

ORDINANCE 328

AN ORDINANCE OF THE CITY OF ELKINS, WEST VIRGINIA TO VACATE, ABANDON AND CLOSE A PORTION OF THAT CERTAIN PUBLIC RIGHT OF WAY KNOWN AS COKE ALLEY OF THE VALLEY IMPROVEMENT COMPANY SOUTH ELKINS ADDITION BETWEEN TENTH STREET AND ELEVENTH STREET

WHEREAS, the City of Elkins has received a petition from Coca-Cola Consolidated, Inc. ("Petitioner") requesting the vacation, abandonment and closure of a portion of Coke Alley of the Valley Improvement Company South Elkins Addition between Tenth Street and Eleventh Street; and

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

WHEREAS, on January 8, 2024, the Municipal Properties Committee conducted a public hearing and found, after hearing testimony from representatives of the Petitioner, from Chief Bennett and from Chief Himes, that abandoning a portion of Coke Alley of the Valley Improvement Company South Elkins Addition would not be detrimental to the traveling public and would be beneficial to the Petitioner and their employees; and

WHEREAS the interest of the City and its residents will be best served by vacating and abandoning a portion of the public right of way known as Coke Alley of the Valley Improvement Company South Elkins Addition between Tenth Street and Eleventh Street; and

WHEREAS it is appearing that the Petitioner or its wholly owned subsidiary is the sole owner of the property abutting this portion of Coke Alley of the Valley Improvement Company South Elkins Addition between Tenth Street and Eleventh 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 a portion of Coke Alley of the Valley Improvement Company South Elkins Addition between Tenth Street and Eleventh 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 portion of the public right of way referred to herein and 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.

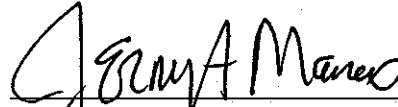
3. Upon final adoption of this Ordinance, a quitclaim deed, reserving all necessary City of Elkins underground water and sewer utility easements, shall be executed by the Mayor to the wholly owned subsidiary of the Petitioner, namely CCBCC Operations LLC, a Delaware limited liability company.

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.

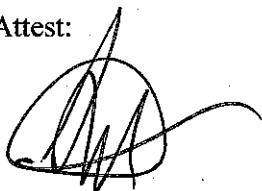
PASSED AND APPROVED ON THE FIRST READING: May 2, 2024.

PASSED AND APPROVED ON THE SECOND AND FINAL READING: May 16, 2024.



Jerry A. Marcq, Mayor

Attest:



