

R E S O L U T I O N

WHEREAS, on April 9, 2001, a petition was filed by The Washington Metropolitan Area Transit Authority(WMATA) for the vacation of p/o 54th Avenue, p/o Osage street, p/o Berwyn Street, and p/o Tecumseh Street in the subdivision of Charlton Heights Subdivision, 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 September 1931, said streets, (50 feet) in width, were created as public streets as part of a subdivision known as Charlton Heights, all situated in the 21st Election District in Prince George's County; and

WHEREAS, the Charlton Heights Subdivision appears on a plat recorded in Plat Book A, Plat 53, 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-01004, 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 May 24, 2001, 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 May 24, 2001, 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. Granting of easements to PEPCO, WSSC and Washington Gas for existing facilities located on this site.

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 or department recommended disapproval of the petition.
4. No objections were received from adjacent property owners.
5. The Town of Berwyn Heights consented to this vacation.
6. The petitioner is the owner of all land abutting the street area proposed to be vacated.
7. Subject roadways were improved and used for public street purposes until closed to permit the construction of the Metrorail Greenbelt route right-of-way.
8. PEPCO consented to this petition subject to the applicant granting easements for existing facilities.
9. WSSC consented to this petition subject to the applicant granting easements for existing facilities.
10. Washington Gas consented to this petition subject to the applicant granting easements for existing facilities.

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 Eley, seconded by Commissioner Lowe, with Commissioners Eley, Lowe, Scott and Hewlett voting in favor of the motion, and with Commissioner Brown absent at its regular meeting held on Thursday, May 24, 2001, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 21st day of June 2001.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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