



PGCPB No. 13-97

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

Petition No. V-13003

RESOLUTION

WHEREAS, on July 19, 2013, a petition was filed by Brandywine 301 Industrial Park Property Owners Association, Inc., et al., for the vacation of part of Matapeake Business Drive in the subdivision of Brandywine 301 Industrial Park, 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 October 16, 1998, said street, seventy feet (70') in width, was created as a public street as part of a subdivision known as Brandywine 301 Industrial Park, all situated in the 11th Election District in Prince George's County; and

WHEREAS, the Brandywine 301 Industrial Park Subdivision appears on a plat recorded in Plat Book VJ 185, Plat 27, 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-13003, 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 September 12, 2013, for its review and action in accordance with the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County; and

WHEREAS, 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 with one condition; and

WHEREAS, on September 12, 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 condition:

1. The following note shall be added to the minor final plat prior to approval:

Prior to issuance of a grading permit for the realignment of Matapeake Business Drive, a Type II Tree Conservation Plan shall be approved.

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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) has consented to this petition.
2. Pursuant to Section 24-112(e)(1) of the Subdivision Regulations, the Washington Suburban Sanitary Commission (WSSC) has consented to this petition.
3. Pursuant to Section 24-112(e)(2) of the Subdivision Regulations, the public utilities have been notified in writing of this petition.
4. No referral agency or department recommended disapproval of the petition.
5. Pursuant to Section 24-112(a) of the Subdivision Regulations, the petitioners are the owners of all land abutting street area to be vacated; therefore, no informational mailing was required to abutting property owners.
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.

* * * * *

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 Bailey, seconded by Commissioner Washington, with Commissioners Bailey, Washington, Shoaff, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, September 12, 2013, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 3rd day of October 2013.

APPROVED AS TO LEGAL SUFFICIENCY.

Matthew Kelly

M-NCPPC Legal Department

Date

9/17/13

PCB:JJ:CB:arj

Patricia Colihan Barney
Executive Director

Jessica Jones

By

Jessica Jones
Planning Board Administrator