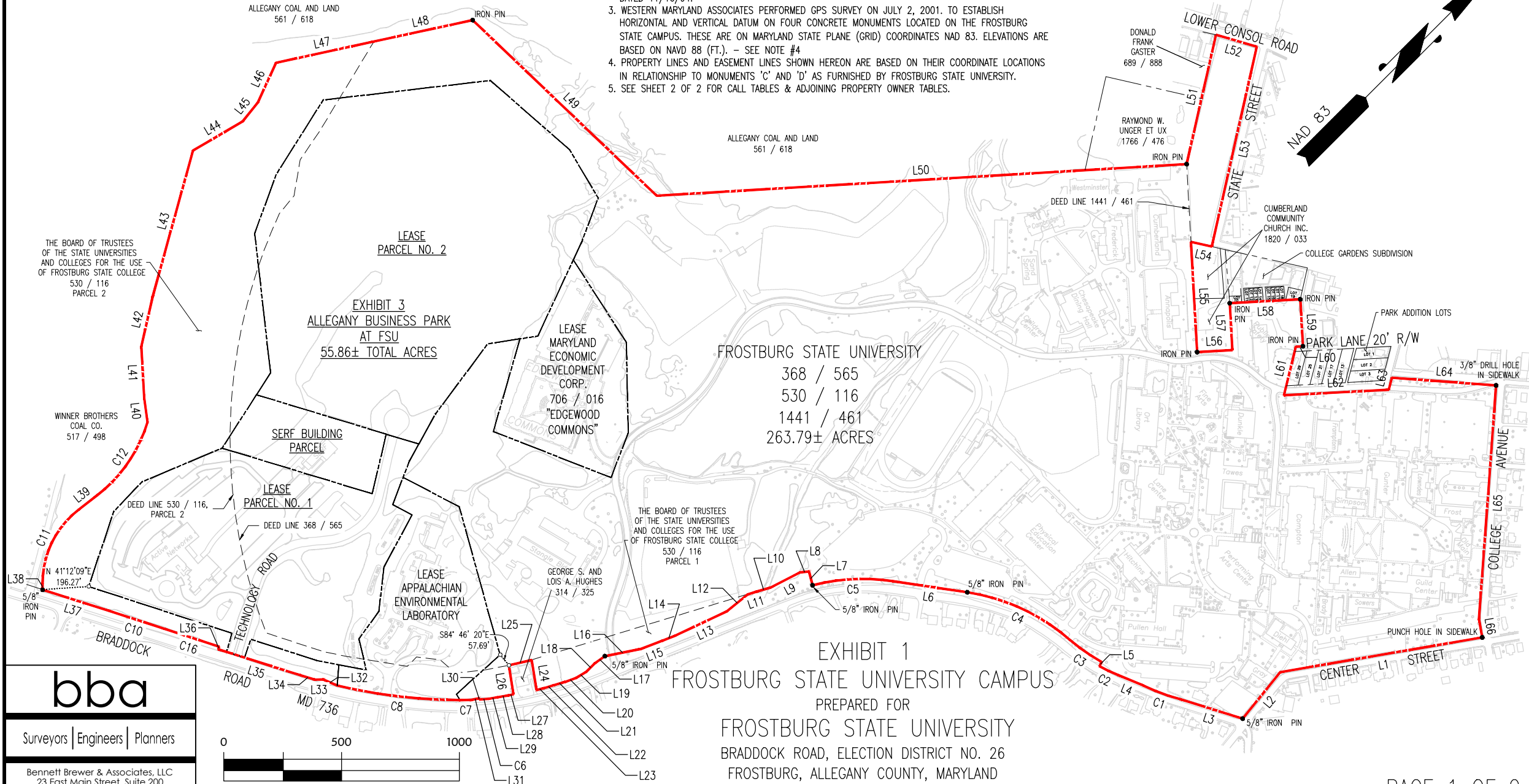
DATE:

SUBMITTED BY: Joseph F. Vivona (301) 445-1923

CAD FILE: P:\2013\13091 - FSU - AEL - ABC\WHOLE PROPERTY-12-19-2014.dwg PLOT DATE/TIME: 2/13/2015 - 10:14am LAST SAVE BY: Scott

GENERAL NOTES:

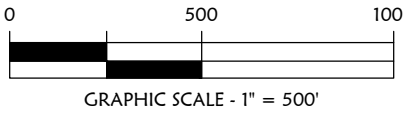
1. DIGITAL AERIAL MAPPING PROVIDED BY WINGS AERIAL MAPPING, CO. INC. AERIAL PHOTOGRAPHY TAKEN ON 03/20/01.
2. PROPERTY LINE SURVEY (SHOWN IN RED) PROVIDED BY KEN SHULTZ SURVEYORS JOB NO. 1194-1MD DATED 11/16/94.
3. WESTERN MARYLAND ASSOCIATES PERFORMED GPS SURVEY ON JULY 2, 2001. TO ESTABLISH HORIZONTAL AND VERTICAL DATUM ON FOUR CONCRETE MONUMENTS LOCATED ON THE FROSTBURG STATE CAMPUS. THESE ARE ON MARYLAND STATE PLANE (GRID) COORDINATES NAD 83. ELEVATIONS ARE BASED ON NAVD 88 (FT.). - SEE NOTE #4
4. PROPERTY LINES AND EASEMENT LINES SHOWN HEREON ARE BASED ON THEIR COORDINATE LOCATIONS IN RELATIONSHIP TO MONUMENTS 'C' AND 'D' AS FURNISHED BY FROSTBURG STATE UNIVERSITY.
5. SEE SHEET 2 OF 2 FOR CALL TABLES & ADJOINING PROPERTY OWNER TABLES.



