

CITY OF WILLIAMSPORT, PA

FILE OF CITY COUNCIL

BILL No. 1740-19

SESSION OF 2019

Approved on first reading

Members of City Council:

Approved on final reading

This day 12th of Sept 2019

ALLISON, SLAUGHTER, FAUSNAUGHT
MIELE, KATZ, NOVIELLO, HENDERSON

This day 10th of Oct 2019

AN ORDINANCE 6374

VACATION OF A PORTION OF DUBOIS STREET

BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLIAMSPORT AND IT IS HEREBY ENACTED UNDER THE AUTHORITY OF THE SAME THAT:

SECTION 1: The following street in the Third Ward of the City of Williamsport, County of Lycoming, Pennsylvania and identified as follows is vacated:

All that certain piece of Dubois Street situate in the Third Ward, City of Williamsport, Lycoming County, Pennsylvania, bounded and described as follows:

Beginning at an iron pin on the East side of Hepburn Street and the Southwestern corner of the land now or formerly of the River City Land Company, Inc. one hundred thirty-five and forth-seventh hundredths (135.47) feet to an iron pin. On the Northwest corner of Laurel Street and Dubois Street; thence twenty (20) feet along Laurel Street in Southerly direction twenty (20) feet to an iron pin; thence along land now or formerly of the River City Land Company one hundred twenty-seven and forth-sixth hundredths (127.46) feet to an iron pin; thence along Hepburn Street in Northerly direction twenty-one and fifty-four hundredths (21.54) feet to point and place beginning.

Containing 2,629 Square Feet

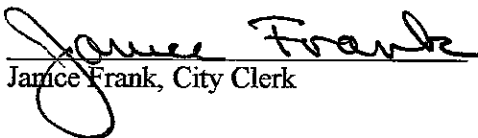
SECTION 2: The proper city officials are hereby authorized and directed to reflect the above-mentioned change on the official map of the City of Williamsport.

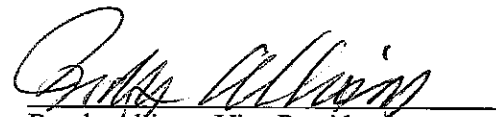
SECTION 3: All ordinances and parts of ordinances inconsistent herewith are hereby repealed.


SECTION 4: This ordinance shall become effective upon final enactment.

Enacted this 10th day of October 2019.

ATTEST:


Janice Frank, City Clerk


Randy Allison, Vice President
Williamsport City Council


Gabriel J. Campana, Mayor
City of Williamsport, PA

This ordinance approved/vetoed this 10th day of October 2019.

CITY OF WILLIAMSPORT

Memo

To: Mayor Gabriel J. Campana and Members of City Council
From: Mark J. Benner
Date: July 18, 2019
Re: Vacating a Portion of Dubois Street

Attached for City Council's review is an ordinance vacating a portion of Dubois Street in the third ward in the City of Williamsport. The vacation of this portion of Dubois Street was requested by Jeff Carey who owns both parcels of land on either side of this section of Dubois Street. The closure of this section of Dubois Street would enable Mr. Carey to develop the combined property.

Public utilities have been notified and have indicated they are not affected and do not oppose the vacation of this street. We are requesting action be taken by City Council on Thursday, July 18, 2019.

MJB

Enclosures

February 7, 2019

City of Williamsport
Department of Streets and Parks
Attn: Mark Benner
1550 West Third Street
Williamsport, PA 17701

Dear Mr. Benner

The River City Land Company, Inc., is looking for permission for the City of Williamsport to vacate DuBois Street between Hepburn Street and Laurel Street and cede the property to The River City Land Company, Inc.

