

R E S O L U T I O N

WHEREAS, on February 29, 2008, a petition was filed by KBK Associates, LLC and LOR Development Associates Et Paul, LLC and Washington Suburban Sanitary Commission for the vacation of part of Absher Lane (previously known as Christmas Lane) in the subdivision of Clinton Dale, 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 June 1967, said street, sixty feet (60') in width, was created as a public street as part of a subdivision known as Clinton Dale, all situated in the 9th Election District in Prince George's County; and

WHEREAS, the Clinton Dale Subdivision appears on a plat recorded in Plat Book WWW65, Plat 54, 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-08001, 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 April 17, 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 in accordance with Section 2(c) of the Planning Board's Administrative Practice; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the Petition; and

WHEREAS, on April 10, 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 conditions:

1. The petitioners, KBK Associates, LLC and LOR Development Associates Et Paul, LLC shall record a final plat of subdivision to incorporate the vacated area of 8,897 square feet or 0.2042 acre (Area C shown on plat of computation Exhibit B).

2. The petitioners, on behalf of Michael Dzaman, shall record a final plat of subdivision to incorporate 8,494 square feet or 0.1950 acre of land (Area B shown on plat of computation Exhibit B) into Parcel A, Clinton Dale Townhouses (Plat Book PM 220, plat number 94—Exhibit C). The subdivision plat will require the signature of the appropriate representative for the Clinton Dale Townhouses. Should this signature not be provided in a timely manner, the applicant (KBK Associates, et al) shall not be held responsible for the final plat process. Should this happen, the responsibility for recording a new final plat to incorporate vacated area in Clinton Dale Townhouses Parcel “A” shall be the responsibility of the representative of the Homeowners Association for Clinton Dale Townhouses Subdivision.
3. A total area of 3,723 square feet or 0.085 acre of land (Area A shown on plat of computation) shall revert to the Washington Suburban Sanitary Commission.

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, subject to the applicant constructing a symmetrical cul-de-sac at the current terminus of Absher Lane.
3. The Washington Suburban Sanitary Commission (WSSC) is a co-petitioner in this vacation petition. Land area of 0.085 acre shall revert to WSSC ownership, adding to the site on the north side of Absher Lane that is improved with a water tower.
4. Adjacent owner, Michael Dzaman, elected not to be a participant in this vacation petition, but agrees to the vacated property of 0.1950 acre reverting to his ownership for inclusion in the homeowners association open space Parcel A of Clinton Dale Townhouses as shown on Plat Book PM 220, plat 94.
5. The petitioners, KBK Associates, LLC, and LOR Development Associates Et Paul, LLC, have agreed to prepare and facilitate the acceptance and processing of a final plat of subdivision to consolidate this area into the Clinton Dale Townhouses Parcel A. This will require the signature of the appropriate representative for the Clinton Dale Townhouses. Should this signature not be provided in a timely manner, the applicant (KBK Associates, et al.) shall not be held responsible for the final plat process. Should this happen, the responsibility for recording a new final plat to incorporate the vacated area into Clinton Dale Townhouses Parcel A shall be the responsibility of the representative of the homeowners association for Clinton Dale Townhouses Subdivision.
6. No referral agency or department recommended disapproval of the petition.

7. Initially, objections were noted to petitioners by the adjacent owner, Michael Dzaman. The petitioners and Mr. Dzaman have been privately working through issues and Mr. Dzaman has indicated his desire to have property (Area B) revert to the ownership of Clinton Dale Townhouses.

8. The petitioners and Michael Dzaman 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 Vaughns, seconded by Commissioner Clark, with Commissioners Vaughns, Clark, Squire and Parker voting in favor of the motion, and with Commissioner Cavitt absent at its regular meeting held on Thursday, April 17, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 8th day of May 2008.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator