CITY OF WILLIAMSPORT, PA
FILE OF CITY COUNCIL
BILL No. 1740-19
SESSION OF 2019

Approved on first reading
This day..............................of.......................... 2019.

Members of City Council:
ALLISON, SLAUGHTER, FAUSNAUGHT
MIELE, KATZ, NOVIELLO, HENDERSON

Approved on final reading
This day..............................of.......................... 2019.

AN ORDINANCE G374
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SECTION 3: All ordinances and parts of ordinances inconsistent herewith are hereby repealed.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:

Jamee 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.
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.
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.

Jeffry A. Carey
President
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,

\[\text{Signature}\]

Elliott B. Weiss

EBW:clw
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 [Signature]  Date 11/13/13

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:

[ ] Approval  [ ] Denial

Date Case Reviewed/Heard: ____________________________

City Clerk ________________________________ (S) ____________ Date

City Council President ________________________________ (S) ____________ Date

Codes Administrator's Signature ____________________________ Date Received ____________ Date Approved ____________
016571

THE RIVER CITY LAND COMPANY, INC.

MEMO

City of Williamsport

Order of
Pay

10/3/2013

$100.00

Balance Due

Original Amount

100.00

Discount

100.00

Due Date

10/3/2013

Check Amount

100.00

Payment

100.00

Cash In Bank - W200

016571

103302284 1200 074

WILLIAMSPORT, PA 17702

P.O. BOX 2500

WOODLANDS BANK

1323 36025

$100.00

One Hundred and 00/100 Dollars

City of Williamsport

10/3/2013

016571
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

McCORMICK LAW FIRM
935 West Fourth Street · Williamsport, PA 17701
(P) 570-326-5131 · (F) 570-326-5529
www.mcclaw.com

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