



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

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To: Planning Commission
From: Department of Community Development
Date: September 9, 2020 (Regular Meeting)
Re: Alley Closing – Between 663 East Rock Street and 672 East Wolfe Street

Summary:

Consider a request from Patrick Mannion to close +/- 502 sq. ft. of an undeveloped alley located between 663 East Rock Street and 672 East Wolfe Street, which are identified as tax map parcels 33-R-9 and 33-R-18, respectively. The portion of undeveloped alley runs perpendicular to Hill Street.

Background:

The following land uses are located on and adjacent to the property:

Site: +/- 502 square feet of undeveloped public alley adjacent to tax map parcels 33-R-9 and 33-R-18, zoned R-2
North: Single-family dwelling, zoned R-2
East: Single-family dwellings, zoned R-2
South: Single-family dwelling, zoned R-2
West: Continued +/- 430 feet in length portion of undeveloped public alley leading to Hill Street, zoned R-2

Key Issues:

The applicant is requesting to close a portion of an undeveloped alley within the Northeast Neighborhood area of the City. The alley is approximately 12-feet in width and runs parallel to East Rock Street and East Wolfe Street. The entrance to the alley begins at Hill Street and runs east for approximately 490-feet and does not connect to Summit Street. The properties identified as tax map numbers 33-R-19, 20, 21, 22, 23, and 24 between the end of the alley and Summit Avenue were platted as part of a different subdivision and an alley was never dedicated or reserved behind those properties. At the entrance to the alley at Hill Street, the alley can be traversed over a grassy area by a vehicle for less than 100-feet before encountering dense vegetation that prohibits further travel through the alley. This alley has the appearance of being the backyards of the homes fronting on East Rock Street and East Wolfe Street.

The applicant owns 663 East Rock Street and desires to close the alley in order to expand the property for future development of a single-family detached home. The property owner on the other side of the alley at 672 East Wolfe Street has expressed interest in acquiring half of the alley.

During staff review, it was determined that while a public easement or right of passage was dedicated with the subdivision titled “Map of the Eastern end of Garber and Garber’s Addition to the Town of Harrisonburg,” dated March 1905 and filed in the Rockingham Clerk of Court’s records in deed book 74, page 380, the underlying fee remained with the dedicators of the 1905 subdivision who at the time were John N. Garber, Gertie F. Garber, Annie Z. Garber, and B.F. Garber. The process of determining the present owner of the land for rights-of-way would likely require extensive title searching. An alternative available to the applicant to gain title of the alley, is for the applicant to file for quiet title with the Rockingham Circuit Court to request that a judge determine ownership and clear title to the property and grant it to the applicant and adjoining property owners, if appropriate. If the applicant and/or adjoining property owners are granted a quiet title to the alley, the City requests that the applicant inform the Department of Community Development so that City tax maps can be updated to reflect the change.

Filing a quiet title would be done independently of applying to request the City’s vacation of the public easement or right of passage. Therefore, the applicant is requesting the City’s consideration to vacate the public easement through the alley. The applicant is aware that if City Council votes to approve vacating the public easement (first reading at City Council), the applicant is responsible for having a survey and plat prepared in order for the City Attorney to draft the ordinance to finalize vacating the easement (second reading). After City Council’s first reading, letters will be sent to adjoining property owners, who will be given 60-days from the date of the letter to notify the City of their interest to purchase half of the public easement and vacate it.

During staff review, the Department of Public Utilities, Columbia Gas, and Harrisonburg Electric Commission offered no comments as no utilities have been identified within this alley and there are no plans to add future utilities.

Staff recommends approval to vacate the public easement/right of passage within the alley.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (a) Recommend approval to vacate the public easement/right of passage within the alley; or
- (b) Recommend denial of the request.

Community Engagement:

The property was posted with signage advertising the request.

Recommendation:

Staff recommends alternative (a) approval to vacate the public easement/right of passage within the alley.

Attachments:

1. Site maps
2. Application, applicant letter, and supporting documents

Review:

N/A