



# THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772  
[www.pgplanning.org](http://www.pgplanning.org)

PGCPB No. 2020-120

Petition No. V-18005

## R E S O L U T I O N

WHEREAS, on May 4, 2020, a petition was filed by MMT Limited Partnership for the vacation of Parcels A, B, and C of the Marlboro Gardens subdivision, the part of the right-of-way known as Nova Avenue (former platted as “R” Street), and the 10-foot-wide walkway, dedicated to public use, in the subdivision of Marlboro Gardens, 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 March 1948, said public street, Nova Avenue (60 feet in width), the 10-foot wide public walkway, and Parcels A, B and C were created part of a subdivision known as Marlboro Gardens, all situated in the 6th Election District in Prince George’s County; and

WHEREAS, the Marlboro Gardens Subdivision appears on a plat recorded in Plat Book WWW 16 at Plat 22, 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-18005, 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 July 9, 2020, 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; and

WHEREAS, on July 9, 2020, 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. Prior to approval of the minor final plat of subdivision incorporating the area vacated by this petition, the applicant, the applicant’s heirs successors and/or assigns shall grant an easement to Washington Suburban Sanitary Commission (WSSC) for the water and sewer lines, which exist within the area to be vacated, or provide evidence from WSSC that the water and sewer lines

have been abandoned. If an easement is provided, the easement location shall be identified on the minor final plat of subdivision with the Liber and folio reference.

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 Washington Suburban Sanitary Commission (WSSC) reviewed the vacation petition request. WSSC maintains existing eight-inch water and sanitary sewer mains within the portion of Nova Avenue to be vacated. WSSC provides that it has no objection to the proposed abandonment if the interests of WSSC are adequately protected. The applicant shall provide an easement to WSSC over the area of the existing water and sewer mains, or ensure that these facilities are abandoned prior to the approval of the minor final plat of subdivision, which incorporates the vacated area.
2. Pursuant to Section 24-112(e)(1), the Prince George's County Department of Public Works and Transportation was notified in the writing of this petition and have no objection to the request.
3. Pursuant to Section 24-112(e)(2) of the Subdivision Regulations, the public utilities have been notified in writing of this petition.
4. Pursuant to Section 24-112(e)(4) of the Subdivision Regulations, the road closure process has been carried out.
5. No referral agency or department recommended disapproval of the petition.
6. Pursuant to Section 24-112(a) of the Subdivision Regulations, the applicant provided the required notification to the owners of all land adjacent to the area to be vacated.
7. Pursuant to Section 24-112(b) of the Subdivision Regulations, the applicant posted the property for public hearing 30 days prior to the public hearing.
8. Pursuant to Section 24-112(c), a minor final plat has been submitted to incorporate the vacated area and will be recorded in the Prince George's County Land Records, subsequently to the 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.

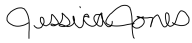
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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, July 9, 2020, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 30th day of July, 2020.

Elizabeth M. Hewlett  
Chairman

By   
Jessica Jones  
Planning Board Administrator

EMH:JJ:TS:nz

APPROVED AS TO LEGAL SUFFICIENCY  
David S. Warner /s/  
M-NCPPC Legal Department  
Date: July 20, 2020