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Vacation Petition

V-08001

Application	General Data
Project Name & Record Plat Affected: Clinton Dale, Plat 65-54 Location: Located north of Piscataway Road and west of Old Branch Avenue at the north end of Absher Lane Petitioner: KBK Assoc., LLC LOR Development Associates Et Paul, LLC Washington Suburban Sanitary Commission Applicant/Address: Russell Warfel Meyers, Rodbell, Rosenbaum, P.A. 6801 Kenilworth Avenue Riverdale, MD 20737	Date Accepted: 02/29/08
	Planning Board Action Limit: N/A
	Plan Acreage: 0.61
	Zone: C-S-C
	Tax Map Grid: 116 C-3
	Dwelling Units: N/A
	Square Footage: 26,571
	Planning Area: 81A
	Council District: 09
	Municipality: N/A
200-Scale Base Map: 212SE06	

Purpose of Application	Notice Dates
To vacate P/O Absher Lane (previously known as Christmas Lane) and Lots 8 and 9, Block A	Adjoining Property Owners: 0 (CB-15-1998)
	Previous Parties of Record: N/A (CB-13-1997)
	Sign(s) Posted on Site: 1
	Variance(s): Adjoining Property Owners: N/A

Staff Recommendation		Staff Reviewer: Becky Nordan	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Vacation Petition V-08001 Clinton Dale

Petition to Vacate part of Absher Lane (previously known as Christmas Lane) and Lots 8 and 9 in Block A as shown on a subdivision plat entitled Clinton Dale recorded among the Land Records of Prince George's County, Maryland in Plat Book WWW65 at Plat 54; being in the 9th Election District, and totaling 20,961 square feet or 0.4812 acre of land.

OVERVIEW

The petitioners request the vacation of part of Absher Lane in the Clinton Dale Subdivision, located north of Piscataway Road and west of Old Branch Avenue at the north end of Absher Lane, in Clinton, Maryland. The Petitioners, KBK Associates, LLC, LOR Development Associates Et Paul, LLC, and the Washington Suburban Sanitary Commission (WSSC), are the owners of all lots abutting street to be vacated by this Petition V-08001, along with Michael Dzaman, who elected not to be a co-petitioner.

The subject property on the south side of Absher Lane is zoned C-S-C and is improved with an office building (KBK Associates, LLC, and LOR Development Associates Et Paul, LLC). The north side of Absher Lane is zoned R-T and improved with a water tower (WSSC) and an unimproved subdivision of Clinton Dale Townhouses (Dzaman). The access to the Clinton Dale Townhouses is provided from Bost Lane with no access being provided from Absher Lane. This part of the subject street has never been improved or otherwise used by the public. The land will revert to adjacent owners/co-petitioners as stated in the conditions and findings of this report.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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, subject to the applicant constructing a symmetrical cul-de-sac at the current terminus of Absher Lane.
3. The Washington Suburban Sanitary Commission (WSSC) is a co-petitioner in this vacation petition. Land area of 0.0821 acre shall revert to WSSC ownership, adding to the site on the north side of Absher Lane that is improved with a water tower.
4. Adjacent owner, Michael Dzaman, elected not to be a participant in this vacation petition, but agrees to the vacated property of 0.1950 acre reverting to his ownership for inclusion in the homeowners association open space Parcel A of Clinton Dale Townhouses as shown on Plat Book PM 220, plat 94.
5. The petitioners, KBK Associates, LLC, and LOR Development Associates Et Paul, LLC, have agreed to prepare and facilitate the acceptance and processing of a final plat of subdivision to

consolidate this area into the Clinton Dale Townhouses Parcel A. This will require the signature of the appropriate representative for the Clinton Dale Townhouses. Should this signature not be provided in a timely manner, the applicant (KBK Associates, et al.) shall not be held responsible for the final plat process. Should this happen, the responsibility for recording a new final plat to incorporate the vacated area into Clinton Dale Townhouses Parcel A shall be the responsibility of the representative of the homeowners association for Clinton Dale Townhouses Subdivision.

6. No referral agency or department recommended disapproval of the petition.
7. Initially, objections were noted to petitioners by the adjacent owner, Michael Dzaman. The petitioners and Mr. Dzaman have been privately working through issues and Mr. Dzaman has indicated his desire to have property (Area B) revert to the ownership of Clinton Dale Townhouses.
8. The petitioners and Michael Dzaman are the owners of all land abutting street area to be vacated.

RECOMMENDATION

Approval subject to the following conditions:

1. The petitioners, KBK Associates, LLC, and LOR Development Associates Et Paul, LLC, shall record a final plat of subdivision to incorporate the vacated area of 8,889 square feet or 0.2041 acre (Area C shown on plat of computation Exhibit B).
2. The petitioners, on behalf of Michael Dzaman, shall record a final plat of subdivision to incorporate 8,494 square feet or 0.1950 acre of land (Area B shown on plat of computation Exhibit B) into Parcel A, Clinton Dale Townhouses (Plat Book PM 220, plat number 94—Exhibit C).
3. A total area of 3,578 square feet or 0.0821 acre of land (Area A shown on plat of computation) shall revert to the Washington Suburban Sanitary Commission.