

**ORDINANCE 313**

**AN ORDINANCE ABANDONING A SECTION OF RIVERBEND ROAD TO WEST VIRGINIA DIVISION OF HIGHWAYS**

WHEREAS, the Common Council has adopted Resolution 1645 ratifying an Agreement between the West Virginia Division of Highways, Randolph County Development Authority (RCDA) and the City of Elkins concerning road work for RCDA's expansion of the Industrial Park; and

WHEREAS, as part of the Agreement the City has agreed to transfer to the West Virginia Division of Highways by a special warranty deed what is known as Riverbend Park Road between CR 219/34 and the intersecting point of the proposed new roadway to be constructed as part of this project without compensation to the City; and

WHEREAS, the RCDA will furnish copies to the City of a legal description and survey plat in order for the City to transfer the exact portions of the City's rights of way that are part of this project; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED that the Common Council authorizes Mayor Marco to sign a special warranty deed describing the exact portions of rights of way to transfer upon the approval of the City Attorney and the West Virginia Board of Public Works.

If any portion of this Ordinance shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof and Common Council determines that it would have adopted this Ordinance without the invalid provision.

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

**PASSED AND APPROVED ON THE FIRST READING: April 6, 2023.**

**PASSED AND APPROVED ON THE SECOND AND FINAL READING: April 20, 2023.**

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Jerry A. Marco, Mayor

Attest:

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Sutton Stokes, City Clerk