

R E S O L U T I O N

WHEREAS, on May 5, 2008, a petition was filed by L. H. East Associates LTD Partnership, L&B Investments LLC, Burton M. Lustine, Lustine Chevrolet, Carlton Green, and the Estate of Walter L. Green for the vacation of part of Longfellow Street, part of Kennedy Street, and alleys in the subdivision of J. A. Registers Addition to Hyattsville, 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 1930, said streets, and alleys of various widths, were created as public streets/alleys as part of a subdivision known as J. A. Register's Addition to Hyattsville, all situated in the 16th Election District in Prince George's County; and

WHEREAS, the Register's Addition to Hyattsville Subdivision appears on a plat recorded in Plat Book A, Plat 34, 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-08002, 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 June 19, 2008, 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 June 19, 2008, 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 applicant shall record new subdivision plat pursuant to Preliminary Plan 4-06050 and Detailed Site Plan DSP-06029 EYA Arts District Hyattsville, East Village.
2. Vacated areas shown on Plats of Computation, Exhibits B-1 and B-2, shall revert to ownership of petitioners as follows:

North and south side Kennedy Street

- a. L&B Investment LLC – 13,193 square feet (part one)

South Side Kennedy Street

- b. LH East Associates Limited Partnership – 1,850 sq. ft.
- c. Columbia and Maryland Railroad – 600 sq. ft.

North Side Kennedy Street

- d. Burton M. Lustine – 1,847 sq. ft.
- e. LH East Associates Limited Partnership – 1,447 sq. ft.
- f. Columbia and Maryland Railroad – 1,039 sq. ft.

Alley and South side Longfellow Street

- g. LH East Associates Limited Partnership – 6,471 sq. ft.
- h. J.H.Q.Properties – 967 sq. ft.

South side of Alley

- i. L&B Investment LLC – 2,184 sq. ft. (part two)

North side alley and south side Longfellow Street

- j. Lustine Chevrolet – 755 sq. ft. (part eight)
- k. Lustine Chevrolet – 1,500 sq. ft. (part eight)
- l. LH East Associates Limited Partnership – 377 sq. ft. (alley)
- m. LH East Associates Limited Partnership – 750 sq. ft. (Longfellow St.)
- n. LH East Associates Limited Partnership – 418 sq. ft. (alley)
- o. LH East Associates Limited Partnership – 830 sq. ft. (Longfellow Street)
- p. L & B Investments LLC – 506 sq. ft. (part two alley)
- q. L & B Investments LLC – 1,005 sq. ft. (part two Longfellow Street)

- r. LH East Associates Limited Partnership – 9 sq. ft. (alley)
- s. LH East Associates Limited Partnership – 2,369 sq. ft. (Longfellow Street)

North side Longfellow Street

- t. Lustine Chevrolet – 4,356 sq. ft. (part three and four)
- u. L & B Investments LLC – 2,400 sq. ft. (part six)
- v. Lustine Chevrolet – 2,969 sq. ft. (part one)
- w. Columbia and Maryland Railroad – 642 sq. ft.

East and west side of alley

- x. L & B Investments LLC – 1,198 sq. ft. (part one)
- y. LH East Associates Limited Partnership – 1,198 sq. ft. (alley)

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 & Transportation (DPW&T) consented to this petition as required by Section 24-112(e)(1) of the Subdivision Regulations.
3. The Washington Suburban Sanitary Commission (WSSC) consented to this vacation petition as required by Section 24-112(e)(1).
4. City of Hyattsville consented to this petition by vote of Hyattsville City Council on November 11, 2007 as stated in letter dated December 11, 2007 from Elaine Murphy, City Administrator.
5. Adjacent owner, J.H.Q. Properties objects to this vacation petition as put forth in letter dated April 21, 2008 from Taub to Nordan (Exhibit C). In the event of approval of this Petition, 967 square feet will revert to the ownership of J.H.Q. Properties as shown on plat of computation, Exhibit B-1.
6. No referral agency or department recommended disapproval of the petition.

7. Petitioners and J.H.Q. Properties 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 Vaughns, with Commissioners Squire, Vaughns, Cavitt and Parker voting in favor of the motion, and with Commissioner Clark absent at its regular meeting held on Thursday, June 19, 2008, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 19th day of June 2008.

Oscar S. Rodriguez  
Executive Director

By Frances J. Guertin  
Planning Board Administrator

OSR:FJG:BN:bjs