

R E S O L U T I O N

WHEREAS, on February 7, 2005, a petition was filed by Herbert H. Ray and Michael Dzaman for the vacation of part of Bost Lane and all of Bost Court, formerly known as Ayrshire Lane and Ayshire Court in the subdivision of Clinton Dale, 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 June 1967, said streets, sixty and fifty feet (60' and 50') in width, were created as public streets as part of a subdivision known as Clinton Dale, all situated in the 9th Election District in Prince George's County; and

WHEREAS, the Clinton Subdivision appears on a plat recorded in Plat Book 65, Plat 54, 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-05002, 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 May 19, 2005, 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 May 19, 2005, 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 petitioner, Herbert H. Ray, shall grant easements to WSSC as specified in the WSSC consent letter dated October 15, 2003.
2. The petitioner, Herbert H. Ray, shall record a new final plat of subdivision, subsequent to the approval of this vacation petition pursuant to Preliminary Plan 4-04042 and DSP-04045, which will include the vacated area of 3.78 acres, as shown on Exhibit B-1.

3. As shown on Exhibit B-2, 2.2 acres of land shall revert to the Washington Suburban Sanitary Commission.

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) has consented to this petition subject to the petitioner, Mr. Ray, granting easements to WSSC to protect the existing water and sewer facilities. WSSC is a co-petitioner in this vacation petition and 2.2 acres of land adjacent to a WSSC water tower will revert to their ownership.
4. The site to the east of the water tower is the subject of Preliminary Plan 4-04042 and Detailed Site Plan DSP-04045, which will be developed as Clintondale Townhouses.
5. No referral agency or department recommended disapproval of the petition.
6. No objections were received from adjacent property owners.
7. Petitioners are the owners of all land abutting street area to be vacated.

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 Squire, seconded by Commissioner Harley, with Commissioners Squire, Harley, Eley and Hewlett voting in favor of the motion, and with Commissioner Vaughns absent, at its regular meeting held on Thursday, May 19, 2005, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 9th day of June 2005.

Trudye Morgan Johnson
Executive Director

By Frances J. Guertin
Planning Board Administrator

TMJ:FJG:RAN:wrc