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COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

Legislative Session _____ 1990

Resolution No. _____ CR-33-1990

Proposed by The Chairman (by request - County Executive)

Introduced by Council Members Casula, Bell, Pemberton,
_____ and Wineland

Co-Sponsors _____

Date of Introduction _____ April 17, 1990

RESOLUTION

A RESOLUTION concerning

Authorization of the Issuance of Building Permits
FOR the purpose of determining the adequacy of the private right-of-way or easement serving the lots and one-family dwellings on property owned by Fort Foote Limited Partnership and authorizing the issuance of building permits 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 having access by means of 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, this property is the subject of Conservation Plan No. CP-88007 which was implemented in order to preserve an established habitat of an endangered species; and

WHEREAS, a petition has been received from Michael O. Golkin, Vice President of Investment Corporation, General Partner for Fort Foote Limited Partnership, on behalf of Fort Foote Limited Partnership, for approval of the issuance of building permits for one-family dwellings to be constructed on property known as Lots 5, 6, 7, 8 and 9, Block D, Indian Queen South Subdivision, shown on page 122 Grid D-1 of the current Tax Map, and further described in a deed recorded among the Land Records of Prince George's County, Maryland, in Liber 6191, Folio 218; said properties are zoned R-R and do not have access to a public right-of-way but will have access by means of a proposed 22-foot wide private right-of-way, to Wenzel Lane, a public road; and

WHEREAS, the private right-of-way from Wenzel Lane has been designated by the Petitioner 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 permits 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 preliminarily determined to be in compliance with the Code; and

WHEREAS, the Petitioner has been advised that his property can be developed under this Resolution for one-family dwellings, that Prince George's County will not be responsible for maintaining the private right-of-way which he has designated, and that he must comply with other provisions of the County Code, including Section 11-276, regarding access for emergency vehicles; and

WHEREAS, the owner of the subject property will record covenants reciting his understanding and obligation to maintain the private right-of-way which he has designated; and

WHEREAS, the County Executive has determined that the private right-of-way designated by the Petitioner will be adequate for the one-family dwellings, 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 building permits for one-family dwellings on the property of Fort Foote Limited Partnership, property known as Lots 5, 6, 7, 8 and 9, Block D, Indian Queen South Subdivision, shown on page numbered 122 and Grid D-1 of the current Tax Map, and further described in a deed recorded among the Land Records of Prince George's County, Maryland, in Liber 6191, Folio 218; said properties are zoned R-R and are served by a private right-of-way providing

suitable access to Wenzel Lane, 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 one-family dwellings and that the property owners are responsible for the maintenance of the private right-of-way designated by the Petitioner, as described above, and for accessibility of the property to emergency equipment.

2. Prior to recordation, the Petitioner 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 access improvement plan to the subject property, shall be inspected and approved prior to the issuance of use and occupancy permits.

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

6. A resubdivision plat must be submitted to the Maryland-National Capital Park and Planning Commission in order to revise the previously approved cluster subdivision prior to the issuance of the building permits.

7. The requirements of the Prince George's County Zoning Ordinance shall be met by the Petitioner as a condition to the issuance of these building permits.

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

Adopted this 1st of May, 1990.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

By: _____
Jo Ann T. Bell
Chairman

ATTEST:

Jean M. Schmuhl, CMC
Clerk of the Council