

AN ORDINANCE VACATING, ABANDONING AND ANNULLING AN APPROXIMATE 50' RIGHT-OF-WAY EXTENDING ALONG A PORTION OF SIXTH STREET AND RUNNING A DISTANCE OF APPROXIMATELY ONE HUNDRED AND NINE FEET IN THE FOURTH WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, NOT USED NOR USEFUL FOR STREET PURPOSES.

WHEREAS, It appears to the Common Council of the City of Morgantown, West Virginia, that a portion of Sixth Street being an approximate 50' wide right-of-way and running a distance of approximately one hundred and nine feet in the Fourth Ward of the City of Morgantown, Monongalia County, West Virginia, and as laid down, designated and dedicated to public use as a street on a map or plat, as shown on the exhibit hereto attached, is not useful for street purposes, is not needed for street purposes, nor for any other public uses and purposes except to reserve and retain sewer and utility rights-of-way and it further appearing that it is in the interests of the City of Morgantown and of the public generally that a portion of Sixth Street being an approximate 50' right-of-way and running a distance of approximately one hundred and nine feet, be vacated, abandoned, and annulled as a public street within said City, and it further appearing that the property of no person, firm or corporation will be injured or damaged thereby, and that the owners of property abutting on said portion of Sixth Street have petitioned the Common Council to vacate, abandon and annul said street.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MORGANTOWN, WEST VIRGINIA, IN REGULAR SESSION ASSEMBLED AS FOLLOWS:

Section 1. That for the reasons hereinbefore set forth that a portion of Sixth Street being an approximate 50' wide right-of-way running a distance of approximately one hundred and nine feet, reserving, however, rights-of-way over the entire width thereof, as shown on the exhibit hereto attached, for storm, sanitary sewers and all other utilities, in the City of Morgantown, West Virginia, is hereby vacated, abandoned, and annulled and from and after the date of the adoption of this ordinance the same shall cease to be a public way or public street within the City of Morgantown, and the easement of the City of Morgantown therein, thereon, and thereover for street purposes is hereby vacated, abandoned and annulled, and all right, titles and interests of the City of Morgantown therein as an easement for street purposes are hereby expressly released.

Section 2. That as set forth in Section 1 of this ordinance the easement and right-of-way of the City of Morgantown for street purposes on and over a portion of Sixth Street being an approximate 50' wide right-of-way and running a distance of approximately one hundred and nine feet, as shown on the exhibit hereto attached, is hereby vacated, abandoned and annulled.

Section 3. That upon the adoption of this Ordinance the City Clerk of the City of Morgantown shall cause a duly certified copy thereof to be recorded in the appropriate deed book in the office of the Clerk of the County Commission of Monongalia County, West Virginia, as evidence of the vacating, abandoning and annulling of said portion of Sixth Street being an approximate 50' wide right-of-way and running a distance of approximately one hundred and nine feet for public uses and public purposes as a public street or public way within the City of Morgantown, and said Clerk shall also file with said certified copy of said ordinance an exhibit showing the location of said street so vacated, abandoned and annulled.

Section 4. Prior to adoption of this ordinance the adjacent land owners shall pay to the City Clerk the cost of this proceeding.

Section 5. This ordinance shall be effective from the date of its adoption.

FIRST READING:

MAYOR

ADOPTED:

FILED:

CITY CLERK

RECORDED:

STATE OF WEST VIRGINIA

COUNTY OF MONONGALIA, to-wit:

I, _____, a Notary Public of said County do hereby certify that Linda L. Little and _____, whose names are signed to the foregoing document, bearing the _____ day of _____, 2013, has this day acknowledged the same before me in my said County.

