

**MARYLAND HOUSE AND CHESAPEAKE HOUSE  
LEASE AND CONCESSION AGREEMENT  
MODIFICATION NO. 1 (MARYLAND HOUSE WATER)  
To  
MARYLAND TRANSPORTATION AUTHORITY  
CONTRACT NO. 60833436R  
I-95 TRAVEL PLAZAS**

**THIS MODIFICATION NO. 1** to Maryland Transportation Authority Contract No. 60833436R (the "Agreement") is effective as of March 6 2015, by and between the Maryland Transportation Authority (hereinafter referred to as "MDTA") and Areas USA MDTP, LLC (hereinafter referred to as "Concessionaire").

**WHEREAS**, the MDTA, an agency of the State of Maryland, entered into an Agreement, effective March 19, 2012, for the redevelopment of the two Service Area Travel Plazas, the Maryland House located in Harford County and the Chesapeake House located in Cecil County on the John F. Kennedy Memorial Highway with Concessionaire;

**WHEREAS**, the State Roads Commission ("Commission") entered into an agreement, dated September 23, 1963, with the Town of Aberdeen to furnish the water needed by the Commission for the Maryland House Service Area ("1963 Water Agreement");

**WHEREAS**, the MDTA is the successor of the Commission and the Town of Aberdeen is now known as the City of Aberdeen;

**WHEREAS**, the Maryland House service facilities ("Maryland House Service Area") currently connect into the City of Aberdeen's water system via a metering vault located at the intersection of I-95 and Route 22. The MDTA owns approximately 2.75 miles of water main from the meter vault to the existing Maryland House booster station;

**WHEREAS**, the City of Aberdeen stated during the preparation of the initial RFP in 2008 that it was unable to allocate additional water capacity to the redevelopment of the Maryland House Service Area. Due to this information, the MDTA negotiated with Harford County to have the County supply the MDTA's future potable water for the newly developed Maryland House Service Area;

**WHEREAS**, the Agreement required Concessionaire to design and construct a waterline for connecting the Maryland House Service Area to Harford County's water distribution system located on Burnt Hill Trail. The Concessionaire was to keep the water main from the City of Aberdeen open during construction to provide a source of water to the Maryland House Service Area until the new water main from Harford County was constructed. After the new water main was constructed, the Concessionaire would abandon the existing water main from the City of Aberdeen;

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**WHEREAS**, the design of the Maryland House Service Area has been completed by Concessionaire and it has been determined by the use of a fixture count that the water usage in the new Maryland House Service Area will be approximately the same as the old facility;

**WHEREAS**, the MDTA desires to modify the Agreement, the Request for Proposals, Appendix B - Mandatory Work, Section B.4- Utilities Systems Construction, Section B.4.4.1, which is incorporated into the Agreement and referenced in Appendix 1 – Construction Provisions, Section 2.2.1- Mandatory Work – General, requiring the Concessionaire to construct a waterline to the Harford County System and allow the Concessionaire to provide improvements to the existing Maryland House Service Area water supply system; and

**WHEREAS**, on July 25, 2013, the MDTA Board unanimously approved this Contract Modification and delegated authority to the Executive Director to finalize and execute approval documents.

**NOW, THEREFORE**, the parties agree as follows:

- A. Both parties acknowledge that the City of Aberdeen has agreed to continue to supply potable water to the Maryland House Service Area in accordance with the 1963 Water Agreement.
- B. The Agreement will be modified as indicated on Attachment A to modify portions of the Request for Proposals, Appendix B - Mandatory Work, Section B.4 - Utilities Systems Construction as incorporated in Appendix 1 – Construction Provisions, Section 2.2.1- Mandatory Work – General.
- C. The parties acknowledge that Concessionaire investigated the condition of the water line that is located under the northbound shoulder of I-95 and determined the improvements required to meet the needs for the term of the Agreement and MDTA has concurred in these improvements.
- D. The Concessionaire will provide improvements to the Aberdeen water vault located on northbound I-95 near MD 22 as requested by the City of Aberdeen. These improvements include the replacement of the meter valve and installing a back flow preventer device.
- E. The Concessionaire will replace the pumps and valves in the existing booster pump house located near the Maryland House Service Area and supply electric service and a phone line for the telemetry control system.
- F. The Concessionaire will provide a warranty for a period of approximately five years ending on December 31, 2018 for the improvements made to the water system. The Concessionaire will be responsible for all costs related to deficiencies in design, workmanship, and materials during the warranty period.

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- G. The terms and conditions of this Modification No. 1 constitute all of the additional rights and obligations of the parties. This Modification No. 1 does not serve to modify any other provisions of the Agreement which shall remain in full force and effect, unless expressly amended herein.

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IN WITNESS WHEREOF, the parties hereto have caused this Modification No. 1 to be executed in two original copies this 6<sup>th</sup> day of March, 2015.

