



PGCPB No. 13-43

14741 Governor Oden Bowie Drive
Upper Marlboro, Maryland 20772
TTY: (301) 952-4366
www.mncppc.org/pgco

Petition No. V-13001

RESOLUTION

WHEREAS, on March 20, 2013, a petition was filed by Joseph Nazario for the vacation of the north side of Powder Mill Road, approximately 1,600 feet east of its intersection with Baltimore Avenue (US 1) in the subdivision of Powder Mill Industrial Center, 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 1985, said street, seventy feet (70') in width, was created as a public street as part of a subdivision known as Powder Mill Industrial Center, all situated in the 1st Election District in Prince George's County; and

WHEREAS, the Powder Mill Industrial Center Subdivision appears on a plat recorded in Plat Book NLP 142, Plat 70, 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-13001, 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 25, 2013, 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 April 25, 2013, 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. Prior to approval of the final plat, the petitioners shall grant the Washington Suburban Sanitary Commission (WSSC) a right-of-way to accommodate an existing eight-inch diameter water main within the area abandoned, said easement shall be 20 feet wide, as specified in WSSC's letter dated November 9, 2011 (Karami to Lynch).

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2. Prior to approval of any permits, the petitioners, their successors, and/or assigns shall file a final plat in accordance with Section 24-112(c) of the Subdivision Regulations to incorporate the vacated area. The plat shall:
 - a. Incorporate the 20-foot-wide Washington Suburban Sanitary Commission (WSSC) easement and provide an executed easement agreement, with the liber/folio of that document provided on the plat.
 - b. Be signed and sealed by a professional land surveyor or property line surveyor.
 - c. Determine if an existing 100-year flood plain easement exists on the property, and reflect the liber/folio. If no existing recorded easement exists, one is not required for approval of the final plat.

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. Pursuant to Section 24-112(e)(1) of the Subdivision Regulations, the Department of Public Works and Transportation (DPW&T) consented to this petition.
2. Pursuant to Section 24-112(e)(1) of the Subdivision Regulations, the Washington Suburban Sanitary Commission (WSSC) consented to this petition, with conditions.
3. Pursuant to Section 24-112(e)(2) of the Subdivision Regulations, the public utilities were notified in writing of this petition.
4. No referral agency or department recommended disapproval of the petition.
5. Pursuant to Section 24-112(b) of the Subdivision Regulations, the property was posted for 30 days prior to the public hearing.
6. Pursuant to Section 24-112(c) of the Subdivision Regulations, a minor final plat has been submitted to incorporate the vacated area and will be recorded in Land Records subsequent to approval of the vacation 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.

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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 Shoaff, seconded by Commissioner Washington, with Commissioners Shoaff, Washington, Bailey and Hewlett voting in favor of the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, April 25, 2013, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 16th day of May 2013.

Patricia Colihan Barney
Executive Director

By *Jessica Jones*
Jessica Jones
Planning Board Administrator

PCB:JJ:PR:arj

APPROVED AS TO LEGAL SUFFICIENCY

[Signature]
M-NCPPC Legal Department

Date 5/1/13