

# **Bond Case Briefs**

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## **PUBLIC CONTRACTS - MARYLAND**

### **WM. T. Burnett Holding LLC v. Berg Brothers Company**

**Court of Special Appeals of Maryland - December 21, 2017 - A.3d - 2017 WL 6540520**

Property owner brought action against neighbor and city department of housing, seeking declaration that neighbor violated consent agreement with department and, in doing so, terminated scrap metal yard's status as lawfully non-conforming use.

Following trial, the Circuit Court dismissed property owner's claims for lack of standing. Property owner appealed.

The Court of Special Appeals held that property owner lacked standing to enforce terms of consent agreement between neighbor and department.

Property owner lacked standing to enforce terms of consent agreement between neighbor and city department of housing which provided that neighbor would construct wall on boundaries of scrap metal processing yard by certain date; language of consent agreement included references to property owner as interested party, but did not express intention that property owner would be third-party beneficiary of agreement, and department of housing had discretion as local zoning authority to modify terms of consent agreement notwithstanding disapproval of property owner.