Our reasons for requesting the vacancy is as follows:

- The street has been a hazard for vehicles trying to pull out into the intersection of Little League Boulevard and Hepburn Street for years. This is also compounded by our entrance into the Crate and Freight property and the drive thru to The Medicine Shoppe Pharmacy across the street which also comes into the intersection.
- Drivers are using our parking lot entrance to get to and from the alley causing additional hazard with The River City Land Company, Inc., tenant's customers.
- The River City Land Company, Inc., is looking to combine the parcels in this area for future development on the Crate and Freight property. We currently own both parcels on each side of DuBois Street. In the past there has been interest by others to the develop this property but until the alley was vacated and the property made into a larger parcel by combining all the parcels, our discussions were going no further. We have no plans to further renovate the Crate and Freight property and it is our future desire to develop it ourselves or to market it to another developer or builder for a project that would enhance the neighborhood.
- All utilities have already given their consent for vacating this section of DuBois Street.

The River City Land Company, Inc.
616 Hepburn Street
Williamsport, PA 17701

Phone: 570/326-6511
Fax: 570/327-1800

Mr. Mark Benner

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February 7, 2019

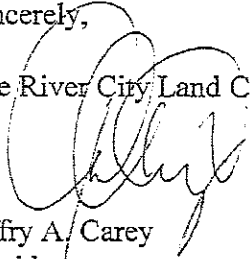
- Vacating this section of DuBois Street will not hinder access to other properties on Laurel Street and the rest of DuBois Street.
- Between now and the time the property is developed, The River City Land Company, Inc., and its tenants would use the vacated area as it currently is for additional parking for the existing businesses. This is a request from our tenants that we would like to honor and the closure of this section of the alley would accomplish this until the property is developed.

When the parcel is developed and the street is removed The River City Land Company, Inc., will at it's own expense, take the existing bricks to a location designated by The City of Williamsport for use on other brick streets.

We thank you for your consideration. Should you have any questions, please do not hesitate to contact me at 570/326-6511.

Sincerely,

The River City Land Company, Inc.



Jeffrey A. Carey
President

Elliott B. Weiss and Associates

ATTORNEYS AT LAW

416 PINE STREET - SUITE 203

WILLIAMSPORT, PENNSYLVANIA 17701

TELEPHONE
570-327-2530

FAX
570-327-2532

October 18, 2013

Williamsport City Hall
RE: John Grado
Director Community Development
245 West Fourth Street
Williamsport, Pa 17701

RE: Vacate property of Dubois Street

Dear Mr. Grado:

This letter is a request on behalf of Jeff Carey to have a portion of Dubois Street vacated, the alley known as Dubois Street between Laurel Street and Hepburn Street. His business, River City Land Company, Inc., owns both parcels of land on either side of this section of the alley. The closure of this alley would make it possible for Mr. Carey's company to successfully develop the combined property into a retail/food development project. The business and structures around this alley closure should not be affected, as there is sufficient access to these properties by way of Laurel Street and the remaining open section of Dubois Street. Additionally, Mr. Carey believes that with Dubois Street bisecting into the busy Hepburn Street/Little League Boulevard intersection combined with his own existing driveway entrance to the Crate and Freight business that it is a hazard and that the intersection would be better off without.

The description of the street to be vacated is situated in the Third Ward of the City of Williamsport, County of Lycoming and Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin on the East side of Hepburn Street and the Southwestern corner of the land now or formerly of the River City Land Company, Inc. one hundred thirty-five and forty-seventh hundredths (135.47) feet to an iron pin. On the Northwest corner of Laurel Street and Dubois Street; thence twenty (20) feet along Laurel Street in Southerly direction twenty (20) feet to an iron pin; thence along land now or formerly of the River City Land Company one hundred twenty-seven and forty-sixth hundredths (127.46) feet to an iron pin; thence along Hepburn Street in Northerly direction twenty-one and fifty-four hundredths (21.54) feet to point and place beginning.

We have received letters from the utility companies below:

- PPL
- UGI
- Williamsport Municipal Water & Sewer Authority
- Verizon

These companies do not have an easement or an agreement that has been reached with them and they do not oppose the vacation of the alley.

