

R E S O L U T I O N

WHEREAS, on June 21, 2004, a petition was filed by Lanham LLLP for the vacation of parts of Buena Vista Drive, West Virginia Avenue, New York Avenue, Pennsylvania Avenue, New Jersey Avenue, various public alleys, and: Lots 4-11, Block A; Part of Lots 2-5, 7, 8, and all of Lots 9-16, Block B; Part of Lots 12-15, all of Lots 16 & 17, and part of Lots 18-21, Block C; Part of Lots 1-3, 18 & 19, Block F; all of Lots 26-30 and part of Lots 31 & 32, Block G; all of Lots 1-12 and 30-34, Block H; all of Lots 1-15 and 18-29, Block I; and all of Lots 1-22, Block K; in the subdivision of Buena Vista, 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 1916, said streets and alleys of various widths were created as public streets as part of a subdivision known as Buena Vista, all situated in the 13th Election District in Prince George's County; and

WHEREAS, the Buena Vista Subdivision appears on a plat recorded in Plat Book RNR 2, Plat 51, 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-04005, 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 July 22, 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 July 22, 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 conditions:

1. The Petitioner shall grant easements to WSSC as specified in the WSSC consent letter dated December 10, 2003, or relocate existing facilities as agreed to by WSSC, at the Petitioner's expense.

2. Prior to the issuance of any building permits, the Petitioner shall record a new final plat of subdivision.

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 consented to this petition as required by Section 24-112(1)(e) of the Subdivision Regulations.
3. The Washington Suburban Sanitary Commission (WSSC) has consented to this petition subject to the petitioner granting easements to WSSC to protect the existing water and sewer lines specified in the WSSC consent letter dated December 10, 2003.
4. This site is the subject of Preliminary Plan 4-03125, DSP-03086 for infrastructure, and DSP-04014 final site plan.
5. No referral agency or department recommended disapproval of the petition.
6. No objections were received from adjacent property owners.
7. Petitioners are the owners of all land abutting street area 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.

* * * * *

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, July 22, 2004, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 9th day of September 2004.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:RN:meg