

R E S O L U T I O N

WHEREAS, on November 1, 2005, a petition was filed by First Baptist Church of North Brentwood Maryland, Inc.; James E. Spriggs Sr. and Barbara A. Spriggs; and Lardner B. and Maxine J. Gray for the vacation of Church Street and Windom Street in the subdivision of Highland, 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 1904, said street, forty  $\pm$  feet (40 $\pm$ ') in width, was created as a public street as part of a subdivision known as Highland, Holladay Company's Addition, all situated in the 17th Election District in Prince George's County; and

WHEREAS, the Highland Subdivision appears on a plat recorded in Plat Book A, Plat 9, 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-05010, 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 December 1, 2005, 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 December 1, 2005, 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. Subsequent to the approval of this petition, the church shall record a new final plat of subdivision to consolidate Parcel A, Lots 15-24 and the vacated area of 15,193 square feet as shown on the plat of computation.

2. The petitioners shall grant necessary easements required by WSSC and PEPCO as indicated in the consent letters of each agency.
3. The petitioners shall abandon existing facilities or grant necessary easement to Washington Gas Company.

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, indicating the subject streets are not county-maintained roads and fall within the jurisdiction of the Town of North Brentwood.
3. The Washington Suburban Sanitary Commission (WSSC) consented to this petition subject to the applicant granting easements required for existing WSSC facilities.
4. The Town of North Brentwood Council voted to support the vacation of Church Street and Windom Street (letter from Town of North Brentwood to Shipley and Horne dated May 11, 2005).
5. PEPCO consented to the vacation petition subject to the applicant granting easements required for existing facilities.
6. Washington Gas Company consented to the vacation petition subject to the applicant granting easements for existing facilities or abandonment of the existing Gas Main pursuant to Washington Gas Company procedures and requirements.
7. Co-petitioners (Spriggs and Gray) have agreed to donate their portion of the vacated land to the church by waiving their rights for the vacated area to revert to their ownership.
8. No referral agency or department recommended disapproval of the petition.
9. No objections were received from adjacent property owners.
10. 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.

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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 Squire, seconded by Commissioner Vaughns, with Commissioners Squire, Vaughns and Eley voting in favor of the motion, and with Chairman Hewlett absent at its regular meeting held on Thursday, December 1, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 22nd day of December 2005.

Trudye Morgan Johnson  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

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