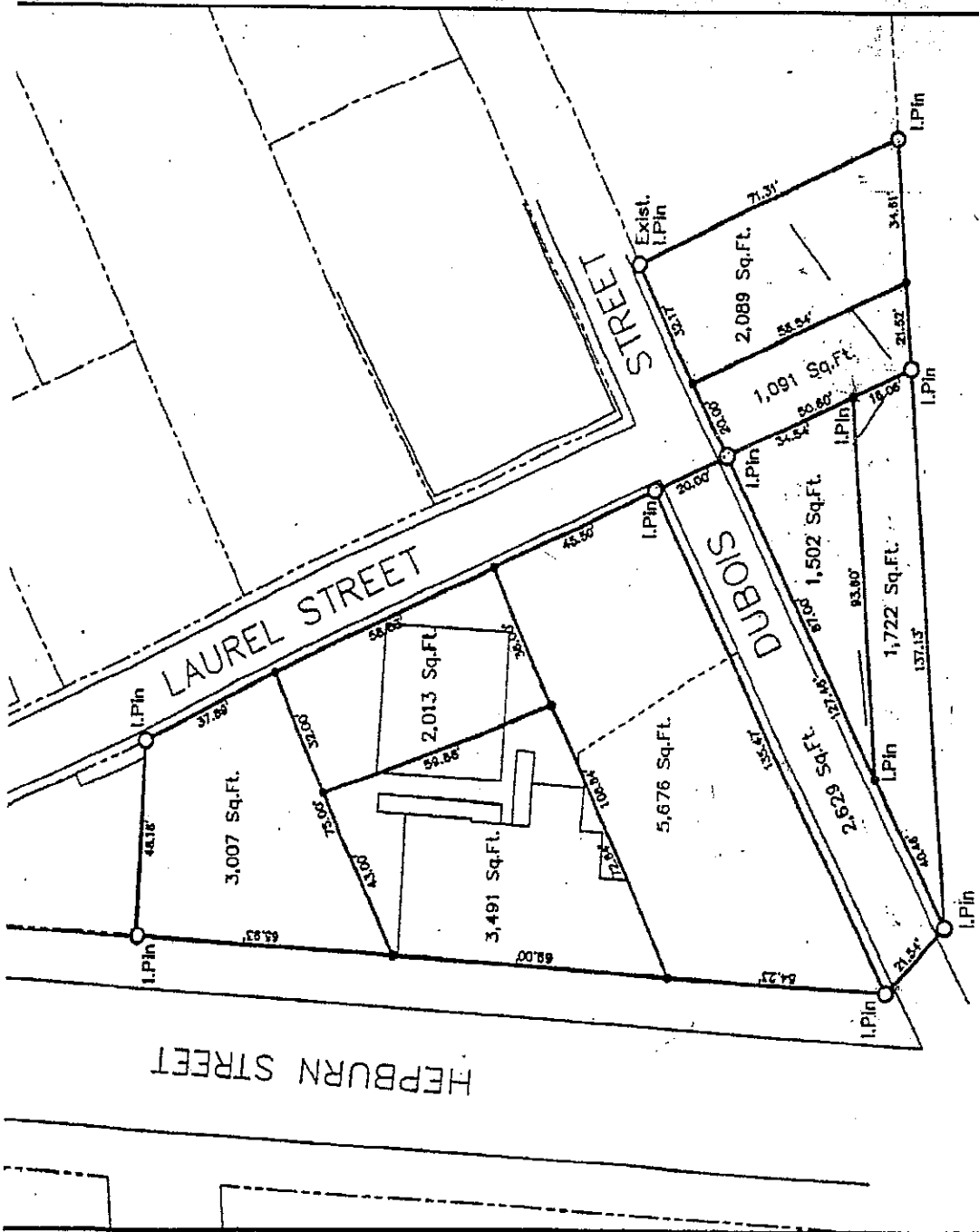
The letters and map of the property is the attached Exhibit.

Very truly yours,

A handwritten signature in cursive script that reads "Elliott B. Weiss".

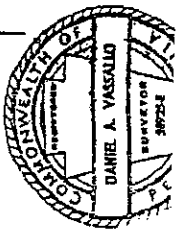
Elliott B. Weiss

EBW:clw



LITTLE LEAGUE BOULEVARD

Being Tax Parcel Nos. 63-04-501, 502, 503, 504 & 605.



