

**ORDINANCE 297**

An Ordinance of the Common Council Of Elkins, West Virginia, Pursuant to Petition Filed By Robert L. Morris, Jr., Executive Director, On Behalf of The Randolph County Development Authority, Regarding Certain Tracts of Real Property In Leadsville District, Randolph County, Owned By the Randolph County Development Authority And Known And Identified as Area 1 and Area 2 On The Attached Plat, To Incorporate and Annex Such Property Into The City of Elkins Pursuant To West Virginia Code §8-6-4

**WHEREAS**, The Common Council of the City of Elkins has received a Petition from Robert L. Morris, Jr., Executive Director, on behalf of the Randolph County Development Authority (RCDA) requesting the City of Elkins to annex two tracts of real property namely Area 1 , 69.59 acres more or less and Area 2, 5.09 acres more or less, owned by the RCDA, located in Leadsville District, Randolph County and on a plat attached hereto and both tracts being more particularly described as follows:

AREA 1 – 69.59 ACRES ±  
(Subject to 1.50 Acres for Route 21 R/W)

All that certain lot or parcel of real estate situate in Leadsville District, Randolph County, West Virginia, lying along the northeastern side of County Route 21, and to the east of County Route 21/5, more particularly bounded and described as follows:

Beginning at a point in the center of County Route 21, on the northwestern side of the WV State Rail Authority (454/608), thence with the center of County Route 21, for the following six (6) lines

N 52°32'00" W 503.05 feet to a point, thence with a curve to the left with an arc length of 365.46', a radius of 953.47', and a chord bearing

N 63°30'50" W 363.23 feet to a point, thence

N 74°29'40" W 80.65 feet to a point, thence

N 67°55'00" W 127.19 feet to a point, thence

N 56°31'00" W 73.25 feet to a point, thence

N 53°52'30" W 385.58 feet to a point, corner to other lands of I. O. O. F. (123/520), namely the RESERVED AREA as shown on the hereinafter referred to plat, thence leaving County Route 21, and running with the RESERVED AREA, for the following four (4) lines

N 25°00'00" E at 26.00 feet passing an iron rebar (set), online, in all 351.83 feet to an iron rebar (set), thence

N 38°00'00" W 374.86 feet to an iron rebar (set), thence

N 48°33'00" W 156.30 feet to an iron rebar (set), thence

N 64°30'00" W 97.42 feet to an iron rebar (set), corner to the RESERVED AREA, in a line of N/F City of Elkins (163/140, THIRD), flood control, thence with City of Elkins (163/140, THIRD), flood control

N 30°25'40" E 456.81 feet to an iron rebar (set), in a line of City of Elkins (163/140, THIRD), flood control, in a line of N/F City of Elkins (184/322) railroad grade, thence with the southern side of City of Elkins (184/322) railroad grade

S 81°52'20" E 1,564.86 feet to an angle iron (found), corner to City of Elkins (184/322) railroad grade, on the southwestern side of N/F WV State Rail Authority (454/608), tracks in use, corner to N/F James F. Wilson, Trustee (WB 23/667), thence leaving the City of Elkins and the Rail Authority, and running with Wilson, for two lines

S 07°37'15" W 229.29 feet to an iron rebar (set), thence

S 52°05'00" E 1,674.78 feet to a point in swamp, corner to Wilson, on the northwestern side of N/F WV State Rail Authority (454/608), from which an iron rebar (set), bears S 52°05'00" E 14.00 feet, thence with the northwestern side of WV State Rail Authority (454/608), tracks in use, for the following four (4) lines

S 70°56'00" W 46.40 feet to a point, thence with a curve to the right with an arc length of 123.08', a radius of 413.21', and a chord bearing

S 79°28'00" W 122.63 feet to a point, thence

S 88°00'00" W 334.23 feet to a point, thence with a curve to the left with an arc length of 981.19', a radius of 1,457.69', and a chord bearing

S 68°43'00" W 962.77 feet to a point, thence

S 49°26'00" W at 92.16 feet passing an iron rebar (set), on line, in all 126.51 feet to the point of beginning, containing 69.59 acres, more or less, subject to 1.50 acres, more or less, for County Route 21 right-of-way, as surveyed in December, 2021, by James Bruce Davis, W. V. P. S. #796, and as shown as AREA 1, on a plat attached hereto and made a part of this description.

Being a part of the same real estate conveyed to The Independent Order of Odd Fellows of the State of West Virginia, by The Elkins Development Company, by Deed dated the 1st day of December, 1924, and recorded in the Office of the Clerk of the

County Commission of Randolph County, West Virginia, in Deed Book 123 at page 520. Also being the same real estate conveyed to the Randolph County Development Authority, by the Grand Lodge of the Independent Order of Odd Fellows of West Virginia, by deed dated the 20<sup>th</sup> day of January, 2022 and of record in the aforesaid Clerk's Office in Deed Book 624 at page 181.

