

## OFFER TO LEASE

On behalf of County of Norfolk, by and through its duly elected Board of County Commissioners, and pursuant to Mass. Gen. Laws, c. 34, § 14 and c. 30B, § 16, the County hereby offers the following premises to be leased by the Town of Walpole under the following terms and conditions:

**TENANT:** TOWN OF WALPOLE

**LANDLORD:** COUNTY OF NORFOLK

**PREMISES:** 9.0 acres of land to be leased from land that is owned by Norfolk County with the improvements thereon contiguous with the main campus (which consists of 202.6±Acres) of the Norfolk County Agricultural High School addressed as 400 Main Street, Walpole, MA, said 9.0 acres of land to be leased from portions of the following recorded & registered land parcels depicted on plans entitled: “Plan of Land in Walpole, Mass”, Plan Number 971 of 1969 in Plan Book 226, and “Plan of Land in Walpole, Mass”, Plan Number 69 of 1973 in Plan Book 235, and Land Court Case Plan 11282A, Lot A. The 9.0 acres leased area will include portions of the following Town of Walpole Assessor Maps-parcel numbers 13-169, 13-167, 13-166 and 18-21.

**PRESENT USE:** Undeveloped.

**REASON FOR  
LEASES:**

In recent years, Norfolk County has struggled with the fact that revenue increases from Chapter 70 funding have been far outpaced by the increases in mandated school expenses including, *inter alia*, utility costs, employee health insurance and special education needs.

While Norfolk County continues to make school funding a priority within its fiscal year operating budget and, historically, has exceeded its mandated contribution to the Norfolk County Agricultural School, increases in Chapter 70 funding have been negligible and have been far below the rate of inflation (0.69% in Fiscal Year 2018 and 1.18% proposed in 2019). This operational challenge for the County is striking when these negligible revenue increases are compared, for example, to the increased costs of employee health insurance, which increased by 11% and 4.5%, respectively, in fiscal years 2017 and 2018.

Faced with these and other fiscal challenges, in June 2017 the County issued a Request for Qualifications (“RFQ”) pursuant to 225 CMR 19.00, for qualified renewable energy Contractors (“Contractors or Respondents”) interested in implementing a performance based renewable energy system (“Project”) with guaranteed onsite electricity generation on certain County properties.

The County’s intent was to use this Solar Project to address, meet, or exceed several of its goals, objectives, strategies, and actions concerning the County and School’s fiscal needs including entering into a solar Energy Management Services Agreement (“EMSA”) that supports the County and School’s essential governmental functions, policies and goals of: (1) reducing energy costs; (2) promoting and supporting the development of renewable energy resources; (3) reducing the County’s carbon footprint; and (4) developing a ninth through twelfth grade curriculum in solar energy for the School that conforms to Common Core and Next Generation State Science Standards.

**NEW  
ACTIVITY/  
PURPOSE FOR  
LEASE:**

The County proposes to lease the Premises to Solar Developer Kearsarge Energy for the construction and installation of a 1-megawatts AC ground-mounted solar photovoltaic (“PV”) array.

**TERMS:**

Twenty (20) Years for both Premises

**RENTAL  
RATES:**

\$31,500 per year in ground rent with a provision for a 1.5% annual increase in rent for the term of the lease.

**INDEPENDENT  
APPRAISAL:**

See attached appraisal dated September 9, 2021.

**MARKET  
VALUE OF  
COUNTY’S  
RIGHTS IN  
PROPOSED  
LEASEHOLD  
ESTATE:**

Four Hundred Twenty Thousand Dollars (\$420,000.00).

**DISCLAIMER:** LANDLORD AND TENANT WILL ONLY BE BOUND BY A WRITTEN LEASE AGREEMENT THAT IS PROPERLY APPROVE AND EXECUTED BY LANDLORD AND TENANT. NO OFFER, COUNTEROFFER, LETTER OR ORAL STATEMENT WILL BE CONSTRUED AS A BINDING LEASE AGREEMENT OR AS A CONTRACT TO ENTER INTO A LEASE.

THE PURPOSE OF THIS OFFER IS TO COMPLY WITH MASS. GEN. LAWS, c. 34, § 14 and c. 30B, § 16 PRIOR TO ENTERING INTO A LEASE WITH KEARSARGE ENERGY. IF ACCEPTED BY THE COMMONWEALTH, THE PARTIES MUTUALLY ACKNOWLEDGE THAT THIS OFFER IS QUALIFIED AND THAT THEY, THEREFORE, CONTEMPLATE THE DRAFTING AND EXECUTION OF A MORE DETAILED LEASE AGREEMENT. THE PARTIES INTEND TO BE BOUND ONLY BY THE EXECUTION OF SUCH AN AGREEMENT AND NOT BY THIS PRELIMINARY DOCUMENT. THIS OFFER SHALL EXPIRE AND BE NULL AND VOID IF NOT ACCEPTED PRIOR TO THE CLOSE OF BUSINESS ON MARCH 21, 2022.