

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING A RIGHT-OF-WAY AGREEMENT BETWEEN IT, AS GRANTOR, AND MOUNTAINEER GAS COMPANY, AS GRANTEE, AS THE SAME APPLIES TO GAS LINE INSTALLATION THROUGH MORGANTOWN MUNICIPAL AIRPORT REALTY TO WEST VIRGINIA NATIONAL GUARD READINESS CENTER REALTY.

The City of Morgantown hereby ordains that its City Manager is authorized to execute the right-of-way agreement hereto attached by and on behalf of the City of Morgantown.

This Ordinance shall be effective upon date of adoption.

FIRST READING:

MAYOR

ADOPTED:

FILED:

CITY CLERK

RECORDED:

**EASEMENT AND RIGHT-OF-WAY
FORM OPS-38 PAGE 1 OF 2
REV 9/13/11 PROC**

MAP NUMBER	WORK REQUEST NUMBER
397447	

THIS EASEMENT AND RIGHT-OF-WAY, made and entered into this 17th day of April 20 12, between City of Morgantown

having a mailing address of 389 Spruce St., Morgantown WV 26505

hereinafter, whether singular or plural, call the "Grantor," and Mountaineer Gas Company, a West Virginia corporation, with principal offices at 2401 Sissonville Drive, Charleston WV, 25387-1336.

WITNESSETH

That for and in consideration of the sum of One Dollar (\$1.00) paid by Mountaineer Gas Company to Granters, the receipt whereof is hereby acknowledged, the Grantors hereby grant and convey to Mountaineer Gas Company, its successors and assigns, an exclusive easement and right-of-way ten (10) feet wide with five (5) feet on both sides of the proposed pipeline route, with right of ingress and egress thereto, for pedestrians, vehicles and equipment, to construct a pipeline, together with service connections for other landowners, and appurtenant equipment which Mountaineer Gas Company may use in connection with the transportation of gas, oil, petroleum products or any other materials or substances which may be transported singly or in combination through a pipeline; and to operate, maintain, replace or change the size of its pipe without interruption of service, and finally remove said pipeline; service connections and appurtenant equipment; over and through all that certain tract or parcel of land described and recorder in deed book 290, page 293 and situate in Morgantown Co District, Monongalia

County, State of West Virginia, and being more particularly bounded and described as follows:

Map 32 A, Parcel 12 containing 46.09 acres

Bordered north by parcel 2 DB 599/Pg 4 containing 79.55 acres/ 9-21-1961

Bordered south by parcels 20 & 22 DB 365/Pg 92 containing 67.66 acres/ 6-18-1945

Bordered west by parcel 13 DB 368/Pg 392 containing 30 acres/ 9-22-1945

lying east of the Morgantown Corporation & Union District Line

Being the same property from Thomas E. and Mary C. Powell/ February 9th, 1938

****the center of the pipe is to be the center of the R/W

It is distinctly understood and agreed that Mountaineer Gas Company shall be responsible for any damages to persons or property that may result from Mountaineer Gas Company's negligent or careless installation, operation, maintenance or removal of said facilities and/or equipment. Mountaineer Gas Company shall replace and restore the area disturbed by the laying, construction, maintenance or removal of said facilities to as near as practical to its original condition.

All pipe and service connections shall be buried so as not to interfere with the present use of the land. Grantor agrees not to construct any permanent structures over said right-of-way and not to change the grade more than six (6) inches without written permission from Mountaineer Gas Company. The Grantors may fully use and enjoy the said premises except for the purpose hereinbefore granted to Mountaineer Gas Company.

EASEMENT AND RIGHT-OF-WAY

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REV 9/13/11 PROC

This exclusive easement and right-of-way herein granted unto Mountaineer Gas Company, its successors and assigns shall be perpetual, so long as Mountaineer Gas Company or its successors and assigns use the said facilities and equipment for any or all of the purposes hereinbefore set forth. The rights, privileges and terms hereof shall extend to and be binding upon the Grantors, Mountaineer Gas Company and their respective representatives, heirs, grantees, successors and assigns.

This transaction is not a transfer of title to the aforesaid property, and therefore, is not subject to state excise tax provided in Section 11-22-2 of the West Virginia Code.

Under the penalties of fine and imprisonment as provided by law, Mountaineer Gas Company declares the total consideration for said easement and right-of-way transferred by this document to be _____ Dollars (_____).

IN WITNESS WHEREOF, the Grantors have hereto caused this Easement and Right-of-Way to be executed the day and year first above written.

GRANTORS:

STATE OF WEST VIRGINIA

COUNTY OF _____, to wit:

I, _____, a Notary Public in and for said County and State, do certify that _____, whose name is signed to the writing hereto annexed, bearing date on the _____ day of _____, 20____, has the day acknowledged the same before me in my presence.

