

Memorandum

To: Myersville Mayor and Council
From: Kristin Aleshire
Date: January 8, 2024
RE: Harp Alley Timeline Process

Introduction

In recent history, question has been raised among the abutting property owners and concern directed for the Town to determine ownership and maintenance responsibility for property known as "School Street" and commonly referred to as "Harp Alley". After significant effort of both survey and title research, town staff and town attorney have been able to determine general ownership and function of the property.

Summary

The area in question includes an approximate 12' strip of land which runs perpendicular and having access directly to Main Street. It appears the origin of this property once served as the direct drive access for a private property which exists across MD Rt 40 as well a lane for parking for the Mt. Zion church. After the installation of MD Rt 40, it remained part of the Harp estate on the Town side of MD Rt 40.

Subsequent to the construction of MD Rt 40, it appears the property was referred to as School Street and appears may have been noted as such in conjunction with some function as part of the Myersville School house which once existed where the Myersville Library now exists.

The property was then referenced as part of the deeds for creation of lots on Harp Place and later the deeds for lost in Deerwoods. From that point forward it appears it was generally accepted as referenced in the Harp Place deeds to be an "alley" for the common use of access and maintenance by those lots along Harp Place.

At some point in time it appears there was an accessory structure on the lot now referred to as 515 Main Street, which access from Main Street was used in that manner until that structure was removed. Later, in the early 2000's it was determined by the Myersville Board of Zoning Appeals that the property in question constituted a public access and thereby meeting the ordinance to allow for the home to be constructed as 515 Main Street.

In 2012, the Town maintained acceptance of the alley access with improvement of the curb cut as part of the Main Street upgrade project. The more recent field survey and title research determined some degree of cross over of ownership at the "alley" frontage with Main Street, then the separate part as noted for the "Harp Alley" as referenced above.

There is no record of the Town accepting the "alley" into the public street system. However, based on the historical record, it appears that the actions of the interested private parties as well as the Town would indicate this is and has been used as a public access for a number of decades.

At this time, town staff and the town attorney have exhausted their efforts of research and feel confident in the Town's ability to determine what if any action it would like to take on the property. There are a number of options including:

- Leaving the "alley" exist as it does in its current state of ownership and deferring to private parties on access, use and maintenance
- Formally accepting the "alley" into the Town street system and properly improving and maintaining it for use by the public.
- Determining the "alley" to be surplus property and conveying it to private abutting owners through formal land transfer process

Based on general direction from the Mayor and Council during the period of deliberation on this matter, it has been staff's general understanding that the Mayor and Council have interest in option 3.

Recommendation

Staff would recommend the Town proceed with formal determination of which option in which to proceed. If option 3 remains the preferred option then following would be the necessary steps to conduct that process:

Step 1- Confirm offer of the "alley" as surplus public property to the respective adjoining property owner(s).

Step 2- Commence with a resolution for consideration of disposal of surplus property.

Step 3- hold a public hearing for the transfer of ownership of this surplus property.

Step 4 - Proceed to engage each respective property owner for confirmation of acceptance of ownership of each segment of the property to be transferred.

Step 5- Legal Counsel will proceed with draft of plat and associated deed documents for each respective parcel that will need to be "settled" between the town and each transferee.

If option 1 is preferred then no further action would be required at this time on this item. If step 2 is preferred, then staff would commence with consideration of official acceptance and then necessary improvements for long term maintenance.