

**ORDINANCE 290**

**AN ORDINANCE OF THE CITY OF ELKINS, WEST VIRGINIA, TO VACATE, ABANDON AND CLOSE THOSE CERTAIN PUBLIC WAYS KNOWN AS WILMOTH AVENUE BETWEEN YOKUM STREET AND MAIN STREET AND PART OF MAIN STREET WHERE IT INTERSECTS WITH WILMOTH AVENUE**

WHEREAS, the City of Elkins has received a petition from Michele D. Barb and Jim D. Barb ("Petitioners") requesting the vacation, abandonment and closure of Wilmoth Avenue between Yokum Street and Main Street and part of West Main Street where it intersects with Wilmoth Avenue as shown on the attached plat; and

WHEREAS, the Petitioners have complied with the abandonment procedures adopted by the Common Council; and

WHEREAS, on October 20, 2021, the Municipal Properties Committee conducted a public hearing on said petition and found that the unopened public ways known as Wilmoth Avenue and the part of Main Street are of no benefit to the general traveling public, serve no public purpose and are not necessary for the public use or good; and

WHEREAS the interest of the City and its residents will be best served by vacating and abandoning the unopened public rights of way known as Wilmoth Avenue and the part of West Main Street; and

WHEREAS it appearing that the owners of the property abutting said Wilmoth Avenue and the part of West Main Street have been notified of the petition and hearing and it appearing that property or interest of no person, firm or corporation will be damaged or injured by said abandonment; and

WHEREAS the Common Council deems it to be in the public interest that said rights of way known as Wilmoth Avenue between Yokum Street and Main Street and part of West Main Street where it intersects with Wilmoth Avenue, both rights of way be vacated, abandoned and closed as not necessary for the public use or good;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF ELKINS THAT:

1. The public rights of way known as Wilmoth Avenue between Yokum Street and Main Street and part of West Main Street where it intersects with Wilmoth Avenue be and hereby are vacated, abandoned, and closed, and that from and after the final adoption of this Ordinance, the same shall cease to be public roads or ways.

2. A public hearing with regard to the proposed vacation, abandonment and closure was held before the Municipal Properties Committee pursuant to Notice of Hearing published in The Inter-Mountain.

3. Upon final adoption of this Ordinance, quitclaim deeds, reserving all necessary water, sewer and other utility easements, shall be executed by the Mayor to the Petitioners, namely Michele D. Barb and Jim D. Barb, and also to adjoining property owners, James L. Tanner and Helen H. Tanner, Michael J. Morrow and Appalachian Community Health Center, Inc.

4. The quitclaim deeds and a duly certified copy of this Ordinance shall be recorded in the Office of the Clerk of the County Commission of Randolph County, West Virginia.

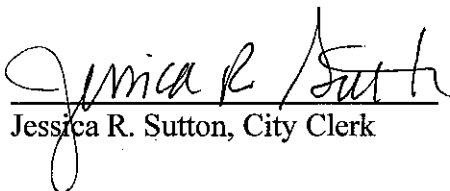
This Ordinance shall become effective upon the date of its final adoption.

