

COUNCIL OF THE CITY OF ABERDEEN
Ordinance No. 22-O-08

Date Introduced: July 11, 2022

Sponsored By: Mayor Patrick L. McGrady

Public Hearing: July 25, 2022

Amendments Adopted: None

Date Adopted: August 8, 2022

Date Effective: August 29, 2022

AN 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 a certain assisted living facility use of that property; 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").

Pursuant to Emergency Ordinance No. 20-O-17, the Aberdeen City Council authorized the modification of the restrictive covenants to allow the Property to be used for various medical-related purposes including a fitness facility for same, pharmacy, pathology laboratories, microbiology laboratories, basic and clinical research laboratories, medical imaging facilities and other associated medical uses. This modification was recorded among the Land Records of Harford County in Liber J.J.R. No. 14302, folio 438.

The City Council believes that use of the Property for an assisted living facility would provide a much needed and desirable public service and would be consistent with the purposes of the TOD

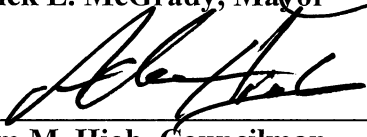
1 – Transit Oriented Development District. The City Council further believes that the public interest
2 would be served by approving the “Modification of Restrictive Covenant” that accompanies this
3 Ordinance as Attachment 1. Now, therefore,
4

5 **SECTION 1. BE IT ENACTED BY THE COUNCIL OF THE CITY OF**
6 **ABERDEEN**, that it hereby approves the “Modification of Restrictive Covenant” that
7 accompanies this Ordinance as Attachment 1 and authorizes the Mayor to execute and deliver it
8 on behalf of the City.
9

10 **SECTION 2. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF**
11 **ABERDEEN**, that this Ordinance shall become effective at the expiration of twenty (20) calendar
12 days following adoption by the Council.
13


COUNCIL OF THE CITY OF ABERDEEN

Patrick L. McGrady, Mayor



Adam M. Hiob, Councilman

Sandra J. Landbeck, Councilwoman



Timothy W. Lindecamp, Councilman

Vacant

ATTEST:



Monica A. Correll, City Clerk

SEAL:

Date August 8, 2022

ATTACHMENT 1 TO ORDINANCE NO. 22-O-08

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

MODIFICATION OF RESTRICTIVE COVENANT

THIS MODIFICATION OF RESTRICTIVE COVENANT, made this _____ day of _____, 2022 by the CITY OF ABERDEEN, a body corporate and politic of the State of Maryland (the "Declarant"), and AMRE HOLDINGS, LLC, a Maryland Limited Liability Company (the "Owner").

WHEREAS, the Declarant by Emergency Ordinance No. 20-O-17 dated November 9, 2020, approved and authorized a modification of the Restrictive Covenant which encumbers the use of the Property as set forth in the Deed to permit 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. This modification was recorded among the Land Records of Harford County in Liber J.J.R. No. 14302, folio 438; and

WHEREAS, the Declarant desires to further modify the Restrictive Covenant to enable the Property to be used for an assisted living facility in addition to the permitted uses set forth in the Deed and the above referenced Emergency Ordinance No. 20-O-17.

NOW THEREFORE, the Declarant does hereby modify the Restrictive Covenant contained in the Deed to permit that the Property to be utilized for an assisted living facility in addition to the permitted uses set forth in the Deed and the above referenced Emergency Ordinance No. 20-O-17 dated November 9, 2020.

AND the Owner joins 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.

WITNESS/ATTEST:

DECLARANT:

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

BY: _____ (SEAL)

Patrick L. McGrady, Mayor

WITNESS:

OWNER:

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 _____, 2022, before me, the subscriber, a Notary Public of the State of Maryland, in and for the aforesaid County, personally appeared Patrick L. McGrady, Mayor of the City of Aberdeen, and made oath in due form of law that the foregoing Modification of Restrictive Covenant 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 _____, 2022, 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 Covenant 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 _____, 2022

FREDERICK C. SUSSMAN, CITY ATTORNEY