



Office of the City Clerk

The City of Morgantown

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AGENDA
MORGANTOWN CITY COUNCIL
REGULAR MEETING
September 17, 2013
7:00 p.m.

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE TO THE FLAG
4. APPROVAL OF MINUTES: Special & Regular Meetings – September 3, 2013
5. CORRESPONDENCE
6. PUBLIC HEARING:
 - A. PUBLIC HEARING on AN ORDINANCE AMENDING SECTION 333.03 OF THE MORGANTOWN TRAFFIC CODE PROVIDING IMPLIED CONSENT TO TEST FOR CONTROLLED SUBSTANCES OR DRUGS; REMOVING URINE AS A SUBJECT OF TESTING TO DETERMINE ITS ALCOHOL CONTENT OR CONCENTRATION, OR ITS CONTROLLED SUBSTANCE OR DRUG CONTENT; AND SPECIFYING WHERE TESTING CAN BE DONE.
 - B. PUBLIC HEARING on AN ORDINANCE AMENDING SECTION 333.04 OF THE MORGANTOWN TRAFFIC CODE FOR THE INTERPRETATION AND USE OF CHEMICAL TESTS FOR ARRESTS FOR DRIVING A MOTOR VEHICLE UNDER THE INFLUENCE OF ALCOHOL, CONTROLLED SUBSTANCES OR DRUGS.
 - C. PUBLIC HEARING on AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 905.02 OF ITS STREETS, UTILITIES AND PUBLIC SERVICES CODE BY ADDING A NEW SUBSECTION (d) THERETO ADDRESSING THE SALE OF MERCHANDISE UPON SIDEWALKS OF THE CITY.

- D. PUBLIC HEARING on AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 361.09 OF ITS TRAFFIC CODE, AS THE SAME APPLIES TO PUBLIC PARKING SPACES AND THE SALE OF MERCHANDISE IN THE DOWNTOWN BUSINESS DISTRICT OF THE CITY.
- E. PUBLIC HEARING on AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY AND THE STATE OF WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) WHEREBY DEP MAY ENTER UPON MUNICIPAL AIRPORT REALTY TO DETERMINE THE POSSIBLE EXISTENCE OF ADVERSE COAL MINING PRACTICES, AND TO ALSO DETERMINE THE FEASIBILITY OF CONTROL OF ANY SUCH ADVERSE COAL MINING PRACTICES.
- F. PUBLIC HEARING on AN ORDINANCE VACATING ABANDONING AND ANNULLING AN APPROXIMATE 13' WIDE UNNAMED RIGHT-OF-WAY EXTENDING AND RUNNING A DISTANCE OF APPROXIMATELY TWO HUNDRED AND SIXTY SEVEN FEET FROM OAKLAND STREET TO HARDING AVENUE IN THE SEVENTH WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, NOT USED NOR USEFUL FOR STREET PURPOSES.
- G. PUBLIC HEARING on AN ORDINANCE VACATING, ABANDONING AND ANNULLING A 40' WIDE RIGHT-OF-WAY KNOWN AS ST. JOSEPH STREET, EXTENDING AND RUNNING A DISTANCE OF APPROXIMATELY THREE HUNDRED AND TEN FEET FROM OAKLAND STREET TO HARDING AVENUE, IN THE SEVENTH WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, NOT USED NOR USEFUL FOR STREET PURPOSES.
- H. PUBLIC HEARING on AN ORDINANCE VACATING, ABANDONING AND ANNULLING A 40' RIGHT OF WAY KNOWN AS HARDING AVENUE EXTENSION EXTENDING AND RUNNING A DISTANCE OF APPROXIMATELY ONE HUNDRED AND SEVENTEEN FEET TO REALTY OWNED BY THE WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS FROM THE INTERSECTION OF COUNTY CLUB DRIVE AND HARDING AVENUE IN THE SEVENTH WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, NOT USED NOR USEFUL FOR STREET PURPOSES.

- I. PUBLIC HEARING on AN ORDINANCE BY THE CITY OF MORGANTOWN VACATING, ABANDONING, AND ANNULING PARTS OR PORTIONS OF COUNTRY CLUB DRIVE AND ACCEPTING THE DEDICATION OF ADDITIONS TO COUNTRY CLUB DRIVE, LOCATED AND SITUATE IN THE SEVENTH WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, IN CONJUNCTION WITH THE PARTIAL REALIGNMENT AND RELOCATION OF COUNTRY CLUB DRIVE.

7. UNFINISHED BUSINESS:

- A. Consideration of APPROVAL of SECOND READING (ADOPTION) of AN ORDINANCE AMENDING SECTION 333.03 OF THE MORGANTOWN TRAFFIC CODE PROVIDING IMPLIED CONSENT TO TEST FOR CONTROLLED SUBSTANCES OR DRUGS; REMOVING URINE AS A SUBJECT OF TESTING TO DETERMINE ITS ALCOHOL CONTENT OR CONCENTRATION, OR ITS CONTROLLED SUBSTANCE OR DRUG CONTENT; AND SPECIFYING WHERE TESTING CAN BE DONE. (First Reading September 3, 2013)
- B. Consideration of APPROVAL of SECOND READING (ADOPTION) of AN ORDINANCE AMENDING SECTION 333.04 OF THE MORGANTOWN TRAFFIC CODE FOR THE INTERPRETATION AND USE OF CHEMICAL TESTS FOR ARRESTS FOR DRIVING A MOTOR VEHICLE UNDER THE INFLUENCE OF ALCOHOL, CONTROLLED SUBSTANCES OR DRUGS. (First Reading September 3, 2013)
- C. Consideration of APPROVAL of SECOND READING (ADOPTION) of AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 905.02 OF ITS STREETS, UTILITIES AND PUBLIC SERVICES CODE BY ADDING A NEW SUBSECTION (d) THERETO ADDRESSING THE SALE OF MERCHANDISE UPON SIDEWALKS OF THE CITY. (First Reading September 3, 2013)
- D. Consideration of APPROVAL of SECOND READING (ADOPTION) of AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 361.09 OF ITS TRAFFIC CODE, AS THE SAME APPLIES TO PUBLIC PARKING SPACES AND THE SALE OF MERCHANDISE IN THE DOWNTOWN BUSINESS DISTRICT OF THE CITY. (First Reading September 3, 2013)

- E. Consideration of APPROVAL of SECOND READING (ADOPTION) of AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY AND THE STATE OF WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) WHEREBY DEP MAY ENTER UPON MUNICIPAL AIRPORT REALTY TO DETERMINE THE POSSIBLE EXISTENCE OF ADVERSE COAL MINING PRACTICES, AND TO ALSO DETERMINE THE FEASIBILITY OF CONTROL OF ANY SUCH ADVERSE COAL MINING PRACTICES. (First Reading September 3, 2013)

- F. Consideration of APPROVAL of SECOND READING (ADOPTION) of AN ORDINANCE VACATING ABANDONING AND ANNULLING AN APPROXIMATE 13' WIDE UNNAMED RIGHT-OF-WAY EXTENDING AND RUNNING A DISTANCE OF APPROXIMATELY TWO HUNDRED AND SIXTY SEVEN FEET FROM OAKLAND STREET TO HARDING AVENUE IN THE SEVENTH WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, NOT USED NOR USEFUL FOR STREET PURPOSES. (First Reading September 3, 2013)

- G. Consideration of APPROVAL of SECOND READING (ADOPTION) of AN ORDINANCE VACATING, ABANDONING AND ANNULLING A 40' WIDE RIGHT-OF-WAY KNOWN AS ST. JOSEPH STREET, EXTENDING AND RUNNING A DISTANCE OF APPROXIMATELY THREE HUNDRED AND TEN FEET FROM OAKLAND STREET TO HARDING AVENUE, IN THE SEVENTH WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, NOT USED NOR USEFUL FOR STREET PURPOSES. (First Reading September 3, 2013)

- H. Consideration of APPROVAL of SECOND READING (ADOPTION) of AN ORDINANCE VACATING, ABANDONING AND ANNULLING A 40' RIGHT OF WAY KNOWN AS HARDING AVENUE EXTENSION EXTENDING AND RUNNING A DISTANCE OF APPROXIMATELY ONE HUNDRED AND SEVENTEEN FEET TO REALTY OWNED BY THE WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS FROM THE INTERSECTION OF COUNTY CLUB DRIVE AND HARDING AVENUE IN THE SEVENTH WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, NOT USED NOR USEFUL FOR STREET PURPOSES. (First Reading September 3, 2013)

I. Consideration of APPROVAL of SECOND READING (ADOPTION) of AN ORDINANCE BY THE CITY OF MORGANTOWN VACATING, ABANDONING, AND ANNULLING PARTS OR PORTIONS OF COUNTRY CLUB DRIVE AND ACCEPTING THE DEDICATION OF ADDITIONS TO COUNTRY CLUB DRIVE, LOCATED AND SITUATE IN THE SEVENTH WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, IN CONJUNCTION WITH THE PARTIAL REALIGNMENT AND RELOCATION OF COUNTRY CLUB DRIVE. (First Reading September 3, 2013)

J. BOARDS AND COMMISSIONS

8. PUBLIC PORTION WHICH SHALL BE SUBJECT TO RULES ESTABLISHED BY COUNCIL AND ADOPTED BY RESOLUTION

9. SPECIAL COMMITTEE REPORTS

10. CITY MANAGER'S REPORT:

INFORMATION:

1. High Street Streetscape Complete

NEW BUSINESS:

1. FY13 Annual Reports of Police & Fire Pension Funds

2. Morgantown Human Rights Commission Requests

3. Brand Development Opportunity for the City of Morgantown

11. REPORT FROM CITY CLERK

12. REPORT FROM CITY ATTORNEY

13. REPORT FROM COUNCIL MEMBERS

14. ADJOURNMENT

If you need an accommodation contact us at (304) 284-7439

SPECIAL MEETING SEPTEMBER 3, 2013:

The special meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, September 3, 2013 at 6:05 p.m.

PRESENT: Mayor Jenny Selin, and Council Members, Ron Bane, Bill Kawecki, Wes Nugent, Marti Shamberger, Mike Fike, Nancy Ganz and City Clerk Linda Little.

The meeting was called to order by Mayor Selin.

INTERVIEWS TO FILL ONE VACANCY ON THE HUMAN RIGHTS COMMISSION:

Council Members interviewed each applicant: Robert Jones and Frances Whiteman (Mustafa Rfat, Nancy Ulrich and Kelly Kimble withdrew) Questions were posed to the candidates who applied to fill the vacancy.

Following the interviews, council moved into executive session in order to discuss the results of the interviews and make a determination on which applicant will be chosen to serve the Board.

EXECUTIVE SESSION:

Motion by Councilor Bane, second by Councilor Nugent, to go into executive session pursuant to Section 6-9A-4(b)-2(A) of the West Virginia Code in order to discuss personnel matters with the following persons present; Mayor Selin, and Council Members. Time 6:50 pm

ADJOURNMENT:

There being no further business, Council adjourned the special meeting at 7:00 pm.

City Clerk

Mayor

***A FULL TRANSCRIPT OF ALL COUNCIL MEETINGS IS AVAILABLE ON CD AT THE MORGANTOWN CITY LIBRARY.**

REGULAR MEETING, SEPTEMBER 3, 2013: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, September 3, 2013 at 7:00P.M.

PRESENT: City Manager Jeff Mikorski, Assistant City Manager of Operations Glen Kelly, City Attorney Steve Fanok, City Clerk Linda Little, Mayor Jenny Selin and Council Members: Ron Bane, Bill Kawecki, Wes Nugent, Marti Shamberger, Mike Fike and Nancy Ganz.

APPROVAL OF MINUTES: The minutes of the Regular and Special Meetings of August 20, 2013 were approved as presented.

CORRESPONDENCE: Mayor Selin read a letter from Michael Brieding requesting that all BOPARC facilities be tobacco free.

PUBLIC HEARING – AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF TWO PARCELS OF REAL ESTATE IN THE THIRD AND FIFTH WARDS OF THE CITY OF MORGANTOWN FROM R-2, SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT AND B-2, SERVICE BUSINESS DISTRICT TO B-4, GENERAL BUSINESS DISTRICT BY AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT HERETO ATTACHED AND FULLY DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WAS FULLY SET FORTH HEREIN.

There being no appearances, Mayor Selin declared the public hearing closed.

PUBLIC HEARING – AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF ONE PARCEL OF REAL ESTATE IN THE FOURTH WARD OF THE CITY OF MORGANTOWN FROM B-1, NEIGHBORHOOD BUSINESS DISTRICT TO B-2, SERVICE BUSINESS DISTRICT BY AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WAS FULLY SET FORTH HEREIN.

There being no appearances, Mayor Selin declared the public hearing closed.

PUBLIC HEARING – AN ORDINANCE BY THE CITY OF MORGANTOWN CREATING ARTICLE 162 WITHIN ITS ADMINISTRATIVE CODE, ESTABLISHING A WOODBURN SCHOOL REDEVELOPMENT COMMISSION.

There being no appearances, Mayor Selin declared the public hearing closed.

UNFINISHED BUSINESS:

AN ORDINANCE REZONING TWO PARCELS OF REAL ESTATE IN THE THIRD AND FIFTH WARDS: The above entitled Ordinance was presented for second reading.

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF TWO PARCELS OF REAL ESTATE IN THE THIRD AND FIFTH WARDS OF THE CITY OF MORGANTOWN FROM R-2, SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT AND B-2, SERVICE BUSINESS DISTRICT TO B-4, GENERAL BUSINESS DISTRICT BY AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN AS

SHOWN ON THE EXHIBIT HERETO ATTACHED AND FULLY DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WAS FULLY SET FORTH HEREIN.

