



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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Upper Marlboro, Maryland 20772
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ASSESSOR'S OFFICE
PRINCE GEORGE'S COUNTY, MD

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PGCPB No. 18-08

RESOLUTION

FOR CONTINUATION OF RESERVATION OF LAND FOR PUBLIC USE

WHEREAS, KT III Associates, LLC, is the owner of a certain parcel of land consisting of 0.8510 acres, designated Parcel A, as shown on Preliminary Plan of Subdivision No. 4-90003, situated in Prince George's County, Maryland, Election District No. 9, and as shown on Tax Map 125, Grid E-2, located on the southwest side of Branch Avenue, MD 5 and Surratts Road, and having been conveyed by Realty Investment Associates III, by deed dated February 13, 1992, and recorded in Liber 8209 at folio 76; being also Parcel A as shown on Plat of Subdivision entitled Parcel A, Summit Creek and recorded in Plat Book VJ 159 at Plat 45, now also known as Reservation Plat, Parcel A, Plat Fourteen Summit Creek by plat recorded May 15, 1992 in Plat Book VJ 162 at Plat 42; all references being to the Land Records of Prince George's County, Maryland; and

WHEREAS, on April 23, 1992, The Maryland-National Capital Park and Planning Commission, by Resolution No. 92-97, duly adopted, placed the above-mentioned property in reservation for public use, and by Resolution No. 95-133, adopted May 18, 1995, and by Resolution No. 98-141, adopted May 21, 1998, and by Resolution No. 99-95, adopted May 27, 1999, and by Resolution No. 00-76, adopted June 1, 2000, and by Resolution No. 01-102, adopted May 24, 2001, and by Resolution No. 02-85, adopted May 16, 2002, and by Resolution No. 03-89, adopted May 15, 2003, and by Resolution No. 04-81, adopted June 10, 2004, and by Resolution No. 05-95, adopted May 26, 2005, continued said reservation for an additional one (1) year period; and by Resolution 06-89, adopted June 22, 2006, continued said reservation for an additional one (1) year; and by Resolution 07-127, adopted June 21, 2007, continued said reservation for an additional one (1) year period; and by Resolution 08-88, adopted June 12, 2008, continued said reservation for an additional one (1) year; and by Resolution 09-100, adopted June 25, 2009, continued said reservation for an additional one (1) year; and by Resolution 10-46, adopted June 24, 2010, continued said reservation for an additional one (1) year; and by Resolution 11-35, adopted May 26, 2011, continued said reservation for an additional one (1) year; and by Resolution 12-55, adopted June 7, 2012, continued said reservation for an additional one (1) year; and by Resolution 13-12, adopted June 20, 2013, continued said reservation for an additional one (1) year; and by Resolution 14-18, adopted June 19, 2014, continued said reservation for an additional one (1) year; and by Resolution 15-14, adopted June 18, 2015, continued said reservation for an additional one (1) year; and by Resolution 16-22, adopted June 2, 2016, continued said reservation for an additional one (1) year; and by Resolution 17-20, adopted June 29, 2017, continued said reservation for an additional one (1) year; and by Resolution 18-08, adopted June 21, 2018, continued said reservation for an additional one (1) year;

WHEREAS, the circumstances, needs and conditions set forth in said resolution or reservation dated April 23, 1992, still continue and exist at the present time; and

WHEREAS, the aforementioned property is unable to be acquired by the Maryland State Highway Administration at this time and it is the desire and intent of the Maryland State Highway Administration, The Maryland-National Capital Park and Planning Commission, and all persons having any legal or equitable right, title or interest in said property that said lands shall remain and continue in reservation for an additional period of one (1) year; and

WHEREAS, KT III Associates, LLC, is the sole and only owner of any legal or equitable right, interest or title in the aforementioned property, and has requested that the property shall remain and continue in reservation for public use;

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of the Land Use Article, Annotated Code of Maryland, including Section 23-104(c)((1)(iv), and Division 7 of the Prince George's County Subdivision Regulations, The Maryland-National Capital Park and Planning Commission hereby declares as follows:

1. That the above-described property, comprising 0.8510 acres, Parcel A, continue to be a Reservation of Land for Public Use, said land to be used for highway purposes for the Proposed Interchange of Branch Avenue, MD 5 and Surratts Road as shown on the *Subregion 5 Master Plan*; and
2. That during the reservation period, no building or structure shall be erected upon the land so reserved. No trees, topsoil, or cover shall be removed or destroyed. No grading shall be done. No storm drainage structure shall be built so as to discharge water on the reserved land. No land so reserved shall be put to any use whatsoever, except upon written approval of the Planning Board. All land so reserved shall be maintained by the owner as required by County law. The Planning Board shall be notified immediately upon the sale of any land so reserved and shall be provided with documents from the public Land Records attesting to such sale; and
3. That notwithstanding the above paragraph, the owner's request to use the property to construct and maintain over and upon the entirety of Parcel A such public utilities (including water, sewer and storm drainage) and sales and marketing structures as it may deem necessary or desirable, and further to grade within Parcel A upon a 15-foot-wide strip of land running and binding along the northern and western borders of Parcel A as described in a letter dated March 16, 1992, is hereby approved subject to a prohibition on construction of permanent buildings. All temporary use of the property shall be in accordance with the rules and regulations of applicable County Ordinance pursuant to Section 24-140(d) of the Prince George's County Code; and
4. That on April 20, 1995, KT III Associates, LLC, requested to use the aforesaid property to clear, grade and construct improvements in order to use the aforesaid property to provide a fully serviceable and public commercial entrance and roadway, including business signs, landscaping and utility installation. On May 11, 1995, the Prince George's County Planning Board approved the request; PGCPB Resolution No. 95-119. No permanent buildings will be constructed and all temporary use of the property shall be in accordance with the rules and regulations of the applicable County Ordinance; and

5. That certified copies of this Resolution be transmitted to the Owner of Record and to the Supervisor of Assessments, and to the Washington Suburban Sanitary Commission, advising said offices of the tax abatement provisions of the Land Use Article, Annotated Code of Maryland, and the ordinances of Prince George's County, with respect to such reservation of land for public use, so that the land so reserved may be exempted from the levy of state, county and local taxes for a period of one (1) year beginning July 1, 2018, and ending June 30, 2019; and
6. That the Reservation Plat covering the aforesaid property, duly certified by this Commission, and being duly recorded among the Land Records of Prince George's County, Maryland, in Plat Book VJ 162, Plat 42, on May 15, 1992, shall be duly noted to apply to the aforementioned property herein resolved to be further reserved for public use; and
7. That a copy of the above Reservation Plat be attached to and accompany each copy of this Resolution which is transmitted to the Owner of Record and to the various state and county officials hereinbefore enumerated; and
8. That a notice of this Resolution be published once in each of the County newspapers of record in the Maryland-Washington Regional District in Prince George's County, as required by the above-mentioned Regulations for the Subdivision of Land.

* * * * *

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 Geraldo, seconded by Commissioner Doerner, with Commissioners Geraldo, Doerner and Hewlett, voting in favor of the motion, and with Commissioners Washington and Bailey absent, at its regular meeting held on May 31, 2018 in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 21st day of June 2018.

 Elizabeth M. Hewlett
 Chairman

By Jessica Jones
 Jessica Jones
 Planning Board Administrator

APPROVED AS TO LEGAL SUFFICIENCY
Jessica Jones
 M-NCPPC Legal Department
 Date 6/21/18

