



**Council of the Town of Leonardtown  
Annexation Resolution No. 2-24**

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**Date Introduced on First Reading: April 8, 2024**

**Date of Public Hearing: June 10, 2024**

**Date Adopted on Second Reading: June 10, 2024**

**Date Effective: July 25, 2024**

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**AN ANNEXATION RESOLUTION** of the Council of the Town of Leonardtown pursuant to § 4-401, *et seq.* of the Local Government Article of the Annotated Code of Maryland for the purpose of annexing three parcels of real property owned by Cedar Lane Senior Living Community III, Inc., as follows: 1) Tax Map 40, Grid 6, Parcel 71, Tax Identification No. 03-036065, consisting of 25,894± square feet of land; 2) Tax Map 41, Grid 1, Parcel 220, Tax Identification No. 03-017044, consisting of 3.9100± acres of land; and 3) Tax Map 40, Grid 6, Parcel 133, Tax Identification No. 03-040186, consisting of 1.3400± acres of land, which properties are contiguous and adjacent to the corporate boundaries of the Town and are more fully described in this Annexation Resolution; providing for the terms of such annexation in the Annexation Plan and Annexation Agreement; amending the Charter of Leonardtown, St. Mary's County for the purpose of including the annexed property within the legal descriptions and plats depicting the corporate limits of the Town; and generally relating to the annexation of the foregoing property into the Town of Leonardtown.

RECITALS

**WHEREAS**, the Council of the Town of Leonardtown (the "Council") is authorized by the Charter of Leonardtown, St. Mary's County (the "Charter") and Md. Code Ann., Local Gov't § 4-401, *et seq.* to expand the municipal boundaries of the Town of Leonardtown (the "Town") by annexing lands which are adjoining and contiguous; and

**WHEREAS**, on March 11, 2024, Cedar Lane Senior Living Community III, Inc. (the "Petitioner") submitted a Petition for Annexation of 5.86 Acres of Land More or Less into the Municipality of Leonardtown, Maryland (the "Petition"), which Petition is attached hereto as Exhibit 1 and incorporated herein by reference as if fully set forth, pursuant to which the Petitioner formerly requested that three parcels of real property owned by Cedar Lane Senior Living Community III, Inc., as follows: 1) Tax Map 40, Grid 6, Parcel 71, Tax Identification No. 03-036065, consisting of 25,894± square feet of land ("Parcel 71"); 2) Tax Map 41, Grid 1, Parcel 220, Tax Identification No. 03-017044, consisting of 3.9100± acres of land ("Parcel 220"); and 3) Tax Map 40, Grid 6, Parcel 133, Tax Identification No. 03-040186, consisting of 1.3400± acres of land ("Parcel 133") (collectively, the "Annexation Properties"), owned by the Petitioner in fee simple, be annexed into the Town; and

**WHEREAS**, the Annexation Properties are contiguous and adjoining to the corporate boundaries of the Town, as more fully shown on the ALTA/NSPS Land Title Survey prepared by Little Silences Rest, Inc. dated December 14, 2023, and entitled “ALTA/NSPS Land Title Survey-Cedar Lane Road-Adjusted Parcel 133, Parcel 71 & Adjusted Parcel 220” (the “Annexation Plat”) and as more fully described in the metes and bounds legal description of the Annexation Properties, which Annexation Plat and legal description are attached as Exhibits A-1 and A-2, respectively, to the Petition; and

**WHEREAS**, the Petitioner represents one hundred percent (100%) of the owners of the assessed valuation of the real property in the area to be annexed and one hundred percent (100%) of the registered voters who are residents in the area to be annexed; and

**WHEREAS**, a proposed Annexation Plan consistent with the requirements of Md. Code Ann., Local Gov’t § 4-415 shall be prepared and submitted to the Town and made available for public review and discussion, and a copy thereof shall be provided to the Board of County Commissioners for St. Mary’s County, Maryland and the Maryland Department of State Planning at least thirty (30) days prior to the date of the public hearing conducted on this Annexation Resolution by the Council; and

**WHEREAS**, all requirements of the laws of the State of Maryland, St. Mary’s County, and the Charter and laws of the Town regarding initiation of this annexation by the Petitioners have been satisfied, and the Council has determined that it is desirable to initiate by petition the annexation process for the benefit of the Town; and

**NOW, THEREFORE BE IT RESOLVED** on this 10<sup>th</sup> day of June, 2024, by the Council of the Town of Leonardtown that:

Section 1. Modification of Town Boundaries. The municipal boundaries of the Town of Leonardtown, Maryland shall be and are hereby amended to incorporate into the Town of Leonardtown the Annexation Properties, as shown and described on the Annexation Plat attached as Exhibit A-1 to the Petition. The Annexation Properties are also described in the metes and bounds legal description attached as Exhibit A-2 to the Petition. The foregoing shall be subject to technical review and correction by the Town, or its designee, prior to the public hearing to be held on this Annexation Resolution.

Section 2. Amendment of Charter. Pursuant to the authority of Article XI-E of the Constitution of Maryland and Md. Code Ann., Local Gov’t §§ 4-301, et seq. and 4-401, et seq., the Charter of Leonardtown, St. Mary’s County, Maryland (as published in Chapter 87, Volume 5, Compilation of Municipal Charters, and as amended from time to time) be and the same is hereby amended in § 104 of the Charter by adding the following metes and bounds description of the Annexation Properties:

“2024 ANNEXATION (Cedar Lane Senior Living Community III, Inc. Properties)”

See METES AND BOUNDS DESCRIPTION as set forth in Exhibit A-2 to the Petition.

Section 3. Application of Charter and Ordinances. Upon the effective date of this Annexation Resolution, the provisions of the Charter, Code, and ordinances of the Town of Leonardtown, and any local public laws enacted or to be enacted affecting the Town of Leonardtown, shall be effective within the Annexation Properties except to the extent that this Annexation Resolution, an Annexation Agreement, or the Annexation Plan provides otherwise.

Section 4. Zoning Classification; Right to Withdraw Request for Annexation.

(a) The Annexation Properties are described in full in Exhibit 1. The Annexation Properties are vacant and unimproved.

(b) The Annexation Properties are currently zoned Residential, Low Density (“RL”) by St. Mary’s County. Subject to the satisfaction of all statutory and regulatory requirements, including, but not limited to, the review of the Town’s Planning Commission and the approval of the Board of County Commissioners of St. Mary’s County, it is the Town’s intent to apply the Multiple-Family Residential (“R-MF”) zoning classification to the Annexation Properties.

(c) The proposed zoning classification is consistent with nearby property uses and compatible with adjacent zoning. The April 2010 Comprehensive Plan for the Town of Leonardtown, as amended (the “Comprehensive Plan”), designates the Annexation Properties as a potential future growth area for the Town. The Annexation Properties will be requested to be designated as a growth area in St. Mary’s County and within a Priority Funding Area which is eligible for State funding upon annexation. Thus, the Petitioner’s annexation request set forth in the Petition is compatible with the Comprehensive Plan.

(d) In conjunction with the adoption of this Annexation Resolution, the Council may introduce and enact an ordinance to provide the intended zoning.

(e) At any time prior to the adoption of this Annexation Resolution, the Petitioner may request to withdraw its Petition subject to the requirements of Section 8.

Section 5. Annexation Plan. The Town has prepared an Annexation Plan with regard to the Annexation Properties. The Annexation Plan is attached hereto as Exhibit B but is not part hereof, and the Council reserves the right to amend the Annexation Plan prior to final adoption of this Annexation Resolution in a manner consistent with Md. Code Ann., Local Gov’t § 4-415. The Annexation Plan may not be construed in any way as an amendment to this Annexation Resolution. A copy of the Annexation Plan has been provided to the Board of County Commissioners of St. Mary’s County and also the Maryland Department of Planning at least thirty (30) days prior to the date of the public hearing conducted by the Council on this Annexation Resolution.

Section 6. Public Hearing and Public Notice.

(a) A public hearing, as required by the provisions of Md. Code Ann., Local Gov't § 4-406, shall be held by the Council at a time to be determined thereby and duly advertised according to the provisions of that statute. Public notice of the proposed public hearing shall be given at least four (4) times, at no less than weekly intervals, in a newspaper of general circulation in Leonardtown, Maryland, the last day of which public notice shall precede the public hearing by at least fifteen (15) days, all in accordance with the provisions of Md. Code Ann., Local Gov't § 4-406. Upon the first publication of the public notice a copy thereof, including exhibits, shall be provided to:

- i. The Board of County Commissioners of St. Mary's County; and
- ii. Any regional or State planning agency having jurisdiction in St. Mary's County.

(b) Pursuant to Md. Code Ann., Local Gov't § 4-406(b), the Mayor of the Town of Leonardtown or the Town Administrator shall notify any commercial property owners in the area to be annexed of all personal property taxes and fees imposed by the Town and the date, time, and place that the Council sets for the public hearing on this Annexation Resolution.

Section 7. Registration of Boundaries. Within ten (10) days of the effective date of this Resolution, in accordance with the provisions of Md. Code Ann., Local Gov't § 4-414, the Mayor of the Town of Leonardtown, or his designee, shall promptly forward a copy of this Annexation Resolution with the new municipal boundaries to the Town Clerk, the Clerk of the Circuit Court for St. Mary's County, Maryland, and also to the Maryland Department of Legislative Services. Each such official or agency shall hold this Annexation Resolution with the new municipal boundaries on record and available for public inspection.

Section 8. Annexation Agreement and Expenses. The Council is authorized to execute an Annexation Plan, an Annexation Agreement, an agreement for the extension of the public services and facilities, and/or other agreements of a similar nature with regard to the Annexation Properties, provided that the terms of this Annexation Resolution shall prevail over any inconsistent term in any such agreement. Pursuant to the Petition, the Petitioner has agreed to be responsible for all fees and expenses incurred by the Town associated with the proposed annexation, including, but not limited to, all legal fees (including the cost of preparing and reviewing the Annexation Resolution, Annexation Plan, and any Annexation Agreement(s)), engineering fees, and advertising expenses. The Petitioner has further agreed to pay all such fees prior to adoption of this Annexation Resolution. Additionally, the Petitioner shall prepare, or cause to be prepared, for the Town a composite plat of the Town's municipal boundaries, inclusive of the Annexation Properties.

Section 9. Effective Date. This Annexation Resolution shall be deemed "finally enacted" on the date on which the Council indicates their approval of the Annexation Resolution by affixing their signatures hereto. This Annexation Resolution shall become effective forty-five (45) days after final enactment, unless a petition for referendum has been filed prior thereto in

accordance with Md. Code Ann., Local Gov't §§ 4-408, 4-409, 4-410 and 4-412. In the event that a petition for referendum is properly filed, the effective date of this Resolution shall be determined in accordance with Md. Code Ann., Local Gov't § 4-412.

ADOPTED this 10<sup>th</sup> day of June, 2024.

Laschelle E McKay  
Laschelle E. McKay  
Town Administrator

Councilpersons of Leonardtown:

J. Maguire Mattingly, IV  
J. Maguire Mattingly, IV  
Vice President

Nick Colvin  
Nick Colvin  
Council Member

Seal:

Heather Earhart  
Heather Earhart  
Council Member

Christy Hollander  
Christy Hollander  
Council Member

Mary Slade  
Mary Slade  
Council Member

**PETITION FOR ANNEXATION OF 5.86 ACRES OF LAND MORE OR LESS  
INTO THE MUNICIPALITY OF LEONARDTOWN, MARYLAND  
(Cedar Lane Senior Living Community III, Inc. Property)**

**COMES NOW, THE UNDERSIGNED PETITIONER,** and hereby petitions the Council of the Town Leonardtown (the “Town Council”), pursuant to Md. Local Government Code Ann §§4-401 *et seq.*, to annex into the corporate limits of The Commissioners of Leonardtown, a Maryland municipal corporation (the “Town”) those three (3) parcels of land, as shown on that ALTA/NSPS Land Title Survey prepared by Little Silences Rest, sealed on December 14, 2023 and titled “ALTA/NSPS Land Title Survey-Cedar Lane Road-Adjusted Parcel 133, Parcel 71 & Adjusted Parcel 220” which survey is attached hereto as **Exhibit A-1**, and as more particularly described in the legal description of each said parcel, collectively attached hereto as **Exhibit A-2**, which parcels (collectively, the “Property”) are also described as follows:

1. Adjusted Parcel 133 - Cedar Lane Road, County of St. Mary’s, and State of Maryland, as shown on a Boundary Line Adjustment Plat entitled “Adjusted Parcels 133, 220 & 266, Lands of Michael and Christine Mattingly”, as recorded among the Land Records for St. Mary’s County in Plat Book 73 at Plat 14 as more recently surveyed and shown on that that survey titled “ALTA/NSPS Land Title Survey-Cedar Lane Road-Adjusted Parcel 33-Parcel 71 & Adjusted Parcel 220” prepared by Little Silences Rest, Inc. dated December 14, 2023 attached as Exhibit A-1, and more specifically described by metes and bounds on Exhibit A-2;

2. Parcel 71 - Cedar Lane Road, County of St. Mary’s, and State of Maryland, and part of “Cedar Lane - 0.60 Acres, more or less - Tax Account 19 03 03606 5” as described in a deed to Michael J. Mattingly and Christine G. Mattingly as recorded among the Land Records for St. Mary’s County in Liber 3399 at Folio 419 as more recently surveyed and shown on that that survey titled “ALTA/NSPS Land Title Survey-Cedar Lane Road-Adjusted Parcel 33-Parcel 71 & Adjusted Parcel 220” prepared by Little Silences Rest, Inc. dated December 14, 2023 attached as Exhibit A-1, and more specifically described by metes and bounds on the Exhibit A-2; and

3. Adjusted Parcel 220 - Cedar Lane Road, County of St. Mary’s, and State of Maryland, as partially shown on a Boundary Line Adjustment Plat entitled “Adjusted Parcels 133, 220 & 266, Lands of Michael and Christine Mattingly”, as recorded among the Land Records for St. Mary’s County in Plat Book 73 at Plat 14 as more recently surveyed and shown on that that survey titled “ALTA/NSPS Land Title Survey-Cedar Lane Road-Adjusted Parcel 33-Parcel 71 &

Adjusted Parcel 220” prepared by Little Silences Rest, Inc. dated December 14, 2023 attached as Exhibit A-1, and more specifically described by metes and bounds on the Exhibit A-2.

BEING all the property conveyed to Cedar Lane Senior Living Community III, Inc., a Maryland non-stock, non-profit Maryland corporation, from Michael J. Mattingly and Christine G. Mattingly, husband and wife, by deed dated December 18, 2023 and recorded among the Land Records of St. Mary’s County, Maryland at Book 6443, Page 84.

**AND THAT** as a condition of such annexation that the properties which are subject to the zoning by the Town be zoned under the Leonardtown Zoning Ordinance as follows:

	<u>Current County Zoning</u>	<u>New Town Zoning</u>
1. Assisted Living Facility Property	RL	R-MF

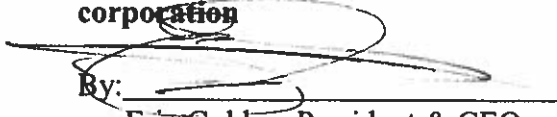
**AND IN SUPPORT** of this Petition, the undersigned certifies as follows:

1. That the Property extends north, south, and east from, and is contiguous to the existing corporate limits of the Town; and
2. That the annexation of the Property will not cause there to be any unincorporated area which is bound on all sides by property within the corporate limits of the Town; and
3. That the undersigned is the undersigned petitioner who is the owner of at least twenty-five percent (25%) of the assessed valuation of the real property located in the area to be annexed; and
4. That the undersigned would constitute at least twenty-five percent (25%) of the persons who reside in the area to be annexed and who are registered voters of St. Mary’s County, Maryland to the extent that the undersigned was a natural person; and
5. That the undersigned petitioner if entitled to vote would cast its ballot in favor of annexation in the event that any resolution to annex the Property is put to referendum; and

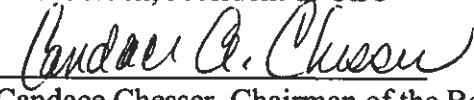
**WHEREFORE**, it is requested that the above-described Property be annexed to the corporate boundary of the municipality of Leonardtown, Maryland.

**Cedar Lane Senior Living Community III, Inc.,  
a Maryland non-stock, non-profit Maryland  
corporation**

Date: March 13, 2024

By:   
Eric Golden, President & CEO

Date: March 13, 2024

By:   
Candace Chesser, Chairman of the Board

<https://duganmckissicklongmore.sharepoint.com/Real Estate/Client Specific Projects/Cedar Lane Purchase/Annexation/Petition for Annexation 031124-1.docx>



## EXHIBIT A-1 SURVEY OF PROPERTIES TO BE ANNEXED

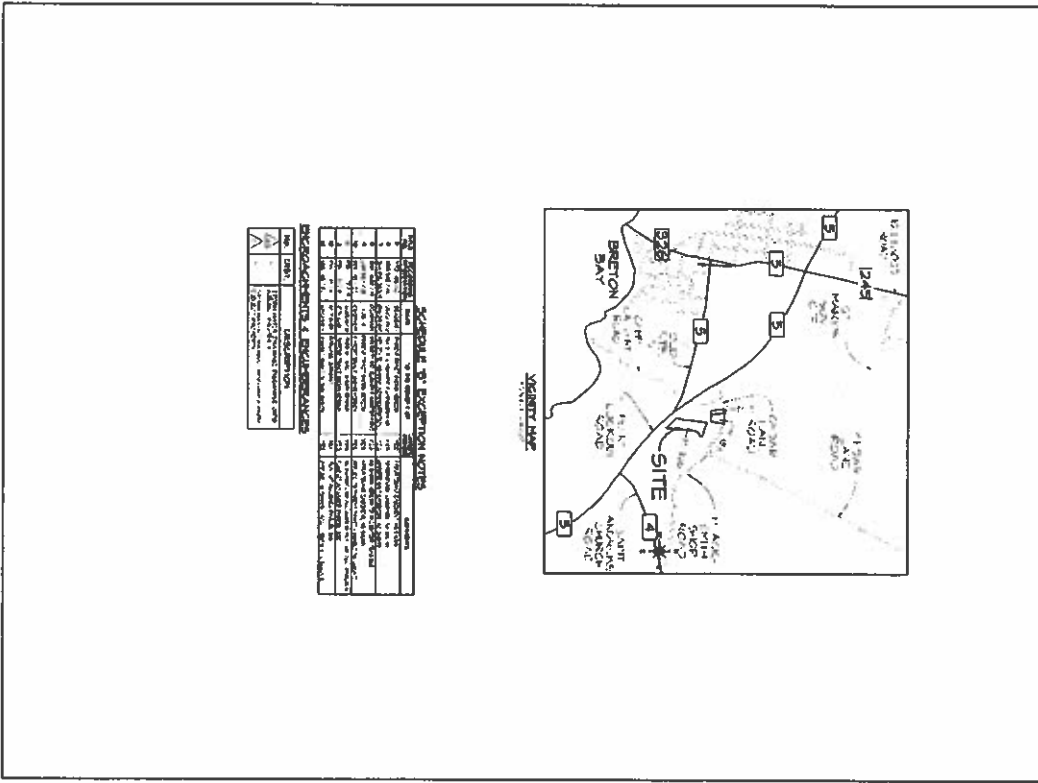
**UNAPPROVED MAP**

THIS MAP IS UNAPPROVED BY THE BOARD OF ZONING ADJUSTMENTS OF THE CITY OF BIRMINGHAM, ALABAMA, AND IS NOT TO BE USED FOR ANY PURPOSES WITHOUT THE WRITTEN APPROVAL OF THE CITY ENGINEER.

THE CITY ENGINEER'S OFFICE HAS REVIEWED THIS MAP AND HAS DETERMINED THAT IT IS IN ACCORDANCE WITH THE ZONING ORDINANCES OF THE CITY OF BIRMINGHAM, ALABAMA, AND THAT IT IS ELIGIBLE FOR RECORDATION.

THE CITY ENGINEER'S OFFICE HAS REVIEWED THIS MAP AND HAS DETERMINED THAT IT IS IN ACCORDANCE WITH THE ZONING ORDINANCES OF THE CITY OF BIRMINGHAM, ALABAMA, AND THAT IT IS ELIGIBLE FOR RECORDATION.

