

**COUNCIL OF THE TOWN OF LA PLATA**  
**Resolution No. 08-7**

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**Introduced By:** Mayor Gene Ambrogio  
**Date Introduced:** July 22, 2008  
**Date Adopted:** July 22, 2008  
**Date Effective:** July 22, 2008

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1 A RESOLUTION concerning

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3 **La Plata Village Center Fast Food Restaurants**  
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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 determining that the development of a fast food restaurant on a certain other parcel of land  
9 within the La Plata Village Center would violate the terms of that Annexation Agreement; and  
10 matters generally related to the development of fast food restaurants in the La Plata Village  
11 Center.

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13 \* \* \* \* \*

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

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

32 Hill Parcel was incorporated into Lot 1-RR and a small triangular portion of land at the southwest  
33 corner of Lot 1-RR was incorporated into Lot 3A; and  
34

35           **WHEREAS**, despite the irregular shape of Lot 3-A before the resubdivision, a fast food  
36 restaurant could have been developed, constructed and operated on Lot 3-A, and a fast food  
37 restaurant could still be developed on Lot 3-A without utilizing the portion of land acquired from Lot  
38 1-RR, albeit in a less functional configuration; and

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40           **WHEREAS**, Lot 1-RR was bound by the prohibition against fast food restaurants prior to the  
41 resubdivision. The addition of a small triangular portion of Lot 3-A as part of the resubdivision does  
42 not yield a developable portion of Lot 1-RR that is not bound by the fast food prohibition; and

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44           **WHEREAS**, the development, construction and operation of a fast food restaurant on Lot 3-  
45 A as resubdivided will not increase the number of fast food restaurants that otherwise would be  
46 allowed by the Annexation Agreement.

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48           **NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF**  
49 **LA PLATA** as follows.

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51           1. The Council of the Town of La Plata concurs that the development, construction and  
52 operation of a fast food restaurant on Lot 3A of the La Plata Village Center is not inconsistent with  
53 Paragraph 6 of the Annexation Agreement; and

54  
55           2. The Council of the Town of La Plata determines that the development, construction and  
56 operation of a fast food restaurant on Lot 1RR of the La Plata Village Center would violate  
57 Paragraph 6 of the Annexation Agreement.

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59           **ADOPTED AND APPROVED** by the Council of the Town of La Plata on July 22, 2008.

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**SEAL:**

**COUNCIL OF THE TOWN OF LA PLATA**

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**Gene Ambrogio, Mayor**

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**James Goldsmith, Councilman**

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**Scot D. Lucas, Councilman**

**ATTEST:**

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**Paretta D. Mudd, Councilwoman**

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**Judith T. Frazier, Town Clerk**  
**Date**\_\_\_\_\_

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**Vic E. Newman, Councilman**