

Judge denies Key School's motion to dismiss lawsuit

By **ALLISON BOURG**
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A judge will decide this spring whether The Key School can buy the historic Annapolis Golf Course and use it for athletic fields and outdoor learning spaces.

Circuit Court Judge Paul Goetzke on Thursday denied motions to dismiss a complaint filed by a group of Annapolis Roads residents, who want to block the school's purchase of the course.

A trial has been scheduled for April 23 and 24, said Thomas Deming, an attorney representing the Preserve Annapolis Roads citizens group.

"Obviously my clients are pleased with the decision, and we're going to be ready for trial," Deming said.

The private Hillsmere school announced its plans to buy the 70-acre course in November 2011.

Almost immediately, Preserve

Annapolis Roads sued, saying the school's plans violate longstanding land use covenants.

Those eight covenants, which have been in place since the 1980s, say the land can be used only for a golf course, other recreational uses, horticultural nurseries, and conservation and auxiliary uses related to those categories.

Plaintiffs Pamela and Chester C. Buckenmaier III and Patricia and Gregory Strott, representing Pre-

serve Annapolis Roads, sued The Key School along with golf course developers Ribera Development LLC and golf course owners George and Linda Graefe.

Goetzke initially denied residents' attempts to stop the sale of the course last July. But he also gave them another 90 days to tell the court why the school's proposal violated the covenants.

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SUIT

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In an amended complaint filed in October, Deming argued educational uses aren't the same as recreational uses — and the former are not permitted on the golf course property.

The Key School and the Graefes filed motions to dismiss Preserve Annapolis Roads' complaint, which Goetzke denied.

"I think that's a good sign," said Amy Steindler, an Annapolis Roads resident who is opposed to the sale. "Obviously our suit had some merit if the judge is willing to hear it in court."

Irfan Latimer, a spokeswoman for The Key School, was unavailable for comment Friday night.

But she has said previously the school intends to abide by the covenants.

At a community meeting last fall, Key School representatives and the Annapolis engineering firm Drum, Loyka and Associates outlined plans for the course.

Those plans include two athletic fields, a turf field surrounded by a track, a baseball field, nine tennis courts, a parking lot, a maintenance building and another multipurpose building.

The plans also include dedicating 10 acres to reforestation, stormwater management and habitat enhancement.