THE CITY ENGINEER'S OFFICE HAS REVIEWED THIS MAP AND HAS DETERMINED THAT IT IS IN ACCORDANCE WITH THE ZONING ORDINANCES OF THE CITY OF BIRMINGHAM, ALABAMA, AND THAT IT IS ELIGIBLE FOR RECORDATION.



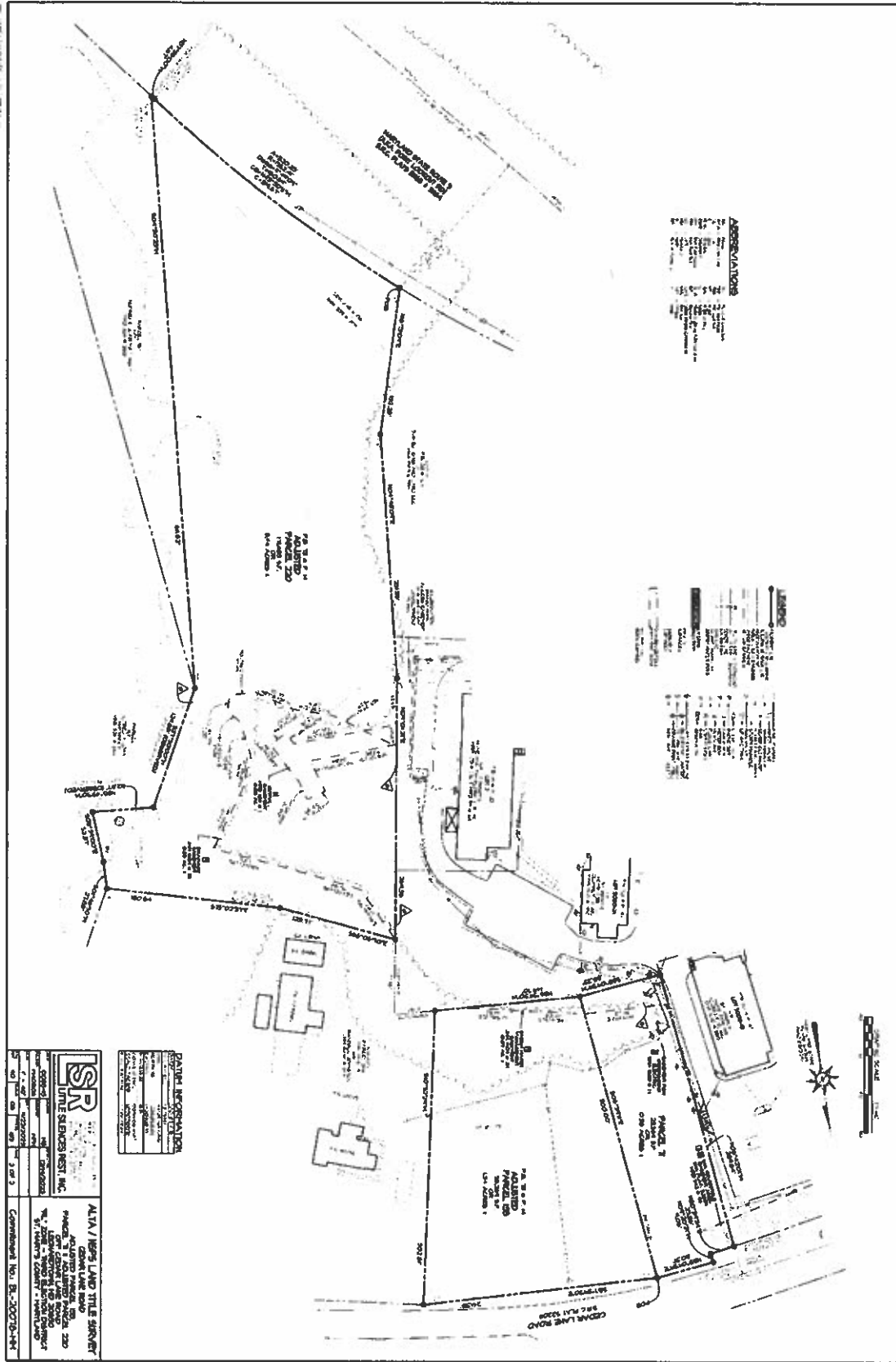
**SR**  
UNITED STATES REALTY, INC.

**ALVIN / HENRY LAND TITLE SERVICE**  
GENERAL LAND ROAD  
PROPERTY OF HENRY COUNTY, ALA  
12440023

**UNAPPROVED MAP**

**NOTICE**

THIS MAP IS UNAPPROVED BY THE BOARD OF ZONING ADJUSTMENTS OF THE CITY OF BIRMINGHAM, ALABAMA, AND IS NOT TO BE USED FOR ANY PURPOSES WITHOUT THE WRITTEN APPROVAL OF THE CITY ENGINEER.



**ASSOCIATIONS**

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**DATA INFORMATION**

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**ALTA / REFS LAND TITLE SURVEY**

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Exhibit A-1  
Page 2

**EXHIBIT A-2**  
**METES AND BOUNDS DESCRIPTION OF PROPERTY TO BE ANNEXED**

**Property 1:**

Adjusted Parcel 133 - Cedar Lane Road, County of St. Mary's, and State of Maryland, as shown on a Boundary Line Adjustment Plat entitled "Adjusted Parcels 133, 220 & 266, Lands of Michael and Christine Mattingly", as recorded among the Land Records for St. Mary's County in Plat Book 73 at Plat 14 as more recently surveyed and shown on that that survey titled: ALTA/NSPS Land Title Survey-Cedar Lane Road-Adjusted Parcel 33-Parcel 71 & Adjusted Parcel 220" prepared by Little Silences Rest, Inc. sealed December 14, 2023, said property being more particularly described as follows:

BEGINNING for the same at an iron rod found on the southerly right-of-way line for Cedar Lane Road, a 40' Public Right-of-Way, said iron pipe found being approximately 324 feet east of the Cedar Lane Road and Cedar Lane intersection, said iron rod marking the common corner of the lands described herein and part of the lands standing now or formerly in the name of Michael J. Mattingly and Christine G. Mattingly, husband and wife, as described in a deed dated January 25th, 2010, and recorded said Land Records in Liber 3399, in Folio 419; thence, leaving said lands of Michael and Christine Mattingly and running coincidentally with said southerly right-of-way line for Cedar Lane Road,

1. South 88°02'20" East, a distance of 241.53 feet to an iron rod found at the common corner of the lands described herein and the lands standing now or formerly in the name of Randall Johnston as described in a deed recorded among said Land Records in Liber JWW 4238 at Folio 309 said lands of Johnston being more particularly described as Adjusted Parcel 266 as shown on said Boundary Line Adjustment Plat; thence, leaving said southerly right-of-way lien for Cedar Lane Road and running coincidentally with the boundary of said Adjusted Parcel 266,

2. South 10°49'39" West, a distance of 302.81 feet to an iron pipe found at the common corner of the lands described herein, said adjusted Parcel 266 and Lot 5000-1A as shown on a plat of subdivision entitled "St. Mary's Home for the Elderly, Inc" as recorded among said Land Records in Plat Book 50 at Plat 47; thence, leaving said boundary of Adjusted Parcel 266 and running coincidentally with the boundary of said Lot 5000-1A,

3. North 87°02'20" West, a distance of 149.70 feet to an iron rod found at the common corner of the lands described herein, said Lot 5000-1A said lands of Michael and Christine Mattingly; thence, leaving said boundary of Lot 500-1A and running coincidentally with the boundary of said lands of Michael and Christine Mattingly.

4. North 06°42'01" West, a distance of 300.00 feet to the POINT OF BEGINNING

CONTAINING 1.34 Acres of land, more or less.:

**Property 2:**

Parcel 71 - Cedar Lane Road, County of St. Mary's, and State of Maryland, and part of "Cedar Lane - 0.60 Acres, more or less - Tax Account 19 03 03606 5" as described in a deed to Michael

J. Mattingly and Christine G. Mattingly as recorded among the Land Records for St. Mary's County in Liber 3399 at Folio 419 as more recently surveyed and shown on that that survey titled: ALTA/NSPS Land Title Survey-Cedar Lane Road-Adjusted Parcel 33-Parcel 71 & Adjusted Parcel 220" prepared by Little Silences Rest, Inc. sealed December 14, 2023, said property being more particularly described as follows:

BEGINNING for the same at an iron rod found on the southerly right-of-way line for Cedar Lane Road, a 40' Public Right-of-Way, said iron pipe found being approximately 324 feet east of the Cedar Lane Road and Cedar Lane intersection, said iron rod marking the common corner of the lands described herein and part of the lands conveyed to Michael J. Mattingly and Christine G. Mattingly as described in a deed recorded among said Land Records in Liber JWW 3399 at Folio 419, said lands of Mattingly also known as Adjusted Parcel 133 as shown on a Boundary Line Adjustment Plat entitled "Adjusted Parcels 133, 220 & 266, Lands of Michael and Christine Mattingly", as recorded among said Land Records in Plat Book 73 at Plat 14; thence, leaving said southerly right-of-way line for Cedar Lane Road and running coincidentally with the boundary of said Adjusted Tax Parcel 133,

1. South 06°42'01" East, a distance of 300.00 feet to an iron pipe found at the common corner of the lands described herein said Adjusted Tax Parcel 133 and Lot 5000-1A as shown on a plat of subdivision entitled "St. Mary's Home for the Elderly, Inc" as recorded among said Land Records in Plat Book 50 at Plat 47; thence, leaving said Adjusted Parcel 133 and running coincidentally with the boundary of said Lot 5000-1A,

2. South 83°09'59" West, a distance of 85.23 feet to an iron rod with cap number 283 found at the common corner of the lands described herein, said Lot 5000-1A, and Lot 5000-1B as shown on said St. Mary's Home for the Elderly, Inc., subdivision plat; thence, leaving said boundary of Lot 5000-1A and running coincidentally with the boundary of said Lot 5000-1B,

3. North 06°42'01" West, a distance of 289.84 feet to an iron rod found on said southerly right-of-way line for Cedar Lane Road, a variable width Public Right-of-Way, as shown on State Roads Commission (SRC) Plat numbered 52209, said iron rod found being 30.00' right of Baseline of Right-of-Way station 6+24.64, as shown on said SRC plat; thence, leaving said Lot 5000-1B and running coincidentally with said southerly right-of-way line for Cedar Lane Road, variable width Right-of-Way,

4. North 80°39'34" East, a distance of 25.36 feet; thence,

5. North 09°20'21" West, a distance of 9.06 feet to a point on said southerly right-of-way line for Cedar Lane Road, 40' Right-of-Way; thence, running coincidentally with said southerly right-of-way line for Cedar Lane Road, 40' Right-of-Way,

6. North 83°09'59" East, a distance of 60.31 feet to the POINT OF BEGINNING,

CONTAINING 0.58 Acres of land, more or less.

**Property 3:**

Adjusted Parcel 220 - Cedar Lane Road, County of St. Mary's, and State of Maryland, as partially shown on a Boundary Line Adjustment Plat entitled "Adjusted Parcels 133, 220 & 266, Lands of Michael and Christine Mattingly", as recorded among the Land Records for St. Mary's County in Plat Book 73 at Plat 14 as more recently surveyed and shown on that that survey titled: ALTA/NSPS Land Title Survey-Cedar Lane Road-Adjusted Parcel 33-Parcel 71 & Adjusted Parcel 220" prepared by Little Silences Rest, Inc. sealed December 14, 2023 said property being more particularly described as follows:

BEGINNING for the same at a point on the westerly right-of-way line for Maryland Route 5, otherwise known as Point Lookout Road, a variable width Public Right-of-Way, said beginning point being 169.47 feet left of Baseline of Right-of-Way station 143+62.68, as shown on State Roads Commission Plat numbered 51163, said point being further described as a common corner of the lands described herein and the lands standing now or formerly in the name of BVH Building and Land, LLC, as described in a deed recorded among said Land Records in Liber EWA 1598 at Folio 385; thence, leaving said westerly right-of-way line for Maryland Route 5 and running coincidentally with the boundary of said lands of BVH Building and Land LLC, and crossing over an iron pipe held for line at 0.44' along said boundary,

1. North 16°15'09" East, a distance of 152.23 feet to an iron pipe found; thence,
2. North 04°43'09" East, a distance of 251.35 feet to an iron pipe found at the common corner of the lands described herein, said lands of BVH Building and Land, LLC, and Lot 2 as shown on a plat of subdivision entitled "St. Mary's Home for the Elderly II, Inc" as recorded among said Land Records in Plat Book 18 at Plat 23; thence, leaving said lands of BVH Building and Land, LLC, and running in part with the boundary of said Lot 2, and in part with Lot 5000-1A as shown on a plat of subdivision entitled "St. Mary's Home for the Elderly, Inc" as recorded among said Land Records in Plat Book 50 at Plat 47,
3. North 09°01'21" East, a distance of 269.36 feet to an iron rod found at the common corner of the lands described herein, said 500-1 and the lands standing now or formerly in the name of Randall Johnston as described in a deed recorded among said Land Records in Liber JWW 4238 at Folio 309 said lands of Johnston being more particularly described as Adjusted Parcel 266 as shown on said Boundary Line Adjustment Plat; thence, leaving said boundary of Lot 500-1A and running coincidentally with the boundary of said Adjusted Parcel 266,
4. South 66°06'30" East, a distance of 123.77 feet to an iron rod found with cap Number 285; thence, crossing over and iron rod with cap numbered 285 at 25.36' from the end thereof,
5. South 75°02'37" East, a distance of 180.64 feet to a point in a ravine at the common corner of the lands described herein, said Adjusted Parcel 266 and the lands standing now or formerly in the name of Alfred and Joan Mattingly as described in a deed recorded among said Land Records in Liber MRB 326 at Folio 260; thence, running generally with said ravine and coincidentally with the boundary of said lands of Alfred and Joan Mattingly,
6. South 01°46'50" West, a distance of 27.83 feet to a point; thence,

7. South  $03^{\circ}39'00''$  East, a distance of 52.37 feet to a point; thence, leaving said ravine,
  8. North  $85^{\circ}43'50''$  West, a distance of 62.87 feet to an iron rod set; thence,
  9. South  $27^{\circ}50'00''$  West, a distance of 129.88 feet to an iron rod found; thence, crossing over and iron pipe found and held for line at 7.88 feet from the end thereof,
  10. South  $04^{\circ}30'25''$  West, a distance of 611.82 feet to a point at the common corner of the lands described herein, said lands of Alfred and Joan Mattingly and a point on said westerly right-of-way line for Maryland Route 5, said point being 182.21 feet left of said Baseline of Right-of-Way line station 146+92.63; thence, running coincidentally with said westerly right-of-way line for Maryland Route 5,
  11. North  $37^{\circ}56'00''$  West, a distance of 4.67 feet to a point; thence,
  12. 320.23 feet along the arc of a curve concave to the southwest having a radius of 1552.41 feet, a central angle of  $11^{\circ}49'09''$  and chord which bears North  $43^{\circ}50'11''$  West 319.67 feet to the POINT OF BEGINNING,
- CONTAINING 3.94 Acres of land, more or less.

Town of Leonardtown  
Annexation Plan  
**Cedar Lane Senior Living Community III, Inc. Property**  
Leonardtown, St. Mary's County, Maryland

April 25, 2024

**Introduction**

Cedar Lane Senior Living Community III, Inc., a Maryland non-stock, non-profit Maryland corporation ("Petitioner"), is requesting consideration of annexation into the Town of Leonardtown (the "Town") of a total of **5.86** acres of land, more or less, consisting of: (i) a parcel known as Adjusted Parcel 133, containing 1.34 acres; (ii) a parcel known Parcel 71, containing .58 acres, more or less; and (iii) a parcel known Adjusted Parcel 220, containing 3.94 acres, more or less, pursuant to a Petition for Annexation attached hereto as **Exhibit A**. The foregoing properties are collectively referred to herein as the "Annexation Properties". This Annexation Plan is submitted in accordance with Md. Local Government Code Ann §§4-401 et seq.

**Property**

Copies of the surveys showing the Annexation Properties are attached to the Petition for Annexation as **Exhibit A-1**. The Annexation Properties are described by metes and bounds on **Exhibit A-2** attached to the Petition for Annexation. The Annexation Properties are currently unimproved. The Annexation Properties are owned by Cedar Lane Senior Living Community III, Inc., which is a Maryland non-stock, non-profit Maryland corporation ("Petitioner"). Petitioner currently intends to develop the Annexation Properties into a senior living facility consisting of a four-story age-restricted structure which is planned to contain seventy (70) units containing one and two-bedroom floor plans. A conceptual plan for the facility, titled "Cedar Lane Senior Redevelopment Proposal" dated September 5, 2023, is attached as **Exhibit B**. The concept plan is a preliminary conceptual plan for the development of the Annexation Properties and is likely to be adjusted and changed as part of the development process.

The Annexation Properties are currently zoned RL-Residential, Low Density pursuant to the St. Mary's County Comprehensive Zoning Ordinance. The Annexation Properties are planned to be zoned by the Town as R-MF Multiple-Family Residential District. Petitioner and/or its affiliated entities own property adjacent to the Annexation Properties and those adjacent properties are currently improved and being used for purposes of multi-family senior housing and neighboring properties in the Town are similarly zoned R-MF. Neighboring properties are currently in the process of requesting rezoning, or have been rezoned, as commercial office which is also compatible with the R-MF zoning proposed for the Annexation Properties. The proposed zoning classification is thereby consistent with nearby property uses and compatible with adjacent zoning.

The R-MF Multiple-Family Residential District Zoning allows for a more intense residential development than as permitted by the RL-Residential, Low-Density zoning, however. The St. Mary's County Board of County Commissioners ("County Commissioners") have been supportive of the Petitioner's existing facility, and it is anticipated the Commissioners will be supportive of the Petitioner's proposed annexation. The Town is seeking the consent of the County Commissioners for the change of zoning and the proposed annexation or has obtained the consent of the County Commissioners as of the date of this Annexation Plan.

### **Compatibility with Town's Comprehensive Plan**

The Comprehensive Plan for the Town of Leonardtown was relatively recently amended to designate the Annexation Properties as an area for potential future growth area for the Town. As part of the development process for the Annexation Properties, the Town will be requesting that the Annexation Properties designated as a Priority Funding Area which will make the Annexation Properties eligible for State funding. The current and proposed use of the Annexation Properties is in accordance with the Comprehensive Plan, and this annexation request will be compatible with the Comprehensive Plan for the Town of Leonardtown as amended.

### **Roads**

The Annexation Properties are located adjacent to Maryland State Route 5, aka Point Lookout Road ("MD 5") and Cedar Lane Road and are at the southeast quadrant of the intersection of Cedar Lane Road and Cedar Lane Court. MD 5 is classified as a minor arterial roadway. Traffic Concepts, Inc. prepared a traffic study in anticipation of the annexation and proposed development of the Annexation Properties, which is dated November, 2023 and is attached as **Exhibit C** (the "Traffic Study"). The Traffic Study included an analysis of traffic volumes at the following intersections: (i) MD 5 and Cedar Lane Road; (ii) MD 5 and Fenwick Street; and (iii) Fenwick Street and Camp Calvert Road. The Conclusions and Recommendations section of the Traffic Study indicates that all key intersections will operate at an acceptable "C" or better level of service. With respect to the MD 5 and Cedar Lane Road intersection, the Traffic Study recommends re-striping of the current single outbound lane on Cedar Lane Road to two lanes, in lieu of installing traffic signalization. The Traffic Report did not find any warrant for a traffic signal at either the intersection of MD 5 and Fenwick Street or the intersection of Fenwick Street and Camp Calvert Road. Any actual improvements required to be made by the affected roads will be determined through the site plan approval process for the senior housing project and such improvements as required to satisfy adequate public facilities will have to be made by the Petitioner.

### **Schools**

The Annexation Properties are intended to be developed for senior housing and therefore, such development will have a de minimis impact on the school system.