**PASSED AND APPROVED ON THE FIRST READING:** November 4, 2021.

**PASSED AND APPROVED ON THE SECOND AND FINAL READING:**  
November 18, 2021.

  
\_\_\_\_\_  
Jerry A. Marco, Mayor

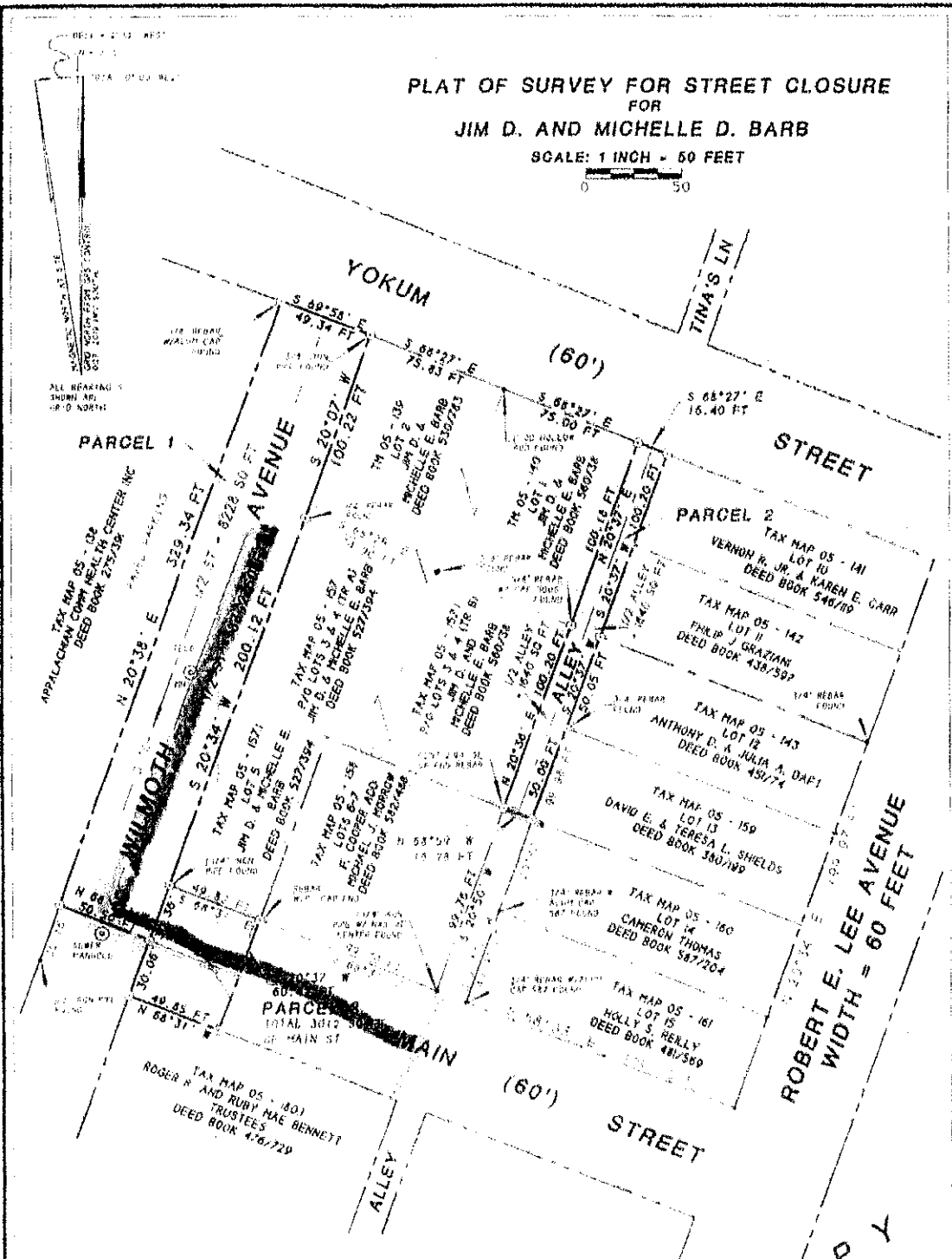
Attest:

  
\_\_\_\_\_  
Jessica R. Sutton, City Clerk

PLAT OF SURVEY FOR STREET CLOSURE  
FOR

JIM D. AND MICHELLE D. BARB

SCALE: 1 INCH = 50 FEET



ELKINS CORPORATION, RANDOLPH COUNTY, WV

The JIM D. AND MICHELLE D. BARB LAND

Made Up Of The Following Tracts:

- 1) First: Lot 5 Of The Floyd Cooper Addition And Second, Being A 75.00 By 100.11 Feet Lot Conveyed By James G. Fox And Nancy J. Fox On August 14, 2008 And Recorded In Deed Book 527 At Page 394, Being Tax Map 05 Parcel's 157 And 157.1
- 2) A 75 Feet By 100 Feet Lot As Was Conveyed Through Quit Claim Deed From Jim D. Barb And Michelle D. Lantz Barb With Rights Of Survivorship On August 1, 2008 And Recorded In Deed Book 530 At Page 783, Being Tax Map 05, Parcel 139.
- 3) Parcel One: Lot 1 At The Corner Of Yokum St Alley Being 75 Feet By 100 Feet And Parcel Two: A 75.00 By 100.11 Feet Lot Shown As Parcel 'B' As Was Conveyed By James G. Fox On March 23, 2013 And Recorded In Deed Book 560 At Page 38, Being Tax Map 05, Parcel 157.2

DRAFT COPY  
 4/22/2021  
 NOT FOR RECORDING

4/22/2021

Surveyed In 2020 And 2021  
By Leon G. Mallos  
Professional Surveyor No 567 Of  
Leon G Mallos Surveying, Inc.  
2000 Piercy Rd. Montrose, WV  
26283