

ORDINANCE 303

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF ELKINS, WEST VIRGINIA TO VACATE, ABANDON AND CLOSE A PORTION OF THAT CERTAIN PUBLIC RIGHT OF WAY KNOWN AS GORMAN AVENUE BETWEEN MARTIN STREET AND REED STREET ADJACENT TO THE DAVIS MEDICAL CENTER

WHEREAS, the City of Elkins has received a petition from the Davis Medical Center (“Petitioner”) requesting the vacation, abandonment, and closure of a part of Gorman Avenue between Martin Street and Reed Street; and

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

WHEREAS, on August 17, 2022, the Municipal Properties Committee conducted a public hearing and found, after hearing testimony from Steve Johnson of the Davis Health System, from John Monk of the Department of Highways, from Chief Bennett and from Chief Himes, that abandoning a part of Gorman Avenue between Martin Street and Reed Street would not be detrimental to the traveling public and would be beneficial to the Petitioner, its patients and employees; and

WHEREAS the interest of the City and its residents will be best served by vacating and abandoning a part of the public right of way known as Gorman Avenue between Martin Street and Reed Street adjacent to the Davis Medical Center; and

WHEREAS it appearing that the Petitioner is the sole owner of the property abutting this part of Gorman Avenue between Martin Street and Reed Street 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 public right of way being Gorman Avenue between Martin Street and Reed Street, 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 Gorman Avenue between Martin Street and Reed Street, as shown on the attached plat, be and is hereby vacated, abandoned, and closed, and that from and after the final adoption of this Ordinance, the same shall cease to be a public road or way.
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 the Davis Health System.
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.

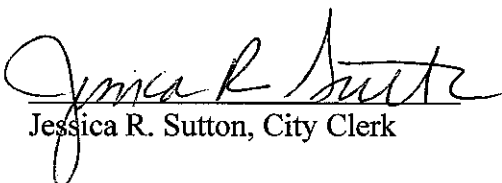
This Ordinance shall become effective upon the date of its final adoption.

PASSED AND APPROVED ON THE FIRST READING: September 1, 2022.

**PASSED AND APPROVED ON THE SECOND AND FINAL READING: September 15,
2022.**


Jerry A. Marco, Mayor

Attest:


Jessica R. Sutton, City Clerk