



City of Harrisonburg, Virginia

Office of the City Manager

409 South Main Street
Harrisonburg, VA 22802
(540) 432-7701 / FAX (540) 432-7778

Kurt D. Hodgen
City Manager

TO: Kurt Hodgen, City Manager
FROM: G. Chris Brown, City Attorney
DATE: April 4, 2017
RE: Release of Easement

Summary: Abandon three easements owned by the City to access property formerly occupied by the Resource Recovery Facility.

Background: On October 28, 2014, Council approved the sale to James Madison University of 3.3297 acres, which were occupied by the City's Resource Recovery Center. The City Manager, at the direction of Council, executed the sales contract with JMU. Since that time, the City has engaged in an extensive clean up of the property and submitted a closure plant to the Virginia Department of Environmental Quality. Staff anticipates a final closing on this transaction in the next several weeks. As part of the transaction, the City needs to abandon an easement owned by the City along Driver Drive and two forty foot access easements to a portion of the property occupied by the Resource Recovery Center. The City will retain access to the parcels via a lease agreement which will be in place until the City completes a new transfer station.

Key Issues: The City is contractually obligated to abandon the easements in question.

Environmental Impact: n/a

Fiscal Impact: n/a

Prior Actions: Approval of transaction for the sale of the Resource Recovery Facility to JMU on October 28, 2014

Alternatives: (a) authorize the City Manager to sign a Deed of Release, releasing the City's interest in the easements in question
(b); or
(c)

Community Engagement: public hearing was held on October 14, 2004.

Recommendation: Staff recommends that council authorize the City Manager to execute a Deed of Release for the easements.

Attachments: Draft Deed of Release, Public Hearing Notice

RE:

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Review:

The initiating Department Director will place in Legistar, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda. The completion of review only addresses the readiness of the issue for Council consideration. This does not address the recommendation for approval or denial of the issue.

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