

R E S O L U T I O N

WHEREAS, on June 15, 2004, a petition was filed by W.F.C. Flagship, LLC, and P.I.M.B., Inc., for the vacation of Lots 1-11, Parcel B, and part of Berwick Road and Lots 13, 14, 16-20, 23 and 24 in the subdivision of Marlton woods, such petition, accompanying plats and plats of computation being attached to this Resolution to be considered a part of the Resolution; and

WHEREAS, on or about 1991, said street, fifty feet (50') in width, was created as a public street as part of a subdivision known as Berwick Road, all situated in the 15th Election District in Prince George's County; and

WHEREAS, the Marlton Woods Subdivision appears on a plat recorded in Plat Book 159, Plats 68 and 69, 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-04008, 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 15, 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 15, 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. Existing 45-foot-wide easement to WSSC for the existing 27-inch sewer line within the property recorded in Liber 4233 folio 352 survives this petition.

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 has consented to this petition as required by Section 24-112(e)(1) of the Subdivision Regulations.
3. The Washington Suburban Sanitary Commission (WSSC) has consented to this petition acknowledging that there is an existing 27-inch sewer line that needs to be protected by an easement. The Petitioners must grant a 45-foot-wide easement to WSSC to protect the existing facility.
4. No referral agency or department recommended disapproval of the petition.
5. The Petitioners intend to use the vacated area as an off-site woodland conservation mitigation bank and will pursue this effort with the M-NCPPC Environmental Planning Section.
6. No objections were received from adjacent property owners.
7. Petitioners are the owners of all land abutting 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 Eley, seconded by Commissioner Harley, with Commissioners Eley, Harley, Vaughns, Squire and Hewlett voting in favor of the motion, at its regular meeting held on Thursday, July 15, 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