

COUNCIL OF THE TOWN OF LA PLATA
Resolution 08-16

Introduced By: Mayor Roy G. Hale
Date Introduced: December 16, 2008
Date Adopted: December 16, 2008
Date Effective: December 16, 2008

1 A RESOLUTION concerning

2
3 **Fast Food Restaurants – La Plata Village Center**
4

5 **FOR** the purpose of expressing the concurrence of the Council of the Town of La Plata that the
6 development of a fast food restaurant on a certain parcel of land in the La Plata Village
7 Center would not be inconsistent with the terms of a certain Annexation Agreement, and
8 limiting the development of a fast food restaurant to a certain other parcel of land within the
9 La Plata Village Center; and matters generally related to the development of fast food
10 restaurants in the La Plata Village Center.

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12 * * * * *

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14 **WHEREAS**, pursuant to Resolution CAR 88-9, the Council of the Town of La Plata,
15 annexed into the corporate limits of the Town four parcels of land collectively consisting of 73.88
16 acres of land, more or less. In conjunction with that annexation, the owners of three of the parcels of
17 land entered into an Annexation Agreement with the Town dated June 8, 1989, recorded among the
18 Land Records of Charles County, Maryland in Book 1441, page 430 (“Annexation Agreement”).
19 According to Paragraph 6 of the Annexation Agreement, three of the parcels were subjected to a
20 covenant and restriction that prohibits the development, construction or operation of a fast food
21 restaurant on any of those parcels (“Restricted Parcels”). The fourth parcel consisting of 2.46 acres,
22 more or less, then owned by John S. Hill, *et al.*, (“Hill Parcel”) was not subjected to this covenant and
23 restriction; and

24
25 **WHEREAS**, on May 1, 2008, a plat entitled “RESUBDIVISION LOT 1-A, 2-A, 3-A, OUT-
26 LOT A, & 1-RR LA PLATA VILLAGE CENTER” was recorded among the Land Records of
27 Charles County, Maryland, in Plat Book 57, page 557 (“Resubdivision Plat”). The Resubdivision Plat
28 reconfigured a portion of the Restricted Parcels and the Hill Parcel to create regularly shaped lots;
29 and

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31 **WHEREAS**, after considering certain circumstances related to the reconfiguration of a

32 portion of the Restricted Parcels and the Hill Parcel to create regularly shaped lots, and after
33 determining that there would be no increase in the number of fast food restaurants that otherwise
34 would be allowed by the Annexation Agreement, on July 22, 2008, the Council of the Town of
35 La Plata adopted Resolution 08-7, which expressed the concurrence of the Council of the Town of
36 La Plata that the development of a fast food restaurant on Lot 3-A of the La Plata Village Center
37 would not be inconsistent with the terms of the Annexation Agreement, and determined that the
38 development of a fast food restaurant on Lot 1-RR within the La Plata Village Center would violate
39 the terms of that Annexation Agreement; and

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41 **WHEREAS**, Lot 1-A as shown on the Resubdivision Plat was formed partly from the Hill
42 Parcel and partly from one of the Restricted Parcels, and would be subject per the Annexation
43 Agreement to the restriction that prohibits the development, construction or operation of a fast food
44 restaurant. Lot 2-A as shown on the Resubdivision Plat was formed entirely from the Hill Parcel, and
45 would not be subject to the restriction; and

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47 **WHEREAS**, the nature and location of Lot 1-A is more conducive to the safe and functional
48 operation of a fast food restaurant than that of Lot 2-A; and

49
50 **WHEREAS**, the owner of Lot 2 has agreed to record among the Land Records of Charles
51 County, Maryland, a covenant and restriction prohibiting in perpetuity the development, construction
52 and/or operation of a fast food restaurant on Lot 2-A. The covenant and restriction shall be reviewed
53 and approved as to form and legal sufficiency by the Town Attorney. The costs of said the Town
54 Attorney’s review and the costs of recording are to be paid by the owner of Lot 2-A; and

55
56 **WHEREAS**, the transfer of said covenant and restriction from Lot 1-A to Lot 2-A will not
57 increase the number of fast food restaurants than otherwise would be allowed by the Annexation
58 Agreement.

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60 **NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF**
61 **LA PLATA** as follows:

- 62
63 1. The Council of the Town of La Plata concurs that the development, construction and
64 operation of a fast food restaurant on Lot 1-A of the La Plata Village Center is not inconsistent with
65 Paragraph 6 of the Annexation Agreement, provided that a covenant and restriction prohibiting the
66 development, construction and/or operation of a fast food restaurant is recorded against Lot 2-A of
67 the La Plata Village Center as set forth above.

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69 **ADOPTED AND APPROVED** by the Council of the Town of La Plata on December 16,
70 2008.

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SEAL:

COUNCIL OF THE TOWN OF LA PLATA

Roy G. Hale, Mayor

James Goldsmith, Councilman

Scot D. Lucas, Councilman

ATTEST:

Paretta D. Mudd, Councilwoman

Judith T. Frazier, Town Clerk

Vic E. Newman, Councilman

Date: _____