



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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October 6, 2025

**TO THE MEMBERS OF CITY COUNCIL
CITY OF HARRISONBURG, VIRGINIA**

SUBJECT: *Consider a request from GC & T LLC to close a public alley located between properties identified as tax map numbers 34-E-1 and 2 (530 North Main Street)*

**EXTRACT FROM THE DRAFT MINUTES OF HARRISONBURG PLANNING
COMMISSION MEETING HELD ON: September 10, 2025**

Chair Baugh read the request and asked staff to review.

Ms. Rupkey said the applicant is requesting to close a +/- 2,760 square foot alley that is adjacent to 530 North Main Street (tax map parcel 34-E-1) and a second unaddressed parcel along North Main Street and North Mason Street (tax map parcel 34-E-2). The applicant owns the parcels on either side of the alley and would like to close the alley to avoid potential concerns and questions relating to maintenance and access that may arise in the future. Vacating the alley would also help with any future plans to construct additions on the existing building or for redevelopment of the parcels.

Staff believes it is possible the alley was originally a private access before becoming public; however, staff could not definitively confirm the alley's history. In cases such as this, where historical ownership is ambiguous, if City Council supports vacating the alley, they can vacate any claim the City might have in its interest. It is presumed, in this case, that the applicant holds the land beneath the platted alley, and if the City's interest is vacated, full control and ownership of the land would revert to the property owners.

Records demonstrate the 12-foot alley's existence since 1859 (Deed Book 33, Page 121). During Urban Renewal in the 1960s, a segment of the alley, which would have run through today's North Mason Street and would have been located on portions of the Roses property was vacated (Deed Book 296, Page 322). City staff reached out to the Northeast Neighborhood Association and the Shenandoah Valley Black Heritage Project to ask if they had concerns regarding the proposed closure of the alley. Representatives from both organizations appreciated that we reached out to them for feedback and noted they did not have concerns with the request.

The existing alley contains public power lines and a public culvert. If closed, a public general utility easement and a public storm drainage easement should be reserved for those facilities. The

applicant is aware that easements will be reserved by the City. The final location of the easements will be determined prior to the required second reading.

Conclusion

Given the close proximity of alley to the North Main Street and North Mason Street intersection and existing vehicle and pedestrian facilities, and because the City has not plans to use the alley for anything other than the existing utilities described above, staff supports closing the alley with the following condition:

A public general utility easement and a public storm drainage easement shall be reserved in the necessary locations. The location of each easement shall be determined by a survey completed by the applicant for review by the Department of Community Development.

Chair Baugh asked if there any questions for staff.

Commissioner Seitz said the overhead powerlines do not exist currently, correct?

Ms. Rupkey said there are overhead powerlines. Where exactly they are located within the alley is, without a survey, hard to determine. If this does continue forward and City Council does agree to close it, they would get a survey at that time.

Commissioner Seitz said it is an easement to accommodate existing powerlines not new powerlines.

Commissioner Alsindi said the sentence that goes “If City Council supports vacating the alley, they can vacate any claim the City might have in its interest.” Can you elaborate more on this?

Ms. Rupkey said there are three different types of alleys in short. There are alleys where we know who owns that land where it is a separate parcel.

Ms. Dang said in this particular case, what we believe to be the case is the land under the easement is part of each parcel and both parcels happen to be owned by the same people. Then there is an easement or the alley right-of-way that is laid over top of it. What we are unable to confirm is that easement dedicated to the private property owners or is it dedicated to the general public which the City has guardianship. The City is protecting the interest of the public easement. In either scenario, whether it is owned privately or publicly, this action we are going to be asking City Council to take is it does not matter who owns that easement. If you just vacate any potential interest that the City has in it and the property owner says they want to close that alley or said easement, then we are all good.

Commissioner Alsindi said the City closes it?

Ms. Dang said the City is saying we do not have a public interest in keeping the alley.

Chair Baugh said you could have a decent discussion on a law school exam about exactly what rights the City is giving up, which is where the complexity comes in. The bottom line is the City

executes a deed releasing and conveying whatever interest it has in this property and we know from the title records that nobody else has any interest in the property other than the current owners, then you have cleared it up. The older ones tend to be these easements. The City does not own any land but the City owns the right to go over the land. About a 100 years ago, from then on, the City does own the land. That is what I think they are trying to say. The City will no longer retain any interest in it.

Commissioner Alsindi said specifically I had an issue with the word “they.” “They can vacate any claim the City might have.”

Ms. Rupkey said “they” is referring to City Council.

Ms. Dang said it can also be read as “if the City Council supports vacating the alley, then the City Council can vacate any claim that the City might have in its interest.”

Commissioner Seitz said that difference in ownership of an easement versus ownership of the land, is that why in some cases the City wants to be compensated for an alley versus not being compensated for an alley?

Chair Baugh said we are willing to give it up, but you have to buy it from us versus we do not own it or what we own is a right of use not the actual land.

Councilmember Dent said yet we retain the easement for the utilities that are already there.

Ms. Dang said we need access to maintain the facilities.

Commissioner Kettler said indicated in the notes, the City has no plans to use the alley for anything other than utilities. Has Public Works been consulted about any other use that they may have for it?

Ms. Rupkey said we reached out to them and there was not any concern with closing this.

Ms. Dang said in our typical review process know that everything that comes before you at Planning Commission gets reviewed by Public Works, Fire, Engineering, Building Inspections, and Public Utilities, it all has been reviewed by those departments.

Chair Baugh asked if there were any more questions for staff. Hearing none, he then said, this is not technically a public hearing, but we tend to treat them like public hearings and he request.

Panayotis Giannakouros, a City resident, called in to speak to the request, however, his call was unintelligible due to some technical difficulties

Chair Baugh opened the matter for discussion.

Vice Chair Porter said my standard on these is that I always try to weigh the public interest. In this, and in the alley closures that I have voted for in the past, it has been pretty clear that there has

not been public interest that outweigh the need for the closure or there simply was no public interest. With the easement, I do not think there is any issue here at all and I do not see a problem with closing the alley.

Councilmember Dent said it is not like this is a well used path that people cut through between the streets. It is much more traffic oriented.

Chair Baugh said it reminds me of another one we had where this is even more true than the one with the cemetery where even if people were accessing it the inconvenience of not being able to use that path is so small because you are very close to a slightly longer way to get from point A to point B.

Vice Porter said this is probably closer to our alley to nowhere that we had...

Commissioner Kettler said my general inclination is to keep alleys open. I think in part because of the different kind of ownership interest, I tend to be more in favor of closing it. I think given the proximity to North Main and North Liberty I think other transportation options are very clear. It is the ownership status which makes the difference for me.

Commissioner Seitz said I think the usefulness and the fate of this alley was determined in 1960 with the Urban Renewal.

Councilmember Dent said if it continued at that point it might have been useful.

Commissioner Seitz said there was an existing traditional grid system. An esteemed traditional pattern of development of homes. All of which has been superseded.

Commissioner Kettler said I also think that approving the alley closing opens it up to possible future redevelopment in a manner that can better utilize the land.

Commissioner Alsindi said I am also inclined to approve the request given the way of managing the easement and not keeping it alive and robust enough.

Commissioner Seitz said I will move that we approve the alley closing request.

Vice Chair Porter seconded the motion.

Chair Baugh called for a roll call vote.

Commissioner Seitz	Aye
Vice Chair Porter	Aye
Councilmember Dent	Aye
Commissioner Alsindi	Aye
Commissioner Kettler	Aye
Chair Baugh	Aye

The motion to recommend approval of the alley closing passed (6-0). The recommendation will move forward to City Council on October 14, 2025.