AREA 2 – 5.09 ACRES ±

All that certain lot or parcel of real estate situate in Leadsville District, Randolph County, West Virginia, lying to the north of County Route 21, and to the east of County Route 21/5, more particularly bounded and described as follows:

Beginning at an iron rebar (set), southeast of County Route 21/5, on the southwestern side of the Railroad, corner to N/F City of Elkins (163/140, THIRD), flood control, thence with the southwestern side of the Railroad

S 61°05'20" E 986.40 feet to a point, thence

S 64°10'00" E 102.64 feet to an iron rebar (set), on the southwestern side of the Railroad, corner to N/F City of Elkins (184/322), old railroad bed, thence with City of Elkins (184/322), old railroad bed

N 81°52'20" W 1,176.34 feet to an iron rebar (set), in a line of City of Elkins (184/322), old railroad bed, in a line of said City of Elkins (163/140, THIRD), flood control, thence with City of Elkins (163/140, THIRD), flood control

N 30°25'40" E 412.04 feet to the point of beginning, containing 5.09 acres, more or less, as surveyed in December, 2021, by James Bruce Davis, W. V. P. S. #796, and as shown as AREA 2, on a plat attached hereto and made a part of this description.

Being a part of the same real estate conveyed to The Independent Order of Odd Fellows of the State of West Virginia, by The Elkins Development Company, by Deed dated the 1st day of December, 1924, and recorded in the Office of the Clerk of the County Commission of Randolph County, West Virginia, in Deed Book 123 at page 520. Also being the same real estate conveyed to the Randolph County Development Authority, by the Grand Lodge of the Independent Order of Odd Fellows of West Virginia, by deed dated the 20<sup>th</sup> day of January, 2022 and of record in the aforesaid Clerk's Office in Deed Book 624 at page 181.

**WHEREAS**, on February 2, 2022, at a regular meeting of the RCDA, the Board of Directors authorized Robert L. Morris, Jr., Executive Director, to file said Petition and execute any documents necessary to complete the request ; and

**WHEREAS**, West Virginia Code Chapter § 8-6-4 provides that annexation of additional territory may be had without a vote, if the Petition is filed with the City

Council by a majority of the qualified voters of the additional territory to be annexed, and that the Petition to be annexed is filed by the majority of the freeholders of the additional property whether they reside or have a place of business therein or not; and

**WHEREAS**, it has been determined that Robert L. Morris, Jr. possesses the authority to act on behalf of the qualified voters and freeholders of the additional territory to be annexed, namely RCDA, which is the subject of the Petition; and

**WHEREAS**, the Common Council of the City of Elkins has determined that the aforementioned Petition from Robert L. Morris, Jr., Executive Director, on behalf of the RCDA, is sufficient in every respect, pursuant to West Virginia Code § 8-6-4, and that the territory to be annexed is contiguous to the current municipal boundaries.

**NOW THEREFORE**, be it ordained and enacted by the Common Council of the City of Elkins, West Virginia as follows:

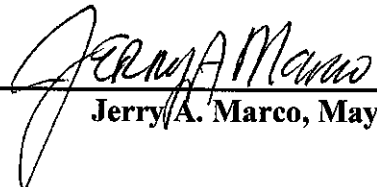
- (1) That the above bounded and described tracts of real property, the boundaries of which are being reflected in a Plat attached hereto and made a part hereof, shall be annexed into the City of Elkins pursuant to the Petition filed by the RCDA and that the annexed area be designated as "D – Industrial " as contemplated by the current zoning use designations. The zoning use district assigned to the designated annexed area shall be shown on the official zoning map of the City of Elkins in the office of the City Clerk.
- (2) That upon passage of this Ordinance, a certificate finding that the Petition for Annexation is sufficient in every respect, shall be forwarded to the County Commission of Randolph County, West Virginia, pursuant to West Virginia Code § 8-6-4(g), notifying the Commission that it shall enter an order as described in West Virginia Code § 8-6-3 describing the annexation of the additional territory to the corporate limits of the City of Elkins.

This Ordinance shall become effective upon passage.

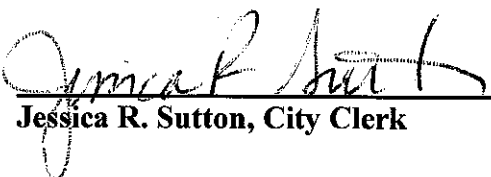
**PASSED AND APPROVED ON FIRST READING March 3, 2022.**

**PASSED AND APPROVED ON SECOND AND FINAL READING THIS 17<sup>th</sup> DAY OF March 2022**

CITY OF ELKINS, WEST VIRGINIA

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

Attest:

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



**RANDOLPH  
COUNTY**  
WEST VIRGINIA

**DEVELOPMENT  
AUTHORITY**  
PLAN ■ INVEST ■ PROSPER

February 22, 2022

The Honorable Jerry Marco  
Mayor, City of Elkins  
401 Davis Avenue  
Elkins, West Virginia 26241

Re: Annexation Request

Dear Mayor Marco,

On behalf of the Randolph County Development Authority, please accept this letter as our official "Petition" to request certain real estate owned by the Randolph County Development Authority be annexed into the corporate limits of the City of Elkins.

Enclosed herewith, please find a plat and two legal descriptions of the property we wish to annex. The parcels are identified on the plat as "Area 1" and "Area 2". During a regular meeting of the Randolph County Development Authority Board of Directors on February 2, 2022, I was authorized to file said petition and execute any documents necessary to complete the request and subsequent annexation. I hereby certify the Randolph County Development Authority is the only freeholder of the real estate included in this annexation request.

We appreciate your consideration of our request and look forward to working with you on this project. Should you have any questions or need additional information, please do not hesitate to contact me.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert L. Morris, Jr.", written over a horizontal line.

Robert L. Morris, Jr.  
Executive Director

Enclosures

Cc: Jessica Sutton, Clerk