Witness:

Tudy Edward

MARYLAND TRANSPORTATION AUTHORITY

Bruce W. Gartner

Bruce W. Gartner  
Executive Director

Date: 3/6/15

Attest:

[Signature]

AREAS USA MDTP, LLC

By: [Signature]

Printed Name: Eduardo Uribe

Title: Vice President

Date: 2/27/15

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:  
this 4<sup>th</sup> day of March, 2015

[Signature]  
Assistant Attorney General

## **B.4 UTILITIES SYSTEMS CONSTRUCTION**

### **B.4.1 General**

The Concessionaire shall design and construct the Utility systems to accommodate the proposed Travel Plazas. All design and construction shall be in accordance with the requirements of this specification and all applicable Governmental Rules. These include but are not limited to performance requirements, standards and references, design and construction criteria, and required submittals.

### **B.4.2 Standards and References**

Design and construction of the Utility Systems shall be in accordance with all applicable Governmental Rules and the relevant requirements of the Standards/Codes

### **B.4.3 Performance Requirements**

Water Service Performance: Design, furnish, install, and test a water distribution system of sufficient scope, size and capacity to provide peak daily flow to accommodate facilities proposed. This includes obtaining all required permits. The water service shall include the peak daily flow and any additional water capacity required for fire fighting.

Sewer Service Performance: Design, furnish, install, and test the sewer collection system of sufficient scope, size and capacity to provide peak daily flow capacity to accommodate facilities proposed.

### **B.4.4 Design and Construction Criteria**

The environmental features, on Site or beyond the lease line boundary, that are disturbed shall be returned to their preconstruction conditions once Work stated in the Project Documents is completed.

#### **B.4.4.1 Potable Water Service**

Potable water will be supplied by an incoming service line connected to the municipal water main.

The Maryland House currently connects into the City of Aberdeen's water system via a metering vault located at the intersection of I-95 and Route 22. The MDTA owns approximately 2.75 miles of water main from the meter vault to the existing Maryland House booster station. ~~The City of Aberdeen is unable to allocate additional water capacity to the redevelopment of the Travel Plaza. Due to this the MDTA has negotiated with Harford County to have the County become the MDTA's potable water supplier.~~

The Concessionaire shall design and construct a waterline for connecting the Maryland House Travel Plaza to Harford County's water distribution system located on Burnt Hill Trail or provide upgrades to the existing water system from the City of Aberdeen. The Concessionaire shall keep the water main from the City of Aberdeen open during construction to provide a source of water to the Site. ~~until the new water main from Harford County is constructed. After the new water main is constructed the Concessionaire shall abandon the existing water main from the City of Aberdeen.~~

If the connection is made to Harford County's water distribution system, ~~T~~he new connection will require a new booster station, capable of meeting the flows required by the Concessionaire's design and a water main from Burnt Hill Trail to the Travel Plaza's existing, onsite booster station. The proposed booster station shall be designed to be architecturally pleasing and be constructed with a brick veneer and the roof shall be constructed with 25 year 3 tab shingles.

~~The MDTA has obtained the required easements for the proposed booster station and water main from the property owners. If the Concessionaire connects to the City of Aberdeen, it will provide upgrades to the existing booster station.~~ The Concessionaire is responsible for the design, construction and permitting of the proposed facilities. Future operation and maintenance outside of the lease area will be the responsibility of MDTA.

The Chesapeake House connects into the Town of North East's water system via a metering vault located off Red Toad Road (North of Chesapeake House Travel Plaza). The MDTA owns the water main from this connection point to the Travel Plaza. A portion of the Town of North East utilizes the MDTA's water storage tank for flow and pressure. During the rehabilitation of

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the water tank the Concessionaire is responsible for maintaining flow and pressure to the Town's distribution system. Drawings and plans of the existing facilities are included in the Reference Documents.

The Concessionaire shall design the facility so that its average daily flow remains under the agreed purchase capacity or develop design alternatives or additional water sources. This can include low flow fixtures, water reuse or additional water sources. This average daily flow shall include all facilities and any flow required for irrigation purposes.

The MDTA's water lines serving each Travel Plaza must be sized to handle the peak daily demand at each proposed facility.

#### B.4.4.2 Sanitary Sewer

Sanitary wastewater from the facility will be collected on Site and conveyed by gravity to the county collection system. The Concessionaire shall replace the sanitary wastewater system in accordance with the following configuration:

The Maryland House connects into the Harford County sewer system via a metering manhole located on the MDTA's property just before the sewer main passes under Northbound I-95. The County owns the metering manhole and the sewer main after this manhole.

The Chesapeake House ties into the Cecil County sewer system after it crosses under Northbound I-95 via an 18" sleeve. The County is proposing to replace and relocate the 8" gravity main that services the Chesapeake House to allow for easier maintenance. As part of this work Cecil County also designed a new open channel pre-treatment facility with a mechanical bar screen, washer/compactor and bypass. There will also be a new flow meter constructed in order to monitor the flow from the Chesapeake House.

The Concessionaire will be required to furnish and install the open channel pre-treatment facility. This has been designed by the County and plans are included in the Reference Documents. The pre-treatment facility will require a power feed and water line for operations. This work will be

included in the redevelopment of the Travel Plaza. The future maintenance of the pre-treatment facility will be the responsibility of Cecil County. The water line will be maintained by MDTA.