

COUNCIL OF THE CITY OF ABERDEEN
Emergency Ordinance No. 20-O-17

Date Introduced: November 9, 2020

Sponsored By: Councilwoman Sandra J. Landbeck and Councilman Timothy W. Lindecamp

Amendments Adopted: None

Date Adopted: November 9, 2020

Date Effective: November 10, 2020

AN EMERGENCY ORDINANCE concerning

34 N. Philadelphia Blvd. Restrictive Covenant - Modification

FOR the purpose of authorizing and approving a modification of a certain restrictive covenant applicable to the use of the property located at 34 N. Philadelphia Blvd. in the City of Aberdeen; allowing certain medical-related uses of that property; proving for the effective date of this Emergency Ordinance; and generally related to the future use of the property at 34 N. Philadelphia Blvd.

EXPLANATORY STATEMENT: By Ordinance No. 18-O-05 the Aberdeen City Council approved and authorized the sale of the fee simple real property known as 34 N. Philadelphia Boulevard, Aberdeen, Maryland 21001 (hereinafter “Property”) to Keyona Investors LLC, which was acquired by virtue of a Deed dated January 15, 2019 and recorded among the Land Records of Harford County in Liber J.J.R. No. 13143, folio 403 (hereinafter “Deed”). The Deed contains restrictive covenants which limit the uses of the Property for a period of ten (10) years from the issuance of a certificate of occupancy for the Property and specifically limits the uses of the Property to senior residential purposes, including senior apartments and senior daycare, related commercial office or medical space, or multifamily apartments at rental or sale market rates consistent with other comparable senior or multifamily residential properties in the Aberdeen area (hereinafter “Restrictive Covenants”).

The Property has not been developed as contemplated when the Property was sold, and is pending an imminent sale for medical-related uses that would not be permitted by the Restrictive Covenants. The medical-related uses are described in the “Modification of Restrictive Covenants” that accompanies this Emergency Ordinance as Attachment 1 and is incorporated by reference.

The City Council believes that use of the Property for the medical-related uses described in Attachment 1 would provide a much needed and desirable public service and would be consistent with the purposes of the TOD – Transit Oriented development District. The City Council further believes that the public interest would be served by approving the “Modification of Restrictive Covenants” that accompanies this Emergency Ordinance as Attachment 1. Now, therefore,


SECTION 1. BE IT ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN, that it hereby approves the "Modification of Restrictive Covenants" that accompanies this Emergency Ordinance as Attachment 1 and authorizes the City Manager execute and deliver it on behalf the City.

SECTION 2. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN, that this Emergency Ordinance shall become effective on the day following its adoption by the Council.

COUNCIL OF THE CITY OF ABERDEEN



Patrick L. McGrady, Mayor



Adam M. Hiob, Councilman



Jason W. Kolligs, Councilman



Sandra J. Landbeck, Councilwoman



Timothy W. Lindecamp, Councilman

ATTEST:

SEAL:



Monica A. Correll, City Clerk

Date November 9, 2020

ATTACHMENT 1 TO EMERGENCY ORDINANCE 2020-O-17

Getz Title Group, LLC
26 South Main Street
Bel Air, Maryland 21014
(410) 879-2136

MODIFICATION OF RESTRICTIVE COVENANTS

THIS MODIFICATION OF RESTRICTIVE COVENANTS, made this ____ day of November, 2020 by the CITY OF ABERDEEN, a body corporate and politic of the State of Maryland (the "Declarant"), KEYONA INVESTORS, LLC, a Maryland Limited Liability Company (the "Owner"), and AMRE HOLDINGS, LLC, a Maryland Limited Liability Company (the "Contract Purchaser").