Sutton Stokes, City Clerk

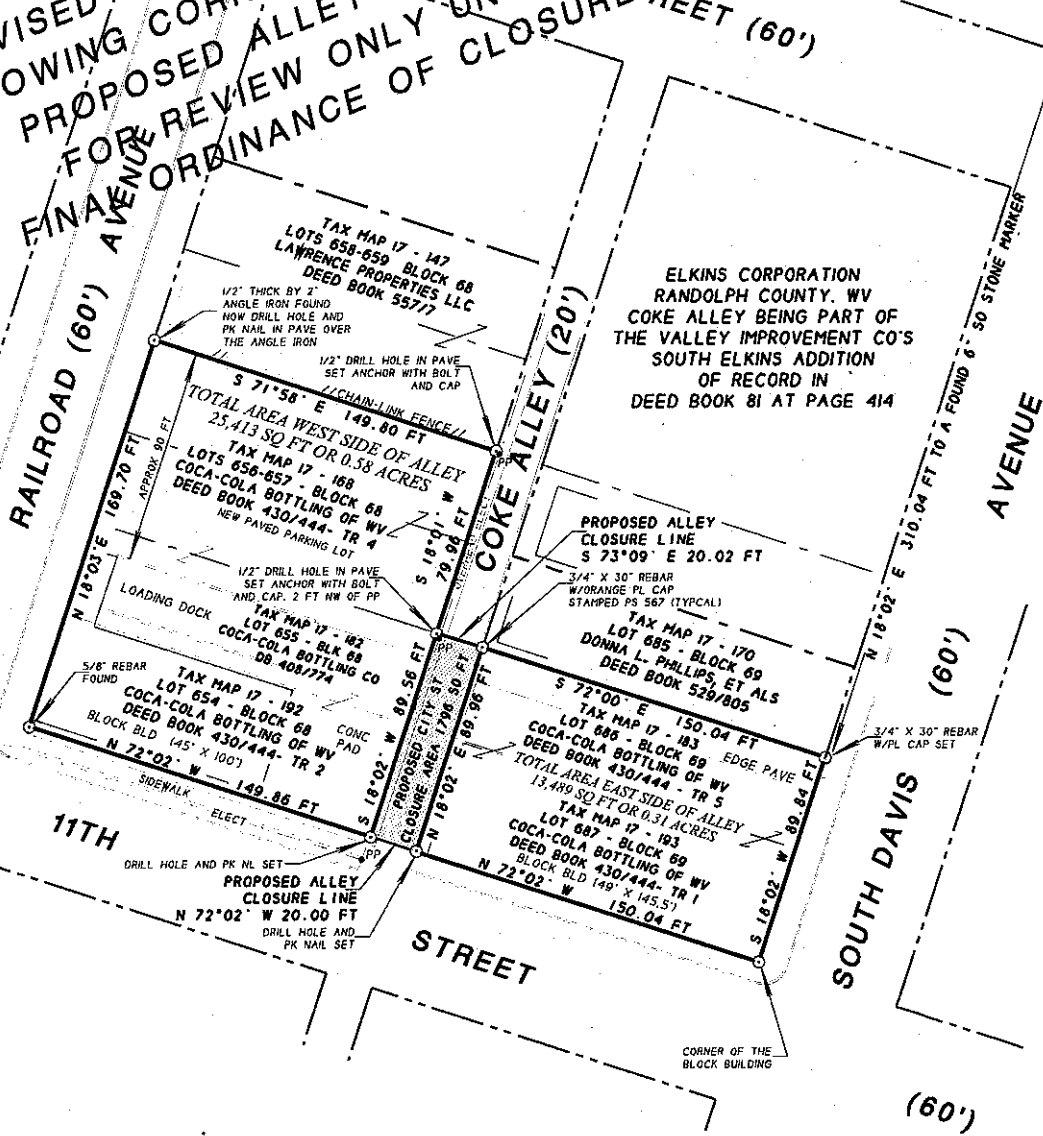
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TOTAL 10° 00' WEST
DECL. - 9° 10' WEST
TN - 0° 50'

MAGNETIC NORTH AT SITE
GRID NORTH FROM GPS CONTROL
MAY 2023 NW SOUTH
ALL BEARINGS
SHOWN ARE GRID

REVISED DRAFT COPY 4/15/2024
SHOWING CORNER MARKERS SET
PROPOSED ALLEY CLOSURE
FOR REVIEW ONLY UNTIL
ORDINANCE OF CLOSURE



PLAT OF SURVEY
FOR
PROPOSED PARTIAL CLOSURE OF COKE ALLEY
COCA-COLA BOTTLING COMPANY OF WV
SCALE: 1 INCH = 50 FEET



ELKINS CORPORATION RANDOLPH COUNTY, WEST VIRGINIA
 Being Part Of The Valley Improvement Co's
 South Elkins Addition Of Record In Deed Book 81 At Page 414
 And Being A Proposed Alley Closure Of A Portion Of The South End Of
 Coke Alley Between Lot 655 Of Block 68 IDB 408/777A And Lot 656 Of
 Block 68 (DB 430/444- TR #2) On The West; And Lot 686, Of Block 69
 (DB 430/44- TR #5) And Lot 687 Of Block 69 (DB 430/444- TR #5) On
 The East As Were Conveyed As Follows:
 1) Coca-Cola Bottling Co. Consolidated To COCA-COLA BOTTLING WORKS
 OF COLUMBIA, TENNESSEE, INC On Nov 2, 1990 Of Record
 In Deed Book 408 At Page 774.
 2) Coca-Cola Bottling Works of Columbia, Tennessee, Inc. To THE COCA-COLA
 BOTTLING COMPANY OF WEST VIRGINIA On December 10, 1993 Of Record
 In Deed Book 430 At Page 444.
 Portion Of Alley Between Tax Map 17, Parcels 182 And 192 On West
 And Tax Map 17, Parcels 183 And 193 On East.

REVISED DRAFT COPY 4/15/2024
SHOWING CORNER MARKERS SET
FOR PROPOSED ALLEY CLOSURE
FOR REVIEW ONLY UNTIL
ORDINANCE OF CLOSURE

Revised Plat 4/15/2024

Site Location in May 2023
By LEON G. MALLOW
Professional Surveyor No. 567 Of
LEON G. MALLOW SURVEYING, INC.
2000 Piercy Rd, Montrose, WV 26283