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COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

Legislative Session _____ 1990

Resolution No. _____ CR-90-1990

Proposed by The Chairman (by request - County Executive)

Introduced by Council Members Wineland and Casula

Co-Sponsors _____

Date of Introduction _____ October 16, 1990

RESOLUTION

A RESOLUTION concerning

Authorization of the Issuance of a Building Permit
FOR the purpose of determining the adequacy of the private right-of-way or easement serving the lot and one-family dwelling unit on property owned by Frank L. McAlwee and Brenda J. McAlwee and authorizing the issuance of a building permit subject to stated conditions.

WHEREAS, Section 8-118 of Article 28 of the Annotated Code of Maryland prohibits the issuance of a building permit in Prince George's County for any lot not located on a public road or a private right-of-way approved as adequate by the County's governing body; and

WHEREAS, Section 24-128(c) of the Prince George's County Code (1987 Edition), authorizes the County Council, on recommendation of the County Executive, to approve by resolution the issuance of a building permit for a detached one-family dwelling on a lot having

its sole frontage on or its only direct vehicular access to a private right-of-way or easement, "upon a finding that the private right-of-way or easement is adequate to serve the lot and proposed development thereon"; and

WHEREAS, a petition has been received from Frank L. McAlwee and Brenda J. McAlwee for approval of the issuance of a building permit for a one-family dwelling to be constructed on property known as Parcel 114 shown on page 182, Grid D-3 of the current Tax Map, and further described in a deed recorded among the Land Records of Prince George's County, Maryland, in Liber 7220, Folio 816 said property is zoned O-S and does not have frontage on a public right-of-way but has access by means of a 60 foot-wide private right of way which leave MD Route 381, a public road approximately 2,500 feet from its intersection with John Wesley Church Road, and proceeds 2500 feet to the subject property; and

WHEREAS, the private right-of-way from Route 381 has been designated by the Petitioners as the access for the subject property and has been reviewed for adequacy by the County's Department of Public Works and Transportation, which has recommended conditional approval of building permit for the subject property; and

WHEREAS, a site plan has been submitted to the staff of the Maryland-National Capital Park and Planning Commission and has been reviewed for conformity with Subtitles 24 and 27 of the Prince George's County Code (1987 Edition), and the plan has been determined to be in compliance with the Code; and

WHEREAS, the Petitioners have been advised that their property

can be developed under this resolution for a one-family dwelling, that Prince George's County will not be responsible for maintaining the private right-of-way which they have designated, and that they must comply with other provisions of the County Code, including Section 11-276, regarding access for emergency vehicles; and

WHEREAS, the owners of the subject property will record covenants reciting their understanding and obligation to maintain the private right-of-way which they have designated; and

WHEREAS, the County Executive has determined that the private right-of-way designated by the Petitioners will be adequate for the one-family dwelling, if all the conditions stated herein are satisfied, and the County Council concurs in this finding;

NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's County, Maryland, that the Department of Environmental Resources is hereby authorized to issue a building permit for a one-family dwelling on the property of Frank L. McAlwee and Brenda J. McAlwee, property known as Parcel 114, on page 182, Grid D-3 of the current Tax Map, and further described in a deed recorded among the Land Records of Prince George's County, Maryland, in Liber 7220, Folio 816; said property is zoned O-S and will be served by a private right-of-way providing suitable access to Route 381, a public road, provided that the following conditions are met:

1. Covenants shall be recorded among the Land Records of Prince George's County, Maryland, stating that the subject property is to be developed for a one-family dwelling and that the property owners are responsible for the maintenance of the private right-of-

way designated by the Petitioners, as described above, and for accessibility of the property to emergency equipment.

2. Prior to the recordation, the Petitioners shall submit a copy of said covenants to the Office of Law for the County Attorney's review and approval of the conformity of said covenants with the requirements of this resolution.

3. The requirements of Section 11-276(d) of the Prince George's County Code shall be met by having the Fire Chief or his designee approve the right-of-way.

4. The private right-of-way to the subject property shall be constructed and shall be approved by the Department of Environmental Resources prior to the issuance of a use and occupancy permit.

5. The Petitioners shall submit a site plan to be reviewed and approved to the Department of Public Works and Transportation depicting the extent of the access road improvements in the plan, profile and section.

6. The requirements of the Prince George's County Zoning Ordinance shall be met by the Petitioners as a condition to the issuance of this building permit.

BE IT FURTHER RESOLVED that the one family dwelling to be constructed on the subject property shall comply with all other applicable requirements of the Prince George's County Code.

Adopted this 16th day of October, 1990.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Jo Ann T. Bell

Chairman

ATTEST:

Jean M. Schmuhl, CMC
Clerk of the Council