

MARCH 15, 2006
WAYNESBORO, PA 17268

PUBLIC HEARING RE: PROPOSED ALLEY
ABANDONMENT (EAST OF DICKINSON

AVENUE)

Council Vice-President Craig Newcomer called the hearing to order at 7:00 p.m. with the following in attendance:

Borough Council – Allen Porter, Jason Stains, Craig Newcomer, Allen Berry and Charles McCammon (arrived late); Richard George was absent

Mayor Richard Starliper

Borough Staff – Lloyd R. Hamberger, II, Borough Manager
Denny Benshoff, Maintenance Superintendent
Dan Sheffler, Zoning-Code Enforcement Officer
Kevin Grubbs, Head of Engineering Services
D. Lloyd Reichard, II, Borough Solicitor
Ray Shultz, Police Chief

Mr. Newcomer noted the purpose of the hearing was to discuss vacating a portion of the alley east of Dickinson Avenue on request of all property owners abutting that portion of the alley to be vacated. The hearing was duly advertised in *The Record Herald* on February 28 and March 7, 2006.

Those wishing to comment were asked to rise, and Mr. Newcomer administered the oath to them. He requested that members of the public wishing to speak state their name and address for the record.

Bill Dick, attorney representing Waynesboro Hospital. Mr. Dick provided Council members with a handout describing various aspects of the area in question. He explained each page of the handout, which included the 1902 survey on record for that section of Waynesboro, and various drawings indicating land owned by Waynesboro Hospital and property lines abutting the alley in question. He noted that Waynesboro Hospital is the sole owner of any property abutting the alley they wish to have abandoned.

Mr. Dick noted that, the last time the Hospital was before Borough Council regarding this request, they were asked to obtain a joinder by other owners along the property. A Quit Claim Deed was prepared and has been executed by the three of the five property owners on Dickinson Avenue and one of the two property owners on the east side of the alley (Borough Manager Lloyd Hamberger has stated he would not sign it until there is unanimous consent by all property owners, so as not to involve himself in any dispute.)

Research information was also provided by Mr. Dick on sections of the Borough Code which pertain to this matter. He pointed out that the statute states “wherever any street shall be laid out and shall not have been open to or used by the public for a period of 21 years, such street shall not thereafter be opened without the consent of 51% of the actual owners and 51% of the foot-frontage people”. He feels it is important for the Borough to proceed with this vacation, as the law states the Borough couldn’t open the alley and a majority of the property owners are not interested in it.

Mr. Dick noted that the vacation of this portion of the alley in question would allow the Hospital to extend their parking lot in a reasonable way. As Waynesboro Hospital is an important segment of the

community and provides services that many communities don't have, he is hopeful that Borough Council will be willing to assist them in this matter.

Ricky Yeakle, 217 Dickinson Avenue. Mr. Yeakle described the alley location in relation to his property. He discussed his future plans to construct a garage at the rear of his property, but noted he will have no way of accessing it if this alley is abandoned by the Borough. He questioned what benefit the 12' right-of-way on his deed lends if he cannot utilize it to access his property?

Kevin Grubbs reported that the Street Committee received the Hospital's request for abandonment on February 13th. The request was forwarded to Borough Council at their regular meeting on February 15th, at which time they authorized the public hearing to be scheduled. Notifications were mailed to property owners on the east side of Dickinson Avenue that abut the alley – even the portion which is not being considered for vacation. All perimeters of the property were also posted.

Hearing no further comments, the hearing was adjourned at 7:18 p.m.

Respectfully Submitted,

Melinda S. Knott
Administrative Assistant