Motion by Shamberger, second by Nugent, to adopt the above entitled ordinance. Motion carried 7-0.

AN ORDINANCE REZONING ONE PARCEL OF REAL ESTATE IN THE FOURTH WARD: The below entitled Ordinance was presented for second reading:

AN ORDINANCE PROVIDING FOR THE ZONING RECLASSIFICATION OF ONE PARCEL OF REAL ESTATE IN THE FOURTH WARD OF THE CITY OF MORGANTOWN FROM B-1, NEIGHBORHOOD BUSINESS DISTRICT TO B-2, SERVICE BUSINESS DISTRICT BY AMENDING ARTICLE 1331 OF THE PLANNING AND ZONING CODE OF THE CITY OF MORGANTOWN AS SHOWN ON THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WAS FULLY SET FORTH HEREIN.

Motion by Bane, second by Nugent to adopt the above entitled ordinance. Motion carried 7-0.

AN ORDINANCE CREATING A WOODBURN SCHOOL COMMISSION: The below entitled Ordinance was presented for second reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN CREATING ARTICLE 162 WITHIN ITS ADMINISTRATIVE CODE, ESTABLISHING A WOODBURN SCHOOL REDEVELOPMENT COMMISSION.

Motion by Shamberger, second by Nugent to adopt the above entitled ordinance. After discussion, Councilor Fike suggested other commissions share their ideas with this committee. Motion carried 7-0.

BOARDS AND COMMISSIONS: The following appointments were approved by acclamation: Building Commission; Gary Murdock will serve another 5 year term. Historic Landmarks; Bill Kawecki will serve as Council Representative. Metropolitan Theatre; Marti Shamberger will serve as Council Representative. Museum Commission; Pam Ball will serve another 5 year term. Sister Cities; Mike Fike will serve as Council Representative.

After discussion, Motion by Nugent, second by Bane to nominate Robert Jones to the Human Rights Commission. Motion failed 2-5. (Councilors Kawecki, Shamberger, Fike, Ganz, and Mayor Selin voted NO)

Motion by Shamberger, second by Fike, to appoint Frances Whiteman to the Human Rights Commission. Motion carried 5-2, appointing Frances Whiteman. (Councilors Bane and Nugent voted NO).

By acclamation, Council requested the Clerk to post the Boards and Commissions list on Drop Box as changers are made on the list.

PUBLIC PORTION:

There being no appearances, Mayor Selin declared the public portion closed.

SPECIAL COMMITTEE REPORTS: Deputy Mayor Shamberger stated that tobacco use issues will be discussed at the next BOPARC meeting.

NEW BUSINESS:

AN ORDINANCE AMENDING THE TRAFFIC CODE, IMPLIED CONSENT FOR DRUGS OR ALCOHOL TESTING: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING SECTION 333.03 OF THE MORGANTOWN TRAFFIC CODE PROVIDING IMPLIED CONSENT TO TEST FOR CONTROLLED SUBSTANCES OR DRUGS; REMOVING URINE AS A SUBJECT OF TESTING TO DETERMINE ITS ALCOHOL CONTENT OR CONCENTRATION, OR ITS CONTROLLED SUBSTANCE OR DRUG CONTENT; AND SPECIFYING WHERE TESTING CAN BE DONE.

Motion by Nugent, second by Bane to pass the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE AMENDING THE TRAFFIC CODE, CHEMICAL TESTS FOR DUI ARRESTS: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING SECTION 333.04 OF THE MORGANTOWN TRAFFIC CODE FOR THE INTERPRETATION AND USE OF CHEMICAL TESTS FOR ARRESTS FOR DRIVING A MOTOR VEHICLE UNDER THE INFLUENCE OF ALCOHOL, CONTROLLED SUBSTANCES OR DRUGS.

Motion by Shamberger, second by Ganz to pass the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF MORGANTOWN: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF MORGANTOWN TO ESTABLISH A B-2 SERVICE BUSINESS DISTRICT ZONING CLASSIFICATION FOR CERTAIN REALTY ANNEXED INTO THE CITY BY ORDINANCE ON MAY 21, 2013 AS SHOWN ON THE EXHIBIT HERETO ATTACHED AND DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WAS FULLY SET FORTH HEREIN.

Motion by Fike, second by Ganz to pass the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE ADDRESSING THE SALE OF MERCHANDISE UPON SIDEWALKS OF THE CITY: The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 905.02 OF ITS STREETS, UTILITIES AND PUBLIC SERVICES CODE BY ADDING A NEW SUBSECTION (d) THERETO ADDRESSING THE SALE OF MERCHANDISE UPON SIDEWALKS OF THE CITY.

Motion by Nugent, second by Ganz to pass the above entitled Ordinance to second reading. Motion carried 7-0.

AN ORDINANCE AMENDING TRAFFIC CODE, SALE OF MERCHANDISE IN DOWNTOWN PARKING SPACES: The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 361.09 OF ITS TRAFFIC CODE, AS THE SAME APPLIES TO PUBLIC PARKING SPACES AND THE SAME OF MERCHANDISE IN THE DOWNTOWN BUSINESS DISTRICT OF THE CITY.

Motion by Nugent, second by Ganz to pass the above entitled Ordinance to second reading. After explanation from the City Manager and discussion, motion carried 7-0.

AN ORDINANCE AUTHORIZING AN AGREEMENT FOR DEP ACCESS TO AIRPORT REALTY: The below entitled Ordinance was presented for first reading:

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY AND THE STATE OF WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) WHEREBY DEP MAY ENTER UPON MUNICIPAL AIRPORT REALTY TO DETERMINE THE POSSIBLE EXISTENCE OF ADVERSE COAL MINING PRACTICES, AND TO ALSO DETERMINE THE FEASIBILITY OF CONTROL OF ANY SUCH ADVERSE COAL MINING PRACTICES.

Motion by Shamberger, second by Bane to pass the above entitled Ordinance to second reading. After explanation from the City Manager and discussion, motion carried 7-0.

AN ORDINANCE ANNULING A 13' WIDE UNNAMED RIGHT-OF-WAY IN THE SEVENTH WARD: The below entitled Ordinance was presented for first reading:

AN ORDINANCE VACATING ABANDONING AND ANNULING AN APPROXIMATE 13' WIDE UNNAMED RIGHT-OF-WAY EXTENDING AND RUNNING A DISTANCE OF APPROXIMATELY TWO HUNDRED AND SIXTY SEVEN FEET FROM OAKLAND STREET TO HARDING AVENUE, IN THE SEVENTH WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, NOT USED NOR USEFUL FOR STREET PURPOSES.

Motion by Ganz to table, failed for lack of a second. Motion by Nugent, second by Bane to pass the above entitled Ordinance to second reading. After explanation from the City Manager and City Attorney, discussion then continued. The question was called and the main motion carried 6-1. (Councilor Ganz voted NO)

AN ORDINANCE ANNULING ST. JOSEPH STREET IN THE SEVENTH WARD: The below entitled Ordinance was presented for first reading:

AN ORDINANCE VACATING ABANDONING AND ANNULING AN APPROXIMATE 40' WIDE RIGHT-OF-WAY KNOWN AS ST. JOSEPH STREET, EXTENDING AND RUNNING A DISTANCE OF APPROXIMATELY THREE HUNDRED AND TEN FEET FROM OAKLAND STREET TO HARDING AVENUE, IN THE SEVENTH WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, NOT USED NOR USEFUL FOR STREET PURPOSES.

Motion by Shamberger, second by Kawecki to pass the above entitled Ordinance to second reading. Motion carried 6-1. (Councilor Ganz voted NO)

AN ORDINANCE ANNULING HARDING AVENUE EXTENSION IN THE SEVENTH WARD: The below entitled Ordinance was presented for first reading:

AN ORDINANCE VACATING ABANDONING AND ANNULLING AN APPROXIMATE 40' WIDE RIGHT-OF-WAY KNOWN AS HARDING AVENUE EXTENSION, EXTENDING AND RUNNING A DISTANCE OF APPROXIMATELY ONE HUNDRED AND SEVENTEEN FEET TO REALTY OWNED BY THE WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS FROM THE INTERSECTION OF COUNTRY CLUB DRIVE AND HARDING AVENUE IN THE SEVENTH WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, NOT USED NOR USEFUL FOR STREET PURPOSES.

Motion by Bane, second by Shamberger to pass the above entitled Ordinance to second reading. Motion carried 6-1. (Councilor Ganz voted NO)

AN ORDINANCE ANNULLING PORTIONS OF, AND ACCEPTING ADDITIONS TO, COUNTRY CLUB DRIVE IN THE SEVENTH WARD: The below entitled Ordinance was presented for first reading:

AN ORDINANCE BY THE CITY OF MORGANTOWN VACATING, ABANDONING AND ANNULLING PARTS OR PORTIONS OF COUNTRY CLUB DRIVE AND ACCEPTING THE DEDICATION OF ADDITIONS TO COUNTRY CLUB DRIVE, LOCATED AND SITUATE IN THE SEVENTH WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, IN CONJUNCTION WITH THE PARTIAL REALIGNMENT AND RELOCATION OF COUNTRY CLUB DRIVE.

Motion by Kawecki, second by Shamberger to pass the above entitled Ordinance to second reading. Motion carried 6-1. (Councilor Ganz voted NO)

A RESOLUTION OF THE CITY OF MORGANTOWN STATING THE REASONABLE EXPECTATION TO REIMBURSE THE CITY OF MORGANTOWN AND CAMPUS NEIGHBORHOODS REVITALIZATION CORPORATION FOR CAPITAL EXPENDITURES MADE PRIOR TO THE ISSUANCE OF TAX-EXEMPT BONDS: The above entitled Resolution was presented for approval:

Motion by Kawecki, second by Ganz to pass the above entitled Ordinance to second reading. After explanation from the City Manager, motion carried 7-0.

CITY MANAGERS REPORT:

INFORMATION:

1. Tree Board to Plant Trees at Morgantown Public Library

City Manager Jeff Mikorski explained that in support of the Tree Board and Arbor Day, trees will be planted in front of the Library. The City will work to resurface sidewalks; planters will replace brick tree pits with new concrete pits to eliminate tripping hazards.

NEW BUSINESS:

1. River Town Program Update

After explanation from the City Manager, motion by Nugent, second by Bane to accept the letter of interest written by the Manager and accept the City's participation in the program. Motion carried 6-0. (Mayor Selin recused herself from both the discussion and the vote.)

2. Budget Amendment to transfer \$10,000 to BOPARC to correct a moisture problem at Metropolitan Theatre.

After explanation from the City Manager, and discussion by Council, Motion by Bane, second by Nugent to approve of the transfer of \$10,000 to assist BOPARC in the repair of the moisture problem at the Metropolitan Theatre.

REPORT FROM CITY CLERK: No Report

REPORT FROM CITY ATTORNEY: No Report

REPORT FROM COUNCIL MEMBERS:

Councilor Bane: Councilor Bane spoke about the City Election, and the voter's responsibility to get out to the polls. He praised the election and the City Clerk and suggested that the entire finance department area be cordoned off to avoid problems in the future. He feels that it is important to participate and go to the polls to vote.

Councilor Kawecki Councilor Kawecki appreciated Councilor Bane's comments about the election. He feels that Council should make it easy and efficient to vote, while citizens should exercise their right to vote as well. He also praised the City Clerk for her work.

Councilor Nugent: Councilor Nugent announced an upcoming exhibit at the History Museum, celebrating West Virginia's statehood.

Councilor Shamberger: Councilor Shamberger thanked those responsible for the opportunity to attend the WVU Game with other local delegates and Senator Manchin. She announced events of the Woodburn neighborhood association including a cleanup, picnic and music. She added that citizens should vote and participate in government. She stated that absentee voting is not the same as Vote by Mail because the entire election is not conducted by mail.

Councilor Fike: Councilor Fike stated that he has learned many things in his time on Council, and shared that he watched a webinar about the University of Iowa, and that at a more appropriate time he would share more details. He noted that his constituents have been inquiring about the urban agriculture issue and hoped that it would not be set on the back burner. Discussion then took place about the process for working up recommendations to move forward with urban agriculture.

Councilor Ganz: Councilor Ganz stated that she feels it is council's job to encourage citizens to vote. She also appreciated the Clerk's report on electoral processes. She hoped that in the future decorum and respect will take precedent at the next municipal election. She clarified her no vote on the annulments; stating that because the University did not participate in the master planning of the City, she could not approve of the annulment, also in

accordance with the wishes of her constituency. She thanked the Fire Marshall for his recent activity report. She thanked Mr. Kelly for explaining the employee evaluation process to the Suncrest Neighborhood association. She also thanked the Year of the Tree committee and the organizers of the Chestnut Ridge park event.

Mayor Selin:

Mayor Selin announced several upcoming events including the continuing Farmer's Market, a Difference Voices event at the MAC, Whoopi Goldberg at the CAC, and the Blood Drive. She thanked all those who applied for the Human Rights Commission. She noted a Capital Steps performance at the Met Theatre, and neighborhood clean-up events, which the City can assist with in providing trucks and bags.

ADJOURNMENT: There being no further items of business or discussion, the meeting adjourned by unanimous consent at 8:15 p.m.

City Clerk

Mayor

*A FULL TRANSCRIPT OF ALL COUNCIL MEETINGS IS AVAILABLE ON DVD AT THE MORGANTOWN CITY LIBRARY.



