

MCPB  
16-065

**RESOLUTION**

WHEREAS, The Maryland-National Capital Park and Planning Commission (“**Commission**”) is authorized by Maryland Code Annotated, Land Use Article § 17-204, to lease to any responsible person any land in the metropolitan district acquired for park purposes; and

WHEREAS, Maryland Code Annotated, Land Use Article § 17-204(a)(2)(i) requires that the term of a lease may not exceed 20 years unless the Montgomery County Council (“**Council**”) approves a longer duration by legislative enactment; and

WHEREAS, the Commission entered into a Lease Agreement dated July 29 2011 (Commission Contract No. 320135-000), with an Addendum to Lease dated May 30, 2012 (collectively, the “**Lease**”), with Siena Learning, LLC, a Delaware limited liability company, doing business as “The Siena School” (“**Tenant**”), for a 20-year term for Tenant to operate a school under the Lease; and

WHEREAS, Tenant seeks to extend the term of the Lease by additional four years, making the total term of the Lease to 24 years, to fulfill a lender’s condition to a construction loan Tenant desires to obtain to build a new addition to its school; and

WHEREAS, Commission’s Montgomery County Department of Parks recommends approving a lease amendment to grant to Tenant additional four years to the Lease, extending the Lease term to a 24-year term in total.

NOW THEREFORE BE IT RESOLVED, that the lease amendment as described above between the Commission and Tenant is hereby approved by the Montgomery County Planning Board on this 19<sup>th</sup> day of May, 2016, subject to the Council’s approval of the same via legislative enactment, and the Executive Director is authorized to execute said lease amendment on behalf of the Commission; and it is further

RESOLVED, that the Executive Director, or her designee, is hereby directed to submit the aforementioned lease amendment between the Commission and Tenant to the Council for its action.

\* \* \* \* \*

This is to certify the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner [ ], seconded by Commissioner [ ], with Commissioners [ ] voting in favor of the motion, at its regular meeting held on Thursday, May 19, 2016, in Silver Spring, Maryland.

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Casey Anderson, Chair  
Montgomery County Planning Board