

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND
Resolution No. 2009-108

Project: Indian Head Energetics Technology Park

Property of: The Known and Unknown Heirs of William H. & Ella Key
Tax Map 12, Grid 5, Parcel 482

WHEREAS, the United States naval and military facilities located at Indian Head in Charles County, Maryland have a long history in our nation's defense. Founded more than 100 years ago, it was the Navy's first established presence in southern Maryland and began as a gun test facility on the Potomac River. Since then, operations at the Indian Head facilities have evolved into numerous scientific and response-force missions with a core competency in energetics, and serving the Navy, Army, Air Force, and Marines. From its 3,500-acre peninsula on the Potomac River in Charles County, the Indian Head facilities house a number of integrated commands and over 700 mission-critical scientists and researchers. The numerous naval and military commands at the Indian Head facilities include the Naval Surface Warfare Center, the Naval Explosive Ordnance Disposal Technology Division, the Naval Ordnance Safety and Security Office, the Naval Sea Logistics Center, the Marine Corps Chemical Biological Incident Response Force, and the Joint Interoperability Test Command. The units – with their focus on biological response teams, IEDs and bunker buster smart bomb technologies – are key components of the nation's military force and ability to project power;

WHEREAS, the U.S. Department of Defense Base Realignment and Closure Commission ("BRACC") completed its study of all U.S. military bases and recommended to the U.S. Congress in 2005 that Maryland and the Indian Head military facilities were to be the recipient of a number of substantial base relocations, expansions, and modernization efforts;

WHEREAS, the naval and military commands, the State, Charles County, and the business community have solidified efforts to move forward with a strategy to modernize and expand the facilities at Indian Head and the use of surrounding civilian areas to support the naval and military facilities and their mission in a coordinated way which benefits both the United States defense forces as well as the economic well-being of the State, Charles County and their citizens;

WHEREAS, the creation of well-paying jobs in the fields of engineering and research and development and the attraction of businesses to Charles County are critical to the economic future and well-being of Charles County residents and to sustaining and increasing Charles County's tax base to address and provide funding for the mounting financial infrastructure and social needs of Charles County and its residents, including those infrastructure needs resulting from the relocation of naval and military personnel and their families to this area;

WHEREAS, the focus of Charles County's Economic Development Department ("EDD") includes the establishment of two science and technology parks in the 210 Corridor of Bryans Road / Indian Head and the 301 Business Corridor Hub area of White Plains. These priorities were established in an effort to create and expand primary employment and to broaden the military, federal government, academic, research, and business employers' base inside the County. Simultaneously, Charles County seeks to advance its competitive position in Maryland and the D.C. area for employer locations by undertaking major highway and other infrastructure construction projects to resolve the traffic issues resulting from Charles County's continuing growth;

WHEREAS, 269 +/- acres of land located in the Bryans Road community, near the Maryland Airport and five miles north of the main gate for the military base at Indian Head, was identified to be assembled and developed into a planned Energetics Technology Park (or "Park") to support the modernization of the base and the growth of government and defense contractors in the western corridor where such business space does not exist to facilitate the coordination of military, naval and civilian research and development in the field of energetics;

WHEREAS, the development of the Park will have a beneficial effect upon public needs in Charles County, primarily the creation of new job opportunities and the attraction of new businesses to increase Charles County's tax base, and is thus necessary for the economic well-being of Charles County;

WHEREAS, private developers are unable to undertake the assemblage of properties necessary for development of the Park because the scope and extent of the assemblage required makes it impossible for a private developer, without the power of eminent domain, to assemble the required number of properties in an effective location and configuration to serve the purpose of the Park. Further, the Park can be developed only if Charles County contributes extensive acreage and bears the cost of constructing public infrastructure to serve the Park;

WHEREAS, Charles County will, therefore, contribute over 50 acres to the assemblage of property for the Park, and will construct all needed road and sewer and public purposes to be achieved by the project. Some of the property that Charles County will contribute has been acquired from the State of Maryland, other portions of the property must be acquired from private property owners or contributed by the private entity selected to develop the Park;