Given under my hand this _____ day of _____, 20____.
My commission expires _____.

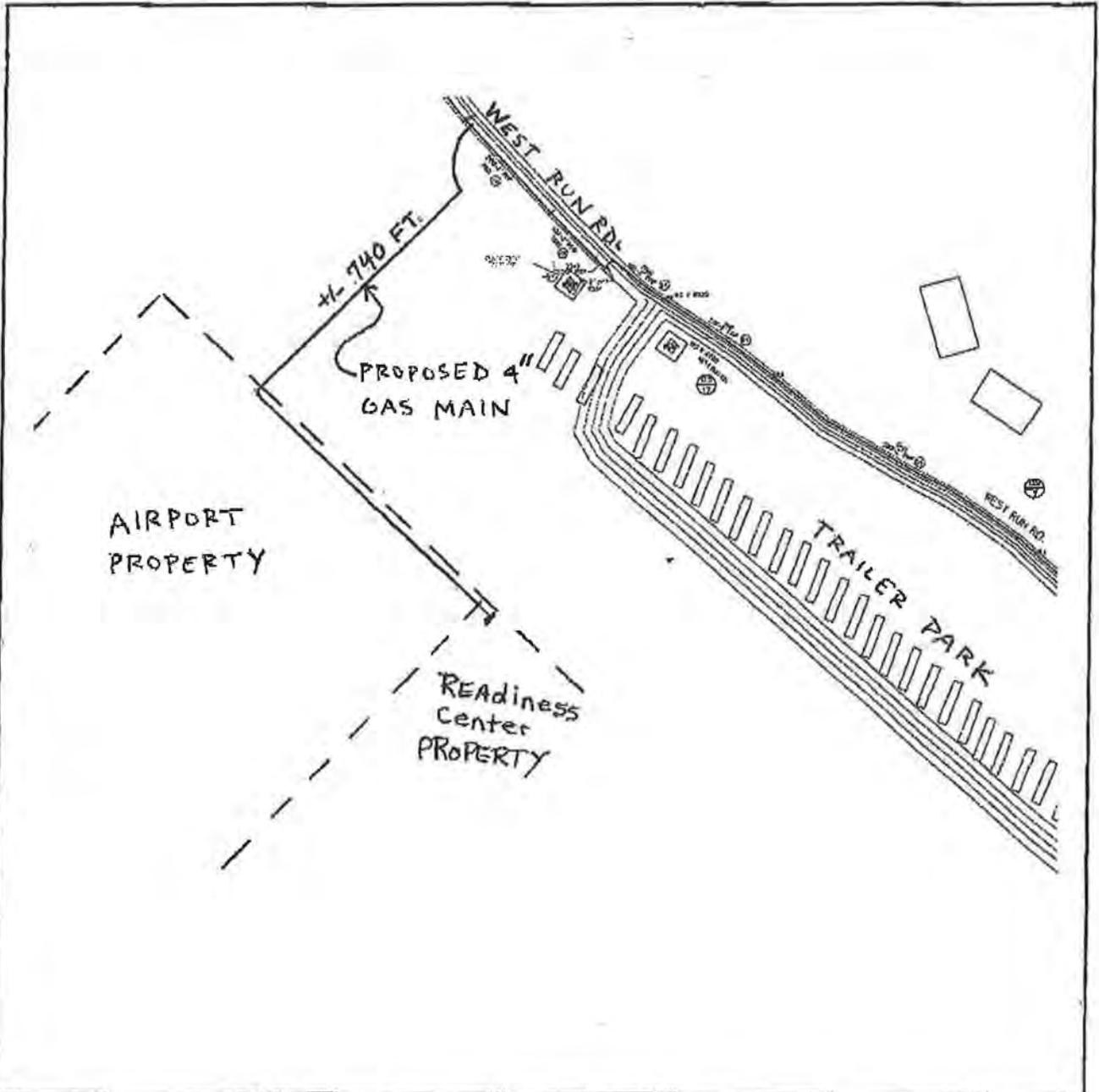
(NOTARY PUBLIC)

Instrument prepared by:

MOUNTAINEER GAS COMPANY

Mike Lewis

304-284-7409



MOUNTAINEER GAS COMPANY			
Service Center:	Kingwood	Site Location:	Morgantown.
Description:	Acquire right of way from City of Morgantown		
County:	Monongalia	Tax District Name:	Morgan
Scale:	MGC Map:	397447	Tax District No.:
Date:	W.O. No.:	Prepared By:	
			LEGEND NORTH ARROW