

Staff Report

R-3-16

AMENDMENT to Private Right-of-Way Agreement: ETN Global, LLC and Thomas Woods Homeowners Association, LLC

Pursuant to R-23-15 and a corresponding agreement, passed on October 26, 2015, the City Council permitted ETN Global, LLC and the Thomas Woods Homeowners Association, LLC to retain private ownership of the streets/roads within the boundaries of its community, pursuant to § 20.20.010(A) of the Code of the City of Annapolis.

The City Council-approved agreement was then circulated for signatures, and signed by Dimitri Sfakiyanudis, as managing member of both ETN Global, LLC and the Thomas Woods Homeowners Association, LLC.

Mr. Sfakiyanudis has now requested that an amendment be made to the City Council-approved agreement. Specifically, he would like the following language in Paragraph 4(b) to be deleted:

b. The Subdivision Plat shall include the following notation: "At no time from this date henceforth shall the owners of the individual housing units or the Association (on behalf of the owners) petition the City to take over the road/street rights-of-way or assume responsibilities for maintenance as outlined in the Maintenance Agreement recorded among the Land Records of Anne Arundel County at _____."

and to be replaced with the following:

b. The Subdivision Plat shall include the following notation: "Thomas Trail owned and maintained by the Homeowner's Association."

Mr. Sfakiyanudis' justifications for this amendment are summarized in the attached letter from his legal counsel, Alan J. Hyatt, dated January 5, 2016.

In considering Mr. Sfakiyanudis' justifications please keep in mind that he is the managing member for both the developer and the homeowner's association, and that he was also the engineer who signed off on the plat in question.

Please also note the following important dates related to this matter:

- September 15, 2015 – The agreement is finalized by all parties.
- September 21, 2015 – The agreement is presented to City Council on 1st reader.
- October 13, 2015 – The agreement is reviewed by the Rules & City Gov.'t Committee.
- October 15, 2015 – The agreement is reviewed by the Environ. Matters Committee.
- October 19, 2015 – The agreement is reviewed by the Economic Matters Committee.
- October 26, 2015 – The agreement is approved by City Council on 2nd reader.
- October 27, 2015 – Mr. Sfakiyanudis signs the plat for this development/agreement.
- November 23, 2015 – The plat for this development/agreement is recorded.

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