



# MONTGOMERY COUNTY EXECUTIVE ORDER

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Disposition of County Property: Portion of Oaks Landfill	Executive Order No. 112-20	Subject Suffix
Montgomery County Department of General Services	Department No.	Effective Date 09/23/20

WHEREAS, the closed Oaks Landfill site at 6010 Riggs Road is owned by Montgomery County; and

WHEREAS, operations of the landfill ceased in 1995 and the landfill closed in 1997; and

WHEREAS, the former landfill contains a total of approximately 545 acres which includes a capped footprint of 170 acres, spread over four parcels; and

WHEREAS, in September 2019, the County issued a Request for Energy Proposals for a solar photovoltaic project on the former landfill to include a community solar project for low- and moderate-income (LMI) subscribers; and

WHEREAS, the chosen proposal from Ameresco is a 6-megawatt (MW) project divided into three 2 MW arrays. Array 1 is for use by the County and will be governed through a power purchase agreement. Arrays 2 and 3, each with 2 MW, will be leased for a community solar project to Ameresco who will finance, design, construct, own and operate the facilities.

WHEREAS, 100% of the electricity generated by the community solar project, consisting of approximately 16 acres, will be available to LMI subscribers; and

WHEREAS, an appraisal for the property was not completed as the value of the land does not correlate with the intended use and pricing for the lease was established competitively based on the pricing received from the final four proposers; and

WHEREAS, Ameresco's proposal was chosen in large part due to the rate provided for LMI households as Ameresco was the only proposer to offer a 25% discount off the tariff rate to LMI households in the County; and

WHEREAS, the County Executive has determined that the property is no longer needed for County use and should be leased to Ameresco for a period of 20 years; and

WHEREAS, lease payments for the community solar will be made on a quarterly basis, and the price to be paid per acre per quarter is \$2,160, or \$34,568 per quarter total, which will increase at a rate of 1% per year; and

WHEREAS, the material terms of the lease agreement are as stated above; and



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WHEREAS, in accordance with the provisions of Montgomery County Code Section 11B-45, Disposition of Real Property, the County Executive must issue an Executive Order declaring that County owned or controlled land is no longer needed for County use.

## ACTION

In consideration of the above recitals, the County Executive hereby declares that an approximately 16-acre portion of the closed Oaks Landfill located at 6010 Riggs Road, Gaithersburg, Maryland, is no longer needed for County use and is available for disposition through long term lease to Ameresco for 20 years for a 100% LMI community solar project with quarterly payments of \$2,160 per acre, which will increase at a rate of 1% per year.

Approved as to Form and Legality  
Office of the County Attorney

By: Neal Anker  
Date: 9/17/2020

APPROVED

A. Jerome Fletcher  
A. Jerome Fletcher  
Assistant Chief Administrative Officer  
Date: 9/23/2020