Office of the City Manager

The City of Morgantown

Jeff Mikorski, ICMA-CM
City Manager
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City Manager's Report for City Council September 17, 2013

Information:

1. High Street Streetscape Project Complete

As of September 11, 2013 the High Street Streetscape project is officially complete. The West Virginia Division of Highways will be paving High Street soon and the City will continue to make minor improvements to enhance and maintain the Streetscape as problems and issues are presented. As an example of the ongoing maintenance, a City's contractor has started power cleaning the sidewalks along High Street and a portion of Clay Street in the Wharf District. Sidewalk cleaning will be complete in the coming weeks.

New Business:

1. Fiscal year 2013 Annual Reports of Police and Fire Pension Funds

As seen in the attached memo from Finance Director J.R. Sabatelli these pension reports are required by the West Virginia Municipal Pensions Oversight Board. I recommend City Council move to accept these reports and send them to the state Board.

2. Morgantown Human Right Commission Requests

- a. The Human Rights Commission requests that City Council approve the attached logo, prepared for the Human Rights Commission by Professor Eva Faulks of the WVU Graphics Department.
- b. The Human Rights Commission requests that City Council appoint Tim Hairston (Vice Chairman of the State Human Rights Commission) who has been regularly attending the Morgantown Human Rights Commission meetings and will serve as a liaison between the two agencies, as an ex-officio member of the Commission.

3. Brand Development Opportunity for the City of Morgantown

The City of Morgantown has been known for many things including West Virginia University, recreation, healthcare, thriving commerce, and historic preservation; but has not looked at creating a separate, distinct identity to be used to encourage the "sense of place" or market ourselves for economic development initiatives other than the symbolic "M" that appears on the above letterhead. With the amount of development in and around the City, I feel it is important now, more than ever, to showcase and market the City and its tremendous assets of history, neighborhood, education, business growth, and opportunity. Main Street Morgantown has contracted with Arnett Muldrow & Associates to assist with their marketing development. We can take advantage of the economies of scale and work with this same firm. I recommend that \$9,500 be allocated to the Capital Escrow fund from the Capital Escrow contingency line for the use of brand development for the City of Morgantown.


Jeff Mikorski ICMA-CM,
Morgantown City Manager

City of Morgantown

Finance Department

389 Spruce Street

Morgantown, WV 26505

Phone (304) 284-7407/Fax 7418

MEMO

DATE: September 11, 2013

TO: Jeff Mikorski, ICMA-CM, City Manager

FROM: J.R. Sabatelli, CPA, Finance Director 

RE: FY13 Annual Reports of Police & Fire Pension Funds

Attached are copies of the Annual Reports for the fiscal year ended June 30, 2013 for the Morgantown Police and Fire Pension Funds required by the WV Municipal Pensions Oversight Board. Please include this item on the agenda for the September 17th City Council meeting as part of your City Manager's report. Once Council approves the reports, we will be able to make requests for the State's insurance tax allocation.

The most recent actuarial valuation is the 7/1/11 valuation. Pension fund balances have changed as follows:

	<u>FY11</u>	<u>FY12</u>	<u>FY13</u>
Policemen's Pension	\$12,867,840	\$12,779,244	\$12,600,466
Firemen's Pension	\$10,056,586	\$10,106,257	\$10,083,656

The funded ratio for the two plans decreased from the previous actuarial valuation as follows:

	<u>7/1/09</u>	<u>7/1/10</u>	<u>7/1/11</u>
Policemen's Pension	38.26%	29.33%	31.79%
Firemen's Pension	34.79%	29.19%	31.48%

Please let me know if you have any questions or need additional information.

**Annual Report of Policemen's and Firemen's Pension and Relief Funds
to the Municipal Pensions Oversight Board
as required by WV Code §8-22-19(d)(1)(B) and §8-22-22a(a)**

Pension Fund Morgantown Policemen's Pension & Relief Fund

Treasurer Joseph R. Sabatelli, Finance Director

Municipality City of Morgantown, West Virginia

Fiscal Year (July 1 - June 30) July 1, 2012 - June 30, 2013

Actuarial Funding Method

<input type="checkbox"/>	Standard Funding Method
<input type="checkbox"/>	Optional Funding Method
<input checked="" type="checkbox"/>	Alternative Funding Method (107%)
<input type="checkbox"/>	% Necessary to Maintain Plan Solvency for 15 Years
<input type="checkbox"/>	Conservation Funding Method

PART I		Item	Amount
Beginning Fair Value of Pension Plan		July 1	\$ 12,779,244.31
I. Revenue During Fiscal Year			
1. Employee Contributions for employees hired prior to Jan. 1, 2010	Percent of Gross Salary	7.00%	\$ 32,383.70
Total amounts contributed by employees or withheld from their salaries			
2. Employee Contributions for employees hired on or after Jan. 1, 2010	Percent of Gross Salary	9.50%	\$ 213,841.62
Total amounts contributed by employees or withheld from their salaries			
3. Employee Contributions for Plans utilizing the Conservation Funding Method	Percent of Gross Salary	1.50%	\$ -
Total amounts contributed by employees or withheld from their salaries			
4. Government Contributions			
a. From Parent Local Government Required employer contributions from your municipality			\$ 629,554.83
b. Additional employer contributions from your municipality			\$ 0.21
c. From State Government Municipal Pensions Oversight Board (premium surcharges on fire and casualty insurance)			\$ -
5. Earnings on Investments			
a. Net Appreciation/(Depreciation) of Fair Value of Investments			\$ 120,364.33
b. Bond Interest			\$ 166,409.41
c. Dividends			\$ 142,165.65
d. Net Realized Gain (Loss) on Sale or Exchange of Assets			\$ 501,656.80
e. Other			\$ -
f. Less Investment Expense			\$ (115,608.68)
Net Investment Income			\$ 814,987.51
6. All Other Revenues Please Specify			
Total Revenues			\$ 1,690,767.87
The sum of Items I.1. through I.6.			

**Annual Report of Policemen's and Firemen's Pension and Relief Funds
to the Municipal Pensions Oversight Board
as required by WV Code §8-22-19(d)(1)(B) and §8-22-22a(a)**

Item	Amount	
II Expenditures During Fiscal Year <small>Does not include Investment Expenses, see I.5.f. on first page.</small>		
1. Benefits Paid <small>Retirement, disability, survivor and any other benefits.</small>	\$ 1,862,073.70	
2. Withdrawals <small>Amount paid to employees or former employees or their survivors, representing return of contributions made by employees during the period of their employment</small>	\$ 5,775.51	
3. Other Payments <small>Administrative expenses and other costs or payments non representing benefit payments or withdrawals.</small>		
a. Administration <small>Municipal administration fees.</small>	\$ -	
b. Other <small>Example: Pension Secretary expenses, Rent; etc.</small>	\$ 1,697.00	
Total Expenditures <small>The sum of Items II.1. through II.3.b.</small>	\$ 1,869,546.21	
Net Income/(Loss)	\$ (178,778.34)	
Ending Fair Value of the Pension Plan June 30	\$ 12,600,465.97	
III Asset Allocation at End of Fiscal Year		
1. Cash and Short-Term Investments	Percent of Total Assets 3.50%	
<small>Institution or Money Manager</small>	<small>Type of Account</small>	
<small>Fair Value</small>		
a. Huntington Bank	Checking	\$ 11,904.51
b.	Non-Interest Bearing	\$ -
c. Morgan Stanley	Savings or Money Market Account	\$ 428,955.02
d.	Certificates of Deposit	\$ -
e.	Re-Purchase Agreements	\$ -
	<small>Fair Value</small>	
Total Cash and Short-Term Investments <small>The sum of Items 1.a. through 1.e.</small>	\$ 440,859.53	
2. Government Securities	Percent of Total Assets 16.08%	
<small>Institution or Money Manager</small>	<small>Type of Account</small>	
<small>Fair Value</small>		
a. Morgan Stanley	Treasury Notes and Bonds	\$ 2,025,744.55
b.	State and Municipal Bonds	\$ -
c.	Mutual Funds (Government Bonds)	\$ -
	<small>Fair Value</small>	
Total Government Securities (at fair value) <small>The sum of items 2.a. through 2.c.</small>	\$ 2,025,744.55	
3. Corporate Bonds	Percent of Total Assets 25.82%	
<small>Institution or Money Manager</small>	<small>Type of Account</small>	
<small>Fair Value</small>		
a. Morgan Stanley	Bonds	\$ 3,253,187.08
b.	Mortgage-backed Securities	\$ -
c.	Debentures	\$ -
d.	Mutual Funds (Corporate Bonds)	\$ -
	<small>Fair Value</small>	
Total Corporate Bonds (at fair value) <small>The sum of items 3.a. through 3.d.</small>	\$ 3,253,187.08	
4. Corporate Stocks	Percent of Total Assets 54.61%	

**Annual Report of Policemen's and Firemen's Pension and Relief Funds
to the Municipal Pensions Oversight Board
as required by WV Code §8-22-19(d)(1)(B) and §8-22-22a(a)**

Institution or Money Manager	Type of Account	Fair Value
a. Morgan Stanley	Individual Stocks Held	\$ 6,880,674.81
b.	Mutual Fund Shares (Equities)	
		Fair Value
Total Corporate Stocks (at fair value)	<small>The sum of Items 4.a. through 4.b.</small>	\$ 6,880,674.81
Total Assets		\$ 12,600,465.97

PART II

Membership and Beneficiaries

* Please report the figures requested below, for the fiscal year reported on page 1. To figure the Average Monthly Number of Persons, add figures for each month and divide by 12. Please round to two decimal places. An employee must have been paid for 100 hours in any month to be included in that month.

** Please report the total number of disability applications received during the fiscal year, the status of each application at the end of the fiscal year, the total applications granted and denied, and the percentage of disability benefit recipients to the total number of active members of the fund. This requirement satisfies §8-22-23a(e) of the WV Code if the report is submitted to the Municipal Pensions Oversight Board prior to December 31st of each year.

Item	Avg. Monthly #
I. Members of your Pension Fund	
<small>Exclude Beneficiaries</small>	
1. Active Members	64.17
2. Inactive Members	1.00
<small>Current number of employees contributing to the pension fund</small>	
<small>Non-active vested members and employees on extended leave without pay</small>	
II. Beneficiaries Receiving Periodic Benefit Payments During Fiscal Year	
1. Retirees	42.25
2. Disability Retirees	8.25
<small>Includes the new applications approved during reporting period</small>	
a. Number of Disability Applications received during the fiscal year	1.00
b. Status of each Disability Application at end of fiscal year - please attach separate sheet with details	
(1.) Disability Applications Approved during Fiscal Year	1.00
(2.) Disability Applications Denied during Fiscal Year	0.00
3. Percentage of Disability Benefit Recipients to the Total of Active Members in the fund	12.86%
4. Survivors (of Deceased Members) Drawing Benefits	9.00

**Annual Report of Policemen's and Firemen's Pension and Relief Funds
to the Municipal Pensions Oversight Board
as required by WV Code §8-22-19(d)(1)(B) and §8-22-22a(a)**

Pension Fund Morgantown Firemen's Pension & Relief Fund

Treasurer Joseph R. Sabatelli, Finance Director

Municipality City of Morgantown, West Virginia

Fiscal Year (July 1 - June 30) July 1, 2012 - June 30, 2013

Actuarial Funding Method

<input type="checkbox"/>	Standard Funding Method
<input type="checkbox"/>	Optional Funding Method
<input checked="" type="checkbox"/>	Alternative Funding Method (107%)
<input type="checkbox"/>	% Necessary to Maintain Plan Solvency for 15 Years
<input type="checkbox"/>	Conservation Funding Method

PART I		Item	Amount
Beginning Fair Value of Pension Plan		July 1	\$ 10,106,257.34
I. Revenue During Fiscal Year			
1. Employee Contributions for employees hired prior to Jan. 1, 2010	Percent of Gross Salary	7.00%	\$ 147,201.35
Total amounts contributed by employees or withheld from their salaries			
2. Employee Contributions for employees hired on or after Jan. 1, 2010	Percent of Gross Salary	9.50%	\$ 36,686.60
Total amounts contributed by employees or withheld from their salaries			
3. Employee Contributions for Plans utilizing the Conservation Funding Method	Percent of Gross Salary	1.50%	\$ -
Total amounts contributed by employees or withheld from their salaries			
4. Government Contributions			
a. From Parent Local Government			\$ 511,083.36
Required employer contributions from your municipality			
b. Additional employer contributions from your municipality			\$ 29,411.64
c. From State Government			\$ -
Municipal Pensions Oversight Board (premium surcharges on fire and casualty insurance)			
5. Earnings on Investments			
a. Net Appreciation/(Depreciation) of Fair Value of Investments			\$ 123,500.11
b. Bond Interest			\$ 121,015.39
c. Dividends			\$ 113,146.30
d. Net Realized Gain (Loss) on Sale or Exchange of Assets			\$ 388,853.32
e. Other			\$ -
f. Less Investment Expense			\$ (91,978.00)
Net Investment Income			\$ 654,537.12
6. All Other Revenues			
Please Specify			
Total Revenues			\$ 1,378,920.07
The sum of Items I.1. through I.6.			