WHEREAS, an agreement was reached between the State of Maryland and Charles County to transfer Tract "B" of the State's Chapman's Landing purchase to the Park. The State of Maryland added a commitment of \$150,000 in a planning grant for Charles County to use for planning support for the project's infrastructure, design, industry studies and attracting targeted industries to the Park;

WHEREAS, in September of 2005, Charles County moved forward on planning for the Park after receiving the State planning grant for \$150,000 and adding to that

grant \$50,000 in additional Charles County funds. In that regard the Charles County Commissioners issued a public competitive procurement Request for Proposals (“RFP”) for consulting support services and encouraged in the RFP the concept of development team considerations for a joint venture of the Park’s development as part of any proposal submissions;

WHEREAS, in January of 2006, Charles County received five Proposals in response to the RFP;

WHEREAS, in February of 2006, the State of Maryland completed the transfer of title to the Tract “B” 50 acre parcel to Charles County;

WHEREAS, on February 27, 2006, the Charles County Commissioners reviewed all RFP submissions and selected Corporate Office Properties Trust (“COPT”) of Columbia, Maryland, an entity with over 13 million square feet of science, technology and general business client facilities under management in the United States, and Facchina Development LLC (“Facchina”) of La Plata, Maryland, one of Charles County’s largest employers with extensive heavy construction, civil engineering, site development and commercial building capabilities as the RFP designated award recipients;

WHEREAS, Charles County based its decision on the complimentary strength of both organizations to perform the planning support for the project and their offers to consider actual development of the property as part of an economic development agreement for the Park. To further strengthen the proposals, Charles County encouraged the two firms to enter into a combined joint venture and to submit a letter of intent (“LOI”) that would encompass the items needed to advance from the planning effort to a development initiative. Charles County directed County staff to work with the selected firms to formulate a LOI which would advance the project’s full development under an economic development agreement with Charles County;

WHEREAS, on July 20, 2006, after extensive meetings by COPT/Facchina and Charles County staff with various County and State departments and private property owners in the Park area, COPT and Facchina submitted a LOI for the project’s development to the Charles County Commissioners for consideration;

WHEREAS, under the LOI, a joint effort of COPT and Facchina, under a to-be-formed entity would undertake the development of the 50 acre designated property, as well as additional properties in the area of the 50 acre parcel to be acquired by Charles County and the COPT/Facchina entity in order to strengthen and ensure a successful development. Additional items in the LOI included that the co-developers would be responsible for all infrastructure and development costs inside the expanded Park area and that Charles County would be responsible for providing infrastructure support to the Park property line;

WHEREAS, after full review and consideration of all LOI items, the Charles County Commissioners approved the LOI with a unanimous vote, authorized the President to sign the LOI and directed County staff to work with all parties to advance

the LOI to a final Economic Development Agreement (“Agreement”) in order to commence development of this key employment center Park;

WHEREAS, on October 23, 2006, affiliates of COPT and Facchina formed CFIH to undertake the development;

WHEREAS, CFIH has prepared a development concept plan for the expanded Park project to ultimately encompass approximately 250 acres of land situated between Maryland Routes 210, 227 and 224. The project will be designed as a high end professional business center fashioned to serve the purposes of the Park;

WHEREAS, on October 28, 2008, Charles County and CFIH executed the Economic Development Agreement which will provide for the planned development of the approximately 250 acre center to further the creation of the Park;

WHEREAS, Charles County has obtained a September 2006 water/sewer infrastructure study prepared by Whitman, Requardt & Associates for this project and an economic and fiscal impact study prepared in July of 2008 by Urban Analytics to estimate the project’s economic impacts. These studies indicate that the projected new property taxes from the project development are projected at \$3.4 million per year with expenditures for public services projected at \$1.86 million per year resulting in an annual net gain of \$1.5 million per year to Charles County. The impact study projects \$1.82 of new tax revenues for each \$1 in new public expenditures. Estimated employment projects reflect 1,530 new jobs over a 14 year build out with \$67.5 million in new employment payrolls. The majority of the jobs are seen in the higher salary ranges due to the targeted industry groups sought for location in the project under the Agreement. Projected construction spending by CFIH over the initial 14 year period is estimated to be approximately \$281 million;

