

R E S O L U T I O N

WHEREAS, on September 8, 2008, a petition was filed by 59th Avenue Associates, LLC and Elwood A. Rollins for the vacation of part of 59th Avenue in the subdivision of Tuxedo, Section 2, 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 1940, said street, fifty feet (50') in width, was created as a public street as part of a subdivision known as Tuxedo, Section 2, all situated in the 2nd Election District in Prince George's County; and

WHEREAS, the Tuxedo, Section 2 Subdivision appears on a plat recorded in Plat Book BB 8, Plat 19, 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-08004, 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 October 9, 2008, 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 October 9, 2008, 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:

The petitioners shall record a final plat of subdivision to incorporate the vacated area as designated on Exhibit D. The final plat will require the signature of both petitioners. Should Mr. Rollins signature not be provided in a timely manner, 59th Avenue Associates, LLC shall not be held responsible. They will be able to proceed with the final plat process in accordance with approved Preliminary Plan 4-07041 designating the area to be conveyed to Mr. Rollins as an outlot.

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) consented to this petition as required by Section 24-112(e)(1) of the Subdivision Regulations subject to the applicant providing a 5-foot-wide right-of-way dedication on Beecher Street which is depicted on the proposed final plat and consistent with the dedication reflected on Preliminary Plan 4-07041.
3. The Washington Suburban Sanitary Commission (WSSC) has consented to this petition as required by Section 24-112(e)(1) of the Subdivision Regulations.
4. No referral agency or department recommended disapproval of the petition.
5. No objections were received from adjacent property owners.
6. Petitioners are the owners of all land abutting street area to be vacated.
7. The Mayor and Town Council of the Town of Cheverly do not consent to the vacation petition. The area to be vacated is not within the limits of the Town of Cheverly.

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 Vaughns, seconded by Commissioner Squire, with Commissioners Vaughns, Squire, Clark and Parker voting in favor of the motion, and with Commissioner Cavitt absent at its regular meeting held on Thursday, October 9, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 30th day of October 2008.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

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