

R E S O L U T I O N

WHEREAS, on April 28, 2004, a petition was filed by Roland and Esther Bailey for the vacation of part of Thaden Avenue in the subdivision of Kimberly Woods, 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 August 2001, said street, sixty feet (60') in width, was created as a public street as part of a subdivision known as Ray's Addition to Kimberly Woods, all situated in the 5th Election District in Prince George's County; and

WHEREAS, the Kimberly Woods Subdivision appears on a plat recorded in Plat Book VJ 192, Plat 57, 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-04003, 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 27, 2004, 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 27, 2004, 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 condition:

1. The applicant shall record a new subdivision plat in accordance with Section 24-108(a)(3) to incorporate the vacated area into Lot 4 and dedicate additional right-of-way on the north side of the cul-de-sac.

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 (DPW&T) has consented to this petition as required by Section 24-112(e)(1) of the Subdivision Regulations with the requirement that the applicant provide a cul-de-sac with a 50-foot radius at the end of Thaden Avenue.
3. The Washington Suburban Sanitary Commission has consented to this petition as required by Section 24-112(e)(1) of the Subdivision Regulations.
4. A letter of objection was received from the owner of Lot 12, Mr. Jimmy Kelly. The existing cul-de-sac dedication lies entirely within Lot 4 and the proposed cul-de-sac relocation, which is a reduced street width/radius, lies entirely within Lot 4. The engineering firm of RDA, has indicated that this relocation of the home site will have no additional impact on the adjacent lots. If DPW&T requires the full paving of the cul-de-sac, it will provide the necessary turnaround for emergency vehicles, trash trucks and DPW&T snow removal equipment. Currently this is a dead-end street with no turnaround capabilities.
5. No referral agency or department recommended disapproval of the petition.
6. Petitioners are the owners of all land abutting lots and street areas proposed to be vacated.

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 Harley, seconded by Commissioner Squire, with Commissioners Harley, Squire, Vaughns, Eley and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, May 27, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 24th day of June 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

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