WHEREAS, Charles County will maintain significant control over the Park at Indian Head after the commercial land therein is sold to private owners. Specifically, Charles County will consider the approval of a planned employment and industrial park zoning and Master Plan which will apply to all properties in the Park and will regulate (a) the management of natural features, (b) the maintenance of health, safety, and welfare, (c) the control of hazards and nuisances, (d) the physical environment, and (e) land uses in the Park. The purpose of these requirements is to ensure that the businesses in the Park will further the research and development function of the Park and that such businesses can be attracted to the Park which are necessary to carry out its important public purposes;

WHEREAS, the location and general design of the Park project has been approved, and in connection with the assemblage of the properties for the Park, it is necessary that the herein described property located at 6685 Laurel Acres Drive in Indian Head (Tax Map 12, Grid 5, Parcel 482) belonging to the known and unknown heirs of William H. & Ella Key, together with any buildings and improvements thereupon erected, made and being, and every and all rights, alleys, ways, waters, privileges, appurtenances, and advantages to the same belonging or otherwise

appertaining showing on the Boundary Surveys (attached hereto as Exhibits A and B), together with certain other rights, easements, controls, and appurtenances in and over and pertaining to the immediately abutting property of said owner, located in Charles County, Maryland, be acquired for public use in order to develop the Science and Technology Park in Indian Head, Maryland, to wit the completion of the herein mentioned project; and

WHEREAS, representatives of Charles County are unable to agree with the known and unknown heirs of William H. & Ella Key for the acquisition of the herein described property (SDAT Account No. 07-019998), and other rights;

NOW THEREFORE, BE IT RESOLVED, this 9th day of December, 2009, by the County Commissioners of Charles County, Maryland, that the Office of Development and Capital Services and/or County Attorney's Office be and they are hereby authorized and directed to take such steps, including the preparation and the filing of pleadings and plats required, under Title 12 of the Real Property Article of the Annotated Code of Maryland, as amended, and the Maryland Rules of Civil Procedure, as necessary, to institute condemnation proceedings against the herein described property (Tax Map 12, Grid 5, Parcel 482) of the known and unknown heirs of William H. & Ella Key (and any and all others having an interest in said property), as is shown and/or indicated in any manner on the Boundary Surveys (attached hereto as Exhibits A and B) or on the County's Project No. _____ known as the Indian Head Energetics Technology Park in order that construction of the presently proposed project may be begun, in order that a full, free, and clear fee simple title be obtained by Charles County, Maryland, to the aforesaid required property, together with such other rights, easements, and appurtenances in, under and over the land of the property owner as are necessary to complete and protect the project, in accordance with the aforesaid general design.

[Signature Page Follows]

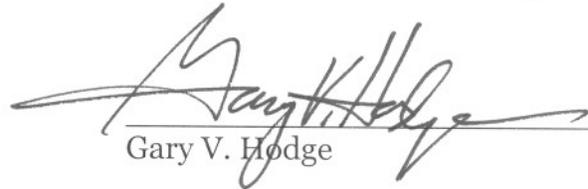
**County Commissioners of
Charles County, Maryland**


Wayne Cooper, President


Edith J. Patterson, Ed.D., Vice President


Reuben B. Collins, II


Samuel N. Graves, Jr.


Gary V. Hodge

ATTEST:


Denise Ferguson, Clerk

Dated: December 9, 2009

CERTIFICATE

I HEREBY CERTIFY that I am the duly appointed Clerk to the County Commissioners of Charles County, Maryland, and that the foregoing Resolution No. 2009-108 was duly adopted by the County Commissioners of Charles County, Maryland on December 9, 2009, in public session on a regular meeting day at which meeting a quorum was present.



Denise Ferguson
Clerk to the County Commissioners