

ORDINANCE 294

AN ORDINANCE OF THE CITY OF ELKINS, WEST VIRGINIA TO VACATE, ABANDON AND CLOSE A CERTAIN PUBLIC RIGHT OF WAY BETWEEN LOT 25 BLOCK C OF THE FIRST SECTION OF THE HILLSIDE ADDITION AND LOT 26 BLOCK D OF THE SECOND SECTION OF THE HILLSIDE ADDITION TO THE CITY OF ELKINS

WHEREAS, the City of Elkins has received a petition from Thomas R. Ross, II and Vidia C. Ross ("Petitioners") requesting the vacation, abandonment and closure of an unopened alley in the Hillside Addition as shown on the attached plat; and

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

WHEREAS, on November 17, 2021, the Municipal Properties Committee conducted a public hearing on said petition and found that the unopened alley is of no benefit to the general traveling public, serves no public purpose and is 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 alley in the Hillside Addition; and

WHEREAS it appearing that the owners of the property abutting the unopened alley are only the Petitioners who have been notified of the 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 right of way known as an unopened alley in the Hillside Addition as shown on the attached plat 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:

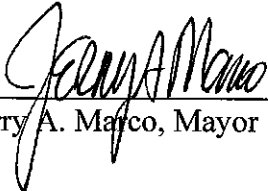
1. The public right of way known as an unopened alley in the Hillside Addition as shown on the attached plat be and hereby vacated, abandoned, and closed, and that from and after the final adoption of this Ordinance, the same shall cease to be public roads or ways.
2. A public hearing with regard to 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, a quitclaim deed, reserving all necessary water, sewer and other utility easements, shall be executed by the Mayor to the Petitioners, namely Thomas R. Ross, II and Vidia C. Ross.

4. The quitclaim deed 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.

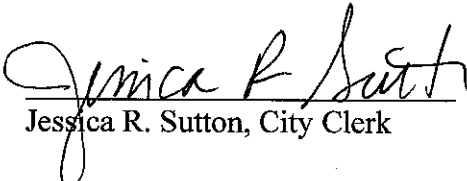
PASSED AND APPROVED ON THE FIRST READING: December 2, 2021.

PASSED AND APPROVED ON THE SECOND AND FINAL READING: December 16, 2021.



Jerry A. Marco, Mayor

Attest:



Jessica R. Sutton, City Clerk

PETITION TO ABANDON UNOPENED ALLEY

1. Petitioners Thomas R. Ross II and Vidia C. Ross hereby petition the Common Council of the City of Elkins to abandon an unopened alley approximately 20 feet in width and 130 feet in length which lies between Lot 25 Block C of the First Section of the Hillside Addition and Lot 26 of Block D of the Second Section of the Hillside Addition and runs from Terrace Avenue on the South to an unopened alley which runs parallel to Terrace Avenue on the North. Said alley is shown on the plat of the said Second Section attached to a Deed of Dedication dated October 3, 1907, dedicating to the public the streets and alleys shown thereon, a copy of which is attached hereto.
2. Petitioners are the sole owners of said Lots 25 and 26 and therefor are the owners of all the real estate abutting each side of the alley. Petitioners also own Lots Nos. 21, 22, 23, 24 of Block C and 27 of Block D of said Second Section.
3. A map of such alley, together with the abutting property owners, prepared by William D. Swecker, engineer and surveyor, is attach hereto.
4. Said alley exists only by means of appearance on the attached plat of the Second Section of the Hillside Addition.
5. Said alley has not, does not and will not in the future serve any public purpose.
6. No person will suffer any special damage as a result of the abandonment of said alley.
7. The abandonment will not unreasonably impede the flow of traffic.