## **Public Safety**

Public safety for property within the Town limits is served by the St. Mary's County, Maryland Sheriff's Department (the "Sherriff's Department"), as is the case outside the Town limits. The Town and the Sherriff's Department have a funding agreement that governs the coverage provided by the Sheriff's Department to the Town. The Annexation Properties are located within a mile or two of the Maryland State Police Barracks, the office of the St. Mary's County Sheriff, the Public Safety Office, St. Mary's Hospital, and the Advanced Life Support facility. Additionally, the Leonardtown Volunteer Fire Department and the Leonardtown Volunteer Rescue Squad are both less than a mile and a half from the Annexation Properties, which would be served by these departments whether annexed or not.

## **Recreation**

The Town provides recreation areas for its residents and the surrounding community as well as private facilities that have been built by developers for some of the private communities. Due to the nature of the proposed uses of the Annexation Properties following annexation, it is anticipated that there should be no adverse impact on the Town's recreation resources. The Town has been advised by the Petitioner that it will have an activities program for the residents of senior housing facility. These activities will be developed to address the physical and cognitive needs of the residents of the facility.

## **Water and Sewer Service**

Existing public water service is available approximately 260 feet from the Annexation Properties. An eight-inch ductile iron pipe runs down Cedar Lane Court, crosses MD 5, and continues down Fenwick Street. Several years ago, the Town completed construction of a project to loop the water line from Rt. 5 north and increase flow in this area. Public water is expected to be delivered to the Annexation Properties via this existing water line. The Town expects that there should be sufficient public water capacity to accommodate the proposed use of the Annexation Properties as a senior housing facility. The Town is currently in final design of a one-million-gallon water storage tank and a 1,100 gallon per minute production well off of Hollywood Road in the Meadows at Town Run II development just to the northwest of Cedar Lane. Both are proposed to be under construction by the end of 2024.

The sewer line currently runs along Cedar Lane Court from Rt. 5 up to the existing Cedar Lane facilities and the Annexation Properties would be expected to extend the sewer line on Cedar Lane Road to the new property. The Town is nearing completion of a major expansion of the Town sewage treatment plant from the current 680,000 gallons per day to 1 million gallons per day. The project is expected to be complete Fall of 2024. The Town expects that there will be sufficient capacity at the expanded wastewater treatment plant to accommodate the proposed use of the Annexation Properties as a senior housing facility.

However, the ultimate determination of adequate public facilities will be made during the site plan approval process based on the final proposed use of the Annexation Properties. All connections to the public water system and the public sewer system shall require the payment of prevailing impact fees and connection fees. The final location and method of service of public water and public sewer shall be determined as part of the site plan approval process and any improvements as required to satisfy adequate public facilities will have to be made by the Petitioner. The applicable EDUs for water and sewer would be allocated to the Annexation Properties as part of the site plan approval process.

### **Environmental Impacts**

Dominium Due Diligence Group conducted a Phase I Environmental Site Assessment in confirmation with scope and limitation of ASTM Practice E1527-21 for the Annexation Properties pursuant to that report dated January 11, 2024 and attached as **Exhibit D** (the “Phase I ESA”). The Phase I ESA noted that the Annexation Properties consist of undeveloped woodland and grasslands with an existing stormwater drainage basis. An intermittent tributary of Glebe Run is located on a portion of the property. The Phase I ESA revealed no evidence of recognized environmental conditions, controlled recognized environmental conditions or significant data gaps in connection with the Annexation Properties. As part of the proposed development of the Annexation Properties, Petitioner will be required to provide for further environmental reviews which may require implementation of any appropriate environmental protection plans, including by way of illustration, stormwater management, forest conservation and buffering of environmentally sensitive areas.

### **Financing Public Improvements**

The owner of the Annexation Properties shall be responsible for the cost of engineering and construction of any on-site infrastructure serving the Annexation Properties, i.e. internal water, sewer, stormwater management and related improvements. If any infrastructure improvements or any part thereof are going to be conveyed to the Town incident to development of the Annexation Properties, then a Public Works Agreement would be prepared and executed between the Town and the Petitioner detailing the terms and conditions associated with any improvements necessary to serve the Annexation Properties.

### **Public Need**

Petitioner caused Real Property Research Group, Inc. to conduct a market analysis of the need for senior housing as proposed for the Annexation Properties (the “Needs Report”). The Needs Report is effective as of October, 2023, and excerpts thereof are attached hereto as **Exhibit E**. Additionally, Petitioner is currently actively providing senior housing on properties adjacent to the Annexation Properties, and is familiar with the local market, the demand for senior housing and the availability of adequate senior housing to address this demand. The aforesaid analysis conducted indicates that there are limited senior housing opportunities in the market area and that there is a need for the senior housing proposed by Petitioner. For example, the Needs Report has

determined that the market has excess demand for 306 senior rental units. The Town has determined that the annexation of the Annexation Properties is in the best interests of the Town since it is likely to result in the construction of a facility which will serve the housing needs of the senior residents of the Town and surrounding areas.

## Summary

The Council of the Town of Leonardtown is in receipt of the Petition for Annexation for the aforesaid property and will consider enactment of the Annexation Resolution subsequent to a public hearing scheduled for **June 10, 2024**. The annexation of the Annexation Properties is expected to be a welcome asset to the continuing growth and development of the Town.

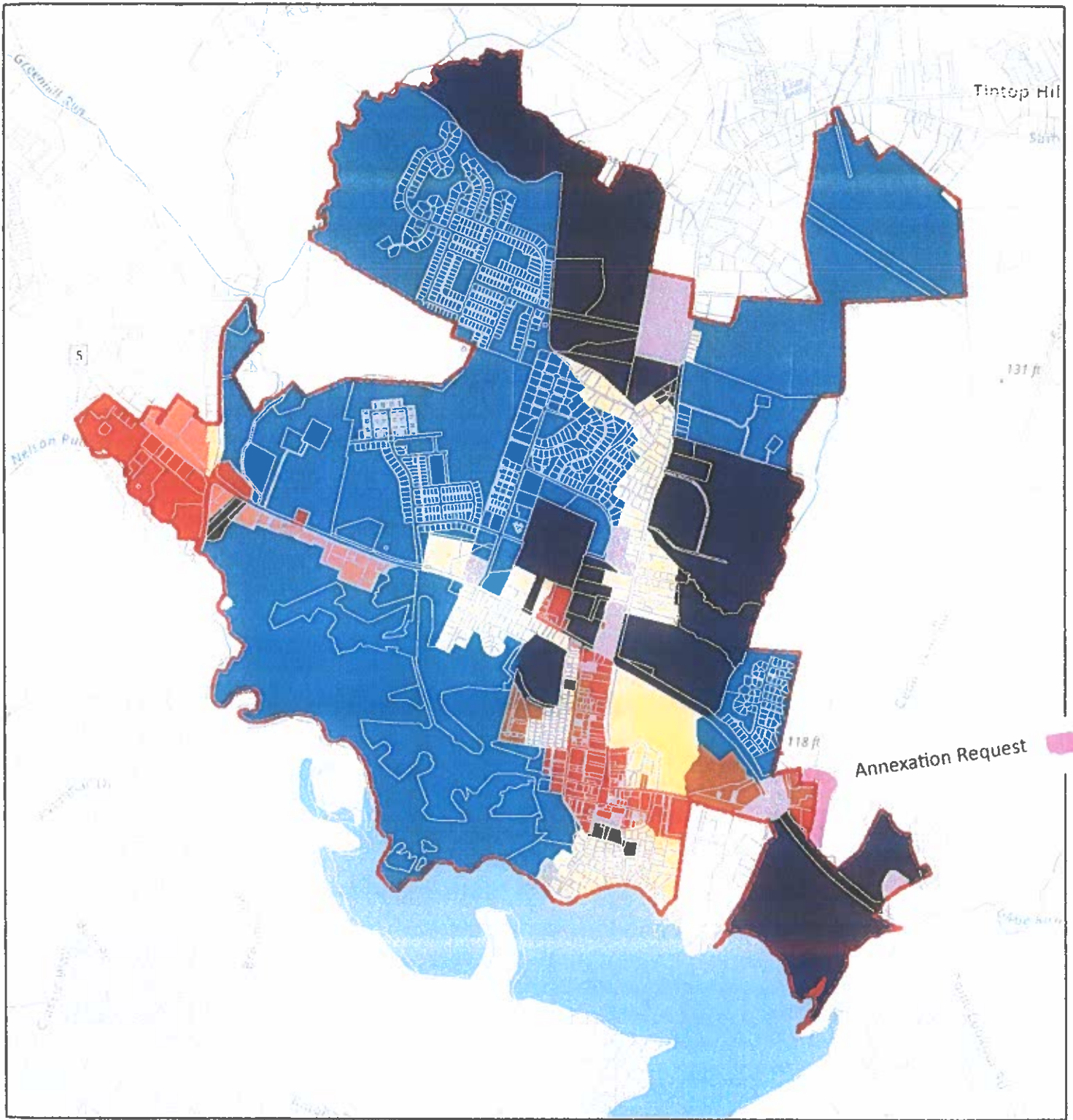
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Laschelle McKay  
Town Administrator  
The Commissioners of Leonardtown  
22670 Washington Street  
Leonardtown, MD 20650  
301-475-9791  
[Laschelle.mckay@leonardtownmd.gov](mailto:Laschelle.mckay@leonardtownmd.gov)

Petitioner Legal counsel:  
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Dugan, McKissick & Longmore, LLC  
22738 Maple Road, Suite 210  
Lexington Park, MD 20653  
301 862-3764  
[billm@paxlawyers.com](mailto:billm@paxlawyers.com)

[https://duganmckissicklongmore.sharepoint.com/Real Estate/Client Specific Projects/Cedar Lane Purchase/Annexation/Annexation Plan and Exhibits/Annexation Plan Final 041824.docx](https://duganmckissicklongmore.sharepoint.com/Real%20Estate/Client%20Specific%20Projects/Cedar%20Lane%20Purchase/Annexation/Annexation%20Plan%20and%20Exhibits/Annexation%20Plan%20Final%20041824.docx)

# Leonardtown Zoning



Legend	
Zoning	■ PUDM
■ CB	■ RMF
■ CH	■ RP
■ CM	■ RSF
■ CO	■ Municipal Boundary
■ IO	



Prepared February 2024

**EXHIBIT A**  
**to**  
**ANNEXATION PLAN**  
**PETITION FOR ANNEXATION**

**PETITION FOR ANNEXATION**

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**PETITION FOR ANNEXATION OF 5.86 ACRES OF LAND MORE OR LESS  
INTO THE MUNICIPALITY OF LEONARDTOWN, MARYLAND  
(Cedar Lane Senior Living Community III, Inc. Property)**

**COMES NOW, THE UNDERSIGNED PETITIONER**, and hereby petitions the Council of the Town Leonardtown (the “Town Council”), pursuant to Md. Local Government Code Ann §§4-401 *et seq.*, to annex into the corporate limits of The Commissioners of Leonardtown, a Maryland municipal corporation (the “Town”) those three (3) parcels of land, as shown on that ALTA/NSPS Land Title Survey prepared by Little Silences Rest, sealed on December 14, 2023 and titled “ALTA/NSPS Land Title Survey-Cedar Lane Road-Adjusted Parcel 133, Parcel 71 & Adjusted Parcel 220” which survey is attached hereto as **Exhibit A-1**, and as more particularly described in the legal description of each said parcel, collectively attached hereto as **Exhibit A-2**, which parcels (collectively, the “Property”) are also described as follows:

1. Adjusted Parcel 133 - Cedar Lane Road, County of St. Mary’s, and State of Maryland, as shown on a Boundary Line Adjustment Plat entitled “Adjusted Parcels 133, 220 & 266, Lands of Michael and Christine Mattingly”, as recorded among the Land Records for St. Mary’s County in Plat Book 73 at Plat 14 as more recently surveyed and shown on that that survey titled “ALTA/NSPS Land Title Survey-Cedar Lane Road-Adjusted Parcel 33-Parcel 71 & Adjusted Parcel 220” prepared by Little Silences Rest, Inc. dated December 14, 2023 attached as Exhibit A-1, and more specifically described by metes and bounds on Exhibit A-2;

2. Parcel 71 - Cedar Lane Road, County of St. Mary’s, and State of Maryland, and part of “Cedar Lane - 0.60 Acres, more or less - Tax Account 19 03 03606 5” as described in a deed to Michael J. Mattingly and Christine G. Mattingly as recorded among the Land Records for St. Mary’s County in Liber 3399 at Folio 419 as more recently surveyed and shown on that that survey titled “ALTA/NSPS Land Title Survey-Cedar Lane Road-Adjusted Parcel 33-Parcel 71 & Adjusted Parcel 220” prepared by Little Silences Rest, Inc. dated December 14, 2023 attached as Exhibit A-1, and more specifically described by metes and bounds on the Exhibit A-2; and

3. Adjusted Parcel 220 - Cedar Lane Road, County of St. Mary’s, and State of Maryland, as partially shown on a Boundary Line Adjustment Plat entitled “Adjusted Parcels 133, 220 & 266, Lands of Michael and Christine Mattingly”, as recorded among the Land Records for St. Mary’s County in Plat Book 73 at Plat 14 as more recently surveyed and shown on that that survey titled “ALTA/NSPS Land Title Survey-Cedar Lane Road-Adjusted Parcel 33-Parcel 71 &

Adjusted Parcel 220” prepared by Little Silences Rest, Inc. dated December 14, 2023 attached as Exhibit A-1, and more specifically described by metes and bounds on the Exhibit A-2.

BEING all the property conveyed to Cedar Lane Senior Living Community III, Inc., a Maryland non-stock, non-profit Maryland corporation, from Michael J. Mattingly and Christine G. Mattingly, husband and wife, by deed dated December 18, 2023 and recorded among the Land Records of St. Mary’s County, Maryland at Book 6443, Page 84.

AND THAT as a condition of such annexation that the properties which are subject to the zoning by the Town be zoned under the Leonardtown Zoning Ordinance as follows:

	<u>Current County Zoning</u>	<u>New Town Zoning</u>
1. Assisted Living Facility Property	RL	R-MF


AND IN SUPPORT of this Petition, the undersigned certifies as follows:

1. That the Property extends north, south, and east from, and is contiguous to the existing corporate limits of the Town; and
2. That the annexation of the Property will not cause there to be any unincorporated area which is bound on all sides by property within the corporate limits of the Town; and
3. That the undersigned is the undersigned petitioner who is the owner of at least twenty-five percent (25%) of the assessed valuation of the real property located in the area to be annexed; and
4. That the undersigned would constitute at least twenty-five percent (25%) of the persons who reside in the area to be annexed and who are registered voters of St. Mary’s County, Maryland to the extent that the undersigned was a natural person; and
5. That the undersigned petitioner if entitled to vote would cast its ballot in favor of annexation in the event that any resolution to annex the Property is put to referendum; and

**WHEREFORE**, it is requested that the above-described Property be annexed to the corporate boundary of the municipality of Leonardtown, Maryland.

**Cedar Lane Senior Living Community III, Inc.,  
a Maryland non-stock, non-profit Maryland  
corporation**

Date: March 13, 2024

By:   
Eric Golden, President & CEO

Date: March 13, 2024

By:   
Candace Chesser, Chairman of the Board

[https://duganmekissicklongmore.sharepoint.com/Real Estate/Client Specific Projects/Cedar Lane Purchase/Annexation/Petition for Annexation 031124-1.docx](https://duganmekissicklongmore.sharepoint.com/Real%20Estate/Client%20Specific%20Projects/Cedar%20Lane%20Purchase/Annexation/Petition%20for%20Annexation%20031124-1.docx)



# EXHIBIT A-1 SURVEY OF PROPERTIES TO BE ANNEXED

**LEGAL DESCRIPTION**  
PAGE A

The following is a legal description of the properties to be annexed, as shown on the attached map and plat:

1. A certain parcel of land situated in the County of ... State of ... bounded by ...

2. A certain parcel of land situated in the County of ... State of ... bounded by ...

3. A certain parcel of land situated in the County of ... State of ... bounded by ...

4. A certain parcel of land situated in the County of ... State of ... bounded by ...

5. A certain parcel of land situated in the County of ... State of ... bounded by ...

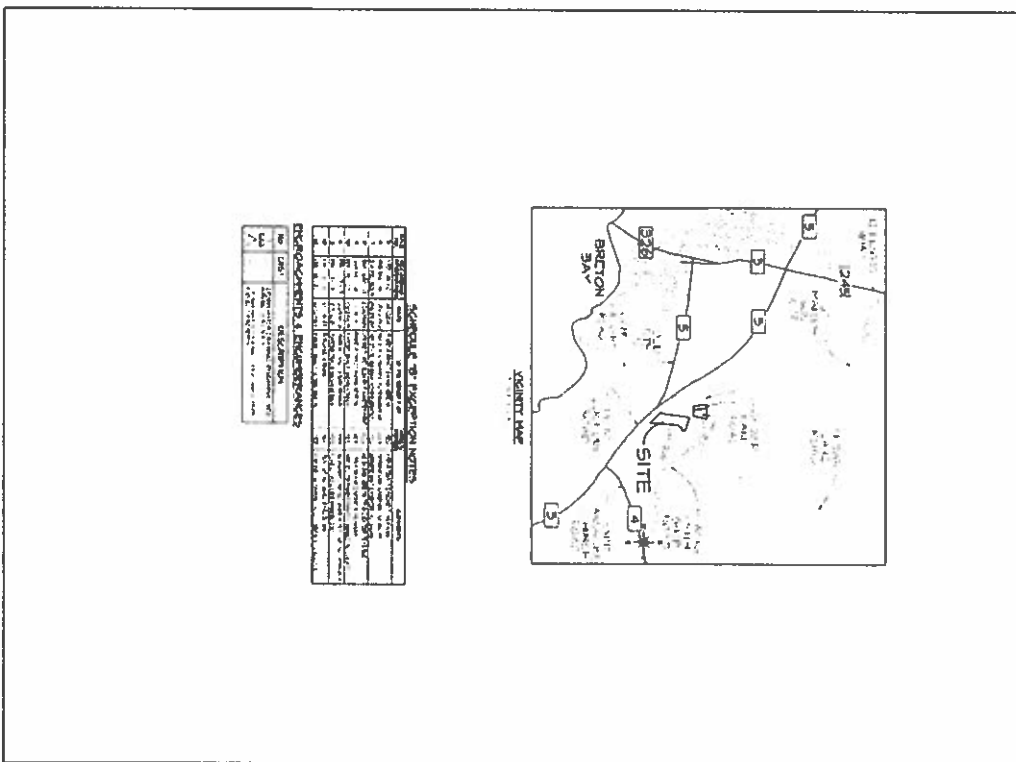
6. A certain parcel of land situated in the County of ... State of ... bounded by ...

7. A certain parcel of land situated in the County of ... State of ... bounded by ...

8. A certain parcel of land situated in the County of ... State of ... bounded by ...

9. A certain parcel of land situated in the County of ... State of ... bounded by ...

10. A certain parcel of land situated in the County of ... State of ... bounded by ...



**ABSTRACT CERTIFICATION**

I, the undersigned, being a duly qualified and licensed Surveyor in the State of California, do hereby certify that the foregoing is a true and correct copy of the original survey as shown on the attached map and plat.

