

ORDINANCE 9-2021

Introduced by: Comm. Dieffenderfer

AN ORDINANCE OF THE TOWN OF TRAPPE APPROVING AND ADOPTING THE FIRST AMENDMENT TO DEVELOPMENT RIGHTS AND RESPONSIBILITIES AGREEMENT BY AND BETWEEN THE TOWN OF TRAPPE AND TRAPPE EAST HOLDINGS BUSINESS TRUST

WHEREAS, under the authority granted to it by Md. Code Ann., Land Use § 7-302, the Town of Trappe adopted Ordinance No. 2-2003, which enables the Trappe Town Council to consider and enter into development rights and responsibilities agreements;

WHEREAS, on March 1, 2006, Trappe East, LLC, Luthy Properties, LLC, Lyons Trappe, LLC, Whitmarsh Farm, LLC, Trappe Ocean Gateway, LLC, Barber Road Addition, LLC, Trappe Wise, LLC and Slaughter Land, LLC and the Town entered into a development rights and responsibilities agreement (the "DRRA") regarding the development of a project referenced as "Trappe East" on a significant portion of the lands annexed pursuant to Town Resolution No. 7-2002;

WHEREAS, by an Assignment and Assumption Agreement dated March 11, 2009, which is recorded among the Land Records in Liber 1682, folio 303 ("Assignment Agreement"), Trappe East Holdings Business Trust ("TEHBT") assumed the obligations arising under the DRRA upon their assignment to it by TEHBT's predecessors-in-interest Trappe East LLC, Luthy Properties LLC, Lyons Trappe LLC, Whitmarsh Farm LLC, Trappe Ocean Gateway LLC, Barber Road Addition LLC and Trappe Wise LLC;

WHEREAS, TEHBT petitioned the Town to amend the DRRA and submitted the First Amendment to the Development Rights and Responsibilities Agreement (the "First Amendment") attached hereto as Exhibit A;

WHEREAS, the Town Council reviewed the proposed First Amendment at a regular meeting on July 7, 2021;

WHEREAS, on July 20, 2021, the Trappe Planning Commission considered the First Amendment and found it consistent with the Comprehensive Plan of the Town of Trappe and recommended approval of the First Amendment by Planning Commission Resolution No. 2021-1, attached hereto as Exhibit B;

WHEREAS, the Town Council conducted a public hearing on this Ordinance and the attached First Amendment on October 6, 2021;

WHEREAS, the Town Council finds that the First Amendment as attached hereto complies with Ordinance No. 2-2003 and is consistent with the Trappe Comprehensive Plan and is fair, just and reasonable;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF


TRAPPE AS FOLLOWS:

Section 1. The First Amendment attached hereto as Exhibit "A" is hereby adopted and approved, and the DRRA shall be promptly executed by the Town Council.

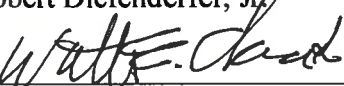
Section 2. In accordance with Article II, Section ~~209~~ of the Trappe Town Charter, this ordinance shall become effective twenty (20) calendar days after approval by the Town Council.



Nicholas Newnam



Robert Diefenderfer, Jr.



Walter Chase, Sr.



Tonya Pritchett



Brian Schmidt

I hereby certify that the above Ordinance was adopted by a yea and nay vote of the Council
this 6th day of October, 2021.



Erin Braband, Town Administrator/Town Clerk

Erin Braband, Town Administrator/Town Clerk