Respectfully submitted

Thomas R. Ross II

Thomas R. Ross II

Vidia C. Ross
Vidia C. Ross

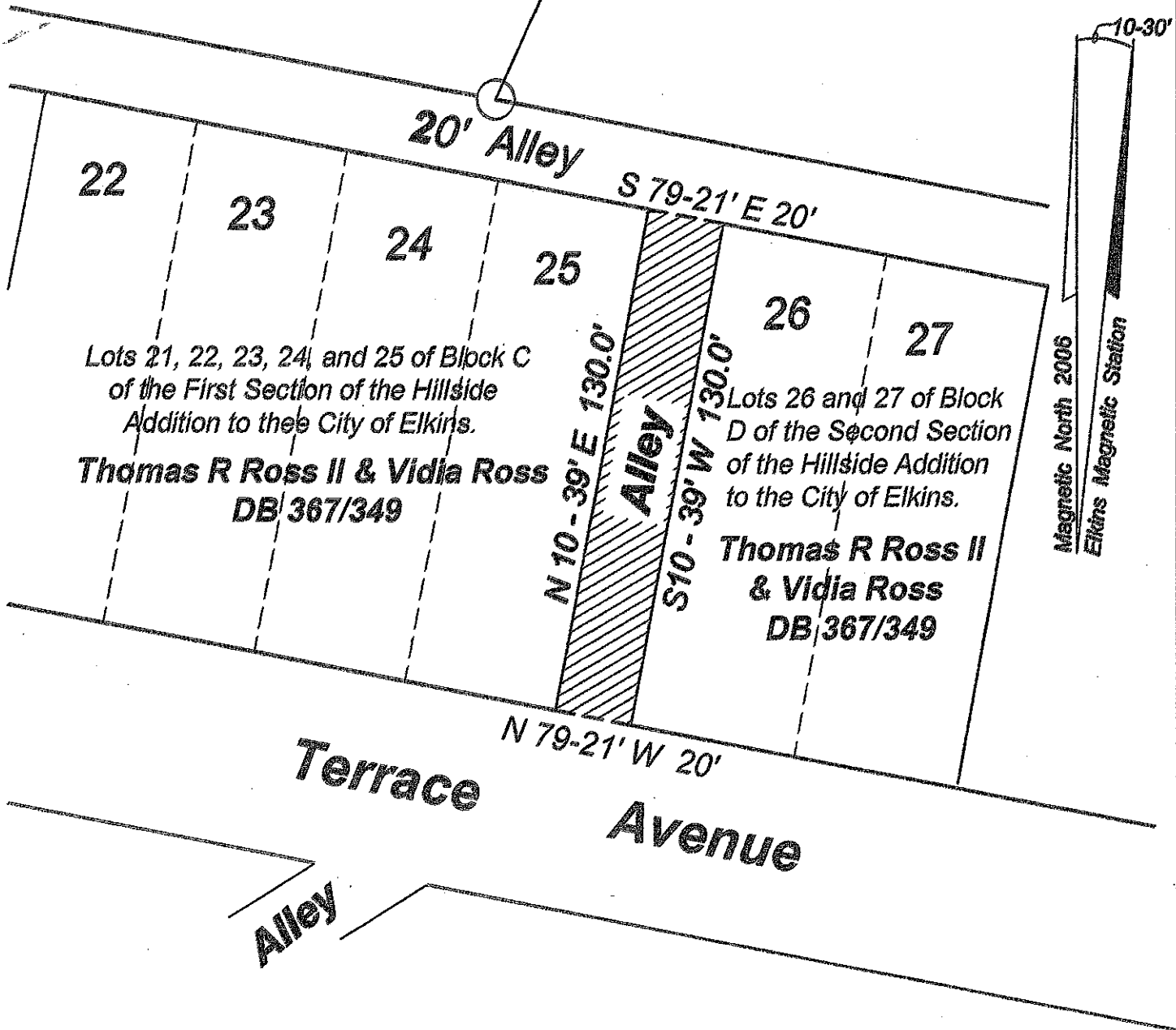
260 Terrace Avenue

364-636-6238

Dated: October 6, 2021

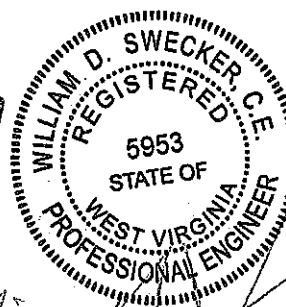
**LIST OF ALL OWNERS OF PROPERTY
ABUTTING ON SUCH ALLEY**

Thomas R. Ross II and Vidia C. Ross



**Alley Closing-Hillside Addition
 City of Elkins**

Scale: 1" = 40'



William D. Swecker

Elkins Corporation
 Randolph County, West Virginia
 Being an alley created when the
 Second Section of the Hillside
 Addition was added adjacent to
 the Original Hillside Addition.
 Tax Map Sheet 14
 Contains 2, 600 S.F.

Prepared from survey of Reservoir
 Lot performed In December 2006
 By William D. Swecker
SWECKER ENGINEERING
 Elkins, West Virginia 26241

HighSt

Property Description for The CITY OF ELKINS

Alley Closing-Hillside Addition

All that tract or parcel of land situate in Elkins Corporation, Randolph County and State of West Virginia, said land being an alley created when the Second Section of the Hillside Addition was added adjacent to the original Hillside Addition on the north side of Terrace Avenue, more particularly bound and described as follows:

Beginning at a point in the northern boundary of Terrace Avenue, said point being the southeast corner of Lot 25 of Block C of the Hillside Addition to the City of Elkins, Said Lot 25 now owned by Thomas R Ross II and Vidia Ross (DB 367/349);

Thence leaving Terrace Avenue with Thomas R Ross II, N 10-39' E 130.0 feet to the southern boundary of a 20 foot wide alley, said point being the north east corner of Lot 25 of Block C as shown on the Hillside Addition to the City of Elkins;

Thence with the southern boundary of the 20 foot wide alley S 79-21' E, 20 feet to the northwest corner of Lot 26 of Block D of the Second Section of the Hillside Addition to the City of Elkins, Said Lot 26 now owned by Thomas R Ross II and Vidia Ross (DB 367/349);

Thence leaving the alley with the line of Thomas R Ross II, S 10-39' W 130.0 feet to the northern boundary of Terrace Avenue, said point being the southwest corner of Lot 26 of Block D as shown on the Second Section of the Hillside Addition to the City of Elkins.

Thence with the northern boundary of Terrace Avenue N 79-21' W, 20 feet to the point of beginning

Containing 2600 Sq. Ft. more or less as Compiled (from Survey of December 2006) by William D. Swecker of Elkins W. Va. and as shown on a plat attached hereto and made a part of this description.

Being that alley created when the Second Section of the Hillside Addition was added adjacent to the original Hillside Addition and is shown on the Second Section of the Hillside Addition Plat.

W. D. Swecker

WILLIAM D. SWECKER, C.E.
REGISTERED PROFESSIONAL ENGINEER
STATE OF WEST VIRGINIA
NO. 5333