WHEREAS, the Declarant did by Ordinance No. 18-O-05 approve and authorize the sale of the fee simple real property known as 34 N. Philadelphia Boulevard, Aberdeen, Maryland 21001 (hereinafter "Property") to Keyona Investors LLC which was acquired by virtue of a Deed dated January 15, 2019 and recorded among the Land Records of Harford County in Liber J.J.R. No. 13143, folio 403 (hereinafter "Deed"); and

WHEREAS, the Deed contains restrictive covenants which limit the uses of the Property for a period of ten (10) years from the issuance of a certificate of occupancy for the Property and specifically limits the uses of the Property to senior residential purposes, including senior apartments and senior daycare, related commercial office or medical space, or multifamily apartments at rental or sale market rates consistent with other comparable senior or multifamily residential properties in the Aberdeen area (hereinafter "Restrictive Covenants"); and

WHEREAS, the Declarant by Emergency Ordinance No. 2020-O-17 dated November 9, 2020 has approved and authorized a modification of the Restrictive Covenants which encumber the use of the Property as set forth in the Deed to permit that the Property to be utilized for medical offices, medical treatments, medical and physical therapies which may include a fitness facility for same, pharmacy, pathology laboratories, microbiology laboratories, basic and clinical research laboratories, medical imaging facilities and other associated medical uses; and

WHEREAS, the Declarant desires to modify said Restrictive Covenants which will enable the Property to be utilized for medical offices, medical treatments, medical and physical therapies which may include a fitness facility for same, pharmacy, pathology laboratories, microbiology laboratories, basic and clinical research laboratories, medical imaging facilities and other associated medical uses.

NOW THEREFORE, the Declarant does hereby modify the Restrictive Covenants contained in the Deed to permit that the Property to be utilized for medical offices, medical treatments, medical and physical therapies which may include a fitness facility for same, a pharmacy, pathology laboratories, microbiology laboratories, basic and clinical research laboratories, medical imaging facilities and other associated medical uses.

AND the Owner and Contract Purchaser join herein for the purpose of consenting to this Modification of Restrictive Covenants.

AS WITNESS the hands and seals of the Declarant the date and year first above written.

DECLARANT:

WITNESS:

CITY OF ABERDEEN, a body corporate
and politic of the State of Maryland

BY: _____ (SEAL)
RANDY E. ROBERTSON
CITY MANAGER

WITNESS:

OWNER:

KEYONA INVESTORS, LLC,
a Maryland Limited Liability Company

By: _____ (SEAL)
BRIJESH PATEL
MANAGING MEMBER

CONTRACT PURCHASER:

AMRE HOLDINGS, LLC,
a Maryland Limited Liability Company

By: _____ (SEAL)
MOHAMMED M. CHAUDRY
MANAGING MEMBER

STATE OF MARYLAND, COUNTY OF HARFORD, TO WIT:

I HEREBY CERTIFY that on this this ____ day of November, 2020, before me, the subscriber, a Notary Public of the State of Maryland, in and for the aforesaid County, personally appeared RANDY E. ROBERTSON, City Manager for the City of Aberdeen, and made oath in due form of law that the foregoing Modification of Restrictive Covenants is his act and deed and that he is authorized to execute same on behalf of the City.

AS WITNESS my hand and Notarial Seal.

My Commission Expires:

NOTARY PUBLIC

STATE OF MARYLAND, COUNTY OF HARFORD, TO WIT:

I HEREBY CERTIFY that on this this ____ day of November, 2020, before me, the subscriber, a Notary Public of the State of Maryland, in and for the aforesaid County, personally appeared BRIJESH PATEL, Managing Member of KEYONA INVESTORS, LLC, a Maryland Limited Liability Company and made oath in due form of law that the foregoing Modification of Restrictive Covenants is his act and deed and that he is authorized to execute same on behalf of the Company.

AS WITNESS my hand and Notarial Seal.

My Commission Expires:

NOTARY PUBLIC

STATE OF MARYLAND, COUNTY OF HARFORD, TO WIT:

I HEREBY CERTIFY that on this this ____ day of November, 2020, before me, the subscriber, a Notary Public of the State of Maryland, in and for the aforesaid County, personally appeared MOHAMMED M. CHAUDRY, Managing Member of AMRE HOLDINGS, LLC, a Maryland Limited Liability Company and made oath in due form of law that the foregoing Modification of Restrictive Covenants is his act and deed.

AS WITNESS my hand and Notarial Seal.

My Commission Expires:

NOTARY PUBLIC

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY THIS
_____ DAY OF November, 2020

FREDERICK C. SUSSMAN, CITY ATTORNEY