

**AN ORDINANCE TO APPROVE, CONFIRM AND RATIFY THE LEASE OF  
PROPERTY OWNED BY THE TOWN OF EMMITSBURG**

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**WHEREAS**, the Town of Emmitsburg is the owner of 83.54 acres of land located within the Town of Emmitsburg and which it acquired by deed dated November 26, 1986 recorded among the Land Records of Frederick County at Liber 1379, folio 732 (“the Property”); and

**WHEREAS**, by Ordinance No. 13-14, approved on December 3, 2013, the Mayor and Board of Commissioners approved, confirmed and ratified a lease of a portion of the Property to UGI Development for the purpose of, among other things, developing and constructing a solar energy project and granting to UGI a non-exclusive easement for purposes of, among other things, access to the leased portion of the Property; and

**WHEREAS**, the Project has proceeded to a second phase of development necessitating the lease of an additional portion of the Property for the same purposes as the first lease; and

**WHEREAS**, the terms of the additional Lease have been negotiated by and between the Town of Emmitsburg and UGI Development Company, and the terms of that Lease, a copy of which is attached hereto as “Exhibit A”, were approved by the Mayor and Board of Commissioners at a public meeting held on October 20, 2014; and

**WHEREAS**, the Mayor and Board of Commissioners desire to formally approve, confirm and ratify its approval of the Lease by this Ordinance.

**NOW, THEREFORE, BE IT RESOLVED, ORDAINED AND ENACTED** by the Mayor and Board of Commissioners of the Town of Emmitsburg that the Lease, including the grant of the Easements referred to in Article II of the Lease, a copy of which Lease is attached

hereto as "Exhibit A" and all attachments and exhibits thereto are hereby approved, confirmed, and ratified; and it is further

**RESOLVED, ORDAINED AND ENACTED** that the Mayor is and shall be authorized to execute the Lease as well as such further ancillary documents and take such further ancillary and administrative measures as may be or become necessary to complete the transaction; provided, however, that no such actions by the Mayor shall make or result in any substantive changes or revisions to the Lease without further approval of the Board of Commissioners.

**PASSED AND ADOPTED** by the Board of Commissioners of the Town of Emmitsburg on the 3rd day of November, 2014.

**ATTEST:**

**BOARD OF COMMISSIONERS  
OF THE TOWN OF EMMITSBURG**

Vickie Felix, Recording Secretary

Tim O'Donnell, President

  X   **APPROVED**

This 3rd day of November, 2014

Donald N. Briggs, Mayor

I hereby certify that the foregoing Ordinance has been posted as required by Chapter 2.04 of the Emmitsburg Municipal Code.

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Date

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Cathy Willets, Town Clerk