**Annual Report of Policemen's and Firemen's Pension and Relief Funds
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as required by WV Code §8-22-19(d)(1)(B) and §8-22-22a(a)**

Item		Amount
II Expenditures During Fiscal Year <small>Does not include Investment Expenses, see I.5.f. on first page.</small>		
1. Benefits Paid	<small>Retirement, disability, survivor and any other benefits.</small>	\$ 1,399,671.81
2. Withdrawals	<small>Amount paid to employees or former employees or their survivors, representing return of contributions made by employees during the period of their employment.</small>	\$ -
3. Other Payments	<small>Administrative expenses and other costs or payments non representing benefit payments or withdrawals.</small>	
a. Administration	<small>Municipal administration fees.</small>	\$ -
b. Other	<small>Example: Pension Secretary expenses; Rent, etc.</small>	\$ 1,850.00
Total Expenditures	<small>The sum of items II.1. through II.3.b.</small>	\$ 1,401,521.81
Net Income/(Loss)		\$ (22,601.74)
Ending Fair Value of the Pension Plan	June 30	\$ 10,083,655.60
III Asset Allocation at End of Fiscal Year		
1. Cash and Short-Term Investments	Percent of Total Assets	3.38%
Institution or Money Manager	Type of Account	Fair Value
a. Huntington Bank	Checking	\$ 9,681.14
b.	Non-Interest Bearing	\$ -
c. Morgan Stanley	Savings or Money Market Account	\$ 331,474.95
d.	Certificates of Deposit	\$ -
e.	Re-Purchase Agreements	\$ -
Total Cash and Short-Term Investments	<small>The sum of items 1.a. through 1.e.</small>	Fair Value \$ 341,156.09
2. Government Securities	Percent of Total Assets	15.86%
Institution or Money Manager	Type of Account	Fair Value
a. Morgan Stanley	Treasury Notes and Bonds	\$ 1,599,689.06
b.	State and Municipal Bonds	\$ -
c.	Mutual Funds (Government Bonds)	\$ -
Total Government Securities (at fair value)	<small>The sum of items 2.a. through 2.c.</small>	Fair Value \$ 1,599,689.06
3. Corporate Bonds	Percent of Total Assets	25.34%
Institution or Money Manager	Type of Account	Fair Value
a. Morgan Stanley	Bonds	\$ 2,555,493.41
b.	Mortgage-backed Securities	\$ -
c.	Debentures	\$ -
d.	Mutual Funds (Corporate Bonds)	\$ -
Total Corporate Bonds (at fair value)	<small>The sum of items 3.a. through 3.d.</small>	Fair Value \$ 2,555,493.41
4. Corporate Stocks	Percent of Total Assets	55.41%

**Annual Report of Policemen's and Firemen's Pension and Relief Funds
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as required by WV Code §8-22-19(d)(1)(B) and §8-22-22a(a)**

Institution or Money Manager	Type of Account	Fair Value
a. Morgan Stanley	Individual Stocks Held	\$ 5,587,317.04
b.	Mutual Fund Shares (Equities)	\$ -
		Fair Value
Total Corporate Stocks (at fair value)	The sum of items 4.a. through 4.b.	\$ 5,587,317.04
Total Assets	Sum of III.1. through III.5.	\$ 10,083,655.60

PART II

Membership and Beneficiaries

* Please report the figures requested below, for the fiscal year reported on page 1. To figure the Average Monthly Number of Persons, add figures for each month and divide by 12. Please round to two decimal places. An employee must have been paid for 100 hours in any month to be included in that month.

** Please report the total number of disability applications received during the fiscal year, the status of each application at the end of the fiscal year, the total applications granted and denied, and the percentage of disability benefit recipients to the total number of active members of the fund. This requirement satisfies §8-22-23a(a) of the WV Code if the report is submitted to the Municipal Pensions Oversight Board prior to December 31st of each year.

Item	Avg. Monthly #
I. Members of your Pension Fund	
<small>Exclude Beneficiaries</small>	
1. Active Members	47.50
<small>Current number of employees contributing to the pension fund</small>	
2. Inactive Members	0.25
<small>Non-active vested members and employees on extended leave without pay</small>	
II. Beneficiaries Receiving Periodic Benefit Payments During Fiscal Year	
1. Retirees	38.58
2. Disability Retirees	2.00
<small>Includes the new applications approved during reporting period</small>	
a. Number of Disability Applications received during the fiscal year	0.00
b. Status of each Disability Application at end of fiscal year - please attach separate sheet with details	
(1.) Disability Applications Approved during Fiscal Year	0.00
(2.) Disability Applications Denied during Fiscal Year	0.00
3. Percentage of Disability Benefit Recipients to the Total of Active Members in the fund	4.21%
4. Survivors (of Deceased Members) Drawing Benefits	13.00



Morgantown Human Rights Commission Visual Identity

The M for Morgantown creates the base for the torch, a beacon of hope made of hands reaching up in collaboration. The title surrounding the flame represents light emanating from the torch.

Using color options in the flame of the torch can enable the City and its Human Rights Commission to express connections with individuals and groups with varied personal, sociological and demographic characteristics.

Scope of Services for Brand Development & Marketing Strategy for Main Street Morgantown AND City of Morgantown

This scope represents a collaborative process working with both Main Street Morgantown and the City of Morgantown to create individualized distinct identities, but that can be implemented as a system. This allows us to have an economy of scale by immersing ourselves more completely within the community, including reducing visits and travel costs. More importantly, it allows us to be strategic in our recommendations on both market position, as well as specific marketing tasks and recommendations.

Our process is a community-driven creative effort that results in a unified brand identity and market position for the *place* that allows Main Street Morgantown, the City, partner organizations, and events to be part of a comprehensive brand. The proposal details our firm's credentials, as well as our approach to the project. We feel our experience and expertise make us the best fit for the job.

Firm Description and General Information

Arnett Muldrow & Associates is a city planning and marketing firm based in Greenville, South Carolina. We specialize in community branding, downtown revitalization, economic development, and historic preservation. As city planners as well as marketing professionals, we understand the challenges an organization faces when projecting a brand identity, and we base our recommendations on a foundation of sound planning principles and market opportunities.

With our focus on Main Street and its Four Points, marketing and promotion has always been a part of our planning processes. We have now worked in over 300 communities in 27 states, most of which have had a community-branding component.

For this project, **Aaron Arnett, AICP** will be the primary point of contact and will serve as project manager. The rest of the team will be composed of **Ben Muldrow** and **Hannah Nichols**. Aaron is a founding partner in the firm with a background in city planning, architecture, and historic preservation. He has managed numerous branding and planning projects throughout West Virginia. To date, we have worked for 11 West Virginia Main Street and 5 ON TRAC communities. Ben is also a partner in the firm and has a background in advertising and marketing, and provides all of our creative services. He is known nationwide as a pioneer in community branding. Hannah, a graphic designer, will provide her creative expertise and graphic support.

Arnett Muldrow's experience generally includes working for local governments, Main Street organizations, or economic development agencies. Each community has unique challenges and our recommendations are tailored to their specific needs. Our community identity projects seek to draw from the culture, history and values of the each place. This includes marketing strategies to expand each community's customer base, attract new visitors, and recruit new business based on demand.

Arnett Muldrow & Associates
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aaron@arnettmuldrow.com

SCOPE OF SERVICES

Our approach to the combined project is shown below. The main variation between this and the more focused scope presented for Main Street Morgantown is that we will have an expanded community input and production time. Also, the project would be accomplished in two visits, as opposed to one.

Task 1: Information Gathering and Background Review

Arnett Muldrow will review all existing marketing efforts for Morgantown including city histories, all promotional publications that involve the community and its attractions, communitywide marketing including other community efforts, event information including annual festivals, economic development and tourism publications, website information, commercials (if applicable), and any other related information. This will include materials created by Main Street Morgantown, the City of Morgantown, and their partners. We will thoroughly review this information prior to the resource visit.

Task 2: Pre-Visit Coordination

We will coordinate with Main Street Morgantown and City of Morgantown to prepare for the initial visit to the community, including reviewing logistics for the project kickoff, initial Steering Committee Meeting, and public engagement.

Task 3: Project Kickoff

Trip One

The Arnett Muldrow team will conduct a two-day work session in Morgantown that will involve input regarding both the current marketing for the community as well as research into what makes the “brand.” The kickoff trip will involve the following:

1. A preliminary meeting will be held with members of the staff to review the project scope, schedule and deliverables.
2. We recommend that the client engage a Steering Committee of key staff and citizen stakeholders. This steering committee will provide guidance to the Arnett Muldrow team and periodically evaluate the progress of the marketing plan. We feel that it is important that this committee be no more than ten people with representation from the people who currently market the community.

For this effort, it will be important for this committee to include both representatives from the Main Street Morgantown board, as well from the City of Morgantown. This could include city staff, Council representatives, Morgantown Main Street, Morgantown Area Chamber of Commerce, Greater Morgantown CVB, etc.

3. Our team will conduct leadership interviews and focus groups (which may occur over the duration of the project) to assess community leaders’ perspectives on the how Morgantown is currently marketed and perceived. We try to talk with key property owners, business and building owners, and leaders of community groups. We will work closely with the Steering Committee to identify the people to be interviewed but will rely on the Client to set the appointment times with the interviewees. We have found that one-on-one meetings allow for candid and frank discussions of issues (while also potentially engaging naysayers in a positive way).

Task 4: Reconnaissance & Photo Shoot

Also during this initial trip, we will conduct a detailed professional photo shoot of Morgantown, its downtown, and the surrounding area. All of the photos will become the property of the client and can be used to assist in the ongoing implementation of the marketing strategy. This stock of professional-quality photos can be used in creating brochures, advertisements and reference materials that prove to be long-term assets.

Task 5: Branding Resource Visit

Trip Two

Modeled after a community design charrette, the branding resource visit will allow us to develop an effective conceptual branding program. We have conducted these resource visits in over 300 communities, districts, and regions that have gone on to implement their brands in creative ways. The resource visit for Morgantown will involve a four-day process.

Days One and Two: Focus Group Input

The first two days will concentrate on a series of roundtable meetings with image setting groups in the community. These often include:

- Steering Committee
- City Officials and Staff
- Morgantown Main Street Board
- Morgantown Main Street Committees
- Downtown Merchants
- Representatives from City Departments
- Local key attractions and destinations
- Event Planners
- Community residents
- Tourism and other community representatives
- WVU students
- WVU faculty representatives

The input sessions will be facilitated group sessions that will concentrate on the community's brand image. During these days, the team will also tour Morgantown to get a better understanding of its characteristics and needs. We will conduct up to ten selected community and business focus groups to garner input and share progress on the effort. We will work closely with the Client to determine which individuals and groups to meet with.

Day Two: Second Photo Shoot

On the second day, the team will conduct a follow up photo shoot of the community. This second shoot will focus more on the Morgantown's specific assets and destinations, businesses, and people. Communities frequently find that this is a high-quality value added service.

Days Three and Four: Brand Concept Development:

Throughout the process and leading up to the end of the last day, we will develop market positions and working brand concepts for Morgantown and Main Street Morgantown.

Community branding is not just the creation of a simple logo. Rather, it is a position, graphic identity, tag line, and style set that presents the overall vision and values within the community. Ultimately it will be the foundation of a seamless system to market and promote the community. Elements of the brand system include:

- *Brand Position Statement* – This narrative connects the values and assets within the community, and lays the foundation for the identity of the place, including the key messages and targets that will be addressed in the marketing strategies.
- *Graphic Identity* – This is the overall style set of the brand identity including typeface, color palette, and icon. The identity will be represented in graphic form, and the design elements that make up the logo will be used as the graphic foundation for the rest of the system.
- *Tag Line* - This is the phrase that presents the brand statement narrative as a concise description of the community's identity and market position.

Day Four: Concept Presentation

All of the project team's recommendations will be rolled out in a thorough presentation to the steering committee at the end of the resource team visit. We believe that this is an important element in the branding process because while we will develop the brand... it belongs to the Client and its partners. The presentation will provide project stakeholders with a solid direction for the brand and we will garner feedback for further refinement to come after the workshop. This will include our graphic marketing recommendations. While tailored to the needs of the individual community, these deliverables often include:

- Extension brand style to other logos for partner agencies, events, etc.
- Organizational tools such as letterhead, business cards, PowerPoint templates, and stationery.
- Graphic recommendations for collateral such as banners, brochure templates, event posters, and incorporation of the brand into the client's various websites.
- Graphic recommendations for wayfinding signage that often includes vehicular and pedestrian trailblazers, directional signage, gateways, etc., that direct the visitor and local to various civic and cultural resources throughout the community.
- Recommendations for print and online advertising, social media, and other methods of communication.

This will include design schemes for the brand system and individualized identities for both Main Street Morgantown and the City of Morgantown. Ultimately, we will incorporate all input into a final recommended brand concept and system.

Task 6: Implementation Strategy

The marketing and branding recommendations will be presented in an implementation matrix that we call a "Strategy Board" that phased marketing and promotional strategies, objectives, and key messaging for each target. The "Strategy Board" condenses the entire marketing plan to one easy-to-use sheet that will prioritize the tools and tactics to implement the marketing message. We will provide both an initial one-year action agenda and ongoing action items to implement the marketing effort. This also includes a Style Guide that presents the proper usage and management of the Morgantown Community Brand.

Task 7: Brand Input & Revisions

Our process affords us the opportunity to provide a high quality brand concept as part of a comprehensive system. Based on feedback at the presentation on day four of the resource visit, Arnett Muldrow will make refinements to this brand concept for Morgantown. We will work closely with Main Street Morgantown and the City on which changes should be pursued. We will post the presentation online, and allow a two-week comment period from which to acquire any final input.

We can also coordinate with steering committee the planning of a brand launch event that involves the entire community. These events may take many formats, which will be determined with the steering committee.

Task 8: Logo Resources and Follow Up

We will prepare a digital media package that will include all graphics produced in the work session for Morgantown and its community partners. This will include the graphics and the final PowerPoint presentation of the material. Also created in this phase of the project is the final branding and marketing report, strategic implementation techniques, and final branding results.