\_\_\_\_\_  
Surveyor

12/15/2023

**ISR**  
UNITED SERVICES BEST, INC.

ALTA / NEAR LAND TITLE SURVEY  
CONTRAST ROAD  
1234567890  
CITY OF LOS ANGELES, CALIFORNIA

COMMERCIAL NO. 10-200720-14

**NOTES:**

1. The survey was conducted on 12/15/2023.

2. The area shown on the map is the same as shown on the attached map and plat.

3. The survey was conducted in accordance with the California Surveying Act.

4. The survey was conducted in accordance with the California Surveying Act.

5. The survey was conducted in accordance with the California Surveying Act.

6. The survey was conducted in accordance with the California Surveying Act.

7. The survey was conducted in accordance with the California Surveying Act.

8. The survey was conducted in accordance with the California Surveying Act.

9. The survey was conducted in accordance with the California Surveying Act.

10. The survey was conducted in accordance with the California Surveying Act.

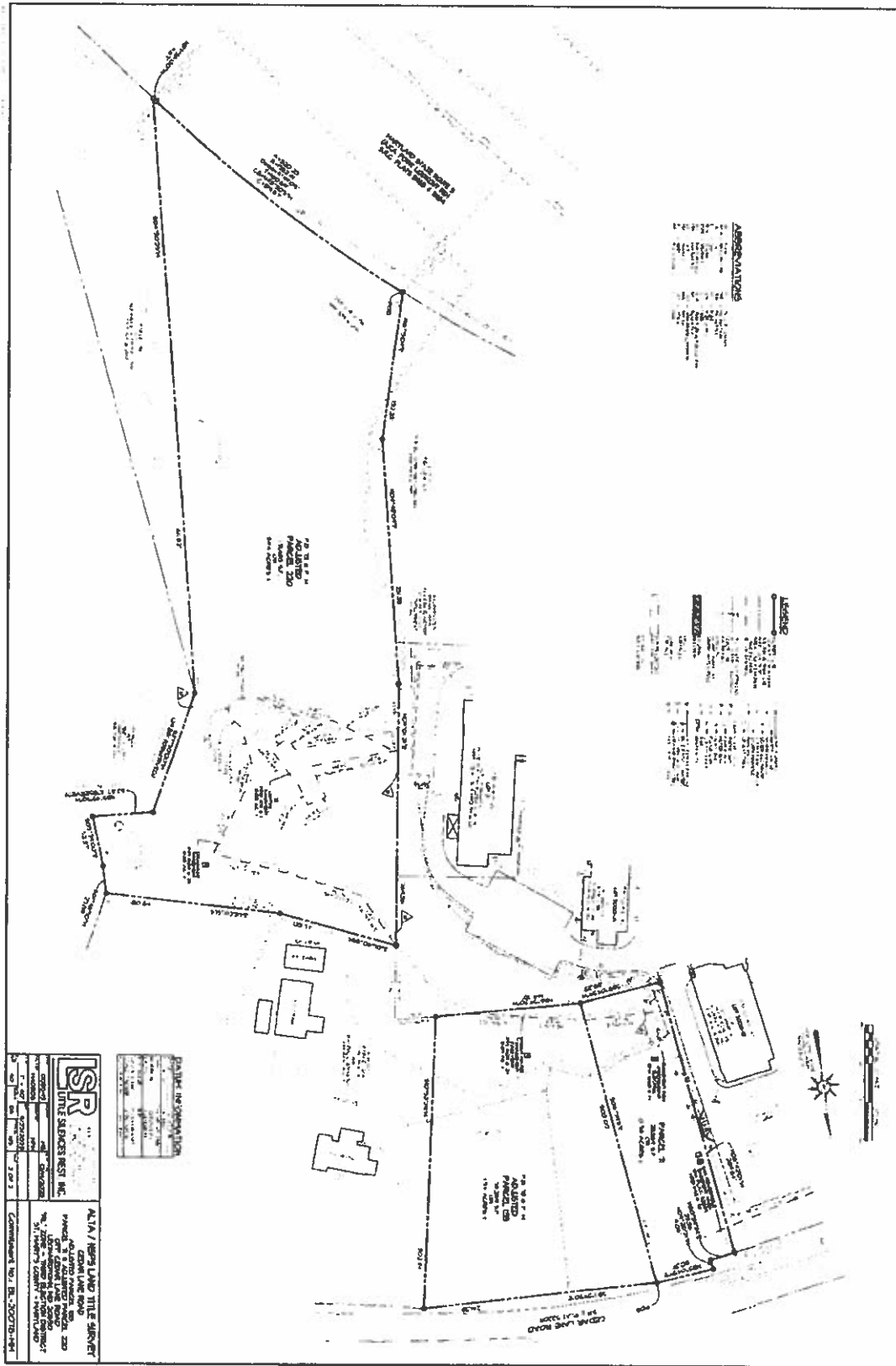


Exhibit A-1  
 Page 2

**EXHIBIT A-2**  
**METES AND BOUNDS DESCRIPTION OF PROPERTY TO BE ANNEXED**

**Property 1:**

Adjusted Parcel 133 - Cedar Lane Road, County of St. Mary's, and State of Maryland, as shown on a Boundary Line Adjustment Plat entitled "Adjusted Parcels 133, 220 & 266, Lands of Michael and Christine Mattingly", as recorded among the Land Records for St. Mary's County in Plat Book 73 at Plat 14 as more recently surveyed and shown on that that survey titled: ALTA/NSPS Land Title Survey-Cedar Lane Road-Adjusted Parcel 33-Parcel 71 & Adjusted Parcel 220" prepared by Little Silences Rest, Inc. sealed December 14, 2023, said property being more particularly described as follows:

BEGINNING for the same at an iron rod found on the southerly right-of-way line for Cedar Lane Road, a 40' Public Right-of-Way, said iron pipe found being approximately 324 feet east of the Cedar Lane Road and Cedar Lane intersection, said iron rod marking the common corner of the lands described herein and part of the lands standing now or formerly in the name of Michael J. Mattingly and Christine G. Mattingly, husband and wife, as described in a deed dated January 25th, 2010, and recorded said Land Records in Liber 3399, in Folio 419; thence, leaving said lands of Michael and Christine Mattingly and running coincidentally with said southerly right-of-way line for Cedar Lane Road,

1. South 88°02'20" East, a distance of 241.53 feet to an iron rod found at the common corner of the lands described herein and the lands standing now or formerly in the name of Randall Johnston as described in a deed recorded among said Land Records in Liber JWW 4238 at Folio 309 said lands of Johnston being more particularly described as Adjusted Parcel 266 as shown on said Boundary Line Adjustment Plat; thence, leaving said southerly right-of-way line for Cedar Lane Road and running coincidentally with the boundary of said Adjusted Parcel 266,

2. South 10°49'39" West, a distance of 302.81 feet to an iron pipe found at the common corner of the lands described herein, said adjusted Parcel 266 and Lot 5000-1A as shown on a plat of subdivision entitled "St. Mary's Home for the Elderly, Inc" as recorded among said Land Records in Plat Book 50 at Plat 47; thence, leaving said boundary of Adjusted Parcel 266 and running coincidentally with the boundary of said Lot 5000-1A,

3. North 87°02'20" West, a distance of 149.70 feet to an iron rod found at the common corner of the lands described herein, said Lot 5000-1A said lands of Michael and Christine Mattingly; thence, leaving said boundary of Lot 500-1A and running coincidentally with the boundary of said lands of Michael and Christine Mattingly.

4. North 06°42'01" West, a distance of 300.00 feet to the POINT OF BEGINNING

CONTAINING 1.34 Acres of land, more or less.:

**Property 2:**

Parcel 71 - Cedar Lane Road, County of St. Mary's, and State of Maryland, and part of "Cedar Lane - 0.60 Acres, more or less - Tax Account 19 03 03606 5" as described in a deed to Michael

J. Mattingly and Christine G. Mattingly as recorded among the Land Records for St. Mary's County in Liber 3399 at Folio 419 as more recently surveyed and shown on that that survey titled: ALTA/NSPS Land Title Survey-Cedar Lane Road-Adjusted Parcel 33-Parcel 71 & Adjusted Parcel 220" prepared by Little Silences Rest, Inc. sealed December 14, 2023, said property being more particularly described as follows:

BEGINNING for the same at an iron rod found on the southerly right-of-way line for Cedar Lane Road, a 40' Public Right-of-Way, said iron pipe found being approximately 324 feet east of the Cedar Lane Road and Cedar Lane intersection, said iron rod marking the common corner of the lands described herein and part of the lands conveyed to Michael J. Mattingly and Christine G. Mattingly as described in a deed recorded among said Land Records in Liber JWW 3399 at Folio 419, said lands of Mattingly also known as Adjusted Parcel 133 as shown on a Boundary Line Adjustment Plat entitled "Adjusted Parcels 133, 220 & 266, Lands of Michael and Christine Mattingly", as recorded among said Land Records in Plat Book 73 at Plat 14; thence, leaving said southerly right-of-way line for Cedar Lane Road and running coincidentally with the boundary of said Adjusted Tax Parcel 133,

1. South 06°42'01" East, a distance of 300.00 feet to an iron pipe found at the common corner of the lands described herein said Adjusted Tax Parcel 133 and Lot 5000-1A as shown on a plat of subdivision entitled "St. Mary's Home for the Elderly, Inc" as recorded among said Land Records in Plat Book 50 at Plat 47; thence, leaving said Adjusted Parcel 133 and running coincidentally with the boundary of said Lot 5000-1A,

2. South 83°09'59" West, a distance of 85.23 feet to an iron rod with cap number 283 found at the common corner of the lands described herein, said Lot 5000-1A, and Lot 5000-1B as shown on said St. Mary's Home for the Elderly, Inc., subdivision plat; thence, leaving said boundary of Lot 5000-1A and running coincidentally with the boundary of said Lot 5000-1B,

3. North 06°42'01" West, a distance of 289.84 feet to an iron rod found on said southerly right-of-way line for Cedar Lane Road, a variable width Public Right-of-Way, as shown on State Roads Commission (SRC) Plat numbered 52209, said iron rod found being 30.00' right of Baseline of Right-of-Way station 6+24.64, as shown on said SRC plat; thence, leaving said Lot 5000-1B and running coincidentally with said southerly right-of-way line for Cedar Lane Road, variable width Right-of-Way,

4. North 80°39'34" East, a distance of 25.36 feet; thence,

5. North 09°20'21" West, a distance of 9.06 feet to a point on said southerly right-of-way line for Cedar Lane Road, 40' Right-of-Way; thence, running coincidentally with said southerly right-of-way line for Cedar Lane Road, 40' Right-of-Way,

6. North 83°09'59" East, a distance of 60.31 feet to the POINT OF BEGINNING,

CONTAINING 0.58 Acres of land, more or less.

**Property 3:**

Adjusted Parcel 220 - Cedar Lane Road, County of St. Mary's, and State of Maryland, as partially shown on a Boundary Line Adjustment Plat entitled "Adjusted Parcels 133, 220 & 266, Lands of Michael and Christine Mattingly", as recorded among the Land Records for St. Mary's County in Plat Book 73 at Plat 14 as more recently surveyed and shown on that that survey titled: ALTA/NSPS Land Title Survey-Cedar Lane Road-Adjusted Parcel 33-Parcel 71 & Adjusted Parcel 220" prepared by Little Silences Rest, Inc. sealed December 14, 2023 said property being more particularly described as follows:

BEGINNING for the same at a point on the westerly right-of-way line for Maryland Route 5, otherwise known as Point Lookout Road, a variable width Public Right-of-Way, said beginning point being 169.47 feet left of Baseline of Right-of-Way station 143+62.68, as shown on State Roads Commission Plat numbered 51163, said point being further described as a common corner of the lands described herein and the lands standing now or formerly in the name of BVH Building and Land, LLC, as described in a deed recorded among said Land Records in Liber EWA 1598 at Folio 385; thence, leaving said westerly right-of-way line for Maryland Route 5 and running coincidentally with the boundary of said lands of BVH Building and Land LLC, and crossing over an iron pipe held for line at 0.44' along said boundary,

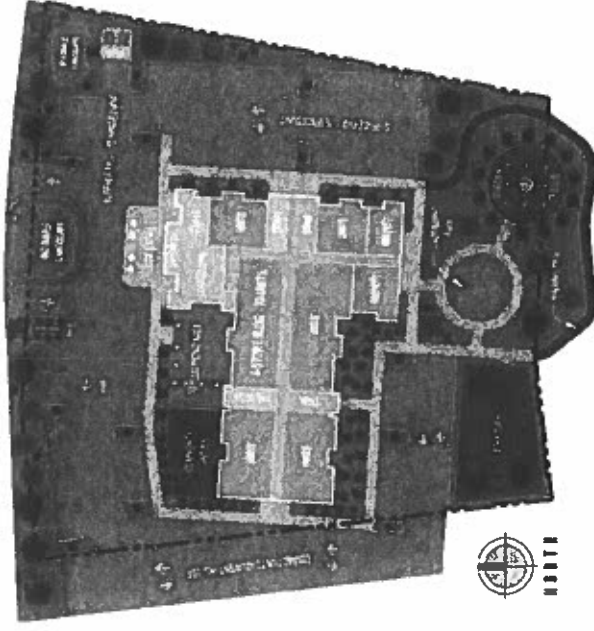
1. North 16°15'09" East, a distance of 152.23 feet to an iron pipe found; thence,
2. North 04°43'09" East, a distance of 251.35 feet to an iron pipe found at the common corner of the lands described herein, said lands of BVH Building and Land, LLC, and Lot 2 as shown on a plat of subdivision entitled "St. Mary's Home for the Elderly II, Inc" as recorded among said Land Records in Plat Book 18 at Plat 23; thence, leaving said lands of BVH Building and Land, LLC, and running in part with the boundary of said Lot 2, and in part with Lot 5000-1A as shown on a plat of subdivision entitled "St. Mary's Home for the Elderly, Inc" as recorded among said Land Records in Plat Book 50 at Plat 47,
3. North 09°01'21" East, a distance of 269.36 feet to an iron rod found at the common corner of the lands described herein, said 500-1 and the lands standing now or formerly in the name of Randall Johnston as described in a deed recorded among said Land Records in Liber JWW 4238 at Folio 309 said lands of Johnston being more particularly described as Adjusted Parcel 266 as shown on said Boundary Line Adjustment Plat; thence, leaving said boundary of Lot 500-1A and running coincidentally with the boundary of said Adjusted Parcel 266,
4. South 66°06'30" East, a distance of 123.77 feet to an iron rod found with cap Number 285; thence, crossing over and iron rod with cap numbered 285 at 25.36' from the end thereof,
5. South 75°02'37" East, a distance of 180.64 feet to a point in a ravine at the common corner of the lands described herein, said Adjusted Parcel 266 and the lands standing now or formerly in the name of Alfred and Joan Mattingly as described in a deed recorded among said Land Records in Liber MRB 326 at Folio 260; thence, running generally with said ravine and coincidentally with the boundary of said lands of Alfred and Joan Mattingly,
6. South 01°46'50" West, a distance of 27.83 feet to a point; thence,

7. South  $03^{\circ}39'00''$  East, a distance of 52.37 feet to a point; thence, leaving said ravine,
8. North  $85^{\circ}43'50''$  West, a distance of 62.87 feet to an iron rod set; thence,
9. South  $27^{\circ}50'00''$  West, a distance of 129.88 feet to an iron rod found; thence, crossing over and iron pipe found and held for line at 7.88 feet from the end thereof,
10. South  $04^{\circ}30'25''$  West, a distance of 611.82 feet to a point at the common corner of the lands described herein, said lands of Alfred and Joan Mattingly and a point on said westerly right-of-way line for Maryland Route 5, said point being 182.21 feet left of said Baseline of Right-of-Way line station 146+92.63; thence, running coincidentally with said westerly right-of-way line for Maryland Route 5,
11. North  $37^{\circ}56'00''$  West, a distance of 4.67 feet to a point; thence,
12. 320.23 feet along the arc of a curve concave to the southwest having a radius of 1552.41 feet, a central angle of  $11^{\circ}49'09''$  and chord which bears North  $43^{\circ}50'11''$  West 319.67 feet to the POINT OF BEGINNING,

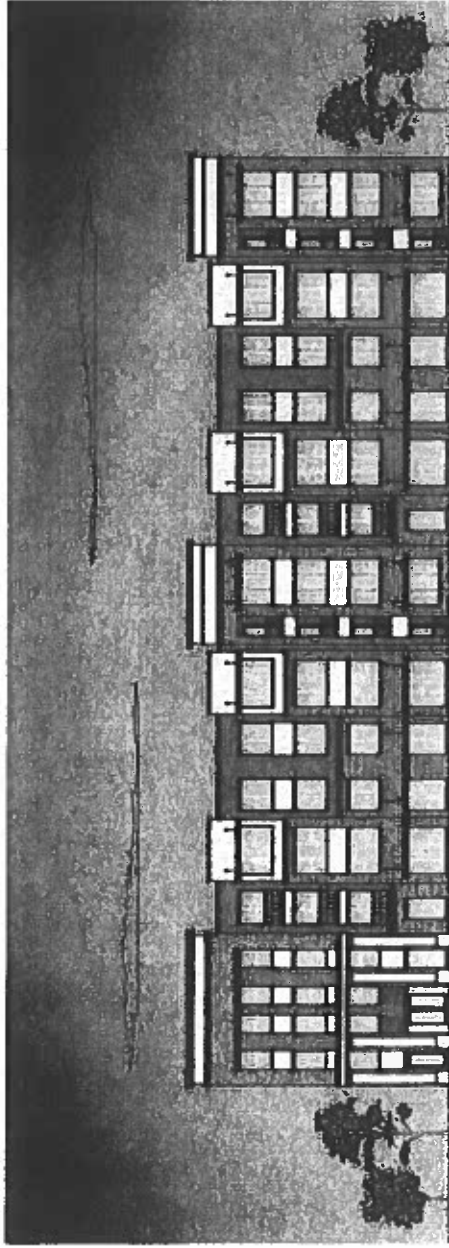
CONTAINING 3.94 Acres of land, more or less.

**EXHIBIT B**  
to  
**ANNEXATION PLAN**  
**PETITION FOR ANNEXATION**

**CONCEPT PLAN**



ALTERNATE SITE PLAN: 1/32"=1'-0"



FRONT ELEVATION: 3/32"=1'-0"

**CEDAR LANE SENIOR DEVELOPMENT PROPOSAL**

ST. MARYS COUNTY, M.D. - DEVELOPMENT PLAN

DATE: SEPTEMBER 5, 2023

SCALE: AS NOTED

**CONCEPTUAL PLANS**

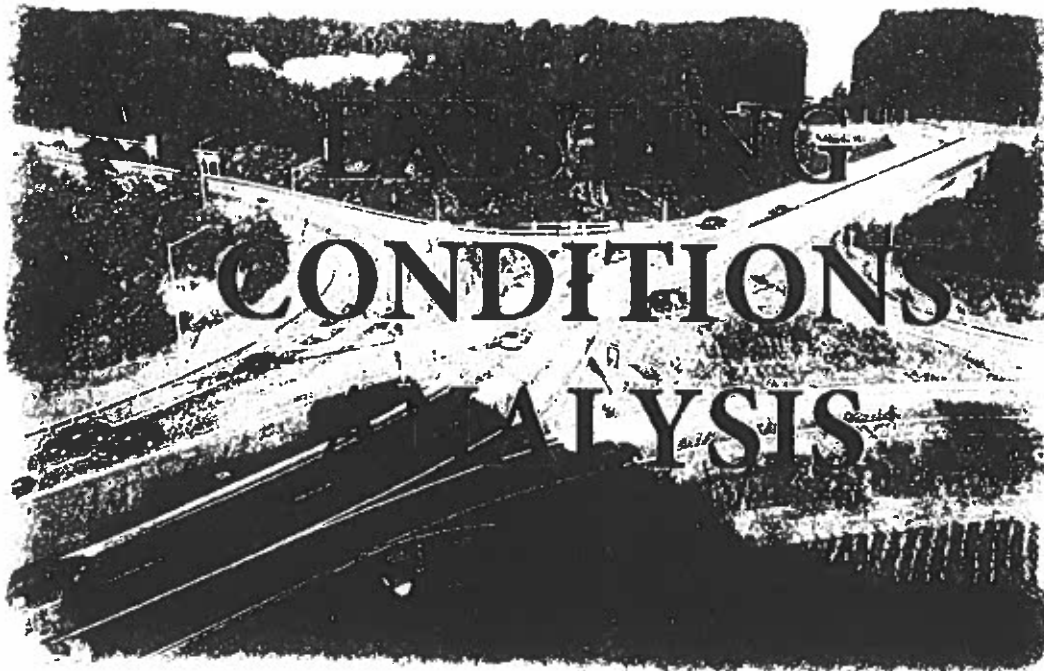
TOTAL: 70 UNITS - SENIOR





**EXHIBIT C**  
to  
**ANNEXATION PLAN**  
**PETITION FOR ANNEXATION**

**TRAFFIC STUDY**



**CEDAR LANE  
SENIOR LIVING COMMUNITY  
LEONARDTOWN, MARYLAND**

**NOVEMBER, 2023**

**PREPARED FOR:  
CEDAR LANE SENIOR LIVING COMMUNITY**

**PREPARED BY:  
TRAFFIC CONCEPTS, INC.**

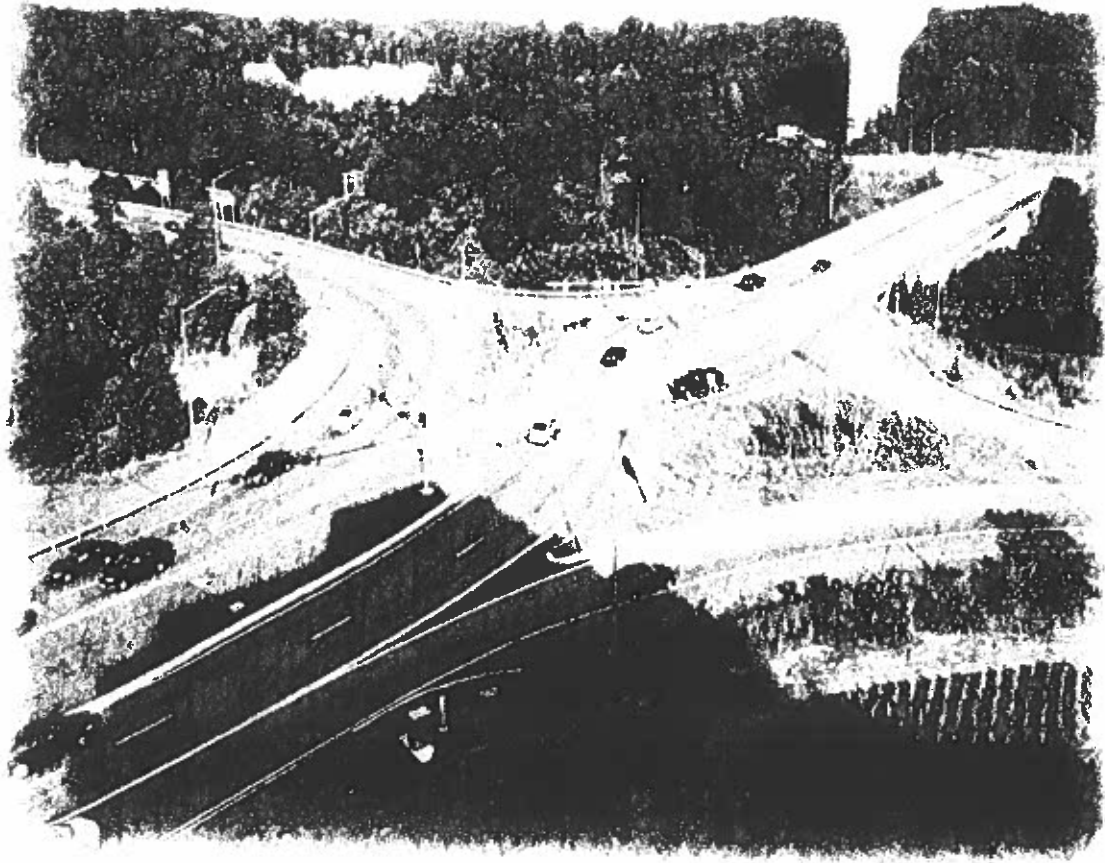
**7525 CONNELLEY DRIVE  
SUITE B  
HANOVER, MARYLAND 21076  
410-760-2911**

