

SEPTEMBER 21, 2005  
WAYNESBORO, PA 17268  
PUBLIC HEARING - ALLEY ABANDONMENT  
(DICKINSON AVENUE)

Council President C. Harold Mumma called the public hearing to order at 7:00 p.m. with the following in attendance:

Borough Council – Richard George, C. Harold Mumma, Charles McCammon and Stephen Monn (Lorena Newcomer and John Cook were absent)

Mayor Louis M. Barlup, Jr.

Borough Staff – Lloyd R. Hamberger, II, Borough Manager  
Denny Benshoff, Maintenance Superintendent  
Kevin Grubbs, Head of Engineering Services  
D. Lloyd Reichard, II, Borough Solicitor

Mr. Mumma stated 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 September 3, 2005. He requested that anyone wishing to make comment during the hearing rise so that he could administer the oath – several individuals were sworn in.

Suzanne Tren, attorney representing Waynesboro Hospital on this petition. Ms. Tren explained that the Hospital purchased 215 Dickinson Avenue with the intent to establish a parking lot; and the property was re-zoned recently for that purpose. As the alley in question would go through that parking lot, they are asking for a portion of it to be vacated from public use. She noted that all landowners who have rights to use the alley have been notified of their proposal. Drawings were made available for Council's review.

Ms. Tren confirmed that the portion of the alley they are seeking to vacate is abutted on both sides by the Waynesboro Hospital's property, therefore the land would revert to the Hospital. She pointed out that the alley comes off Dickinson Avenue and turns northward behind the properties along Dickinson Avenue. The Hospital is proposing to close the portion below 215 Dickinson Avenue to where it meets the land of Ricky Yeakle. Everything else would remain a public alleyway available for use by the landowners, and they would have their private right to use that alleyway.

Ricky Yeakle, 217 Dickinson Avenue. Mr. Yeakle noted his concern regarding access to the rear of his property should the Hospital's request be granted. He added that he is "more or less" against the Hospital's proposal.

Adam Hungerford, Project Manager with David Black Engineers. Mr. Hungerford explained the Hospital's proposed plans are to cut into the existing hill (3-5') to put in the new parking

lot, and to construct a retaining wall on the north of the property (by the Yeakle's) and along Dickinson Avenue in order to connect the new parking with the existing two-tier parking lot. Once that is complete, there would be little likelihood of anyone driving across the Hospital's property to get to anything beyond.

Solicitor Lloyd Reichard clarified that this petition requests that the Borough abandon a portion of the alley as a public alley. If the request is granted, the Borough would be relinquishing any rights of the Borough into that alley. It makes no statement about who could continue to use the alley and who could not. In other words, it would not affect any private rights which may exist to the property owners within that particular subdivision, the lots of which abut on portions of this alley. Those rights would continue to exist without being affected. If there are private rights that would enable property owners to use this portion of the alley, they may be able to continue to do that; but they would have to enforce that themselves and the Borough would not be involved.

Discussion ensued regarding the utility (storm sewer) right-of-way which is located in the alleyway. It was noted that the Borough would have to reserve and retain the right-of-way in the ordinance. Mr. Hungerford noted that, according to their preliminary research and plans, it appears that the existing storm drain system is to the east of the alley in a separate right-of-way – so the abandonment of the alley would not affect the storm sewer easement. Kevin Grubbs stated that the Engineering Department is attempting to confirm that information, but they are having difficulty determining the width of the right-of-way. Lloyd Reichard stated that the Borough would have to determine what portion of the alley is encroached upon by the storm sewer and reserve that for that purpose. He suggested that this be determined before this ordinance is finalized and re-advertised.

Councilman George asked – if the Borough approves this request, is it taking away the rights of the property owners to utilize this alley? Lloyd Reichard responded that the Borough would only be saying that there is no public right to the alley, which doesn't affect any private rights.

Ms. Tren attempted to clarify the matter further by noting that there are actually two sources of a right to use this alley – the source that comes from the deed and the source that comes from the fact that there is a public alley. Those rights are overlapping and can co-exist together. The Hospital is simply requesting that the Borough take its overlay off, which won't affect the underlying private right (if there is one).

Lloyd Reichard added that the Borough would be saying this is no longer a public alley for the Borough to maintain, etc., as the Borough's right to that section is relinquished – what happens to the alley is irrelevant to this proceeding.

Hearing no further comments, the hearing adjourned at 7:21 p.m.

Respectfully Submitted,

Melinda S. Knott  
Administrative Assistant