Project Deliverables:

1. Marketing concepts and messaging for both Main Street Morgantown and the City of Morgantown. This includes individualized deliverables for both entities including:
2. Logo and tagline designs for Morgantown and community partners as desired by the Client.
3. Logo designs for events, organizations, and other amenities as desired by the Client.
4. Custom banner designs applicable to all community stakeholders.
5. Coordinated wayfinding sign designs.
6. Print collateral cover designs (brochures, visitor guides, etc.).
7. Web page design concepts.
8. Ad templates and concepts.
9. Other collateral pieces as desired by the Client. (We like to keep this open ended so that any custom products you need can be developed. We have done designs for virtually everything from t-shirts and mugs to sculptural pieces during the workshop.)
10. All related photography in digital format.
11. Resource disk with all deliverables in a variety of file formats.
12. Style guide for brand implementation.
13. Brand presentation on PowerPoint.
14. Copyright release granting ownership of all designs to the Client.
15. Digital resource package with all deliverables in a variety of file formats;
16. Implementation strategy board outlining first, next, and final steps for the marketing implementation plan.
17. Final Project Report.

PROJECT BUDGET

Tasks one through eight of the project can be completed for a fee of \$17,955.

The Project is presented as a collaborative effort between the City of Morgantown and Main Street Morgantown. **The City's portion of the fee would be \$8,977 as well as half of the expenses.**

Expenses would be billed as incurred based on lodging, meals, and transportation for two visits as identified in the scope. If necessary, expenses can be estimated and added to the fee in the form of a not-to-exceed contract. This price does not include advertising costs for ad placement.

We feel that our approach and deliverables are comprehensive. Ultimately, a final scope could be negotiated, and we would be happy to amend our process and fees should that be necessary. Any services required outside of the scope can be completed for an hourly rate to be negotiated in writing.

RESPONSIBILITIES OF CLIENT

The Arnett Muldrow Team will rely on the client to:

- Coordinate stakeholder meetings, including the promotion of public meetings
- Gather and provide all background information
- Provide locations for meetings and for work on site
- Provide information to the Project Team in a timely manner

Arnett Muldrow is proud to have been part of community development, marketing, and branding programs for communities and regions across the United States. We are passionate about what we do and share that passion with the communities in which we work. We encourage you to visit www.downtownbranding.com to further explore our references and case studies. We feel that our approach and deliverables are comprehensive.

BOARDS AND COMMISSIONS - TERMS EXPIRED AND CURRENT VACANCIES

BOPARC COMMISSION:

Frank Scafella resigned effective 8-20-13. Deadline for Applicants is 9-20-13. Council will need to interview applicants at a Special Meeting. Residents at large-appointed by City Council- 5 members.

PERSONNEL BOARD:

Ken Fones-Wolf's term expired on August 11, 2013. Advertising for Candidates, deadline 9/20/13. Council will need to interview applicants at a Special Meeting. Residents and qualified voters serve at large.

TRAFFIC COMMISSION:

Margaret Roberts First Ward representative wishes not to continue to serve. Councilor Bane is suggesting Robert Jones Bio. Attached. Council can vote on that appointment on 9-17-13. Also, the 5th ward and 7th ward members have resigned. Councilors Shamberger and Ganz are looking for replacements. Residents appointed by Council, must represent specific categories.

URBAN LANDSCAPE COMMISSION:

Judy Kierig resigned this is a Second Ward representative, our Second Ward Councilor (Bill Kawecki) is searching to find a replacement. Residents appointed by Council, must represent specific categories.

WOODBURN SCHOOL REDEVELOPMENT COMMISSION:

7 members shall be appointed by Council. Council should discuss process in developing this commission. Such as, City Clerk advertise for applicants and how long? And, does Council want to interview all of these applicants? Council can discuss these issues and more at the Regular Meeting on 9-17-13. Attached is Ordinance created for the commission as reference.

***POLICE & FIRE CIVIL SERVICE COMMISSIONS: NEW PRESIDENTS APPOINTED IN JANUARY.**

****Information for Boards and Commissions vacancies are placed in the Dominion Post, are advertised on the City's Government Station Channel 15, and are posted at the Library and also information is on the City's Web Page.***

****Council decided on 3-21-06 by unanimous consent that if there is only one candidate for Boards & Commissions, the City Clerk will check with Council before scheduling a Special Meeting.***

****BZA and Planning Commission term expirations are advertised in October and interviews must be completed by December per State Law.***

Boards and Commission interview structure will be reviewed at a Committee of the Whole.9/06/13

Morgantown

Request ID: 28066

Request Form: Volunteer for City Boards and Commissions

Received: Friday, July 26, 2013

Status: Completed

Priority: Normal

Assigned To: Bethany Sypolt

Contact Details

From: Robert Jones

Email: rjoneswvu@gmail.com

Telephone: 304-282-0614 (cell) **Home:** 304-292-8596

Address1: 1205 Macomb Street

Address2:

City: Morgantown

State: WV

Zip Code: 26501

Pref. Method of Response: E-Mail

Questions and Answers

Are you a Morgantown resident?:

Yes

In which City Ward do you live?:

First

Who is your employer? (If retired, answer "retired"):

Retired - 47 yrs. employment

If Yes, how many years have you lived in the City of Morgantown?:

40

What type of business are, or were, you employed in?:

Social Worker & Higher Education

What is your job description?:

Do you have any professional certifications or licenses?:

Social Worker, Faculty, Human Resources Specialist

Do you have any pertinent special interests?:

Bicycling, Photography, Genealogy, Inter-Faith Studies, Volunteering, Learning Arabic.

On which commission(s) are you interested in serving?:

Human Rights Commission

What is your work telephone number?:

Staff Activities

The status of the request was changed from Active to Completed. on 7/26/2013 at 10:19 AM

Public Activities

Request was successfully submitted. by Bethany Sypolt on 7/26/2013 at 10:18 AM

Thank you for your interest in serving the City of Morgantown. We have received your application and will review the information you provided. The City Clerk will notify you if there are vacancies on the boards or commissions in which you have specified interest, pending verification of your eligibility and any given residency requirements. Should you have further questions please feel free to contact our office at 304-284-7439. by Bethany Sypolt on 7/26/2013 at 10:18 AM

An email was sent to rjoneswvu@gmail.com. by Bethany Sypolt on 7/26/2013 at 10:19 AM

AN ORDINANCE BY THE CITY OF MORGANTOWN CREATING ARTICLE 162 WITHIN ITS ADMINISTRATIVE CODE, ESTABLISHING A WOODBURN SCHOOL REDEVELOPMENT COMMISSION.

The City of Morgantown hereby ordains that a new Article 162 is created within its Administrative Code, which reads as follows:

162.01 ESTABLISHED.

There is hereby established a Woodburn School Redevelopment Commission.

162.02 PURPOSE.

The function of the Woodburn School Redevelopment Commission is to watch over and advise the City Manager and City Council regarding present and future development of the former Woodburn School property, programming, financing of projects, and operations of the property as a whole.

162.03 MEMBERSHIP.

The Woodburn School Redevelopment Commission shall consist of seven members who shall be appointed by City Council. Each of the seven members shall serve for a three-year term. Upon the conclusion of that three-year period, subsequent reappointments or new appointments will be for terms as follows:

- Two members for a one-year term
- and
- Two members for a two-year term
- and
- Three members for a three-year term

One member of the Commission shall be a member of the governing body of the City, and shall be elected by City Council. The term of the City Council member shall be coextensive with the term of the office to which he or she has been elected or appointed. The Commission will be administered by the City Manager's Office. All members shall serve without compensation.

162.04 VACANCIES.

Vacancies shall be filled in the same manner as for appointments to the Commission, but for the unexpired portion of the term only. The office of a member of the Woodburn School Redevelopment Commission shall become vacant upon his/her death, resignation, removal from office, or failure to attend three consecutive regular meetings of the Commission without being excused by the Commission either before or after such absence.

162.05 OFFICERS.

The Woodburn School Redevelopment Commission shall select from its own membership a chairperson, vice-chairperson, and secretary.

162.06 MEETINGS.

The Woodburn School Redevelopment Commission shall meet as often as it may deem necessary, upon call of the chairperson. All meetings will be subject to the West Virginia Open Government Proceedings Act.

162.07 WRITTEN REPORTS.

The Commission shall submit annual reports to the City Manager and City Council summarizing its past year's activities and recommendations for the ensuing year.

162.08 FREEDOM OF INFORMATION ACT APPLIES.

As a commission of the City, the Woodburn School Redevelopment Commission shall be subject to the West Virginia Freedom of Information Act.

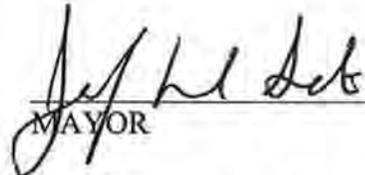
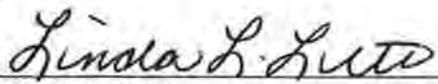
This Ordinance shall be effective upon date of adoption.

FIRST READING: August 20, 2013

ADOPTED: September 3, 2013

FILED: September 4, 2013

RECORDED: September 4, 2013


MAYOR

CITY CLERK

AN ORDINANCE AMENDING SECTION 333.03 OF THE MORGANTOWN TRAFFIC CODE PROVIDING IMPLIED CONSENT TO TEST FOR CONTROLLED SUBSTANCES OR DRUGS; REMOVING URINE AS A SUBJECT OF TESTING TO DETERMINE ITS ALCOHOL CONTENT OR CONCENTRATION, OR ITS CONTROLLED SUBSTANCE AND DRUG CONTENT; AND SPECIFYING WHERE TESTING CAN BE DONE.

The City of Morgantown hereby ordains that Section 333.03 of its Traffic Code is amended as follows (new matter underlined, deleted matter struck through):

333.03 IMPLIED CONSENT.

- (a) Any person who drives a motor vehicle in this Municipality shall be deemed to have given his or her consent by the operation thereof, to a preliminary breath analysis and a secondary chemical test of either his or her blood; ~~or breath or urine for the purposes of determining the alcoholic content of~~ to determine the alcohol concentration in his or her blood; ~~or the concentration in the person's body of a controlled substance, drug, or any combination thereof.~~
- (b) A preliminary breath analysis may be administered in accordance with the provisions of West Virginia Code 17C-5-5 whenever a police officer has reasonable cause to believe a person to have been driving a motor vehicle in this Municipality while under the influence of alcohol, controlled substances or drugs as prohibited by Section 333.01.
- (c) A secondary test of blood; ~~or breath or urine~~ shall be incidental to a lawful arrest and shall be administered at the direction of the arresting law enforcement officer having reasonable grounds to believe the person has committed an offense prohibited by Section 333.01.
- (d) The Police Chief shall designate ~~which one of the aforesaid~~ the secondary tests shall ~~to be administered;~~ be administered; ~~provided, that if the test so designated is a blood test, and the person so arrested refuses to submit to such blood test, then the law enforcement officer making such arrest shall designate in lieu thereof, either a breath or urine test be administered; and not withstanding~~ Notwithstanding the provisions of West Virginia Code 17C-5-7 ~~such~~ the refusal to submit to a blood test only shall not result in the ~~suspension~~ revocation of the arrested person's license to operate a motor vehicle in this State.
- (e) Any person to whom a preliminary breath test is administered who is ~~then arrested and any other person under arrest as specified in this section;~~ shall be given an oral warning and a written statement advising him or her that his/her refusal to submit to the secondary chemical test finally designated as provided in this section, will result in the revocation of his/ her license to operate a motor vehicle in this State for a period of at least forty-five days and up to life; and that after fifteen minutes following the warnings the refusal is considered final. The arresting officer after that period of time expires has no further duty to provide the person with an opportunity to take the secondary test.

- (f) Any law enforcement officer who has been properly trained in the administration of any secondary chemical test authorized by this article, including, but not limited to, certification by the Bureau for Public Health in the operation of any equipment required for the collection and analysis of a breath sample, may conduct the test at any location in the county wherein the arrest is made: Provided, that the law-enforcement officer may conduct the test at the nearest available properly functioning secondary chemical testing device located outside the county in which the arrest was made, if: (i) There is no properly functioning secondary chemical testing device located within the county the arrest was made; or (ii) There is no magistrate available within the county the arrest was made for the arraignment of the person arrested. A law-enforcement officer who is directing that a secondary chemical test be conducted has the authority to transport the person arrested to where the secondary chemical testing device is located.
- (g) If the arresting officer lacks proper training in the administration of a secondary chemical test, then any other law-enforcement officer who has received training in the administration of the secondary chemical test to be administered may, upon the request of the arresting law-enforcement officer and in his or her presence, conduct the secondary test. The results of a test conducted pursuant to this subsection may be used in evidence to the same extent and in the same manner as if the test had been conducted by the arresting law-enforcement officer.
- (h) (b) For the purpose of this article, “law enforcement officer” or “police officer” means and is limited to any member of the Police Department of this City. Only the person actually administering or conducting such test shall be competent to testify as to the results and veracity of such tests.

This Ordinance shall be effective upon date of adoption.

FIRST READING:

Mayor

ADOPTED:

FILED:

City Clerk

RECORDED:

AN ORDINANCE AMENDING SECTION 333.04 OF THE MORGANTOWN TRAFFIC CODE FOR THE INTERPRETATION AND USE OF CHEMICAL TESTS FOR ARRESTS FOR DRIVING A MOTOR VEHICLE UNDER THE INFLUENCE OF ALCOHOL, CONTROLLED SUBSTANCES OR DRUGS.