**[www.traffic-concepts.com](http://www.traffic-concepts.com)**

**TC #4040**

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## INTRODUCTION

## INTRODUCTION

Traffic Concepts, Inc. has been asked to prepare an existing traffic conditions analysis for the proposed Cedar Lane Senior Living Community. The site is located in the southeast quadrant of the intersection of Cedar Lane Road and Cedar Lane Court in Leonardtown, Maryland.

Based on a meeting held at the Town of Leonardtown offices, the following intersections have been analyzed during the weekday AM and PM peak periods.

### Key Intersections

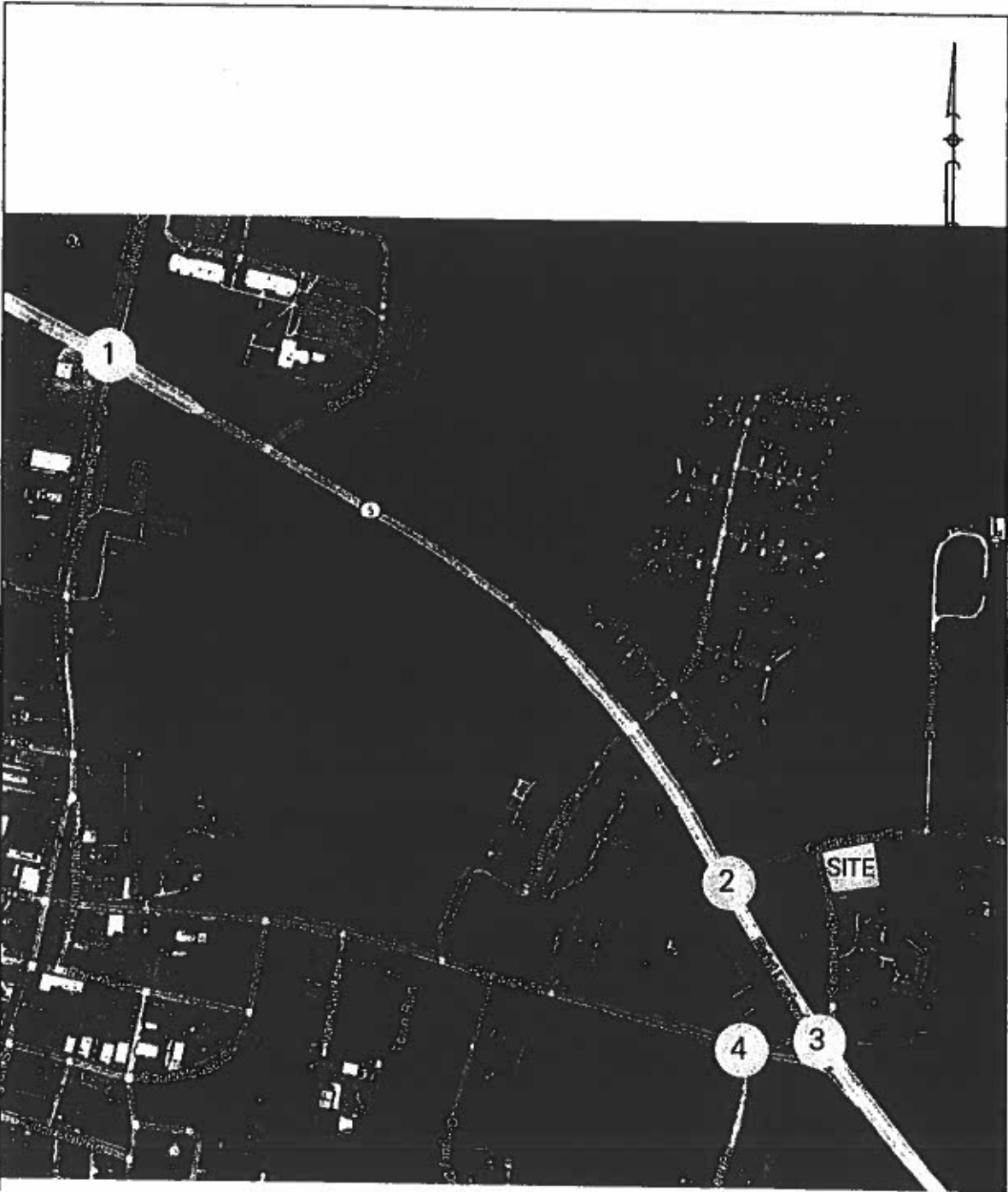
- MD 5 (Point Lookout Road) @ MD 245 (Hollywood Road/Washington Street) (Signalized)
- MD 5 (Point Lookout Road) @ Cedar Lane Road \* (Unsignalized)
- MD 5 (Point Lookout Road) @ Fenwick Street \* (Unsignalized)
- Fenwick Street @ Camp Calvert Road \* (Unsignalized)

\* Traffic Signal Warrant analyses will be performed at the unsignalized intersections.

The key intersections and the location of the site are shown on Exhibit 1 and the lane use configurations are provided on Exhibit 2.

Peak hour turning movement counts were conducted at the key intersections, and an analysis made using the Critical Lane Analysis method to determine existing levels of service at the key intersections.

In addition, a traffic signal warrant analysis was conducted at all unsignalized intersections to determine the need for traffic signal control.

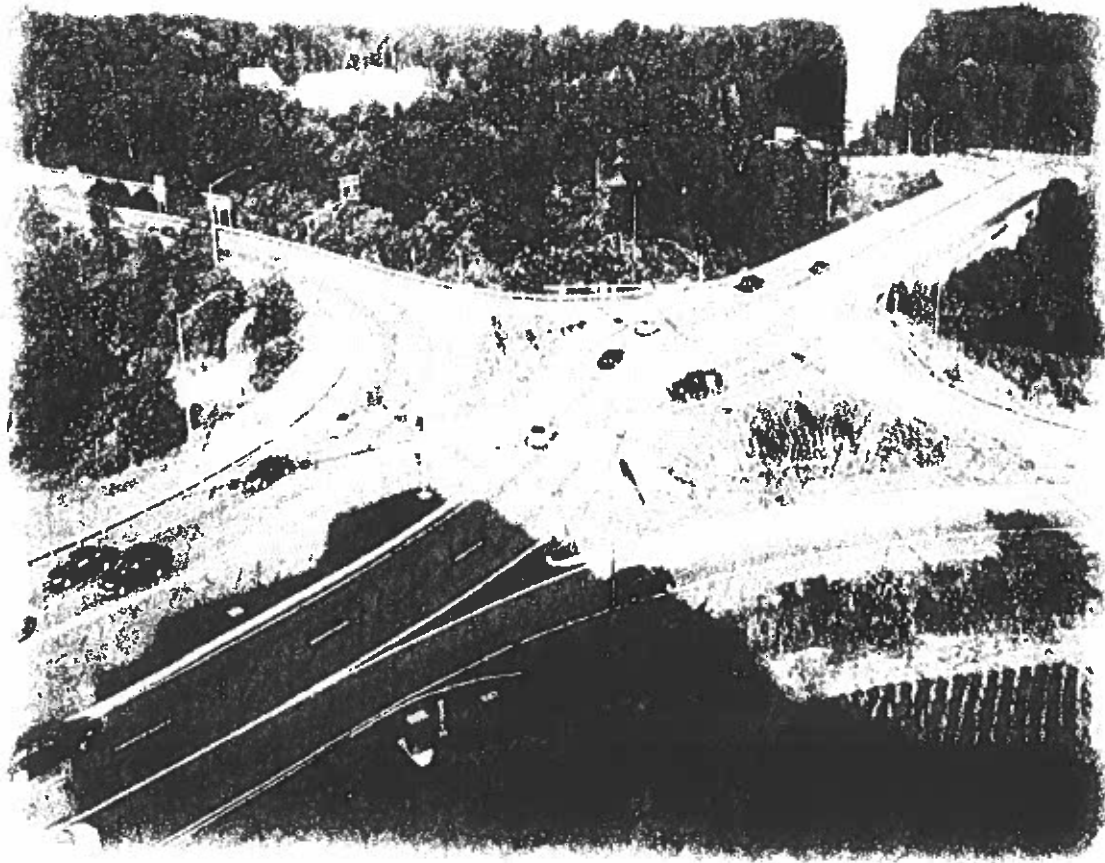


Intersection Studied:

1. MD 5 @ MD 245 (Hollywood Road/Washington Street)
2. MD 5 @ Cedar Lane Road
3. MD 5 @ Fenwick Street
4. Fenwick Street @ Camp Calvert Road

TRAFFIC CONCEPTS, INC.  
7525 Connelley Drive  
Suite B  
Hanover, Maryland 21076  
410-760-2911

EXHIBIT 1  
Key Intersections



## CONCLUSIONS AND RECOMMENDATIONS

## **CONCLUSIONS AND RECOMMENDATIONS**

The results of the study indicate that the key intersections will operate at acceptable "C" or better levels of service under existing traffic conditions.

In addition, the results of the traffic signal warrant analysis for the following intersections are listed below.

### **MD 5 @ Cedar Lane Road**

The results of the signal warrant analysis for this intersection indicates that Warrant 1B (Interruption of Continuous Traffic), Warrant 2 (Four-Hour Vehicular Volume) and Warrant 3 (Peak Hour Volume) are met with existing traffic volumes. However, this analysis assumes only one outbound lane on Cedar Lane Road. If this approach were re-striped to provide two outbound lanes (one left/one right), these warrants would not be met. We would suggest that this approach be re-striped to provide two outbound lanes, in lieu of installing traffic signalization.

### **MD 5 @ Fenwick Street**

The results of this signal warrant analysis indicate that no warrants are satisfied with the existing traffic volumes. In fact, none of the required eight hours of side street volumes are met.

### **Fenwick Street @ Camp Calvert Road**

The results of this signal warrant analysis indicate that no warrants are satisfied with the existing traffic volumes. Warrant 1C is met for only four of the required eight hours of side street volumes. Based on discussions at the Town scoping meeting, we reviewed the possibility of diverting some of the school related left turns from Camp Calvert Road to left turns from Fenwick Street to MD 5 in order to determine if signalization would be required at MD 5/Fenwick Street. However, there would not be enough volume to warrant a signal at MD 5/Fenwick Street under this scenario, even if all school left turns were diverted to this intersection.



**EXHIBIT D**  
to  
**ANNEXATION PLAN**  
**PETITION FOR ANNEXATION**

**ENVIRONMENTAL REPORT**



**PHASE I ENVIRONMENTAL SITE ASSESSMENT  
PROPOSED CEDAR LANE SENIOR LIVING VI  
133 CEDAR LANE ROAD  
LEONARDTOWN, ST. MARY'S COUNTY, MARYLAND 20650**

**D3G PROJECT NUMBER:  
2023-002402**

**REPORT ISSUE DATE:  
APRIL 18, 2024**

**INSPECTION DATE:  
DECEMBER 19, 2023**

**PREPARED FOR:  
CEDAR LANE SENIOR LIVING COMMUNITY  
22680 CEDAR LANE COURT  
LEONARDTOWN, MARYLAND 20650**

Kylee Hooper  
Site Assessor/Environmental Technician

A handwritten signature in black ink, appearing to read 'Kylee Hooper', written over a horizontal line.

Signature

Brandon Vidra  
Environmental Professional

A handwritten signature in black ink, appearing to read 'Brandon Vidra', written over a horizontal line.

Signature

Robert Hazelton  
Principal

A handwritten signature in black ink, appearing to read 'Robert Hazelton', written over a horizontal line.

Signature



## EXECUTIVE PROPERTY DESCRIPTION

Property: Proposed Cedar Lane Senior Living VI  
133 Cedar Lane Road  
Leonardtwn, St. Mary's County, Maryland 20650

Site Description: The subject property consists of 5.84 acres of undeveloped wooded and grassland and a stormwater drainage basin. An intermittent tributary of Glebe Run transects the northeastern portion of the subject property and forms the eastern border on subject property and flows south southeast. The subject property is bounded by Cedar Lane Road, Ellenborough Lane, agricultural land, undeveloped wooded land, and single-family residential to the north; single-family residential, and undeveloped wooded and grassland to the east; Point Lookout Road, Cedar Lane Senior Living Community, and St. Mary's Ryken High School to the south; and Cedar Lane Senior Living Community, and Breton Veterinary Hospital to the west. Utilities were observed in the vicinity of the subject property. The Sponsor is submitting this project for the potential use of Section 202 Supporting Housing for the Elderly funds, tax-exempt bonds and a 4% Low-Income Housing Tax Credit (LIHTC) through the Maryland Department of Housing and Community Development (MD DHCD), and various other funding grants, consisting of the new construction of one (1) four-story age-restricted structure containing seventy (70) units.



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**Appendix I: Certificate of Liability Insurance**

**Appendix J: Maryland Department of Housing and Community Development Environmental Due Diligence Checklist**

## 1.0 EXECUTIVE SUMMARY

The following table summarizes the conclusions and opinions representing Dominion Due Diligence Group's (D3G's) best professional judgment based on information accessed during the course of this investigation. D3G performed a Phase I Environmental Site Assessment that included subject property observations of Proposed Cedar Lane Senior Living VI on December 19, 2023 located at 133 Cedar Lane Road in Leonardtown, St. Mary's County, Maryland (subject property).

EVALUATED CONDITIONS	SECTION REFERENCE	ACCEPTABLE	RECOMMENDED RESPONSE ACTION
STANDARD ENVIRONMENTAL RECORDS REVIEW	5.1	YES	
UNREGULATED UNDERGROUND STORAGE TANK(S) (UST)	6.3	YES	
PAST INDUSTRIAL/DETRIMENTAL OPERATIONS	5.4 5.5	YES	
VAPOR ENCROACHMENT CONDITION	5.6	YES	
STORED HAZARDOUS MATERIALS	6.3 6.4	YES	
POLYCHLORINATED BIPHENYLS (PCBS)	6.3 6.4	YES	
ABOVEGROUND STORAGE TANK(S) (AST)	6.3 6.4	YES	
DUMPING, LANDFILLS	6.3	YES	
HAZARDOUS RUN-OFF	6.3	YES	
ASBESTOS-CONTAINING MATERIALS	8.1	YES	
LEAD-BASED PAINT	8.2	YES	
RADON GAS	8.3	YES	
FLOOD ZONE	8.4	YES	
WETLANDS	8.5	YES	
OTHER	NA	YES	

D3G has performed a Phase I ESA at the subject property. Based on the conclusions, D3G recommends no further investigation.

## **2.0 INTRODUCTION**

### **2.1 Purpose**

Cedar Lane Senior Living Community contracted Dominion Due Diligence Group (D3G) to perform a Phase I Environmental Site Assessment (ESA) of the Proposed Cedar Lane Senior Living VI located at 133 Cedar Lane Road in Leonardtown, St. Mary's County, Maryland (subject property). As such, Cedar Lane Senior Living Community is considered the "User" of this report as defined under ASTM Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process Designation: E 1527-21 (ASTM E 1527-21). HUD and the Maryland Department of Housing and Community Development (MD DHCD) are authorized users of this Phase I ESA.

The purpose of the Phase I ESA is to provide all appropriate inquiry into the previous ownership and uses of the subject property and to identify recognized environmental conditions (RECs), which are (1) the presence of hazardous substances or petroleum products in, on, or at the subject property due to a release to the environment; (2) the likely presence of hazardous substances or petroleum products in, on, or at the subject property due to a release or likely release to the environment; or (3) the presence of hazardous substances or petroleum products in, on, or at the subject property under conditions that pose a material threat of a future release to the environment. In addition, the Phase I ESA includes the identification of controlled recognized environmental conditions (CRECs), historical recognized environmental conditions (HRECs), and de minimis conditions. CRECs are RECs affecting the subject property that has been addressed to the satisfaction of the applicable regulatory authority or authorities with hazardous substances or petroleum products allowed to remain in place subject to implementation of required controls (for example, activity and use limitations or other property use limitations). HRECs involve a previous release of hazardous substances or petroleum products affecting the subject property that has been addressed to the satisfaction of the applicable regulatory authority or authorities and meeting unrestricted use criteria established by the applicable regulatory authority or authorities without subjecting the subject property to any controls (for example, activity and use limitations or other property use limitations). An HREC is not a REC. De minimis conditions generally do not present a threat to human health or the environment and generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. A de minimis condition is not a REC nor a CREC. For the purposes of this reporting, D3G defines "environmental concerns" as de minimis conditions and non-scope considerations for which further action is recommended.

As per the U.S. Housing and Urban Development (HUD) Multifamily Accelerated Processing Guide, as amended, the Phase I ESA provides an initial determination of the overall Department's environmental responsibilities pursuant to 24 CFR 50.3(i). In addition, this report assesses non-scope considerations as directed by the client. Factual information regarding on-site business operations, conditions, and historical data provided to D3G is assumed to be correct and complete.

This investigation was conducted in accordance with ASTM E 1527-21 published guidelines, 40 CFR Part 312, Standards and Practices for All Appropriate Inquiries: Final Rule, U.S. Housing and Urban Development (HUD) Multifamily Accelerated Processing Guide, as amended, MD DHCD environmental guidelines, and accepted Phase I ESA industry standards.

