

## Prince George's County Council

### Agenda Item Summary

<b>Meeting Date:</b>	11/19/2013
<b>Reference No.:</b>	CB-088-2013
<b>Draft No.:</b>	2
<b>Proposer(s):</b>	Park & Planning
<b>Sponsor(s):</b>	Harrison
<b>Item Title:</b>	A Subdivision Bill amending the regulations on vacation petitions of plats.

<b>Drafter:</b>	M-NCPPC Staff
<b>Resource Personnel:</b>	M-NCPPC Staff,

#### LEGISLATIVE HISTORY:

<b>Date Presented:</b>		<b>Executive Action:</b>	12/4/2013 S
<b>Committee Referral:</b>	9/24/2013 - PZED	<b>Effective Date:</b>	1/3/2014
<b>Committee Action:</b>	10/2/2013 - FAV(A)		
<b>Date Introduced:</b>	10/8/2013		
<b>Public Hearing:</b>	11/19/2013 - 10:00 AM		
<b>Council Action (1)</b>	11/19/2013 - ENACTED		
<b>Council Votes:</b>	WC:A, DLD:A, MRF:A, AH:-, ML:A, EO:A, OP:A, IT:A, KT:-		
<b>Pass/Fail:</b>	P		
<b>Remarks:</b>			

#### AFFECTED CODE SECTIONS:

24-112

#### COMMITTEE REPORTS:

##### PZED Committee Report

**Date 10/2/2013**

Committee Vote: Favorable as amended, 3-0 (In favor: Council Members Franklin, Patterson and Toles)

CB-88-2013 was transmitted by the Planning Board for the Council's consideration. This legislation amends the Subdivision Regulations concerning vacation of plats to create an expedited review process for minor vacation petitions by permitting the Planning Director to approve minor petitions for unimproved streets or alleys. This may include rights-of-way to be vacated or subdivisions that have not been constructed or open to use by the public.

Rana Hightower and Alan Hirsch, Planning Department staff, were present to provide background concerning the purpose of the legislation and respond to questions. Council Member Franklin discussed the process for the public to provide input on the petitions. Mr. Hirsch explained that the process will be similar to minor subdivision plans which are approved by the Planning Director. If the Planning staff receives indication from a concerned party, the petition would be moved back to a status of public hearing and review by the Planning Board. Council Member Franklin suggested inclusion of additional language to ensure consideration is given to any public concern.

The Office of Law reviewed CB-88-2013 and determined that the bill is in proper legislative form with no legal impediments to its enactment.

The committee voted favorable including an amendment on page 1, line 21, after "Planning Director", insert "if unopposed by an adjoining property owner to the vacation petition

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**BACKGROUND INFORMATION/FISCAL IMPACT:**

(Includes reason for proposal, as well as any unique statutory requirements)

Currently all vacation petitions for an unimproved street or alley are subject to posting and a public hearing before the Planning Board as major applications. There are instances when the street or alley to be vacated has not been constructed. In these instances a Planning Director level approval would expedite the development review process.

In the case of a Planning Board approval of a vacation petition, a resolution is adopted which embodies that approval. In the case of a Director level approval, the Director will indicate approval by being the last signatory on the petition to vacate. In both cases, a minor final plat is required to incorporate the area vacated into the abutting property as appropriate. The vacation operates to destroy the force and effect of the recording of the plat and divests all public rights in the streets alleys and public grounds, and all dedication laid out or described by the plat. The minor final plat is a part of the application (24-112), and is required to be submitted prior to the Planning Board hearing for major applications and will be required to be submitted prior to the Director's approval of minor applications. Once the approvals are granted, the minor final plat is recorded in Land Records.

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**CODE INDEX TOPICS:**

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**INCLUSION FILES:**