



PGCPB No. 12-95

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

Petition No. V-11002

RESOLUTION

WHEREAS, on September 27, 2011, a petition was filed by MGP LLC for the vacation of Berry Street, Shady Avenue, Lots 1-5 and 8-10, and part of an outlot in the subdivision of DeCesaris 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 1947, said streets, fifty feet (50') in width, were created as public streets as part of a subdivision known as DeCesaris Park, all situated in the 11th Election District in Prince George's County; and

WHEREAS, the DeCesaris Park Subdivision appears on a plat recorded in Plat Book BB 14, Plat 7, 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-11002, 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 October 4, 2012, 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 October 4, 2012, 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 obtain the portion of Lot 3 that was deed conveyed to Prince George's County as a part of the surplus process as specified in the Department of Public Works and Transportation's (DPW&T) letter dated March 19, 2012 (Hijazi to Tedesco).

2. At the time of final plat, If any of the existing ten-inch diameter water main is located on private property, the petitioners shall grant the Washington Suburban Sanitary Commission (WSSC) a right-of-way to accommodate the water main, said easement shall be no more than 20 feet wide, as specified in WSSC's letter dated May 20, 2011 (Fuller to Tedesco).
3. Prior to approval of any permits, the petitioners, their successors, and/or assigns shall file a final plat in accordance with Section 24-119(e) or 24-112(c) of the Subdivision Regulations to incorporate the vacated area.

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.
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, approval of Preliminary Plan of Subdivision 4-11013 requires the incorporation of the vacated area and a rededication of public rights-of-way at the time of final plat.

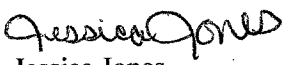
BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the Circuit Court for Prince George's County within thirty (30) days following the adoption of this Resolution.

* * * * *

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 Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Shoaff, Geraldo and Hewlett voting in favor of the motion at its regular meeting held on Thursday, October 4, 2012, in Upper Marlboro, Maryland.


Adopted by the Prince George's County Planning Board this 18th day of October 2012.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:PR:arj

APPROVED AS TO LEGAL SUFFICIENCY.



M-NCPPC Legal Department

Date 10/9/12