
By: Prince George's County and Montgomery County Delegations

Introduced and read first time: February 1, 1996

Assigned to: Commerce and Government Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 19, 1996

CHAPTER ____

1 AN ACT concerning

2 **Maryland-National Capital Park and Planning Commission - Development Lease**
3 **Agreements - County Council Approval Required**
4 **PG/MC 39-96**

5 FOR the purpose of ~~prohibiting the Maryland National Capital Park and Planning~~
6 ~~Commission from entering into development agreements involving any project that~~
7 ~~is publicly or privately financed under certain circumstances; and generally relating~~
8 ~~to the Maryland National Capital Park and Planning Commission's development~~
9 ~~activities decreasing the number of years for a lease agreement that the~~
10 ~~Maryland-National Capital Park and Planning Commission is authorized to enter~~
11 ~~into in Prince George's County without obtaining prior approval of the provisions of~~
12 ~~the lease by legislative enactment of Prince George's County; and generally relating~~
13 ~~to the authority of the Maryland-National Capital Park and Planning Commission~~
14 ~~to enter into lease agreements.~~

15 ~~BY adding to~~
16 ~~Article 28 - Maryland National Capital Park and Planning Commission~~
17 ~~Section 7-109.1~~
18 ~~Annotated Code of Maryland~~
19 ~~(1993 Replacement Volume and 1995 Supplement)~~

20 ~~BY repealing and reenacting, with amendments,~~
21 ~~Article 28 - Maryland-National Capital Park and Planning Commission~~
22 ~~Section 5-110~~
23 ~~Annotated Code of Maryland~~
24 ~~(1993 Replacement Volume and 1995 Supplement)~~

2

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article 28 - Maryland-National Capital Park and Planning Commission**

4 ~~7-109.1.~~

5 ~~NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, THE~~
6 ~~COMMISSION MAY NOT ENTER INTO A DEVELOPMENT AGREEMENT INVOLVING A~~
7 ~~PROJECT THAT IS PUBLICLY OR PRIVATELY FINANCED UNLESS THE AGREEMENT~~
8 ~~FIRST IS APPROVED BY THE MONTGOMERY COUNTY COUNCIL AND BY THE PRINCE~~
9 ~~GEORGE'S COUNTY COUNCIL.~~

10 5-110.

11 The Commission may (1) lease for a term not exceeding 40 years and renew the
12 lease from time to time for additional terms not exceeding ten years each, to any
13 responsible individual, partnership or corporation, any portion of the lands within the
14 metropolitan district, acquired for park purposes under any of the provisions of this
15 article. The Commission may not enter into any lease agreement in excess of 20 years
16 duration IN MONTGOMERY COUNTY, OR IN EXCESS OF 10 YEARS DURATION IN
17 PRINCE GEORGE'S COUNTY, without the prior approval of the provisions of the lease by
18 legislative enactment of the county in which the lease property is located in whole or in
19 part. Further, all such lease agreements shall contain provisions for reversion without cost
20 to the Commission of the property and its improvements regardless of whether the
21 improvements were added to the property by the lessee during the term of the lease or
22 any extension of the lease; and/or (2) grant privileges, permits, and/or concessions, and/or
23 enter into contracts relating to the same, with any responsible individual, partnership, or
24 corporation, to engage in any business or enterprise on lands acquired for park purposes
25 within the metropolitan district under any of the provisions of this article; all on terms
26 and conditions the Commission deems advantageous to the development of the park
27 system as a part of the plan for the physical development of the metropolitan district and
28 the plan of the Maryland-Washington Regional District within the metropolitan district.
29 The purpose for which the property is leased, and/or the privileges, permits, and/or
30 concessions are granted, may not be inconsistent with the use of the property for park
31 purposes. Any lease and/or contract executed under the authority of this section shall
32 contain a condition, stating specifically the purposes for which the property is leased,
33 and/or the privilege, permit, or concession is granted. All agreements entered into by the
34 Commission pursuant to this article shall contain provisions forbidding the assignment of
35 the agreement without the consent of the Commission. This article may not be
36 interpreted as a limitation on the Commission's authority to require in any agreement
37 more restrictive provisions deemed by the Commission to be in the public interest. The
38 provisions of this article may not be construed to validate any lease or agreement
39 executed prior to July 1, 1972, which provides for an initial term beyond 20 years
40 duration, nor to permit the renegotiation of any lease or agreement executed prior to July
41 1, 1972, for the purpose of extending the initial term of the lease beyond 20 years
42 duration. This limitation does not apply to any lease with a nonprofit, service-oriented
43 organization.

44 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
45 October 1, 1996.

