

R E S O L U T I O N

WHEREAS, on October 31, 2000, a petition was filed by Arthur and Frances Tudge for the vacation of part of Aztec Drive in the subdivision of Division Heights, such petition, accompanying plat and plat of computation being attached to this Resolution to be considered a part of the Resolution; and

WHEREAS, on or about 1925, said street, Aztec Drive (formerly known as second) in 50ft. width, was created as a public street as part of a subdivision known as Section-2 of District Heights, all situated in the 6th Election District in Prince George's County; and

WHEREAS, the Section 2, District Heights Subdivision appears on a plat recorded in Plat Book SDH 3, Plat 84, all among the Land Records of Prince George's County, Maryland; and

WHEREAS, upon consideration of the Petition for Vacation filed herein pursuant to Section 24-112 of the Subdivision Regulations, Prince George's County Code, and it appearing that the petitioners are the owners of all land abutting said street to be vacated; and

WHEREAS, the aforesaid application, also known as Vacation Petition V-00010, was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on December 14, 2000, for its review and action in accordance with the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County; and

WHEREAS, it appears that signs have been posted on the premises for at least thirty (30) days prior to the date of this action; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the Petition; and

WHEREAS, on December 14, 2000, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Subdivision Regulations, Prince George's County Code, it is hereby directed by the Prince George's County Planning Board that the public street be vacated and reconverted into undivided tracts, parcels of land or acreage subject to the following conditions:

1. Recordation of a subdivision plat in accordance with Section 24-108 to consolidate the vacated area, Lots 16 and 17 Block 48, and the residue of Block 45 into one lot.
2. Granting an easement for existing Pepco facilities located on the site, or paying for relocation of said facilities.
3. Granting a ten-foot-wide public utility easement adjacent to public streets.

4. Dedicating the paved street area located on the residue of Block 45 to public use.

BE IT FURTHER RESOLVED, that a copy of this Resolution be directed to the Clerk of the Court, Prince George's County, Maryland to note upon the subject plats the fact of this vacation and that the findings and reasons for the decision of the Planning Board are as follows:

1. The public utilities and Prince George's County have been notified of this petition as required by Section 24-112(e) of the Subdivision Regulations.
2. The Department of Public Works and Transportation and the Washington Suburban Sanitary Commission have consented to this petition as required by Section 24-112(e)(1) of the Subdivision Regulations.
3. No referral agency, department, or the City of District Heights recommended disapproval of the petition
4. No objections were received from adjacent property owners.
5. Petitioners are the owners of all land abutting streets proposed to be vacated
6. Its is the applicant's intention to prepare a new subdivision plat in accordance with Section 24-108(a)(3) to incorporate the vacated area, Lots 16 and 17 Block 48, and the residue of Block 45 into one lot.
7. The applicant is the owner of adjacent property known as the residue of Block 45. This property was conveyed to the applicant from the City of District Heights by deed dated June 27, 2000, recorded in Liber 13961, folio 616. A portion of that land is encumbered with physical road pavement for Elmhurst Street. At the time of final plat of subdivision, the applicant should establish the ten-foot-wide public utility easement and dedicate the paved area to public use.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the Circuit Court for Prince George's County within thirty (30) days following the adoption of this Resolution.

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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Lowe, seconded by Commissioner Brown, with Commissioners Lowe, Brown, Eley and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, December 14, 2000, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 4th day of January 2001.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:BN:bj