

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**1999 Legislative Session**

Bill No. CB-65-1999  
 Chapter No. 40  
 Proposed and Presented by The Chairman (by request – Planning Board)  
 Introduced by Council Members Hendershot and Wilson  
 Co-Sponsors \_\_\_\_\_  
 Date of Introduction October 12, 1999

**BILL**

1 AN ACT concerning

2 Maryland-National Capital Park and Planning Commission— Lease Amendment  
 3 For the purpose of approving the Amendment to the Lease Agreement between the Maryland-  
 4 National Capital Park and Planning Commission and the 94th of College Park, Inc., for  
 5 approximately 3.5 acres of lessor-owned property known as the College Park Airport situated in  
 6 Prince George's County, Maryland.

7 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
 8 Maryland, that the following legislative findings are made:

9 1. The Maryland-National Capital Park and Planning Commission (the Commission) has  
 10 approved an Amendment to the Lease Agreement with the 94th of College Park, Inc. (the  
 11 Lessee), for the lease and operation of the 94th Aerosquadron Restaurant situated on 3.5 acres of  
 12 lessor-owned property known as the College Park Airport for the purpose of effectuating the  
 13 expansion and renovation of the restaurant as approved by CB-27-1999. A copy of the Lease  
 14 and Exhibits is attached hereto as Attachment A and incorporated herein by reference.

15 2. The Prince George's County Planning Board approved the Lease Amendment on  
 16 September 10, 1999.

17 3. Section 5-110 of Article 28 of the Annotated Code of Maryland provides that the  
 18 Commission may lease any portion of the lands within the metropolitan district acquired for park  
 19 purposes under certain condition and that the provision of any lease for a period in excess of  
 20 twenty (20) years be first approved by legislative act of the county in which the lease property is  
 21 located.

1           4. The Lease Amendment provides for the lease of approximately 3.5 acres of lessor-  
2 owned land known as the College Park Airport for a term of an additional twenty (20) years,  
3 with the option for an extension of two (2) ten (10) year periods. The purpose of the Lease  
4 Amendment is to provide for the expansion and renovation of the restaurant, and to allow the  
5 Lessee to recover the capital improvement expenditure for the renovation of the restaurant. The  
6 rent is comprised of a basic annual rent and a percentage rent. The basic annual rent is \$36,000  
7 for the first two (2) years of the term, \$54,000 for the next eighteen (18) years of the term, and  
8 \$72,000 for the remainder of the term as extended. The percentage rent is equal to 2.5% of the  
9 gross receipts resulting from the business conducted on the lease property during the first ten  
10 (10) years of operation, 2.75% of the gross receipts resulting from the business conducted on the  
11 lease property during the next ten (10) years of operation, 3% of the gross receipts resulting from  
12 the business conducted on the lease property during the next ten (10) years of operation, and  
13 3.25% of the gross receipts resulting from the business conducted on the lease property during  
14 the next ten (10) years of the remainder of the term, as extended. The percentage rent shall be  
15 determined with regard to each Lease Year based on gross receipts for such Lease Year without  
16 regard to overages or deficiencies in any other Lease Year. The leased property is subject to all  
17 normal real estate taxes.

18           5. The provisions of the Lease Amendment are contingent upon the Lessee's completion of  
19 the expansion and renovation in accordance with the provisions contained in the Lease  
20 Agreement.

21           SECTION 2. BE IT FURTHER ENACTED that the provisions of the Lease Amendment  
22 dated September 10, 1999, by and between the Maryland-National Capital Park and Planning  
23 Commission and the 94th of College Park, Inc., as more fully set out in Attachment A, be and the  
24 same are hereby approved.  
25

1       SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect on the date it  
2 becomes law.

Adopted this 2nd day of November, 1999.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
M. H. Jim Estepp  
Chairman

ATTEST:

\_\_\_\_\_  
Joyce T. Sweeney  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
Wayne K. Curry  
County Executive