

R E S O L U T I O N

WHEREAS, on August 13, 2009, a petition was filed by Marblewood, LLC, et al., for the vacation of part of Kindlewood Avenue in the subdivision of Englewood, 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 May 26, 1911, said street, fifty feet (50') in width, was created as a public street as part of a subdivision known as Englewood, all situated in the 18th Election District in Prince George's County; and

WHEREAS, the Englewood Subdivision appears on a plat recorded in Plat Book RNR 2, Plat 7, 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-09004, 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 September 24, 2009, 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 September 24, 2009, 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, Marblewood LLC, shall record a minor final plat of subdivision to incorporate the vacated area of 11,250 square feet or .2582 acre (shown on Exhibit B2) pursuant to Sections 24-108(a)(3) and 24-111(c)(4) of the Subdivision Regulations.

2. Prior to the issuance of any permits on the property owned by the Washington Street Baptist Church, a minor plat of consolidation, pursuant to Sections 24-108(a)(3) and 24-111(c)(2) of the Subdivision Regulations, will be required to incorporate the vacated area.

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)(1) of the Subdivision Regulations.
2. The Department of Public Works and Transportation consented to this petition as required by Section 24-112(e)(1) of the Subdivision Regulations, with the understanding that the vacation be incorporated into a replatting of appropriate portions of the subdivision or some other mechanism deemed appropriate by the Maryland-National Capital Park and Planning Commission (M-NCPPC) to ensure access for all parcels.
3. The Washington Suburban Sanitary Commission (WSSC) has consented to this petition as required by Section 24-112(e)(1) of the Subdivision Regulations, subject to the petitioners granting sufficient rights-of-way to WSSC to protect the integrity of existing sewer lines.
4. No referral agency or department recommended disapproval of the petition.
5. No objections were received from adjacent property owners.
6. The petitioners are the owners of all land abutting the street area to be vacated.
7. The Washington Street Baptist Church was advised by Michele LaRocca, attorney for Marblewood LLC, that a minor plat of consolidation will be required if they choose to develop their property in the future.

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 Clark, seconded by Commissioner Cavitt, with Commissioners Clark, Cavitt, Vaughns and Parker voting in favor of the motion, and with Commissioner Squire temporarily absent at its regular meeting held on Thursday, September 24, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 22nd day of October 2009.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

OSR:FJG:CB:arj