### **2.2 Detailed Scope of Services**

The ASTM E 1527-21 scope of work for this Phase I ESA consisted of the following:

- site reconnaissance of the subject property and a visual survey of the adjacent properties to evaluate the potential for RECs;

- review of applicable and reasonably ascertainable information about the subject property, including aerial photography, USGS topographic map, state and federal databases, Sanborn maps, property assessment information and other governmental sources that are publicly available, practically reviewable, and obtainable within reasonable time and cost constraints;
- interviews with selected individuals knowledgeable about the subject property and vicinity properties; and
- if provided, a review of existing environmental reports documenting previous assessment and remediation efforts completed at the subject property.

D3G also evaluated the following ASTM Non-Scope Considerations in accordance with the U.S. HUD Multifamily Accelerated Processing (MAP) Guide, as amended, and MD DHCD environmental guidelines, including, but not limited to, Tier 1 Vapor Encroachment Screening in general compliance with ASTM Standard Guide for Vapor Encroachment Screening on Property Involved in Real Estate Transactions Designation: E 2600-22, asbestos-containing materials, lead-based paint, and radon gas. In addition, it should be noted that the HUD Environmental Review Record Related Federal Laws and Authorities Worksheets are included under separate cover.

This Phase I ESA did not include the collection or analysis of soil or groundwater samples.

### **2.3 Significant Assumptions**

Factual information regarding on-site business operations, conditions, and historical data provided to D3G is assumed to be correct and complete. D3G assumes no responsibility for hidden or latent conditions or misrepresentation, or inaccurate information provided, by the property owner, its representatives, public information officials or any authority consulted in connection with the compilation of this report.

D3G assumes that all information provided by Environmental Data Resources, Inc. (EDR) regarding the regulatory status of facilities within the approximate minimum search distance is complete, accurate and current.

D3G assumes no responsibility for differing opinions or interpretations by client or governmental or regulatory agencies of controlling laws, standards, or regulations provided D3G's services were performed in a professional manner.

### **2.4 Limitations and Exceptions**

D3G encountered the following limitations, exceptions, and/or data gaps during the performance of this Phase I ESA:

- Our on-site observations pertain only to specific locations at specific times on specific dates. This report and conclusions herein are based upon data collection between December 4, 2023 and January 10, 2024. Our observations and conclusions do not reflect variations in conditions that may exist, in unexplored areas of the site, or at times other than those represented by our observations.
- In order for the prospective purchaser to claim protection from CERCLA liability as an innocent landowner, bona fide prospective purchaser, or contiguous property owner, the acquisition of the subject property should be completed within 180 days after the subject property inspection date.
- Accordingly, the professional services rendered by D3G are valid for a period of 180 days.
- According to 40 CFR Part 312, Standards and Practices for All Appropriate Inquiries: Final Rule, CERCLA liability rests with the owner or operator of a property and not with an environmental professional hired by the prospective landowner and who is not involved with the ownership or operation of the property.



- This report meets the requirements set forth in 40 CFR Part 312 Standards and Practices for All Appropriate Inquiries: Final Rule. However, in order to qualify for certain landowner liability protections under CERCLA, Bona Fide Prospective Purchasers, Contiguous Property Owners, and/or Innocent Landowners must meet additional requirements in 101(35)(B) of CERCLA (42 U.S.C. 9601(35)) of the Federal Register.
- No significant data gaps in historical information were identified that would impact D3G's ability to identify RECs. Collectively the sources considered and consulted during the course of this assessment allowed D3G to adequately determine the subject property history. Therefore, these data gaps are not considered to be significant.
- Historical information was not reasonably ascertainable to the subject property's first developed use. D3G obtained historical information to 1952 at which time the subject property was developed with agricultural land and undeveloped wooded land. However, subject property observations did not indicate that previous agricultural activities have negatively impacted the environmental condition of the subject property. Therefore, this limitation is not significant.

## **2.5 Special Terms and Conditions**

This investigation was conducted in accordance with ASTM E 1527-21 published guidelines and 40 CFR Part 312, Standards and Practices for All Appropriate Inquiries: Final Rule. In addition, Non-Scope items are addressed in accordance with the U.S. HUD Multifamily Accelerated Processing (MAP) Guide, as amended and MD DHCD environmental guidelines.

## **2.6 User Reliance**

This report has been prepared for, and can be relied upon by the Client, Cedar Lane Senior Living Community, the United States Department of Housing and Urban Development (HUD), and the Maryland Department of Housing and Community Development (MD DHCD). This report is not to be relied upon or reproduced, either in whole or in part, without written consent from D3G.

### 3.0 SUBJECT PROPERTY DESCRIPTION

#### 3.1 Location and Legal Description

The subject property is located at 133 Cedar Lane Road in Leonardtown, St. Mary's County, Maryland and contains a total of 5.84 acres of land. The subject property is situated at an elevation of approximately 70-100 feet above mean sea level and is located at Latitude, 38.291621 and Longitude, -76.624062.

MUNICIPAL PARCEL IDENTIFIER	MUNICIPAL PARCEL NUMBER
ACCOUNT NUMBERS	017044, 036065, and 040186

SOURCE - St. Mary's County assessment documents

A copy of the tax cards and a map illustrating the legal property boundary is included in Appendix A of this report.

#### 3.2 Site and Vicinity General Characteristics

The subject property is located in an area of residential and light commercial development, agricultural land, and undeveloped land.

#### 3.3 Current Use of the Subject Property

The subject property currently consists of undeveloped wooded and grassland.

#### 3.4 Description of Structures, Roads, and Other Improvements

The following section describes general conditions and features as noted during D3G's inspection:

GENERAL SUBJECT PROPERTY DESCRIPTION AND IMPROVEMENTS	
SUBJECT PROPERTY ACREAGE	5.84 acres
BUILDING(S) DESCRIPTION	NA
ADJOINING ROADS	Cedar Lane Road, Ellenborough Lane, and Point Lookout Road
CONSTRUCTION DATE(S)	NA
EXTERIOR IMPROVEMENTS	NA
UNIMPROVED AREAS	The subject property consists of undeveloped wooded and grassland and a stormwater drainage basin. An intermittent tributary of Glebe Run transects the northeastern portion of the subject property and forms the eastern border on subject property and flows south southeast.

D3G was provided an ALTA/NSPS Land Title Survey prepared by Little Silences Rest, Inc. (LSR) dated September 22, 2023, and a Concept Plan prepared by Little Silences Rest, Inc. (LSR) dated December 8, 2022, which depicts the subject property boundaries, acreage, proposed structures and improvements, easements, legal description, and general vicinity characteristics. A copy of the ALTA/NSPS Land Title Survey and the Concept Plan is included in Appendix B.

##### 3.4.1 Subject Property Utilities

Utilities were observed in the vicinity of the subject property.

### 3.5 Current Uses of Adjoining Properties

DIRECTION	LAND USAGE
NORTH	Cedar Lane Road, Ellenborough Lane, agricultural land, undeveloped wooded land, and single-family residential
EAST	Single-family residential and undeveloped wooded and grassland
SOUTH	Point Lookout Road, St. Mary's Ryken High School*, and Cedar Lane Senior Living Community**
WEST	Cedar Lane Senior Living Community** and Breton Veterinary Hospital

\*The southern adjacent St. Mary's Ryken High School is discussed further in Sections 5.1.1 and 5.6.

\*\*The western adjacent Cedar Lane Living Community is discussed further in Sections 5.1.1 and 5.6.

See Appendix B for a copy of the Site Plan, which identifies subject property structure(s) and general vicinity characteristics.

## 4.0 USER PROVIDED INFORMATION

### 4.1 Title Records

PARCEL IDENTIFICATION	OWNER	PURCHASE DATE	DEED REFERENCE
1903017044, 1903036065, 1903040186	MATTINGLY MICHAEL J & MATTINGLY CHRISTINE G	1/27/2010	03399/00419
	MATTINGLY, MICHAEL J	11/20/2009	03376/00166
	MATTINGLY, J M JR	11/18/2009	03375/00059

SOURCE - St. Mary's County assessment documents

Due to the nature of the tax assessment documents and deed records, a thorough chain-of-title was not reasonably ascertainable.

### 4.2 Environmental Liens or Activity and Use Limitations (AULs)

It is the User's responsibility to provide D3G with information pertaining to environmental liens or AULs. According to information provided in the completed User Questionnaire, there are no environmental liens or AULs associated with the subject property.

### 4.3 Specialized Knowledge

According to the completed User Questionnaire, the Prospective Landowner Representative did not indicate to D3G that they were aware of any specialized knowledge or experience that is material to recognized environmental conditions in connection with the subject property. The Prospective Landowner Representative was unaware of any environmental liens or activity use limitations (AULs) encumbering the property or in connection with the subject property.

### 4.4 Commonly Known or Reasonably Ascertainable Information

The Prospective Landowner Representative did not indicate to D3G, in the completed User Questionnaire, that they were aware of commonly known or reasonably ascertainable information within the local community about the property that is material to recognized environmental conditions in connection with the property.

### 4.5 Valuation Reduction for Environmental Issues

According to Mr. Eric Golden with First American Title and the Prospective Landowner Representative, the purchase price being paid reasonably reflects the fair market value for the subject property.

### 4.6 Owner, Property Manager, and Occupant Information

The subject property is currently owned by Michael J and Christine G Mattingly and the Current Landowner interview is discussed further in Section 7.2. The subject property consists of undeveloped wooded and grassland; therefore, Property Management and occupant information is not required.

### 4.7 Reason For Performing Phase I ESA

The user informed D3G that the Phase I ESA is being performed because the subject property is being purchased and submitted for the potential use of Section 202 Supporting Housing for the Elderly funds, tax-exempt bonds and a 4% Low-Income Housing Tax Credit (LIHTC) through the Maryland Department of Housing and Community Development (MD DHCD), and various other

funding grants, consisting of the new construction of one (1) four-story age-restricted structure containing seventy (70) units.

#### **4.8 Previous Environmental Reports**

D3G was not provided additional information from the user.

## 5.0 RECORDS REVIEW

### 5.1 Standard Environmental Records Sources

#### 5.1.1 State Regulatory Records

DATABASE	SEARCH DISTANCE
STATE AND TRIBAL LEAKING STORAGE TANK DATA (LUST/LAST)	0.50 Mile
STATE AND TRIBAL STORAGE TANK DATA (UST/AST)	0.25 Mile
STATE AND TRIBAL VOLUNTARY CLEANUP PROGRAM SITES (VCP)	0.50 Mile
STATE AND TRIBAL BROWNFIELD SITES (BROWNFIELDS)	0.50 Mile
STATE AND TRIBAL HAZARDOUS WASTE SITES (SHWS)	1.00 Mile
STATE AND TRIBAL INSTITUTIONAL/ENGINEERING CONTROLS (IC/EC)	0.125 Mile
STATE AND TRIBAL REGISTERED SOLID WASTE LANDFILLS (SWL)	0.75 Mile

SOURCE - State of Maryland governmental records accessed by Environmental Data Resources Inc. (EDR)

**Cedar Lane Apartment, Inc.**, located adjacent to the west and presumed hydrogeologically down- and cross-gradient from the subject property at 22680 Cedar Lane Court, is identified as a UST facility and OCPCASES incident in the EDR Report. According to the UST listing, the facility (Facility ID #18968; Owner UID #12867) is associated with one (1) 550-gallon diesel underground storage tank (UST) that was installed on October 1, 1977 and the current tank status is Permanently Out-of-Use. According to the OCPCASES listing, a release (Facility ID #08-0257SM) of an unknown amount of diesel was reported at the facility on October 17, 2007 and subsequently closed on December 4, 2007 after completion of cleanup activities. No additional information was included in the EDR Report. Based on the short duration from open to closure, the lapse of time since closure and likely natural attenuation of any residual contamination, presumed hydrogeologic relationship, and current regulatory status, D3G has determined that the regulatory file for the adjacent facility is not warranted per ASTM E 1527-21; therefore, the adjacent facility is not suspected to present environmental concerns to the subject property. The facility is discussed further in Section 5.6.

**St. Mary's Ryken High School Inc.**, located adjacent to the south and presumed hydrogeologically down-gradient from the subject property at 22600 Camp Calvert Road, is identified as a UST facility and OCPCASES incident in the EDR Report. According to the UST listing, the facility (Facility ID #7751) is associated with two (2) 1,000-gallon heating oil underground storage tanks (USTs) installed in January 1958, two (2) 6,000-gallon heating oil USTs installed in January 1958, one (1) 550-gallon gasoline UST installed in January 1958, one (1) 1,000-gallon heating oil UST installed in January 1960, one (1) 6,000-gallon heating oil UST installed in January 1964, one (1) 6,000-gallon heating oil installed in August 1999, and one (1) heating oil UST of unknown volume installed in July 1999. Per the UST listing, all aforementioned tanks are listed as permanently out of use. In addition, the UST listing mentions one (1) heating oil UST of unknown size listed as currently in use, installed in January 1999. According to the OCPCASES listing, three (3) releases were reported at the adjacent facility, which include: a release of motor/lube oil reportedly opened and subsequently closed in October 1986, a release of motor/lube oil reportedly opened in September 1993 and subsequently closed in March 1997, and a release of unknown material in August 1999 which was subsequently closed in October 1999. According to the OCPCASES listing, all reported releases (Facility ID #7-0682SM) achieved closed status and were associated with tank closure activities. No additional information regarding the adjacent UST facility and OCPCASES incidents was included in the EDR Report. Based on the short duration from open to closure, the lapse of time since closure and likely natural attenuation of any residual contamination, presumed hydrogeologic relationship, and current regulatory status, D3G has determined that the regulatory file for the adjacent facility is not warranted per ASTM E 1527-21; therefore, the

adjacent facility is not suspected to present environmental concerns to the subject property. The facility is discussed further in Section 5.6.

The remaining state-regulated facilities are not located on-site or adjacent and are not of environmental concern to the subject property. The closest remaining record is located approximately 0.030 miles to the west and presumed hydrogeologically down-gradient from the subject property. Based on the listed distances, presumed hydrogeologic relationships and/or current regulatory statuses, the remaining state-regulated facilities are not suspected to have negatively impacted the environmental integrity of the subject property.

Please note that D3G additionally performed a Tier 1 Vapor Encroachment Screen (VES) in compliance with ASTM E 2600-22 "ASTM Standard Guide for Vapor Encroachment Screening on Property Involved in Real Estate Transactions" as amended, which is discussed in further detail in Section 5.6 and supported by the Non-Invasive Tier 1 VES located in Appendix E. Regulatory database listings that require further evaluation are discussed as necessary.

### 5.1.2 Federal Regulatory Records

DATABASE	SEARCH DISTANCE
EPA NATIONAL PRIORITIES LISTING (NPL - SUPERFUND)	1.00 Mile
EPA NATIONAL PRIORITIES LISTING (NPL - DELISTED SITES)	0.50 Mile
EPA SUPERFUND ENTERPRISE MANAGEMENT SYSTEM (SEMS)	0.50 Mile
EPA SEMS ARCHIVED SITES (SEMS-ARCHIVE)	0.50 Mile
EPA RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)	0.25 Mile
EPA RCRA TREATMENT, STORAGE, AND DISPOSAL (TSD)	0.50 Mile
FEDERAL INSTITUTIONAL/ENGINEERING CONTROLS (IC/EC)	0.125 Mile
EPA EMERGENCY RESPONSE NOTIFICATION-SITES (ERNS)	0.15 Mile
EPA RCRA CORRECTIVE ACTION REPORT (CORRACTS)	1.00 Mile

SOURCE - Environmental Protection Agency records accessed by Environmental Data Resources (EDR)

No federally-regulated facilities were identified in the EDR Report.

### 5.1.3 Non-Geocoded Sites

In addition, nine (9) non-geocoded sites were listed in the EDR Report. After reviewing the nine (9) non-geocoded sites, it was determined that they are not located on-site or adjacent from the subject property and are, therefore, not suspected to present environmental concerns to the subject property.

### 5.2 Additional Environmental Record Sources

There were no other sources for environmental records that were reviewed for this study.

### 5.3 Physical Setting Sources

#### 5.3.1 Topography and Regional Surface Water

TOPOGRAPHY AND REGIONAL SURFACE WATER	
ELEVATION (feet above mean sea level)	70-100
SLOPE	South southeast
APPROXIMATE GROUNDWATER FLOW	South southeast
REGIONAL SURFACE WATER	An intermittent tributary of Glebe Run transects the northeastern portion of the subject property and forms the eastern border on subject property and flows south southeast. Glebe Run is located approximately 0.33 miles southeast of the subject property and flows west into Breton Bay which is located approximately 0.47 miles south of the subject property and flows south into the Potomac River. Additionally, Town Run is located approximately 0.32 miles west of the subject property and flows south into Breton Bay.

SOURCE - USGS Topographic Quadrangle - Hollywood and Leonardtown, Maryland 2019

Located in Appendix A is a topographic map depicting subject property elevations and drainage patterns. Depth to groundwater fluctuates depending on hydrological and weather conditions.

On-site drainage at the subject property is suspected to consist of flow along the asphalt parking areas to strategically located storm drains and surface percolation in the unpaved areas.

#### 5.3.2 Soil Characteristics

According to the Natural Resources Conservation Service (NRCS) Web Soil Survey, accessed at <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>, the subject property consists of five (5) soil types: Beltsville silt loam, 2 to 5 percent slopes, moderately eroded (BIB2), Evesboro-Westphalia complex, 20 to 45 percent slopes, moderately eroded (EwE2), Kempsville fine sandy loam, 5 to 10 percent slopes, severely eroded, Sassafras loam, 2 to 5 percent slopes (SfB2), and Sassafras-Chillum complex, 6 to 12 percent slopes, moderately eroded (SmC2). None of the listed soils meet hydric criteria. Further detail about the soil types is included in Appendix A.

### 5.4 Historical Use Information on the Subject Property

#### 5.4.1 Review of Aerial Photographs

D3G reviewed aerial photographs from 1952, 1960, 1970, 1973, 1981, 1989, 1993, 1998, 2000, 2005, 2007, 2011, 2015, 2018, and 2022. According to the reviewed information, the subject property was originally depicted as agricultural land and undeveloped wooded land, with partial use as a single-family residential driveway. The subject property has remained undeveloped to present day, and the aforementioned single-family residential driveway has been suspectedly out-of-use. No environmental concerns were identified on the subject property based upon a review of the aerial photography.

A copy of the aerial photography is included in Appendix D of this report.



## **5.4.2 Fire Insurance Maps**

Sanborn Maps generally cover areas of urban and industrial development from the 1800s to the 1990s. According to the Certified Sanborn Map Report prepared by EDR, the subject property and surrounding properties are not included in Sanborn Map coverage. A copy of the Certified Sanborn Map Report is included in Appendix D.

## **5.4.3 Local Street Directories**

Based on the reviewed historical information outlined in Sections 5.4.1 and 5.4.2, the EP has determined that a review of historical local street directories will not provide any additional insight into the historic usage of the subject property. Therefore, a historical local street directories records review was not conducted.

## **5.4.4 Historical Topographic Maps**

Based on the reviewed historical information outlined in Sections 5.4.1 and 5.4.2, the EP has determined that a review of historical topographic maps will not provide any additional insight into the historic usage of the subject property. Therefore, a historical topographic maps records review was not conducted.

## **5.4.5 Other Historical Sources**

No additional historical sources were reasonably ascertainable.

## **5.4.6 Summary of Subject Property History**

According to the reviewed subject property historical information, the subject property consisted of agricultural farmland and undeveloped wooded land from at least 1952 to present, with the addition of a partial single-family residential driveway circa 1970. Per D3G's on-site observations, the aforementioned single-family residential driveway is suspectedly out-of-use. The use of pesticides and fertilizers are often associated with agricultural activities. The former agricultural land use may also have produced surface run-off of farm wastes high in nitrates and other nutrients. Subject property observations did not indicate that previous agricultural activities have negatively impacted the environmental condition of the subject property.

## **5.5 Historical Use Information on Adjoining Properties**

### **5.5.1 Review of Aerial Photographs**

D3G reviewed aerial photographs from 1952, 1960, 1970, 1973, 1981, 1989, 1993, 1998, 2000, 2005, 2007, 2011, 2015, 2018, and 2022. According to the reviewed information, the adjacent properties have consisted of agricultural land, undeveloped grassland and wooded land, residential properties, and commercial properties. No environmental concerns were identified on the adjacent properties based upon a review of the aerial photography.

