

ORDINANCE 295

AN ORDINANCE OF THE CITY OF ELKINS, WEST VIRGINIA TO VACATE, ABANDON AND CLOSE A PORTION OF THOSE CERTAIN PUBLIC RIGHTS OF WAY OF AN UNOPENED ALLEY KNOWN AS COKE LANE WHICH LIES BEHIND THE RANDOLPH COUNTY HOUSING AUTHORITY OWNED PROPERTY KNOWN AS RIVERSIDE PLACE APARTMENTS, FORMERLY KNOWN AS "ALLEGHENY APARTMENTS," LOCATED ON S. DAVIS AVENUE, ELKINS, WEST VIRGINIA

WHEREAS, the City of Elkins has received a petition from the Randolph County Housing Authority ("Petitioner") requesting the vacation, abandonment and closure of a portion of an unopened alley known as Coke Alley as shown on the attached plat; and

WHEREAS, the Petitioner has complied with the abandonment procedures adopted by the Common Council; and

WHEREAS, on January 19, 2022, the Municipal Properties Committee conducted a public hearing on said petition and found that the portion of 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 a portion of an unopened alley known as Coke Alley; and

WHEREAS it appearing that the owner of the property abutting this portion of the unopened alley has been notified of the hearing and has no objection to the petition and it further 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 being a portion of an unopened alley known as Coke Alley 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 being a portion of an unopened alley known as Coke Alley 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.

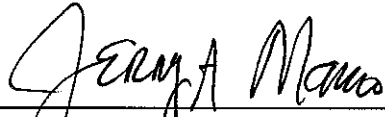
3. Upon final adoption of this Ordinance, a quitclaim deed reserving all necessary water, sewer and other utility easements, shall be executed by the Mayor to the Petitioner, namely Randolph County Housing Authority.

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: February 3, 2022.

**PASSED AND APPROVED ON THE SECOND AND FINAL READING THE 17th DAY
OF February, 2022.**



Jerry A. Marco, Mayor

Attest:



Jessica R. Sutton, City Clerk