APPLICATION FOR STREET VACATION

City of Williamsport

Bureau of Codes

City Hall 327-7517

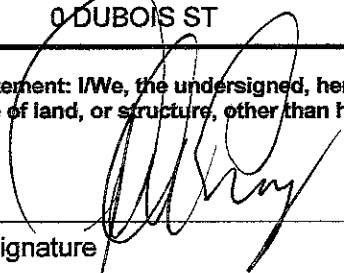
Case Number 1308 Application Date 11/4/2013 Total Fees \$0.00
Case Type STREET VACATION

Property Information

Tax ID 63-004-605 Owner RIVER CITY LAND CO INC
Location 0 DUBOIS ST

Applicant's Statement: I/We, the undersigned, hereby request a review of this application. This application does not include any use of land, or structure, other than herein set forth on the attached plans drawn to scale.

Applicant's Signature



11/13/13
Date

Vacating Dubois Street between Hepburn Street and Laurel Street.

Report of City Council

To the Codes Administrator:

We, the undersigned members of City Council have reviewed/heard this application and find as follows:

Date Case Reviewed/Heard: _____

Approval

Denial

City Clerk

(S) _____
Date

City Council President

(S) _____
Date

Codes Administrator's Signature

Date Received

Date Approved

THE RIVER CITY LAND COMPANY, INC.

P.O. BOX 2500
WILLIAMSPORT, PA 17708

WOODLANDS BANK
Williamsport, PA 17701

60-252
313 3

016571

10/31/2013

PAY
TO THE
ORDER OF

City of Williamsport

One Hundred and 00/100*****

City of Williamsport

\$**100.00

DOLLARS

MEMO

⑈016571⑈ ⑆031302528⑆ 1200 074 ⑈

AUTHORIZED SIGNATURE

MP

THE RIVER CITY LAND COMPANY, INC.

City of Williamsport

Date 10/31/2013
Type Bill
Reference DuBois St

	Original Amt.	Balance Due	10/31/2013	Discount
	100.00	100.00		
		Check Amount		

Payment	100.00
Check Amount	100.00

016571

Cash in Bank -- Woo

100.00

Mark Benner

From: Austin White <AWhite@mcclaw.com>
Sent: Monday, July 29, 2019 2:13 PM
To: Mark Benner
Subject: vacation of portions of DuBois street
Attachments: 200700005615.pdf

Mark – I reviewed the material you provided to me last week, in terms of the application of River City Land Company, Inc. (“RCLC”), and the research performed by Bruce Huffman. Having had an opportunity to review this information, I can provide the legal opinion to the City that it may vacate the portion of Dubois street between Hepburn Street and Laurel Street based on this landowner’s request. This required a review of RCLC’s deed as well (which I obtained on my own, since it was not provided - attached).

The City’s current interest in this street is a public easement. Under Pennsylvania law, because RCLC’s ownership interest on each side of the street abuts the street itself, RCLC’s ownership interests are deemed to extend to the middle of the street on each side, subject to the City’s public easement. Upon vacation of the Street by ordinance, the City’s easement is vacated and RCLC’s properties are no longer divided by the public easement. No subsequent deed from the City is necessary because it is not deeding any land – it is merely vacating an easement.

My prior concern was that there might be a reversionary interest in the land that was opened into the street. If that were the case, once the street was vacated it would return to the original landowner (or his/her successors/heirs, etc.). I have not seen anything that indicates there was a reversionary interest. In fact, RCLC’s deed indicates that it was conveyed all interest within the lines of Dubois St to the extent its properties abut that street.

The City can deem RCLC’s application a petition to vacate the street, and since RCLC owns all property on both sides of the street, the ordinance is all that needs to be passed in order to vacate the street and the City’s public easement.

As an aside, moving forward I suggest that the Codes department require that a landowner requesting vacation of a street provide copies of the deed(s) showing ownership of both sides of the street to be vacated, in order for the application to be processed. It would make this review process much easier (and quicker).

Thanks,

Austin White | Partner



835 West Fourth Street Williamsport, PA 17701
(P) 570-326-5131 (F) 570-326-5529
www.mcclaw.com

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