A copy of the aerial photography is included in Appendix D of this report.

### **5.5.2 Fire Insurance Maps**

Sanborn Maps generally cover areas of urban and industrial development from the 1800s to the 1990s. According to the Certified Sanborn Map Report prepared by EDR, the subject property

and surrounding properties are not included in Sanborn Map coverage. A copy of the Certified Sanborn Map Report is included in Appendix D.

### **5.5.3 Local Street Directories**

Based on the reviewed historical information outlined in Sections 5.5.1 and 5.5.2, the EP has determined that a review of historical local street directories will not provide any additional insight into the historic usage of the adjoining properties. Therefore, a historical local street directories records review was not conducted.

### **5.5.4 Historical Topographic Maps**

Based on the reviewed historical information outlined in Sections 5.5.1 and 5.5.2, the EP has determined that a review of historical topographic maps will not provide any additional insight into the historic usage of the adjoining properties. Therefore, a historical topographic maps records review was not conducted.

### **5.5.5 Other Historical Sources**

No additional historical sources were reasonably ascertainable.

## **5.6 Tier 1 Vapor Encroachment Screening**

D3G performed a Tier 1 Vapor Encroachment Screen (VES) in compliance with ASTM E 2600-22 "ASTM Standard Guide for Vapor Encroachment Screening on Property Involved in Real Estate Transactions" as amended. The purpose of the Tier 1 VES is to conduct an initial screen to determine if a Vapor Encroachment Condition (VEC) exists in connection with the subject property. A VEC is defined as the presence or likely presence of chemical(s) of concern (COC) vapors in the subsurface (vadose zone) of the subject property caused by the release of vapors from contaminated soil and/or groundwater either on or near the subject property, as identified by Tier I and/or Tier II procedures.

The VES process is a two (2)-tiered screening process. The Tier 1 VES is based upon information typically collected during an ASTM Standard E 1527 Phase I ESA and is typically focused on known or suspected contaminated properties that may exist within the area of concern (AOC). D3G reviewed standard environmental record sources including, but not limited to, local, state, tribal and/or federal (LSTF) government records, as reported in the regulatory database report; chemical use and historical records of prior uses on the subject property and within proximity of the subject property; soil characteristics; geological characteristics; contaminant characteristics and plume migration data (if this data is readily available); significant conduits that that might provide preferential pathways for vapor migration; and groundwater depth and groundwater flow data to identify known or suspected sources of contamination within the AOC.

According to ASTM E 2600-22, the AOC is defined by the approximate minimum search distance which is based upon the chemical of concern (i.e. petroleum hydrocarbons vs. non-petroleum hydrocarbons) and the location of a known or suspected source of contamination with respect to the subject property. The Tier 1 screening includes: (1) a search distance test to determine whether there are any known or suspect contaminated properties within the AOC; and (2) COC Test to determine for those known or suspect contaminated properties within the AOC whether COCs are likely to be present in order to evaluate the likelihood that a VEC exists at the subject property. If information related to the boundaries of a contaminant plume from known contaminated properties is available, a critical distance test may be conducted. The critical distance is defined as the lineal distance between the nearest edge of the contaminant plume and the nearest subject property boundary. The critical

distance is equal to one hundred (100) feet for COC or thirty (30) feet for dissolved petroleum hydrocarbon COCs. The critical distance for petroleum hydrocarbon COCs as light non-aqueous phase liquid (LNAPL), such as gasoline product(s), is one hundred (100) feet. If groundwater flow direction can be estimated, the AOC in the down-gradient direction may be reduced to the area within the critical distance during the Tier 1 screening. Additionally, the cross-gradient direction may be reduced to the critical distance plus one half of a reasonable estimation of the contaminated plume width or three hundred sixty-five (365) feet. It is not necessary to obtain information regarding the contaminant plume dimensions for down-gradient and cross-gradient contaminated properties, as the critical distance is measured from the nearest subject property boundary directly to the source on the off-site down-gradient property that is the origin of the contamination (with the contamination migrating away from the subject property).

For a contaminated property located up-gradient of the subject property, the critical distance determination requires knowledge of the length and depth of the groundwater contaminant plume. Such information is required to determine the lineal distance from the groundwater contaminant plume edge to the nearest existing or planned structure on the subject property, or the nearest subject property boundary if there are no existing or planned structures on the subject property. Data related to contaminant plume characteristics and dimensions associated with off-site contaminated properties is not typically available during the Tier 1 screening process and is typically obtained during the Tier 2 screening process. If it is not possible to conservatively estimate contaminant plume dimensions, then the AOC cannot be reduced in up-gradient directions during the Tier 1 screening process. Data regarding site-specific soil characteristics may also be used to adjust the AOC. Low permeability cohesive soils, such as soils high in clay and/or silt percentage content, generally tends to restrict soil gas movement, as may soil with high moisture content. Conversely, high porosity in soil tends to enhance soil gas movement. If known, this data may be utilized as a basis to either expand or reduce the AOC by the environmental professional.

The conclusions from the Tier 1 screening is: (1) a VEC exists or (2) a VEC does not exist. If a VEC does not exist, then the VES process is considered complete in accordance with the guidelines set forth under ASTM Standard E 2600-22. If a VEC exists at the subject property, the environmental professional should determine if the VEC represents a Recognized Environmental Condition (REC). If the VEC represents a REC, then further action or investigation may be recommended, including but not limited to a Tier 2 (invasive and/or non-invasive) screening and/or mitigation. If a VEC exists as determined by the Tier 1 screening process, then a more refined Tier 2 VES (non-invasive) may be completed in order to further evaluate the VEC. Tier 2 (non-invasive) focuses on characteristics of the contaminant plume associated with contaminated properties and the proximity of said contaminant plume to the subject property. This data is not typically available during the Tier 1 screening process and is typically obtained from state regulatory files and may also be obtained from other available documents and/or may be collected via sampling. Tier 2 (invasive) applies numeric screening criteria to existing or newly collected soil, soil gas, and/or groundwater testing results to further evaluate and/or validate the potential VEC.

### **5.6.1 Subject Property VEC Evaluation**

Based on a review of the EDR Report, the subject property is not identified in the State Records Search or in the Federal Records Search. In addition, according to a review of subject property historical use information that is reasonably ascertainable, there are no known or suspect potentially contaminated sources having chemicals of concern (petroleum hydrocarbons or non-petroleum hydrocarbons) associated with the subject property. Therefore, a Vapor Encroachment Condition (VEC) does not exist at the subject property.

## 5.6.2 Contaminated Properties within the Area of Concern

The following is a discussion of properties that are within the area of concern:

**Cedar Lane Apartment, Inc.**, located adjacent to the west and presumed hydrogeologically down- and cross-gradient from the subject property at 22680 Cedar Lane Court, is identified as a UST facility and OCPCASES incident in the EDR Report. According to the UST listing, the facility (Facility ID #18968; Owner UID #12867) is associated with one (1) 550-gallon diesel underground storage tank (UST) that was installed on October 1, 1977 and the current tank status is Permanently Out-of-Use. According to the OCPCASES listing, a release (Facility ID #08-0257SM) of an unknown amount of diesel was reported at the facility on October 17, 2007 and subsequently closed on December 4, 2007 after completion of cleanup activities. No additional information was included in the EDR Report. Based on the short duration from open to closure, the lapse of time since closure and likely natural attenuation of any residual contamination, presumed hydrogeologic relationship, and current regulatory status, D3G has determined that the regulatory file for the adjacent facility is not warranted per ASTM E 1527-21; therefore, the adjacent facility is not suspected to present environmental concerns to the subject property. Therefore, a Vapor Encroachment Condition (VEC) does not exist at the subject property from the off-site source.

**St. Mary's Ryken High School Inc.**, located adjacent to the south and presumed hydrogeologically down-gradient from the subject property at 22600 Camp Calvert Road, is identified as a UST facility and OCPCASES incident in the EDR Report. According to the UST listing, the facility (Facility ID #7751) is associated with two (2) 1,000-gallon heating oil underground storage tanks (USTs) installed in January 1958, two (2) 6,000-gallon heating oil USTs installed in January 1958, one (1) 550-gallon gasoline UST installed in January 1958, one (1) 1,000-gallon heating oil UST installed in January 1960, one (1) 6,000-gallon heating oil UST installed in January 1964, one (1) 6,000-gallon heating oil installed in August 1999, and one (1) heating oil UST of unknown volume installed in July 1999. Per the UST listing, all aforementioned tanks are listed as permanently out of use. In addition, the UST listing mentions one (1) heating oil UST of unknown size listed as currently in use, installed in January 1999. According to the OCPCASES listing, three (3) releases were reported at the adjacent facility, which include: a release of motor/lube oil reportedly opened and subsequently closed in October 1986, a release of motor/lube oil reportedly opened in September 1993 and subsequently closed in March 1997, and a release of unknown material in August 1999 which was subsequently closed in October 1999. According to the OCPCASES listing, all reported releases (Facility ID #7-0682SM) achieved closed status and were associated with tank closure activities. No additional information regarding the adjacent UST facility and OCPCASES incidents was included in the EDR Report. Based on the short duration from open to closure, the lapse of time since closure and likely natural attenuation of any residual contamination, presumed hydrogeologic relationship, and current regulatory status, D3G has determined that the regulatory file for the adjacent facility is not warranted per ASTM E 1527-21; therefore, the adjacent facility is not suspected to present environmental concerns to the subject property. Therefore, a Vapor Encroachment Condition (VEC) does not exist at the subject property from the off-site source.

## **6.0 SITE RECONNAISSANCE**

### **6.1 Methodology and Limiting Conditions**

D3G's site inspection consisted of visual observations along boundaries and various transects throughout the subject property. On the interior, common areas such as lobbies, hallways, utility rooms, recreation areas, maintenance and repair areas, and a representative sample of occupant spaces were observed. The adjacent properties were observed from the subject property and the boundaries of the subject property and public right-of-ways.

### **6.2 General Site Setting**

The subject property consists of 5.84 acres of undeveloped wooded and grassland and a stormwater drainage basin. An intermittent tributary of Glebe Run transects the northeastern portion of the subject property and forms the eastern border on subject property and flows south southeast. The subject property is bounded by Cedar Lane Road, Ellenborough Lane, agricultural land, undeveloped wooded land, and single-family residential to the north; single-family residential, and undeveloped wooded and grassland to the east; Point Lookout Road, Cedar Lane Senior Living Community, and St. Mary's Ryken High School to the south; and Cedar Lane Senior Living Community, and Breton Veterinary Hospital to the west. Utilities were observed in the vicinity of the subject property. The Sponsor is submitting this project for the potential use of Section 202 Supporting Housing for the Elderly funds, tax-exempt bonds and a 4% Low-Income Housing Tax Credit (LIHTC) through the Maryland Department of Housing and Community Development (MD DHCD), and various other funding grants, consisting of the new construction of one (1) four-story age-restricted structure containing seventy (70) units.

### **6.3 Exterior Observations**

#### **6.3.1 Hazardous Materials and Petroleum Products**

No bulk storage of hazardous materials or petroleum products were identified at the subject property.

#### **6.3.2 Polychlorinated Biphenyls (PCBs)**

Located at an exterior location of the property is one (1) pole-mounted electrical transformer, which is owned and maintained by the Southern Maryland Electric Cooperative. The on-site electrical transformer was affixed with a "Non-PCB" sticker. In addition, leakage was not visually observed on or around the transformer and in its current physical condition is not believed to present environmental concerns to the subject property.

#### **6.3.3 Subject Property Dumped Materials/Landfills**

No dumped debris was observed on-site during the subject property inspection.

#### **6.3.4 Solid Waste Disposal**

Solid waste dumpsters were not observed on-site during the subject property inspection.

### **6.3.5 Spills/Stained Soils/Stained Pavement/Stressed Vegetation**

Spills, stained soil and/or pavement, and stressed vegetation were not observed on-site during the subject property inspection.

### **6.3.6 Storage Tanks Not Previously Listed**

Located adjacent to the west of the subject property at Cedar Lane Senior Living Community is one (1) approximately 180-gallon diesel aboveground storage tank (AST) which is utilized to fuel the emergency generator, one (1) approximately 270-gallon diesel AST which is utilized to fuel a secondary emergency generator, and one (1) approximately 800-gallon diesel AST which is utilized to fuel a tertiary emergency generator. The ASTs were located on concrete slabs and were observed to be in good physical condition. Based on observed subject property conditions, the diesel ASTs are not suspected to present an environmental concern to the subject property.

Located adjacent to the east of the subject property at a single-family residence is one (1) approximately 250-gallon fuel oil AST. The AST was located on a concrete slab and was observed to be in good physical condition. Based on observed subject property conditions, the fuel oil AST is not suspected to present an environmental concern to the subject property.

### **6.3.7 Wells Not Previously Listed**

Wells were not observed on-site during the subject property inspection.

### **6.3.8 Hazardous Runoff**

Hazardous runoff was not observed on-site during the subject property inspection.

### **6.3.9 Pits, Ponds, or Lagoons**

Pits, ponds, and lagoons were not observed on-site during the subject property inspection.

### **6.3.10 Odors**

Evidence of adverse or suspicious odors was not detected during the subject property inspection.

## **6.4 Interior Observations**

### **6.4.1 Hazardous Materials and Petroleum Products**

The subject property currently consists of undeveloped wooded and grassland with no on-site structures. Therefore, no interior bulk storage of hazardous materials or petroleum products was identified at the subject property.

### **6.4.2 Polychlorinated Biphenyls (PCBs)**

The subject property currently consists of undeveloped wooded and grassland with no on-site structures. Therefore, no interior PCB-containing equipment was observed during the subject property inspection.

### **6.4.3 Storage Tanks Not Previously Listed**

The subject property currently consists of undeveloped wooded and grassland with no on-site structures. Therefore, no interior storage tanks were observed on-site during the subject property inspection.

### **6.4.4 Odors**

The subject property currently consists of undeveloped wooded and grassland with no on-site structures. Therefore, no interior evidence of adverse or suspicious odors was detected during the subject property inspection.

### **6.4.5 Drains and/or Sumps**

The subject property currently consists of undeveloped wooded and grassland with no on-site structures. Therefore, no interior drains or sumps were observed during the subject property inspection.

### **6.4.6 Pools of Liquid**

The subject property currently consists of undeveloped wooded and grassland with no on-site structures. Therefore, no interior pools of liquid were observed during the subject property inspection.

## **7.0 INTERVIEWS**

### **7.1 Prospective Landowner/User Questionnaire**

A Property Questionnaire was completed by Mr. Eric Golden with First American Title and the Prospective Landowner/User and returned to D3G. According to Mr. Golden, the purchase price being paid for this property reasonably reflects the fair market value of the property, the property transaction taking place is a purchase and the year of purchase is 2023. A copy of the completed Property Questionnaire is included in Appendix F.

### **7.2 Current Landowner Questionnaire**

A Property Questionnaire was completed by Mr. Michael Mattingly, the Owner and Current Landowner Representative, and returned to D3G. Mr. Mattingly indicated the property was purchased in 2009, and that he has been associated with the property for ten (10) years. Furthermore, Mr. Mattingly indicated he is aware of the past uses of the property as undeveloped land. A copy of the completed Property Questionnaire is included in Appendix F.

### **7.3 Previous Landowner Questionnaire**

A Property Questionnaire was completed by Mr. Michael Mattingly, the Owner and Current Landowner Representative, and returned to D3G. Mr. Mattingly indicated the property was purchased in 2009, and that he has been associated with the property for ten (10) years. Furthermore, Mr. Mattingly indicated he is aware of the past uses of the property as undeveloped land. A copy of the completed Property Questionnaire is included in Appendix F.

### **7.4 Key Site Manager Questionnaire**

The subject property consists of undeveloped wooded and grassland and does not have any business operations requiring a key site manager; therefore, a Key Site Manager Questionnaire is not necessary for this investigation.

### **7.5 Occupant Questionnaire**

The subject property consists of undeveloped wooded and grassland and does not have any occupants; therefore, an Occupant Questionnaire is not necessary for this investigation.

### **7.6 Local Agencies Contacted**

D3G contacted the City of Leonardtown on December 11, 2023, for a review of their environmental records (i.e. USTs, hazardous materials storage, and spills) for the subject property. According to Mr. Michael A. Bailey, Sr. Planning Coordinator with the City of Leonardtown, no records were available for former or current underground storage tanks or spills at the subject property and there are no outstanding/unresolved fire/life safety code violations associated with the property.. A copy of the correspondence is located in Appendix F of this report.

D3G contacted the City of Leonardtown on December 11, 2023 for a review of their environmental records including regional environmental health issues, on-site wells and/or septic system records for the subject property. According to Mr. Michael A. Bailey, Sr., Planning Coordinator, with the City of Leonardtown, there are no records on file for the subject property or regional environmental health issues and the subject property is located on city sewer. A copy of the correspondence is located in Appendix F of this report.



## **7.7 Additional Persons Interviewed**

No additional persons were interviewed.

## **8.0 INVESTIGATION FOR NON-SCOPE CONSIDERATIONS**

### **8.1 Asbestos-Containing Materials**

The subject property consists of undeveloped wooded and grassland with no man-made structures; therefore, asbestos-containing materials (ACMs) are not suspected to be present at the subject property.

### **8.2 Lead-Based Paint**

The subject property consists of undeveloped wooded and grassland with no man-made structures; therefore, lead-based paint (LBP) is not suspected to be present at the subject property.

### **8.3 Radon Gas**

The subject property is located in an EPA Radon Zone 2, designated as an area of moderate radon gas potential with an average indoor radon level between 2 and 4 picocuries per liter (pCi/L) of air. Radon mitigation measures are required to be implemented in the project design in accordance with HUD guidelines. D3G recommends mitigating potential radon contamination by constructing the proposed structure(s) to meet all of the requirements of the ANSI/AARST CC-1000 2018 Soil Gas Control Systems in New Construction of Buildings (CC-1000 2018) standard for the installation of passive systems. A Radon Report documenting the post-construction testing by an AARST/NRPP certified Radon Professional is required prior to final completion inspection.

### **8.4 Flood Zone**

According to FEMA Flood Insurance Rate Map (FIRM) #24037C-0186F, dated November 19, 2014, the subject property is located in Unshaded Zone X, designated as an area outside the 100 and 500-year flood zones and the flood potential for the subject property is minimal. According to the FEMA Flood Map Service Center accessed at <https://msc.fema.gov/portal/home>, there is a preliminary FIRM for the subject property. According to Preliminary FIRM #24037C-0186G, with a revised preliminary date of November 29, 2022, the subject property will remain within Unshaded Zone X, designated as an area outside of the 100 and 500-year flood zones.

A copy of the FIRM is provided in Appendix A.

### **8.5 Wetlands**

A wetland delineation/determination has not been performed at the subject property; however, according to the National Wetlands Inventory map accessed at <http://www.fws.gov/wetlands/Data/Mapper.html> and visual observations, a riverine wetland feature is located along the eastern boundary of the subject property which transects the northeastern portion of the subject property.

A copy of the NWI Map is provided in Appendix A.

### **8.6 Mold**

The subject property consists of undeveloped wooded and grassland with no man-made structures; therefore, mold is not suspected to be present at the subject property.