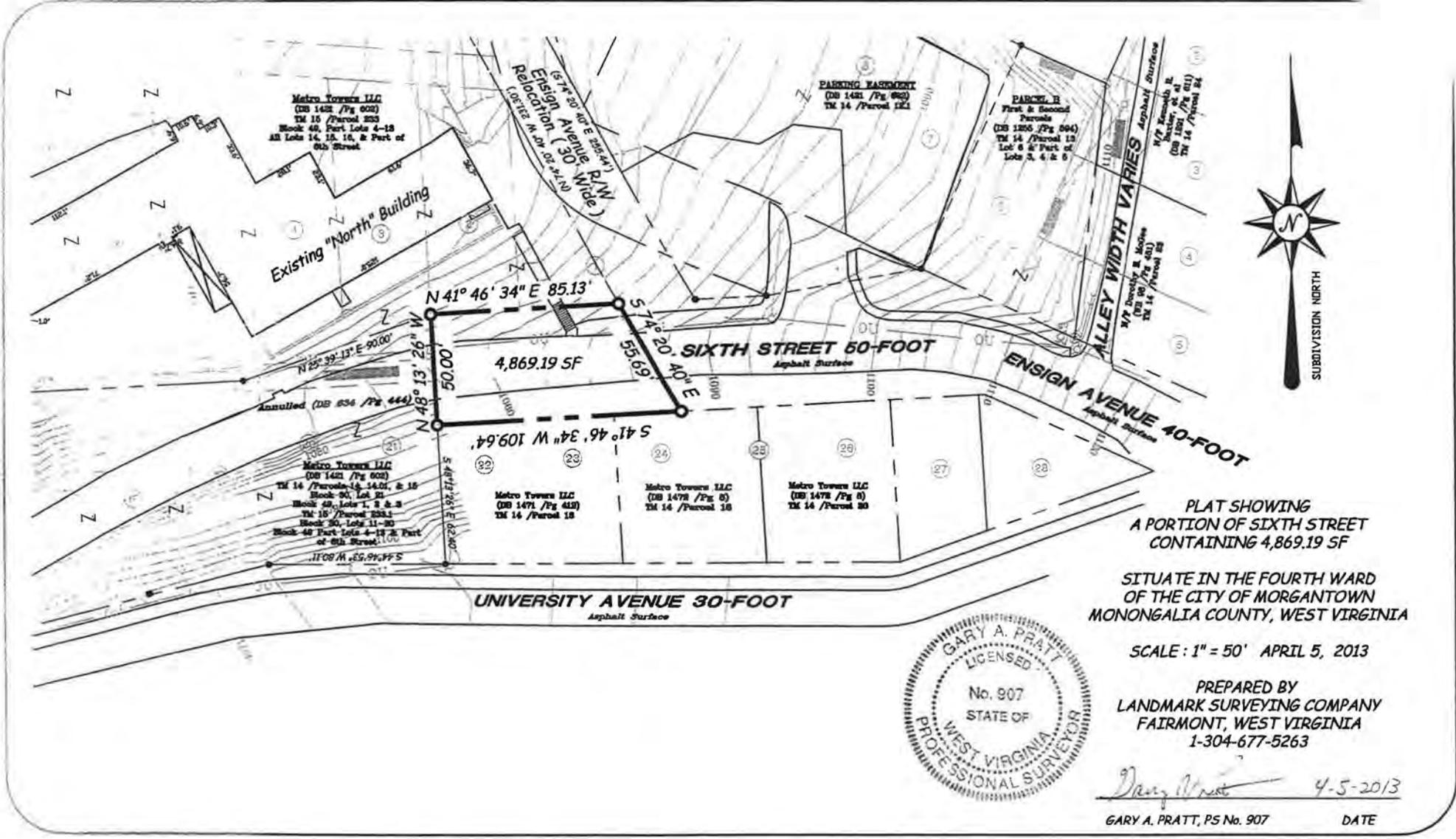
Given under my hand this _____ day of _____, 2013.

My Commission expires _____

Notary Public

This document was prepared by:

Stephen R. Fanok, Esquire
389 Spruce Street
Morgantown, WV 26505



PLAT SHOWING
 A PORTION OF SIXTH STREET
 CONTAINING 4,869.19 SF

SITUATE IN THE FOURTH WARD
 OF THE CITY OF MORGANTOWN
 MONONGALIA COUNTY, WEST VIRGINIA

SCALE: 1" = 50' APRIL 5, 2013

PREPARED BY
 LANDMARK SURVEYING COMPANY
 FAIRMONT, WEST VIRGINIA
 1-304-677-5263



Gary A. Pratt 4-5-2013
 GARY A. PRATT, PS No. 907 DATE