The City of Morgantown hereby ordains that Section 333.04 of its Traffic Code is amended as follows (new matter underlined, deleted matter struck through):

- (a) Upon trial for the offense of driving a motor vehicle in this City while under the influence of alcohol, controlled substances or drugs, or upon the trial of any civil or criminal action arising out of acts alleged to have been committed by any person driving a motor vehicle while under the influence of alcohol, a controlled substance or drugs, evidence of the amount of alcohol in the person's blood at the time of the arrest or of the acts alleged, as shown by a chemical analysis of his or her blood; or breath, or urine; is admissible, if the sample or specimen was taken within ~~two hours from and after the time of arrest or of the acts alleged~~; the time period provided in subsection (g).
- (b) The evidence of the amount of alcohol in the person's blood at the time of the arrest or the acts alleged and shall give rise to the following presumptions or have the following effect:
- (a) (1) Evidence that there was at that time five hundredths of one percent (.05%) or less, by weight, of alcohol in his or her blood, shall be prima facie evidence that the person was not under the influence of alcohol;
- (b) (2) Evidence that there was, at that time, more than five hundredths of one percent (.05%) and less than eight hundredths of one percent (.08%) by weight of alcohol in the person's blood shall be relevant evidence, but it is not to be given prima facie effect in indicating whether the person was under the influence of alcohol;
- (c) (3) Evidence that there was, at that time, eight hundredths of one percent (.08%) or more, by weight of alcohol in his or her blood, shall be admitted as prima facie evidence that the person was under the influence of alcohol;
- (d)(c) A determination of the percent, by weight, of alcohol in the blood shall be based upon a formula of:
- (1) The number of grams of alcohol per one hundred cubic centimeters of blood;
- (2) The number of grams of alcohol per two hundred ten liters of breath; or
- (3) ~~The number of grams of alcohol per sixty-seven milliliters of urine;~~
- (4) (3) The number of grams of alcohol per eight-six milliliters of serum.
- (d) A chemical analysis of blood for the purpose of determining the controlled substance or drug concentration of a person's blood, must include, but is not limited to, the following drugs or classes of drugs:

- (1) Marijuana metabolites;
- (2) Cocaine metabolites;
- (3) Amphetamines;
- (4) Opiate metabolites;
- (5) Phencyclidine (PCP);
- (6) Benzodiazepines;
- (7) Propoxyphene;
- (8) Methadone;
- (9) Barbiturates; and
- 10 Synthetic narcotics

- (e) A chemical analysis of a person's blood; ~~or breath or urine~~, in order to give rise to the presumptions or to have the effect provided for in ~~subsections (a), (b) and (c) here of~~; this section, must be performed in accordance with methods and standards approved by the State ~~Division Bureau of for~~ Public Health. A chemical analysis of blood ~~or urine~~ to determine alcoholic content or the controlled substance or drug content of blood shall be conducted by a qualified laboratory or by the State Police Scientific Laboratory of the ~~Criminal Identification Bureau of the~~ West Virginia State Police Forensic Laboratory.
- (f) The provisions of this article shall not limit the introduction in any administrative or judicial proceeding of any other competent evidence bearing on the question of whether the person was under the influence of alcohol, controlled substances or drugs.
- (g) For the purpose of the admissibility of a chemical test under subsection (a):
 - (1) A sample or specimen taken to determine the alcohol concentration of a person's blood, must be taken within two hours from the time of the person's arrest; or
 - (2) For a sample or specimen to determine the controlled substance or drug content of a person's blood, must be taken within four hours of the person's arrest.
- (h) The results of any test administered pursuant to this section for the purpose of detecting the concentration of any controlled substance shall not be admissible as evidence in a criminal prosecution for the possession of a controlled substance.

This Ordinance shall be effective upon date of adoption.

FIRST READING:

MAYOR

ADOPTED:

FILED:

CITY CLERK

RECORDED:

AN ORDINANCE BY THE CITY OF MORGANTOWN AMENDING SECTION 905.02 OF ITS STREETS, UTILITIES AND PUBLIC SERVICES CODE BY ADDING A NEW SUBSECTION (d) THERETO ADDRESSING THE SALE OF PRODUCE, FOOD, GOODS, WARES AND OTHER MERCHANDISE UPON SIDEWALKS OF THE CITY.

The City of Morgantown hereby ordains that a new subsection 905.02 (d) is added to its Streets, Utilities, and Public Services Code which reads as follows:

- 905.02 (d) No person shall be allowed to display or sell any produce, food, goods, wares or other merchandise between the hours of 11:00 p.m. and 6:00 a.m. on any public sidewalk within the Downtown Business District of the City, as shown on the map contained herein. Violators of this subsection shall be subject to a fine of five hundred dollars (\$500.00). Persons regulated by this code section shall be allowed to apply for the assignment of a vendor parking space pursuant to Section 361.09 of the Morgantown Traffic Code.



This Ordinance shall be effective October 1, 2013.

FIRST READING:

MAYOR

ADOPTED:

FILED:

CITY CLERK

RECORDED:

This Ordinance shall become effective on October 1, 2013.

FIRST READING:

MAYOR

ADOPTED:

FILED:

CITY CLERK

RECORDED:

AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY AND THE STATE OF WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) WHEREBY DEP MAY ENTER UPON MUNICIPAL AIRPORT REALTY TO DETERMINE THE POSSIBLE EXISTENCE OF ADVERSE COAL MINING PRACTICES, AND TO ALSO DETERMINE THE FEASIBILITY OF CONTROL OF ANY SUCH ADVERSE COAL MINING PRACTICES.

The City of Morgantown hereby ordains that its City Manager is authorized to execute the 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:

Exploratory

Project: MORGANTOWN AIRPORT SUBSIDENCE II

RIGHT OF ENTRY AGREEMENT

THIS AGREEMENT, made and entered into this 20TH day of AUGUST, 2013, by and between CITY of MORGANTOWN

hereinafter referred to as the part(ies) of the first part, and the STATE OF WEST VIRGINIA, DEPARTMENT OF ENVIRONMENTAL PROTECTION, hereinafter referred to as the party of the second part:

W I T N E S S E T H:

WHEREAS, the party(ies) of the first part is(are) the owner(s) of record of the following described property:

<u>MORGANTOWN CORPORATION</u> (District)	<u>MONONGALIA</u> (County)	<u>WEST VIRGINIA</u> (State)
<u>MULTIPLE TRACTS</u> (Property Description)	<u>32A/12-13-10-3-2</u> (Tax Map/Parcel#)	<u>601/174 290/293</u> <u>599/4 599/271 1323/240</u> (Deed Book/Page#)

NOW THEREFORE, and in consideration of the benefits to be derived herefrom, the sufficiency of which is hereby acknowledged, the party(ies) of the first part hereby grant(s) unto the party of the second part, its agents, assigns, employees, and/or contractors the right and permission to enter upon the hereinabove described real estate for the purpose of determining the possible existence of adverse effects of past coal mining practices, and to determine the feasibility of restoration, reclamation, abatement, control or prevention of such adverse effects. Said party(ies) of the first part also grant(s) unto the party of the second part the right and permission to enter upon the aforesaid real estate for the purpose of obtaining access to and from adjacent properties which may have been affected by past coal mining practices.

The party(ies) of the first part grant(s) the aforesaid rights and permission unto the party of the second part subject to the following terms and conditions:

- 1.) Entry and exploratory work performed by the party of the second part, its agents, assigns, employees, and/or contractors shall be pursuant to the authority vested in the party of the second part by Chapter 22, Article 2, of the Official Code of West Virginia, 1931, as amended.
- 2.) No lien shall be filed by the party of the second part against the aforesaid real estate as a result of this agreement and the exercise of the rights and permission granted herein.
- 3.) The TERM of this agreement shall be for the length of time necessary for the party of the second part, its agents, employees assigns and/or contractors to complete study and/or exploratory work for the purposes stated herein.
- 4.) The party(ies) of the first part do(does) not waive any rights which are vested in or conferred upon the party(ies) of the first part by virtue of Chapter 22, Article 2, of the Official Code of West Virginia, 1931, as amended.
- 5.) Party of the Second Part shall require its contractor to carry and maintain General Liability Insurance with coverage in an amount not less than \$1,000,000.00 for each occurrence and not less than \$2,000,000.00 aggregate in addition to carrying and maintaining Automotive Liability Insurance in an amount not less than \$1,000,000.00 and Professional Liability Insurance in an amount not less than \$1,000,000.00.

IN WITNESS WHEREOF, the party(ies) of the first part has(have) caused their name(s) to be signed hereto as of the day and year first hereinabove written.

(Address & Phone No.):

389 SPRUCE STREET

MORGANTOWN, WV 26505

PHONE# 304-284-7405

CITY MANAGER

STATE OF WEST VIRGINIA :

COUNTY OF MONONGALIA To-wit:

I, _____, a Notary Public in and for said County do hereby certify that _____

_____ who signed the foregoing and hereto annexed writing bearing date the ____ day of _____, 2013 has(have) this day acknowledged the same before me in my said county.

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

My commission expires _____.

NOTARY PUBLIC

Approved By: _____
Abandoned Mine Land & Reclamation

Prepared By:

West Virginia Department of Environmental Protection
Abandoned Mine Land & Reclamation

AN ORDINANCE VACATING, ABANDONING AND ANNULLING AN APPROXIMATE 13' WIDE UNNAMED RIGHT-OF-WAY EXTENDING AND RUNNING A DISTANCE OF APPROXIMATELY TWO HUNDRED AND SIXTY SEVEN FEET FROM OAKLAND STREET TO HARDING AVENUE IN THE SEVENTH 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 an approximate 13' wide unnamed right-of-way running a distance of approximately two hundred and sixty-seven feet from Oakland Street to Harding Avenue in the Seventh 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 and it further appearing that it is in the interests of the City of Morgantown and of the public generally that an approximate 13' wide unnamed right-of-way running a distance of approximately two hundred and sixty-seven feet from Oakland Street to Harding Avenue 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 unnamed alley have petitioned the Common Council to vacate, abandon and annul said portion of the 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 an approximate 13' wide unnamed right-of-way running a distance of approximately two hundred and sixty-seven feet from Oakland Street to Harding Avenue 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, 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 an approximate 13' wide unnamed right-of-way running a distance of approximately two hundred and sixty-seven feet from Oakland Street to Harding Avenue, as shown on the Exhibit hereto attached, is hereby vacated, abandoned and annulled.
- Section 3. That upon 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 approximate 13' by 267' right-of-way 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:

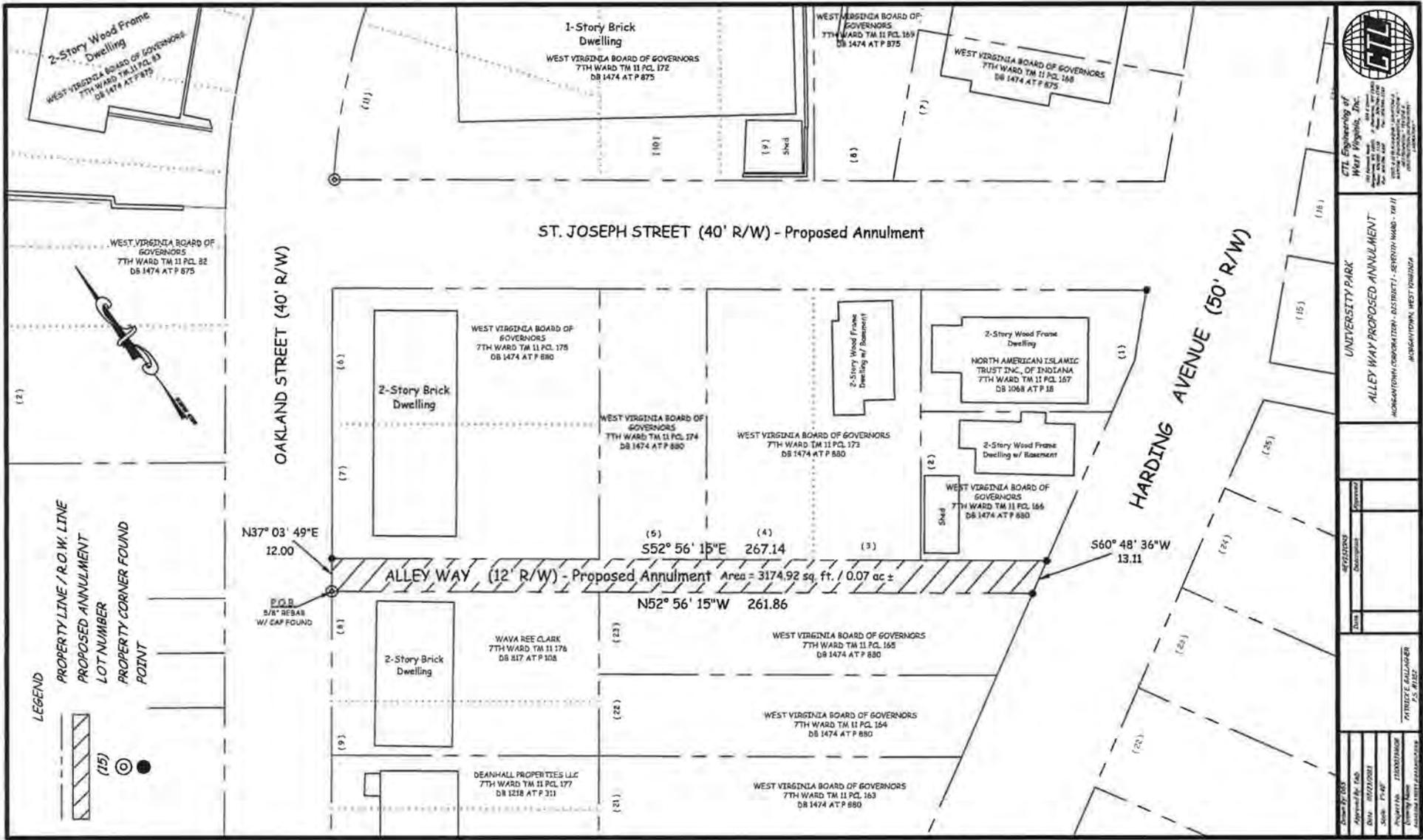
MAYOR

ADOPTED:

FILED:

CITY CLERK

RECORDED:



CTL Engineering of West Virginia, Inc.
 1000 University Park
 Morgantown, WV 26506
 Phone: 304.246.1111
 Fax: 304.246.1112
 www.ctleng.com

UNIVERSITY PARK
ALLEY WAY PROPOSED ANNULMENT
 MORGANTOWN CORPORATION - DISTRICT 1 - 7TH WARD - TM II
 MORGANTOWN, WEST VIRGINIA

REVISION	DATE	BY	CHKD

Drawn by: JES
 Approved for: JES
 Date: 07/27/2021
 Scale: 1"=40'
 Project No.: 1520013002
 Drawing Name: 1520013002
 ATTORNEY: GALLAGHER
 P.O. #1527

Alley Way Annulment

Beginning at a 5/8" rebar with cap found at the intersection of the Eastern Right of way of Oakland Street and the Southern right of way of the Alley Way, also being the common corner of lands now of formerly owned by Wava Ree Clark (Seventh Ward, Tax Map 11, Parcel 176) (Deed Book 817, Page 108), thence

With the Eastern right of way of Oakland Street, N 37° 03' 49" E 12.00 feet to a point on the Southwestern corner of lands now or formerly owned by The West Virginia University Board of Governors (Seventh Ward, Tax Map 11, Parcel 175) (Deed Book 1474, Page 880), also being on the Northern right of way of the Alley Way, thence

Leaving the Eastern right of way of Oakland Street, S 52° 56' 15" E 267.14 feet to a point on the Southeastern corner of lands now or formerly owned by The West Virginia University Board of Governors (Seventh Ward, Tax Map 11, Parcel 166) (Deed Book 1474, Page 880), said point also being the intersection of the Northern right of way of the Alley Way, and the Northern right of way of Harding Avenue, thence

With the Northern right of way of Harding Avenue, S 60° 48' 36" W 13.11 feet to a point on the Southeastern corner of lands now or formerly owned by The West Virginia University Board of Governors (Seventh Ward, Tax Map 11, Parcel 165) (Deed Book 1474, Page 880), said point also being the intersection of the Southern right of way of the Alley Way, and the Northern right of way of Harding Avenue, thence

Leaving the Northern right of way of Harding Avenue, N 52° 56' 15" W 261.86 feet to the point of beginning, containing 3,174.92 sq. feet, or 0.07 acres, more or less.

THIS AGREEMENT made this _____ day of August 2013, by and between: WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS ON BEHALF OF WEST VIRGINIA UNIVERSITY, an agency and higher education institution of the State of West Virginia, and WAVA REE CLARK, parties of the first part, grantors, and THE CITY OF MORGANTOWN, West Virginia, a municipal corporation, party of the second part, grantee.

Parties of the first part, grantors, and THE CITY OF MORGANTOWN, West Virginia, a municipal corporation, part of the second part, grantee.

WITNESSETH

THAT WHEREAS, the grantors are the owners of the following lots and parcels of land, situate in the 7th Ward of the City of Morgantown, Monongalia County, West Virginia.

ENTER PARCELS

Map 11, Parcel 165
Map 11, Parcel 166
Map 11, Parcel 173
Map 11, Parcel 174
Map 11, Parcel 175
Map 11, Parcel 176

WHEREAS, the said grantors have petitioned the Common Council of the City of Morgantown for an annulment, have filed this agreement in duplicate, and have paid the required fees, the street to be annulled being:

Beginning at a 5/8" rebar with cap found at the intersection of the Eastern Right of way of Oakland Street and the Southern right of way of the Alley Way, also being the common corner of lands now of formerly owned by Wava Ree Clark (Seventh Ward, Tax Map 11, Parcel 176) (Deed Book 817, Page 108), thence

With the Eastern right of way of Oakland Street, N 37⁰ 03' 49" E 12.00 feet to a

point on the Southwestern corner of lands now or formerly owned by The West Virginia University Board of Governors (Seventh Ward, Tax Map 11, Parcel 175) (Deed Book 1474, Page 880), also being on the Northern right of way of the Alley Way, thence

Leaving the Eastern right of way of Oakland Street, S 52⁰ 56' 15" E 267.14 feet to

a point on the Southeastern corner of lands now or formerly owned by The West Virginia University Board of Governors (Seventh Ward, Tax Map 11, Parcel 166) (Deed Book 1474, Page 880), said point also being the intersection of the Northern right of way of the Alley Way, and the Northern right of way of Harding Avenue, thence

With the Northern right of way of Harding Avenue, S 60⁰ 48' 36" W 13.11 feet to a

point on the Southeastern corner of lands now or formerly owned by The West Virginia University Board of Governors (Seventh Ward, Tax Map 11, Parcel 165) (Deed Book 1474, Page 880), said point also being the intersection of the Southern right of way of the Alley Way, and the Northern right of way of Harding Avenue, thence

Leaving the Northern right of way of Harding Avenue, N 52⁰ 56' 15" W 261.86 feet

to the point of beginning, containing 3,174.92 sq. feet, or 0.07 acres, more or less.

WHEREAS, it appears that said street is not used nor useful as a public way

within the City of Morgantown, West Virginia, and is not necessary for public uses and purposes, and that the rights of the public will not be prejudiced by such an annulment, that the property of no person will be injured by the same, and that such annulment will promote public interest; and,

NOW, THEREFORE, THIS AGREEMENT WITNESSETH: That for and in consideration of the sum of One Dollar (\$1.00) cash in hand paid by each of the parties hereto to the other, and other good and valuable considerations, including the annulment of said street and the release and quit clam for street and utility purposes, the parties hereto mutually covenant and agree as follows:

1. A map or plat showing the part of the public way so vacated, abandoned, and annulled is attached to this agreement as a part hereof and to be recorded herewith.

2. For the considerations aforesaid the said grantee, The City of Morgantown, West Virginia, hereby releases and quit claims, unto the said grantors their heirs, personal representatives, successors and assigns, all of its easements and rights of way for street and utility purposes in said annulled public way so that the said grantors shall have that moiety or part of said public way so vacated, abandoned, and annulled which is adjacent to her/ /their/its property for her/ /their/its full use and enjoyment in fee simple.

3. The parties hereto further covenant and agree as follows: N/A

WITNESS the following signatures and seals:

_____ (SEAL)
Wava Ree Clark

West Virginia University Board of Governors on behalf of West Virginia University

By: _____ (SEAL)
Narvel G. Weese, Jr.,
Vice President of Administration and Finance

THE CITY OF MORGANTOWN, WEST VIRGINIA, a municipal corporation

By: _____
City Manager

ATTEST:

City Clerk

STATE OF WEST VIRGINIA
COUNTY OF MONONGALIA, to wit:

I, _____, a Notary Public in and for
the County and State aforesaid do certify that the foregoing writing bearing date
the _____ day of August 2013, was
acknowledged before me by Wava Ree Clark.

Given under my hand and notarial seal this _____ day of
August 2013.

My commission expires _____.

Notary Public

STATE OF WEST VIRGINIA
COUNTY OF MONONGALIA, to wit:

I, _____, a Notary Public in and for
the County and State aforesaid do certify that Narvel G. Weese, Jr., Vice

President of Administration and Finance, who signed the foregoing writing bearing date the _____ day of August 2013, for West Virginia University Board of Governors on behalf of West Virginia University, an agency and higher education institution of the State of West Virginia, has this day in my said County before me acknowledged the said writing to be the act and deed of said institution.

Given under my hand and notarial seal this _____ day of August 2013.

My commission expires _____.

Notary Public

STATE OF WEST VIRGINIA
COUNTY OF MONONGALIA, to wit:

I, _____, a Notary Public in and for the County and State aforesaid do certify that _____, who signed the foregoing writing bearing date the _____ day of August 2013, for The City of Morgantown, a municipal corporation, has this day in my said County before me acknowledged the said writing to be the act and deed of said corporation.

Given under my hand and notarial seal this _____ day of August 2013.

My commission expires _____.

Notary Public

AN ORDINANCE VACATING, ABANDONING AND ANNULING A 40' WIDE RIGHT-OF-WAY KNOWN AS ST. JOSEPH STREET, EXTENDING AND RUNNING A DISTANCE OF APPROXIMATELY THREE HUNDRED AND TEN FEET FROM OAKLAND STREET TO HARDING AVENUE, IN THE SEVENTH 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 40' wide right-of-way, known as St. Joseph Street extending and running a distance of approximately three hundred and ten feet from Oakland Street to Harding Avenue in the Seventh 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 and it further appearing that it is in the interests of the City of Morgantown and of the public generally that a 40' wide right-of-way known as St. Joseph Street running a distance of approximately three hundred and ten feet from Oakland Street to Harding Avenue, 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 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 40' wide right-of-way known as St. Joseph Street running a distance of approximately three hundred and ten feet from Oakland Street to Harding Avenue 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 40' wide right-of-way known as St. Joseph Street and running a distance of approximately three hundred and ten feet from Oakland Street to Harding Avenue, 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 40' by 310' right-of-way 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 on January 1, 2014.

FIRST READING:

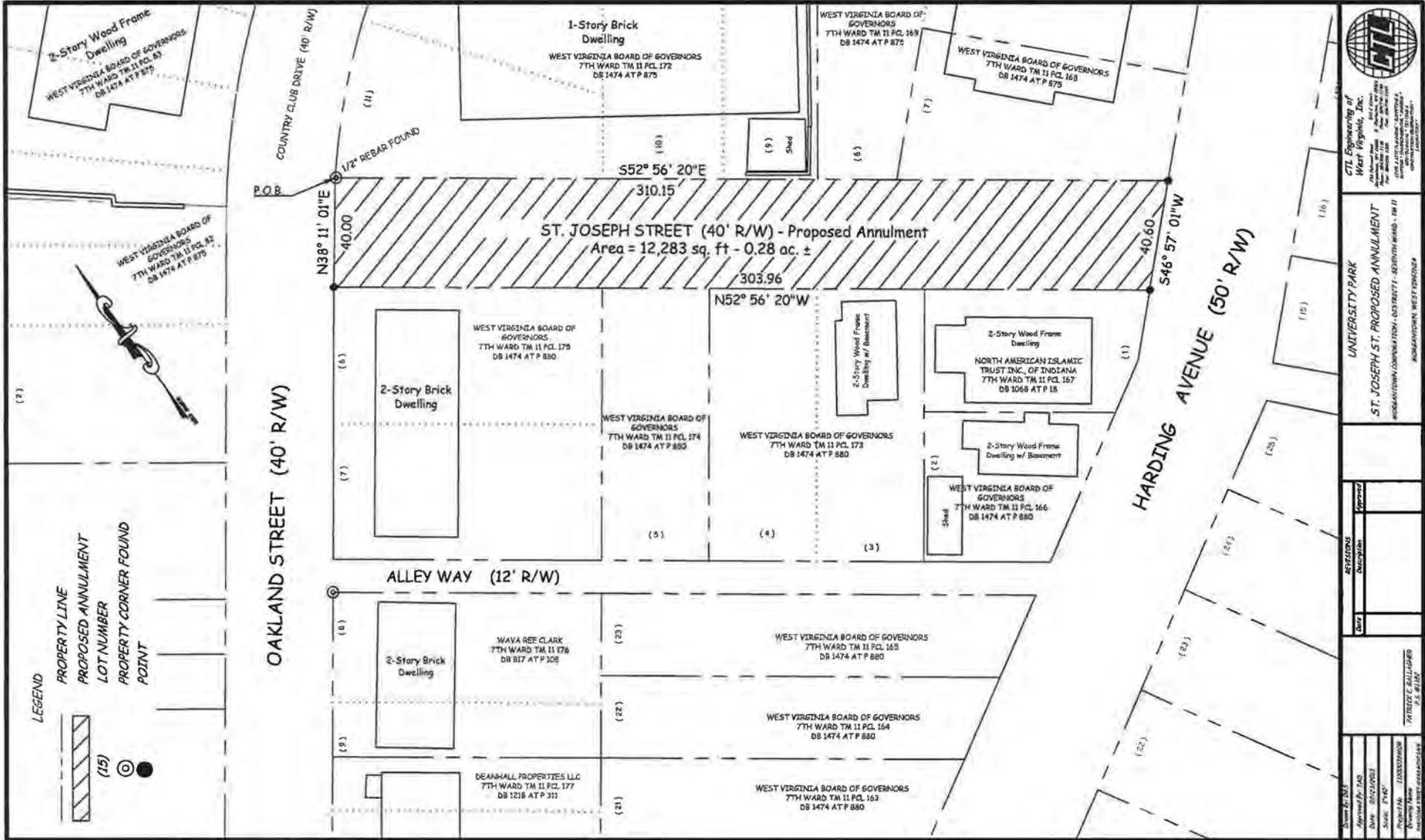
MAYOR

ADOPTED:

FILED:

CITY CLERK

RECORDED:



LEGEND

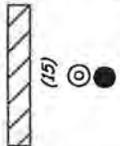
PROPERTY LINE

PROPOSED ANNULMENT

LOT NUMBER

PROPERTY CORNER FOUND

POINT



CTL Engineering of West Virginia, Inc.
 1000 1st Street, S.W.
 Charleston, WV 25302
 Phone: 304.763.1111
 Fax: 304.763.1112
 www.ctleng.com