## 9.0 FINDINGS

This Phase I ESA was prepared in accordance with ASTM Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process Designation: E 1527-21, 40 CFR Part 312 Standards and Practices for All Appropriate Inquiries: Final Rule, U.S. Housing and Urban Development (HUD) Multifamily Accelerated Processing Guide, as amended, MD DHCD environmental guidelines, and accepted Phase I ESA industry standards. This assessment has revealed the following findings, consisting of RECs, CRECs, HRECs, environmental concerns, and significant data gaps, based on the subject property inspection, interviews, and review of available records:

<b>EVALUATED CONDITIONS</b>	<b>ON-SITE</b>	<b>ADJACENT</b>
STANDARD ENVIRONMENTAL RECORDS REVIEW	NO	NO
UNREGULATED UNDERGROUND STORAGE TANK(S) (UST)	NO	NO
PAST INDUSTRIAL/DETRIMENTAL OPERATIONS	NO	NO
VAPOR ENCROACHMENT CONDITION	NO	NO
STORED HAZARDOUS MATERIALS	NO	NA
POLYCHLORINATED BIPHENYLS (PCBS)	NO	NA
ABOVEGROUND STORAGE TANK(S) (AST)	NO	NO
DUMPING, LANDFILLS	NO	NO
HAZARDOUS RUN-OFF	NO	NO
ASBESTOS-CONTAINING MATERIALS	NO	NA
LEAD-BASED PAINT	NO	NA
RADON GAS	NO	NA
FLOOD ZONE	NO	NA
WETLANDS	NO	NO
MOLD	NO	NO
OTHER	NA	NA

NA = Not Applicable

## 10.0 OPINION

### **Recognized Environmental Conditions (RECs)**

As defined in ASTM E 1527-21, RECs are (1) the presence of hazardous substances or petroleum products in, on, or at the subject property due to release to the environment; (2) the likely presence of hazardous substances or petroleum products in, on, or at the subject property due to a release or likely release to the environment; or (3) the presence of hazardous substances or petroleum products in, on, or at the subject property under conditions that pose a material threat of a future release to the environment. **Based on the findings of this Phase I ESA, no RECs were identified.**

### **Controlled Recognized Environmental Conditions (CRECs)**

As defined in ASTM E 1527-21, a CREC is a REC affecting the subject property that has been addressed to the satisfaction of the applicable regulatory authority or authorities with hazardous substances or petroleum products allowed to remain in place subject to implementation of required controls (for example, activity and use limitations or other property use limitations). **Based on the findings of this Phase I ESA, no CRECs were identified.**

### **Historical Recognized Environmental Conditions (HRECs)**

As defined in ASTM E 1527-21, an HREC is a previous release of hazardous substances or petroleum products affecting the subject property that has been addressed to the satisfaction of the applicable regulatory authority or authorities and meeting unrestricted use criteria established by the applicable regulatory authority or authorities without subjecting the subject property to any controls (for example, activity and use limitations or other property use limitations). A HREC is not a REC. **Based on the findings of this Phase I ESA, no HRECs were identified.**

### **Environmental Concerns**

D3G defines "environmental concerns" as de minimis conditions and non-scope considerations for which further action is recommended. As defined in ASTM E 1527-21, a de minimis condition is a condition related to a release that generally does not present a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. A condition determined to be a de minimis condition is not a REC nor a CREC. Non-scope considerations include assessed environmental issues or conditions beyond the scope of ASTM E 1527-21 as stated in Section 2.2 and/or discussed below. **Based on the findings of this Phase I ESA, no environmental concerns were identified.**

### **Significant Data Gaps**

As defined in ASTM E 1527-21, a significant data gap is a data gap that affects the ability of the environmental professional to identify a REC. A data gap is a lack of or inability to obtain information required by this practice despite good faith efforts by the environmental professional to gather such information. Data gaps may result from incompleteness in any of the activities required by this practice, including, but not limited to, site reconnaissance (for example, an inability to conduct the site visit), and interviews (for example, an inability to interview the key site manager, regulatory officials, etc.). **Based on the findings of this Phase I ESA, no significant data gaps were identified.**

## **11.0 CONCLUSIONS**

Dominion Due Diligence Group performed a Phase I Environmental Site Assessment (ESA) in conformance with the scope and limitations of ASTM Practice E1527-21 of the Proposed Cedar Lane Senior Living VI located at 133 Cedar Lane Road in Leonardtown, St. Mary's County, Maryland (subject property). Any exceptions to, or deletions from, this practice are described in Section 2.4 of this report. This assessment has revealed no evidence of recognized environmental conditions (RECs), controlled recognized environmental conditions (CRECs), or significant data gaps in connection with the subject property.

## **12.0 DEVIATIONS**

There are no deviations from ASTM E1527-21 except for those outlined in Section 2.4 of this report.

## **13.0 ADDITIONAL SERVICES**

No additional services were contracted between the User and D3G.

## 14.0 REFERENCE MATERIALS

- City of Leonardtown Fire and Health Departments
- St. Mary's County Assessor
- Web Soil Survey accessed at <http://websoilsurvey.nrcs.usda.gov/app/>
- Environmental Data Resources Inc. (EDR) Report, dated January 10, 2024
- Google Maps
- Google Earth and EDR — aerial photographs
- EDR Certified Sanborn Map Report
- Current USGS Topographic Quadrangles accessed via the USGS Map Locator Store - <https://store.usgs.gov/map-locator>
- EPA Radon Map
- ALTA/NSPS Land Title Survey prepared by Little Silences Rest, Inc. (LSR) dated September 22, 2023
- Concept Plan prepared by Little Silences Rest, Inc. (LSR) dated December 8, 2022
- FEMA Flood Insurance Rate Map (FIRM) #24037C-0186F, dated November 19, 2014
- Preliminary FEMA Flood Insurance Rate Map (FIRM) #24037C-0186G, dated November 29, 2022
- USFWS National Wetlands Inventory map accessed at <http://www.fws.gov/wetlands/Data/Mapper.html>

## 15.0

## SIGNATURE OF ENVIRONMENTAL PERSONNEL

Data presented in this report is factual to the best of our knowledge. Available sources of data were comprehensively researched to provide a complete Phase I ESA of the subject property. The Phase I ESA was prepared in accordance with ASTM Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (ASTM E1527-21), 40 CFR Part 312 Standards and Practices for All Appropriate Inquiry: Final Rule, and portions of the U.S. Department of HUD MAP Guide protocols, as amended, and MD DHCD environmental guidelines. In addition, it should be noted that the HUD Environmental Review Record Related Federal Laws and Authorities Worksheets are included under separate cover.

D3G understands that this Phase I ESA will be used by the User to document to the U.S. Department of HUD that the MAP Lender's application for FHA multifamily mortgage insurance was prepared and reviewed in accordance with HUD requirements. This report has been made, presented, and delivered for the purpose of influencing an official action of the FHA, and of the Commissioner, and may be relied upon by the Commissioner as a true statement of the facts contained therein. D3G certifies that the review was in compliance with HUD program and processing requirements applicable on the date of the review and that D3G has no financial interest or family relationship with the officers, directors, shareholders, members, or partners of the Lender or affiliated entities, Borrower or affiliated entities, the General Contractor, any subcontractors, the buyer or seller of the proposed property and that D3G has not engaged in any business that might present a conflict of interest.

Environmental Technician



---

Kylee Hooper  
Site Assessor/Environmental Technician

Environmental Professional



---

Brandon Vidra  
Environmental Professional

Principal



---

Robert Hazelton  
Principal

I hereby certify under penalty of perjury that all of the information I have provided on this form and in any accompanying documentation is true and accurate. I acknowledge that if I knowingly have made any false, fictitious, or fraudulent statement, representation, or certification on this form or on any accompanying documents, I may be subject to criminal, civil, and/or administrative sanctions, including fines, penalties, and/or imprisonment under applicable federal law, including but not limited to 12 U.S.C. § 1833a; 18 U.S.C. §§1001, 1006, 1010, 1012, and 1014; 12 U.S.C. §1708 and 1735f-14; and 31 U.S.C. §§3729 and 3802.



## 16.0 QUALIFICATIONS OF ENVIRONMENTAL PROFESSIONALS

I declare that, to the best of my professional knowledge and belief, I meet the definition of Environmental Professional as defined in §312.10 of 40 CFR Part 312.

I have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. I have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.

**Brandon Vidra** qualifies as an **Environmental Professional** as defined in 40 CFR Part 312.10(b). Mr. Vidra has numerous years of extensive training and experience with regards to environmental issues. He received an undergraduate B.S. degree in Integrated Science and Technology, with a concentration in the Environment, from James Madison University and has inspected, managed, and designed numerous environmental projects throughout the United States. Mr. Vidra also has extensive knowledge of the ASTM E1527 Phase I Environmental Site Assessment regulations as well as the EPA 40 CFR Part 312 Standards and Practices for All Appropriate Inquiries regulations. Mr. Vidra qualifies as an Environmental Professional as defined under ASTM E1527 Section 4.3 and Appendix X2 with over five (5) years of experience performing investigations of surface and subsurface environmental conditions. Mr. Vidra's duties as a Team Manager for Dominion Due Diligence Group include coordinating, conducting, and reviewing Phase I Environmental Site Assessments (HUD, Freddie Mac, Fannie Mae, VHDA, additional state tax credits, and ASTM E1527) throughout the United State. Mr. Vidra has additionally performed numerous HUD noise assessments throughout the United States.

**EXHIBIT E**  
**to**  
**ANNEXATION PLAN**  
**PETITION FOR ANNEXATION**

**NEEDS REPORT**



**REAL PROPERTY RESEARCH GROUP**  
ATLANTA ■ WASHINGTON/BALTIMORE

# **Preliminary Market Assessment and Product Recommendations**

## **Cedar Lane Phase IV**

**Leonardtown, Maryland**

Prepared for:

**Cedar Lane Senior Living Community**

Effective Date: October 2023



1905 Woodstock Road ■ Building 900, Suite 9100 ■ Roswell, Georgia 30075 ■ 770.517.2666 ■ Fax 866.243.5057

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## EXECUTIVE SUMMARY

Cedar Lane Senior Living Community (Developer) has retained Real Property Research Group, Inc. (RPRG) to evaluate the opportunity to develop an affordable multi-family rental community in Leonardtown, Maryland. For this analysis, RPRG has evaluated supply and demand in the market area through an examination of current market conditions and demographic characteristics and provided product recommendations. RPRG expects this preliminary assessment will be utilized by the developer to assist in internal decision making. Furthermore, this study or portions thereof may be presented to lenders or investors. The initial plan calls for 70 apartments among one and two bedroom floorplans contained within an elevator-serviced midrise building. All units will be restricted to households 62 years and older.

RPRG offers the following key findings:

- **Site:** The subject site is located on the existing Cedar Lane Senior Living Campus in Leonardtown, 0.2 miles north of Point Lookout Road (MD-5). The site is 0.7 miles from Leonardtown's downtown. Residents will have access to three bus lines and will also benefit from proximity to local traffic arteries. A pharmacy is adjacent to the site and a natural food market is 0.7 miles from the site. Additional retail, including two full service grocery stores, can be found two miles from the site. Medstar St. Mary's Hospital, a full-service hospital as well as a major employer for the county, is located one mile from the site.
- **Growth Trends:** The Cedar Lane Market Area's population increased by 13,691 people (13.0 percent) between 2010 and 2023 while the household base increased by 6,351 (16.9 percent). The market area's average annual growth was 1,053 people (1.0 percent) and 498 households (1.3 percent). Growth is projected to accelerate slightly over the next five years with annual increases of 1,573 people (1.3 percent) and 617 households (1.4 percent) per year. Senior householders age 62 and older increased at an annual rate of 3.5 percent between 2020 and 2023, more than twice the growth rate of all households during this period. Over the next five years, growth among households 62+ is projected to be 3.1 percent or 432 households annually.
- **Demographic Analysis:** The demographics of the Cedar Lane Market Area reflect a slightly younger population and higher propensity to rent compared to Southern Maryland. The market area population has a median age of 37 compared to 38 in the region. Multi-person households without children comprise 46 percent of market area households followed by households with children at 30 percent. At the time of the 2010 Census, 28.3 percent of the households in the Cedar Lane Market Area were renters, but that has grown to 28.9 percent as of 2023 and is projected to increase to 29.2 percent by 2028. As of 2023, 18.8 percent of senior householders aged 62 and older in the market area are renter householders, higher than the regional proportion of 16.1 percent. Approximately one half of renter households in the market area are age 35-64 years and the market area has proportionally fewer renters over the age of 65 (15 percent) compared to the region as a whole (17 percent).
- **Income Characteristics:** The estimated 2023 median household income in the Cedar Lane Phase IV is \$114,914, comparable to the \$115,158 median income in Southern Maryland. The current median household income for senior householders aged 62 and older in the Cedar Lane Market Area is \$82,951 which is also comparable to the regional median of \$82,552. The median income of the market area's senior households by tenure is estimated at \$49,941 for renter households and \$92,717 for owner households. Approximately 26 percent of senior renter householders in the market area earn less than \$25,000; 24 percent of senior renter householders earn between \$25,000 and \$50,000; and 25 percent earn between \$50,000 and \$75,000.



- **Competitive Analysis:** RPRG surveyed three communities in the market area that offer non-subsidized units. Of the combined 244 senior units surveyed, 10 units (four percent) are restricted to households at 30 percent AMI, 21 units (nine percent) are at 40 percent AMI, 25 units (ten percent) are at 50 percent AMI, 117 units (48 percent) are at 60 percent AMI, and 71 units (29 percent) are market rate. The Cedar Lane Market Area's age-restricted rental stock is performing with no available units.

The average effective rents among all senior communities are as follows:

- **One-bedroom** rents average \$989 for 684 square feet or \$1.45 per square foot. Units restricted to 60 percent AMI range from \$986 to \$1,127.
- **Two-bedroom** rents average \$1,250 for 906 square feet or \$1.38 per square foot. Units restricted to 60 percent AMI range from \$1,070 to \$1,323.

RPRG surveyed 13 general occupancy communities with a combined 2,384 units, of which 27 were reported vacant for a vacancy rate of 1.1 percent, indicative of a healthy rental housing market.

RPRG did not identify any age-restricted pipeline rental communities that will add new senior units to the market over the next three years.

- **Overall Net Demand for Senior Rental Housing.** The results of this derivation of senior rental demand indicate that the market has excess demand for 306 senior rental units. We reiterate as per above, that this calculation should not be interpreted to mean that there is absolute demand or "need" for 306 additional units of senior rental housing in the market and thus, this many units can or should be built over the next three years. Older adults have many more housing options including for-sale options and non-age qualified renter options, and this methodology does not account for these choices.

## Product Recommendations

The preliminary unit mix for Cedar Lane Phase IV provided by the client includes 55 one bedroom units (79 percent) and 15 two bedroom units (21 percent) in one elevator serviced midrise building with surface parking. Amenities will include community dining area and common areas for socialization and events, hair salon, nurse practitioner clinic, convenience store, library, garden, walking path, dog park, and fitness room. RPRG has evaluated the proposed unit distribution and sizes, while also suggesting pricing and income targeting as well as product recommendations:

- **Structure Type:** Cedar Lane Phase IV will offer units in an elevator serviced midrise building, as do the competitive senior communities.
- **Unit Distribution:** The subject will offer 55 one bedroom units (79 percent) and 15 two bedroom units (21 percent). In comparison, the market area's age restricted rental supply includes 6.6 percent studio units, 61.5 percent one bedroom units, and 32.0 percent two-bedroom units. Senior units targeting very low income households have typically offered one bedroom units to minimize cost. That said, higher income designations and market rate communities tend to offer a larger percentage of two bedroom units; for example, almost half the units at Lexington Park are two bedroom units. Although more heavily weighted towards one-bedroom units than the market area as a whole, one-bedroom units are most suitable for senior singles and couples and the discrepancy will not impair the subject's marketability.
- **Unit Size:** Cedar Lane Phase IV's one-bedroom units will be 707 square feet and are three percent larger than the market area one-bedroom average of 684 square feet. Two bedroom units will average 804 square feet, which is 11 percent smaller than the market average of 906 square feet. Although smaller than the market area average, the proposed units are six percent larger than the existing two bedroom units at Cedar Lane Senior, which has been





successful at this site. That said, the earlier phases only have three two bedroom units; filling another 15 units at that diminutive size could be more challenging. Households at 60 or 80 percent AMI are more likely to be downsizing from something larger and will want more space. Increasing the square footage to 900 square feet would make the rent per square foot less than that of the one bedroom units, which is typically the case, and enhance marketability in the future.

- **Unit Features:** Kitchens at Cedar Lane Phase IV will offer a refrigerator, range/oven, and dishwasher. The developer should consider including a built-in microwave as well, which is an uncommon feature among the surveyed senior communities, but commonly found at general occupancy communities and modern senior communities in other markets. The subject will have in-unit washer/dryers which will be a competitive advantage.
- **Community Amenities:** The subject will share amenities with the earlier phases of the Cedar Lane. Amenities include multipurpose room, fitness room, library, health room, store, hair salon, and computer room. Construction of the new phase will include a dog park, gazebo, garden space, and a walking path. This is a robust amenity package that is comparable or superior to the other senior communities in this market. Lexington Park offers an indoor swimming pool, but this is an uncommon amenity and the absence of it at the subject will not affect marketability.
- **Parking:** Free surface parking is proposed for the subject, as is the case at all of the surveyed senior communities.
- **Income Targeting:** The prior phases of the subject community include a total 195 units, of which 59 are market rate and 136 have project-based subsidies. The client anticipates receiving approximately 20 subsidies for the subject phase of the community with the remaining 50 units restricted to 60 percent AMI.

Another option is income averaging whereby a few units are restricted to households at 80 percent AMI. To have an income averaging project targeting up to 80 percent of AMI, the overall project needs to have an average income target of less than 60 percent of AMI. Given the availability of subsidized units addressing low income households at 30 percent of AMI (with rental income higher than a 30 percent unit without subsidy), you have the flexibility of structuring the project as an income average project without making up the rent lost for the 30 percent units.

As will be discussed in the next section, the derivation of market rent indicates achieving the 80 percent AMI maximum rent could be a struggle at this time. That said, the developer could designate them at 80 percent AMI and charge rents closer to 60 percent AMI in the short term, with the ability to raise rents in the future when market conditions allow. Moreover, the client maintains a waitlist for all unit types in the existing phases of the community, including for market rate units. Restricting some units to 80 percent AMI will allow the subject to capture some of these higher income households. The recommended scenario includes five units restricted to 80 percent AMI to capture this upside potential.



AMI Level	Units	# Bed	# Bath	Published Sq Ft**	Net Rent	Rent/ Sq Ft	Utility Allowance	Gross Rent
30%^	20	1	1	707	\$613	\$0.87	\$67	\$680
60%	32	1	1	707	\$1,269	\$1.79	\$67	\$1,336
80%	3	1	1	707	\$1,400	\$1.98	\$67	\$1,467
<b>Subtotal</b>	<b>55</b>							
60%	13	2	1	804	\$1,500	\$1.87	\$94	\$1,594
80%	2	2	1	804	\$1,700	\$2.11	\$94	\$1,794
<b>Subtotal</b>	<b>15</b>							
<b>Total</b>	<b>70</b>							

(^^) Units will have Project Based Rental Assistance from the Housing Authority of St. Mary's County

(\*\*) Weighted average of multiple floorplans  
Source: Cedar Lane Senior Living

- Price Position:** Based on the subject site, proposed unit sizes and amenities, as well as RPRG’s recommended features, RPRG recommends rents at or near the top of the market for each floorplan. The subject’s 60 percent AMI one-bedroom units are priced 13 percent higher than 60 percent AMI units at Victory Woods for a unit that is comparable in size. The subject will be 16 years newer and the subject will offer in-unit washer/dryers which is not available at Victory. The subject will also offer additional amenities including garden, walking path, dog park, convenience store, health facility, and hair salon. The rent premium is warranted given the superior product.

Similar to the subject’s 60 percent AMI one bedroom units, the subject’s two-bedroom units are priced 13 percent higher than 60 percent AMI units at Victory Woods. That said, the two bedroom units at Victory Woods are 15 percent larger.

There are no units restricted to 80 percent AMI in this market. That said, the subject’s units can be compared to market rate units at earlier phases of the community. The proposed one bedroom 80 percent AMI rent of \$1,400 is five percent more than the average two bedroom rent of \$1,338 at the earlier phases, but the subject will have units that are 18 percent larger. The proposed two bedroom 80 percent AMI rent of \$1,650 is eight percent more than the average two bedroom rent of \$1,526 at the earlier phase, but the new units will be six percent larger.

- Effective Demand:** Using the DHCD-mandated 35 percent rent burden, the renter capture rate is 5.0 percent, suggesting sufficient income-qualified renter households in the market area in 2027. At the same time, all age-restricted LIHTC rental units would be serving less than 20 percent of income-qualified senior renter households in the market area. Both the affordability capture rate and penetration rate are considered low and readily achievable.

**Final Conclusion**

The Cedar Lane Market Area’s senior household growth and lack of vacant senior rental units support the construction of additional senior units at the subject site. The effective and net demand calculations both support the expansion of the local senior rental stock. The first three phases of the subject are performing well and the creation of more units as this proven location will continue addressing the market area’s demand for affordable high quality rental options.