



CITY OF HARRISONBURG OFFICE OF THE CITY ATTORNEY

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801
OFFICE (540) 432-7701 • FAX (540) 432-7778

TO: Ande Banks, City Manager

FROM: Chris Brown, City Attorney

DATE: May 16, 2023

RE: Easement from City to 49 West Water Street Investments, LLC for a water line to serve a sprinkler system.

Summary: 49 West Water Street Investments, LLC (the Property Owner) has requested an easement across the City's Downtown South Main Street parking lot for a private water line to provide service to a sprinkler system to its building at 49 West Water Street. Staff has reviewed the request and site plan for the water line and has no objection.

Background: The Property Owner owns the building located at 49 West Water Street (the Property). The Property is located between the old Free Clinic Building and Bella Gelato. The Property Owner intends to open an escape room business in the Property. Building and Fire Code regulations require a sprinkler system for such a use. There is a water line across Water Street from the Property. In order to access that water line, however, the Property Owner would have to bore through a limestone stormwater structure that dates to the late 1800s. Our Department of Public Works refused permission for the Property Owner to do such a bore due to the age and nature of the stormwater structure. Therefore, the Property Owner has asked to connect to the City's next closest water line, which is located in Main Street. In order to reach the water line, the Property Owner has asked the City to grant an easement 10 feet wide running from Main Street across the City's Downtown South Main Street parking lot in front of Jimmy Madison's, then thru the alley located off of the back of the parking lot, to the rear of 49 West Water Street. (See attachment A to this memo).

The Property Owner has submitted a site plan for the water line. The site plan has been reviewed and approved by all relevant City departments. The Property Owner agreed to conditions in order to mitigate any hardships on the businesses which front on the parking lot. These conditions include that the work will be completed by August 11, 2023 before JMU students return, the parking lot may only be closed Monday through Thursday from 7:00 am to 4:00 pm, and after 4:00 each day the parking lot and drive lanes will be open to vehicles, pedestrian traffic will continue to have access to the businesses affected during the times the parking lot is closed, and the City and the business owners will get 72 hours prior notice of work being performed.

The Property Owner will be responsible for all costs associated with installation and maintenance of the water line.

The Property Owner requires an easement from the City because the line will be private but cross City property. Such an easement may only be granted by City Council following a public hearing that has been



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duly advertised. The easement will be for a term of 40 years. The deed of easement will contain protective conditions for the City, including that the Property Owner (and its successors in interest) must apply for and receive a public access permit from the City's Department of Public Works before any work can be done in the future.

Key Issues: Granting of an easement 10 feet wide across City property for a private water line to serve a sprinkler system in a private business.

Environmental Impact: N/A

Fiscal Impact: N/A

Prior Actions: None

Alternatives: (a) Grant the water line easement or,
(b) Decline to grant the easement

Community Engagement: Public hearing following running a notice once a week for two consecutive weeks.

Recommendation: Staff has no objection to the granting of the easement and recommends its approval.

Attachments: (1) Site plan page showing location of easement
(2) Draft deed of easement
(3) public notice

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.