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
GENERAL NOTES:
1. AERIAL AERIAL MAPPING PROVIDED BY VINGS AERIAL MAPPING, INC. AERIAL PHOTOGRAPHY TAKEN ON 03/20/01.
2. PROPERTY LINE SURVEY (DRAWN IN RED) PROVIDED BY KEN SMITH SURVEYORS JOB NO. 1144-TWO
   DATE 11/16/04.
3. GENERAL MAPPING SERVICES PERFORMED GPS SURVEY ON JULY 2, 2001 TO EXTEND
   HORIZONTAL AND VERTICAL DATUM ON FOUR CONCRETE MONUMENTS LOCATED ON THE FROSTBURG
   STATE UNIVERSITY CAMPUS. THESE ARE ON MONTGOMERY COUNTY COORDINATE AND BS ELEVATIONS ARE
   BASED ON NAD 90 BB (FTS). SEE NOTE 4.
4. PROPERTY LINES AND EXISTED LINES SHOWN HERE ARE BASED ON THEIR COORDINATION LOCATIONS
   IN RELATIONSHIP TO MONUMENTS "C" and "D" (AS PERFORMED BY FROSTBURG STATE UNIVERSITY).
5. SEE SHEET 2 OF 2 FOR CALL TABLES IN ATTACHING PROPERTY OWNED TAKES.

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

GRAPHIC SCALE - 1" = 500'