

**COUNCIL OF THE TOWN OF LA PLATA**  
**Resolution 07-1**

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**Introduced By:** Mayor Gene Ambrogio

**Date Introduced:** January 9, 2007

**Amendments Adopted:**

**Date Adopted:** January 9, 2007

**Date Effective:** January 9, 2007

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1 A **RESOLUTION** concerning

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3 La Plata Commerce Center Indenture

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5 **FOR** the purpose of waiving the Town's right to enforce a certain August 22, 1978  
6 Indenture involving the La Plata Commerce Center with respect to a proposed Site  
7 Plan submitted on behalf of Levin Construction Corporation for the construction of a  
8 building to house the High Road School; and matters generally related to the Town's  
9 right to enforce this Indenture.

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11 \* \* \* \* \*

12  
13 **WHEREAS**, in connection with the consent by the County Commissioners of Charles  
14 County to industrial zoning for the La Plata Commerce Center upon its annexation into the  
15 Town of La Plata, La Plata Commerce Center Limited Partnership entered into an Indenture  
16 with the County Commissioners dated August 22, 1978; and

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18 **WHEREAS**, among other things, the Indenture requires that a 200 foot vegetated  
19 buffer area be maintained at all times between the La Plata Commerce Center and U.S. Route  
20 301, and that no buildings may be constructed within the buffer area; and

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22 **WHEREAS**, the Levin Construction Corporation has submitted to the Town for  
23 approval a proposed site plan for development of a 20,000 square foot building to house,  
24 among other uses, the High Road School, such structure to be located within the 200 foot  
25 buffer area, approximately 71 feet from the U.S. Route 301 right-of-way; and

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27 **WHEREAS**, two commercial structures have been erected within the required buffer  
28 area since the execution of the Indenture; and

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31           **WHEREAS**, according to the terms of the Indenture, the Town may enforce the  
32 restrictions of the Indenture; and

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34           **WHEREAS**, the Town Council has determined that the Town does not desire to  
35 enforce the 200 foot buffer area restriction with respect to the site plan submitted by the  
36 Levin Construction Corporation.

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38           **NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE TOWN**  
39 **OF LA PLATA** that the Town of La Plata waives its right to enforce the 200 foot buffer  
40 area restriction contained in the Indenture with respect to the site plan submitted by the Levin  
41 Construction Corporation for the construction of a 20,000 square foot building to house,  
42 among other uses, the High Road School.

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44           **ADOPTED AND APPROVED** by the Council of the Town of La Plata on January  
45 9, 2007.

**SEAL:**

**COUNCIL OF THE TOWN OF LA PLATA**

\_\_\_\_\_  
Gene Ambrogio, Mayor

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R. Wayne Winkler, Councilman

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C. Keith Back, 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