FROSTBURG STATE UNIVERSITY
 368 / 565
 530 / 116
 1441 / 461
 263.79± ACRES

EXHIBIT 1
 FROSTBURG STATE UNIVERSITY CAMPUS
 PREPARED FOR
 FROSTBURG STATE UNIVERSITY
 BRADDOCK ROAD, ELECTION DISTRICT NO. 26
 FROSTBURG, ALLEGANY COUNTY, MARYLAND
 12-19-14 / REV 2-13-15

bba
 Surveyors | Engineers | Planners
 Bennett Brewer & Associates, LLC
 23 East Main Street, Suite 200
 Frostburg, MD 21532
 Phone 301-687-0494

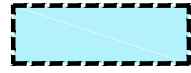


NOTE:

PROPERTY LINES AND EASEMENT LINES SHOWN HEREON ARE BASED ON THEIR COORDINATE LOCATIONS IN RELATIONSHIP TO MONUMENTS 'C' AND 'D' AS FURNISHED BY FROSTBURG STATE UNIVERSITY.

ALLEGANY COAL AND LAND
561 / 618

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561 / 618



"NO BUILD AREA" PERPETUAL EASEMENT
2.13± AC.



FROSTBURG STATE UNIVERSITY
368 / 565

ALLEGANY BUSINESS PARK
AT
FROSTBURG STATE UNIVERSITY
PARCEL NO. 2
36.29± ACRES
690 / 516

EXHIBIT 3
ALLEGANY BUSINESS PARK
AT FSU
55.86± TOTAL ACRES

LEASE
MARYLAND ECONOMIC DEVELOPMENT CORP.
706 / 016
"EDGEWOOD COMMONS"

FROSTBURG STATE UNIVERSITY
368 / 565

THE BOARD OF TRUSTEES
OF THE STATE UNIVERSITIES
AND COLLEGES FOR THE USE
OF FROSTBURG STATE COLLEGE
530 / 116
PARCEL 1

THE BOARD OF TRUSTEES
OF THE STATE UNIVERSITIES
AND COLLEGES FOR THE USE
OF FROSTBURG STATE COLLEGE
530 / 116
PARCEL 2

SERF BUILDING
AT
FROSTBURG STATE UNIVERSITY
3.70± ACRES

ALLEGANY BUSINESS PARK
AT
FROSTBURG STATE UNIVERSITY
PARCEL NO. 1
19.57± ACRES
690 / 516

WINNER BROTHERS
COAL CO.
517 / 498

ACTIVE NETWORK
TRI-COUNTY
COUNCIL
USGS

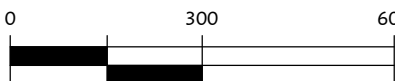
DEED LINE 530 / 116,
PARCEL 2 - TYPICAL

ORIGINAL LINES OF
UNIVERSITY OF MARYLAND
APPARENT UNRECORDED LEASE
APPALACHIAN
ENVIRONMENTAL
LABORATORY

APPALACHIAN
ENVIRONMENTAL
LABORATORY
8.47± ACRES

GEORGE S. AND
LOIS A. HUGHES
314 / 325

5/8" IRON PIN FOUND
END OF THE 17TH LINE OF 530 / 116 PARCEL 2
END OF THE 21ST LINE OF 517 / 498
BRADDOCK RD STA 17+17.68 50'R



GRAPHIC SCALE - 1" = 300'

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT I PERSONALLY PREPARED THIS BOUNDARY SURVEY OR WAS IN RESPONSIBLE CHARGE OVER ITS PREPARATION AND THE SURVEYING WORK REFLECTED IN IT. IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN REGULATION .12 OF ARTICLE § 15-308 (b) (4) ANNOTATED CODE OF MARYLAND.

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY, TO THE BEST OF MY KNOWLEDGE, WAS MADE ON ACCORDANCE WITH THE MINIMUM STANDARDS OF PRACTICE AS OUTLINED IN § 15-208-B ANNOTATED CODE OF MARYLAND.

THIS SURVEYOR HAS EXAMINED ONLY THE DEEDS IDENTIFIED HEREON AND AS SUCH CANNOT WARRANT THE EXISTENCE OR NONEXISTENCE OF ANY EASEMENTS, ENCUMBRANCES, RESTRICTIVE COVENANTS, OUT-CONVEYANCES ET CETERA THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.



EXHIBIT 2
REVISED LEASE &
EASEMENT SURVEY

PREPARED FOR
FROSTBURG STATE UNIVERSITY
BRADDOCK ROAD, ELECTION DISTRICT NO. 26
FROSTBURG, ALLEGANY COUNTY, MARYLAND

9-09-2014 / REV 12-19-14 / REV 2-13-15

bba

Surveyors | Engineers | Planners

Bennett Brewer & Associates, LLC
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