

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**

**1995 Legislative Session**

Bill No. \_\_\_\_\_ CB-65-1995

Chapter No. \_\_\_\_\_ 47

Proposed and Presented by \_\_\_\_\_ Council Member Maloney

Introduced by \_\_\_\_\_ Council Members McKinnon and Del Giudice

\_\_\_\_\_ Co-Sponsors

Date of Introduction \_\_\_\_\_ July 31, 1995

**EMERGENCY BILL**

AN EMERGENCY ACT concerning

Private Recreational Facilities

For the purpose of approving the lease between the Maryland-National Capital Park and Planning Commission and Garden's Ice House Limited Partnership for 8.6 acres of land in the Fairland Regional Park.

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

1. The Maryland-National Capital Park and Planning Commission (the Commission) has approved a Lease dated July 20, 1995 with Garden's Ice House Limited Partnership for the lease of 8.6 acres of land in the Commission's Fairland Regional Park for the purpose of the construction and operation of an ice rink in furtherance of the Commission's recreational program. A copy of the Lease and Exhibits is attached hereto as Attachment A and incorporated herein by reference.

2. The Prince George's County Planning Board approved the Lease on July 20, 1995.

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

4. The Lease provides for the lease of approximately 8.6 acres of land in the Fairland Regional park for a term of 40 years, with the option for an extension of two 5 year periods. The purpose of the Lease is to provide for the construction and operation of an approximate 82,000 square foot dual ice rink facility. The rent is comprised of a basic annual rent and a percentage rent. The basic annual rent is \$50,000, beginning in the third year of the Lease and is adjusted by an annual escalation factor of 4% each year. Rent for the first two years is forgiven in consideration for the construction of a connecting road by the lessee. The percentage rent is equal to 4% of gross receipts resulting from the business conducted on the lease property, if such receipts exceed two million dollars per year and is adjusted by an escalation factor of 4% per year. The leased property is subject to all normal real estate taxes.

SECTION 2. BE IT FURTHER ENACTED that the provisions of the Lease dated July 20, 1995, by and between the Maryland-National Capital Park and Planning Commission and Garden's Ice House Limited Partnership, as more fully set out in Attachment A, be and the same are hereby approved.

SECTION 3. BE IT FURTHER ENACTED that in accordance with the provisions of Section 317 of the Charter, the County Council hereby declares that a public emergency exists affecting the public health, safety, and welfare; said emergency being the need to approve the provisions of the Lease prior to September 15, 1995, to permit the structure to be constructed before the onset of adverse winter weather.

SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect on the date it becomes law.

Adopted this 12th day of September, 1995, by an affirmative vote of two-thirds of the members of the full County Council.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY:

Anne T. MacKinnon  
Chairwoman

ATTEST:

Joyce T. Sweeney  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_

BY:

Wayne K. Curry  
County Executive