

R E S O L U T I O N

WHEREAS, on May 2, 2009, a petition was filed by Cross Creek Phase VI, Inc. for the vacation of part of relocated Gunpowder Road in the subdivision of Cross Creek Club, 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 December 1998, said street, of variable width, was created as a public street as part of a subdivision known as Gunpowder Road, all situated in the 1st Election District in Prince George's County; and

WHEREAS, the Cross Creek Club, Phase 3, Plat 4 Subdivision appears on a plat recorded in Plat Book VJ 185, Plat 21, 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-09001, 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 June 18, 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 June 18, 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 applicant shall record a new subdivision plat in accordance with Preliminary Plan 4-03016 to consolidate the vacated area and adjacent acreage into one lot.
2. Vacated area of 7,406 square feet or 0.17 acre as shown on the Plat of Computation, Exhibit C, shall revert to the ownership of Cross Creek Phase VI, Inc.

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.
3. The Washington Suburban Sanitary Commission (WSSC) consented to this vacation petition as required by Section 24-112(e)(1) of the Subdivision Regulations.
4. Easement Liber 965, Folio 92, to the benefit of Baltimore Gas and Electricity (BG&E) shall survive this vacation. BG&E consented to the petition subject to the applicant granting new easements for existing facilities not covered by Liber 965, Folio 92.
5. Verizon consented to the petition subject to the applicant granting easements for existing facilities or relocating the same pursuant to a letter of intent with said agency.
6. No referral agency or department recommended disapproval of the petition.

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 Squire, seconded by Commissioner Cavitt, with Commissioners Squire, Cavitt, Vaughns and Parker voting in favor of the motion, and with Commissioner Clark absent at its regular meeting held on Thursday, June 18, 2009, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 9th day of July 2009.

Oscar S. Rodriguez
Executive Director

By Frances J. Guertin
Planning Board Administrator

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