UNIVERSITY PARK
ST. JOSEPH ST. PROPOSED ANNULMENT
 HIGHWAY 77/VA-108/CLARK COUNTY - 10TH STREET - SEVENTH WARD - 1M 11
 BOGARDUS/ST. JOSEPH

DATE	REVISIONS

PREPARED BY: PATRICIA E. HALLIGHER
 P.E. 01187

DATE: 11/15/2011
DRAWN BY: DANIELLE
SCALE: 1"=40'
PROJECT: ST. JOSEPH ST. PROPOSED ANNULMENT
CLIENT: BOGARDUS/ST. JOSEPH

St. Joseph Street Annulment

Beginning at a 1/2" rebar found at the intersection of the Eastern right of way of Country Club Drive and the Northern right of way of St. Joseph Street, said corner also being the Southwestern corner of the lands now or formerly owned by The West Virginia University Board of Governors (Seventh Ward, Tax Map 11, Parcel 172) (Deed Book 1474, Page 875), thence

With the lands of The West Virginia University Board of Governors, S 52° 56' 20" E 310.15 feet to a point at the intersection of the Northern right of way of St. Joseph Street, and the Western right of way of Harding Avenue, and also being a common corner to lands now or formerly owned by The West Virginia University Board of Governors (Seventh Ward, Tax Map 11, Parcel 168) (Deed Book 1474, Page 875), thence

With the Western right of way of Harding Avenue, S 46° 57' 01" W 40.60 feet to a point at the intersection of the Southern right of way of St. Joseph Street and the Western right of way of Harding Avenue, also being a common corner to lands now or formerly owned by North American Islamic Trust Inc. of Indiana (Seventh Ward, Tax Map 11, Parcel 167) (Deed Book 1068, Page 18), thence

Leaving the right of way of Harding Avenue, N 52° 56' 20" W 303.96 feet to a point at the intersection of the Southern right of way of St. Joseph Street and the Eastern right of way of Oakland Street, and also being the common corner of lands now or formerly owned by The West Virginia University Board of Governors (Seventh Ward, Tax Map 11, Parcel 175) (Deed Book 1474, Page 880), thence

With the Eastern right of way of Oakland Street, N 38° 11' 01" E 40.00 feet to the point of beginning, containing 12,283 sq. feet, or 0.28 acres, more or less.

THIS AGREEMENT made this _____ day of August 2013, by and between: WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS ON BEHALF OF WEST VIRGINIA UNIVERSITY, an agency and higher education institution of the State of West Virginia, and THE NORTH AMERICAN ISLAMIC TRUST INC., parties of the first part, grantors, and THE CITY OF MORGANTOWN, West Virginia, a municipal corporation, party of the second part, grantee.

Parties of the first part, grantors, and THE CITY OF MORGANTOWN, West Virginia, a municipal corporation, part of the second part, grantee.

WITNESSETH

THAT WHEREAS, the grantors are the owners of the following lots and parcels of land, situate in the 7th Ward of the City of Morgantown, Monongalia County, West Virginia.

ENTER PARCELS

Map 11, Parcel 167

Map 11, Parcel 168

Map 11, Parcel 172

Map 11, Parcel 173

Map 11, Parcel 174

Map 11, Parcel 175

WHEREAS, the said grantors have petitioned the Common Council of the City of Morgantown for an annulment, have filed this agreement in duplicate, and have paid the required fees, the street to be annulled being:

Beginning at a 1/2" rebar found at the intersection of the Eastern right of way of Country Club Drive and the Northern right of way of St. Joseph Street, said corner also being the Southwestern corner of the lands now or formerly owned by The West Virginia University Board of Governors (Seventh Ward, Tax Map 11, Parcel 172) (Deed Book 1474, Page 875), thence

With the lands of The West Virginia University Board of Governors, S 52⁰ 56' 20" E

310.15 feet to a point at the intersection of the Northern right of way of St. Joseph Street, and the Western right of way of Harding Avenue, and also being a common corner to lands now or formerly owned by The West Virginia University Board of Governors (Seventh Ward, Tax Map 11, Parcel 168) (Deed Book 1474, Page 875), thence

With the Western right of way of Harding Avenue, S 46⁰ 57' 01" W 40.60 feet to a

point at the intersection of the Southern right of way of St. Joseph Street and the Western right of way of Harding Avenue, also being a common corner to lands now or formerly owned by North American Islamic Trust Inc. of Indiana (Seventh Ward, Tax Map 11, Parcel 167) (Deed Book 1068, Page 18), thence

Leaving the right of way of Harding Avenue, N 52⁰ 56' 20" W 303.96 feet to a point

at the intersection of the Southern right of way of St. Joseph Street and the Eastern right of way of Oakland Street, and also being the common corner of lands now or formerly owned by The West Virginia University Board of Governors (Seventh Ward, Tax Map 11, Parcel 175) (Deed Book 1474, Page 880), thence

With the Eastern right of way of Oakland Street, N 38⁰ 11' 01" E 40.00 feet to the

point of beginning, containing 12,283 sq. feet, or 0.28 acres, more or less.

WHEREAS, it appears that said street is not used nor useful as a public way

within the City of Morgantown, West Virginia, and is not necessary for public uses and purposes, and that the rights of the public will not be prejudiced by such an annulment, that the property of no person will be injured by the same, and that such annulment will promote public interest; and,

NOW, THEREFORE, THIS AGREEMENT WITNESSETH: That for and in consideration of the sum of One Dollar (\$1.00) cash in hand paid by each of the parties hereto to the other, and other good and valuable considerations, including the annulment of said street and the release and quit clam for street and utility purposes, the parties hereto mutually covenant and agree as follows:

1. A map or plat showing the part of the public way so vacated, abandoned, and annulled is attached to this agreement as a part hereof and to be recorded herewith.

2. For the considerations aforesaid the said grantee, The City of Morgantown, West Virginia, hereby releases and quit claims, unto the said grantors their heirs, personal representatives, successors and assigns, all of its easements and rights of way for street and utility purposes in said annulled public way so that the said grantors shall have that moiety or part of said public way so vacated, abandoned, and annulled which is adjacent to its/their property for its/their full use and enjoyment in fee simple.

3. The parties hereto further covenant and agree as follows: N/A

WITNESS the following signatures and seals:

The North American Islamic Trust Inc.

By: _____(SEAL)

West Virginia University Board of Governors on behalf of West Virginia University

By: _____(SEAL)
Narvel G. Weese, Jr.,
Vice President of Administration and Finance

THE CITY OF MORGANTOWN, WEST VIRGINIA, a municipal corporation

By: _____
City Manager

ATTEST:

City Clerk

STATE OF WEST VIRGINIA
COUNTY OF MONONGALIA, to wit:

I, _____, a Notary Public in and for
the County and State aforesaid do certify that _____,
_____, who signed the foregoing writing
bearing date the _____ day of August 2013,
for The North American Islamic Trust, Inc., an Indiana corporation, has this day
in my said County before me acknowledged the said writing to be the act and
deed of said corporation.

Given under my hand and notarial seal this _____ day of
August 2013.

My commission expires _____.

Notary Public

STATE OF WEST VIRGINIA
COUNTY OF MONONGALIA, to wit:

I, _____, a Notary Public in and for
the County and State aforesaid do certify that Narvel G. Weese, Jr., Vice
President of Administration and Finance, who signed the foregoing writing

bearing date the _____ day of August 2013,
for West Virginia University Board of Governors on behalf of West Virginia
University, an agency and higher education institution of the State
of West Virginia, has this day in my said County before me acknowledged the
said writing to be the act and deed of said institution.

Given under my hand and notarial seal this _____ day of
August 2013.

My commission expires _____.

Notary Public

STATE OF WEST VIRGINIA
COUNTY OF MONONGALIA, to wit:

I, _____, a Notary Public in and for
the County and State aforesaid do certify that _____, who
signed the foregoing writing bearing date the _____ day of August 2013,
for The City of Morgantown, a municipal corporation, has this day in my said
County before me acknowledged the said writing to be the act and deed of said
corporation.

Given under my hand and notarial seal this _____ day of
August 2013.

My commission expires _____.

Notary Public

AN ORDINANCE VACATING, ABANDONING AND ANNULLING A 40' WIDE RIGHT-OF-WAY KNOWN AS HARDING AVENUE EXTENSION EXTENDING AND RUNNING A DISTANCE OF APPROXIMATELY ONE HUNDRED AND SEVENTEEN FEET TO REALTY OWNED BY THE WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS FROM THE INTERSECTION OF COUNTRY CLUB DRIVE AND HARDING AVENUE IN THE SEVENTH 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 40' wide right-of-way known as Harding Avenue Extension running a distance of approximately one hundred and seventeen feet to realty owned by West Virginia University Board of Governors from the intersection of Country Club Drive and Harding Avenue in the Seventh 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 and it further appearing that it is in the interests of the City of Morgantown and of the public generally that a 40' wide right-of-way, known as Harding Avenue Extension, running a distance of approximately one hundred and seventeen feet to realty owned by the West Virginia University Board of Governors from the intersection of Country Club Drive and Harding Avenue, 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 Harding Avenue Extension have petitioned the Common Council to vacate, abandon and annul said portion of the 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 reasons hereinbefore set forth that a 40' wide right-of-way, known as Harding Avenue Extension, running a distance of approximately one hundred and seventeen feet to realty owned by the West Virginia University Board of Governors from the intersection of Country Club Drive and Harding Avenue in the Seventh Ward of 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 40' wide right-of-way,

known as Harding Avenue Extension, and running a distance of approximately one hundred seventeen feet to realty owned by West Virginia University Board of Governors from the intersection of Country Club Drive and Harding Avenue, 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 40' by 117' right-of-way 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:

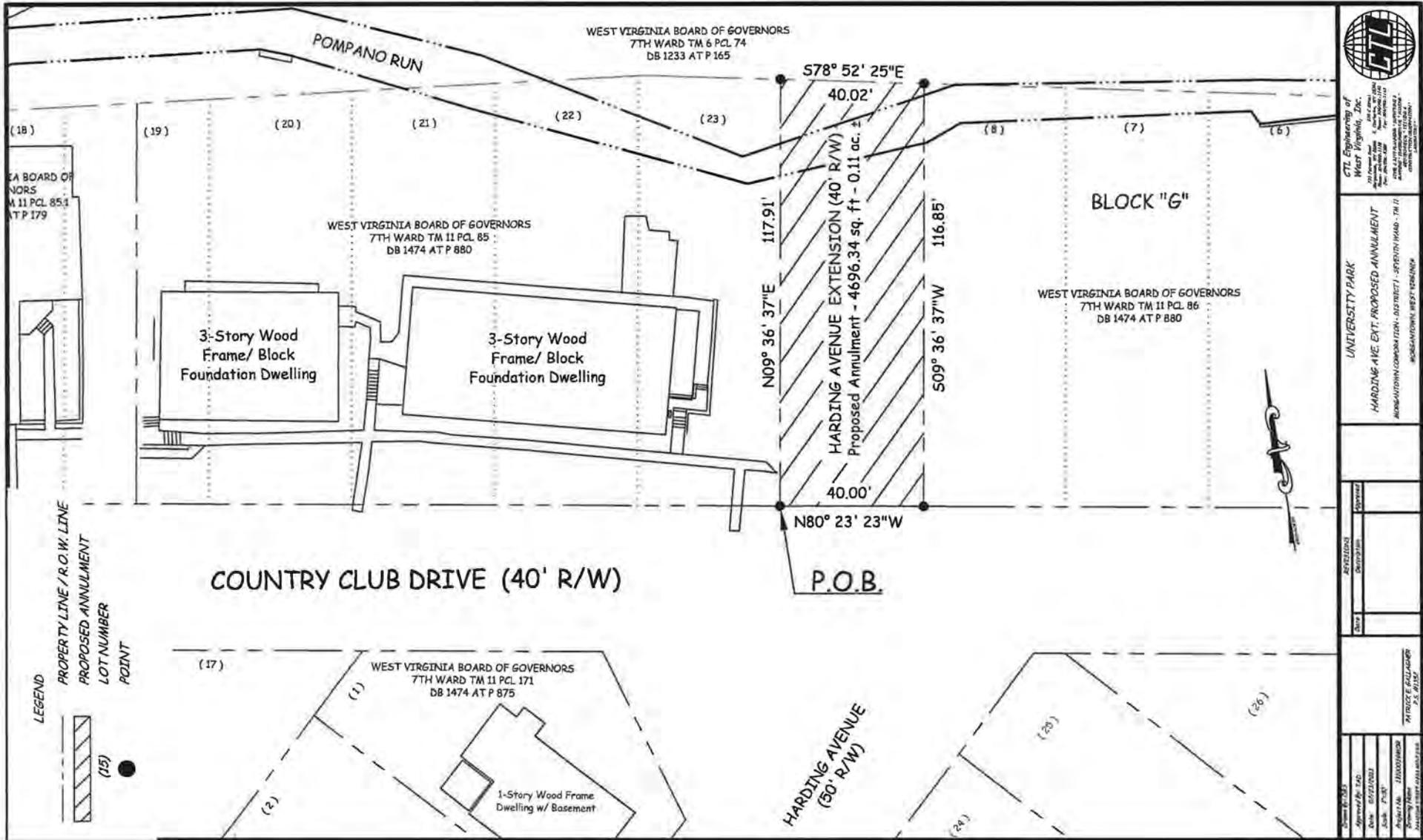
MAYOR

ADOPTED:

FILED:

CITY CLERK

RECORDED:



CTL Engineering of West Virginia, Inc.
 702 New River Plaza
 Morgantown, WV 26505
 Phone: 304.241.1100
 Fax: 304.241.1101
 www.ctleng.com

UNIVERSITY PARK
 HARDING AVE. EXT. PROPOSED ANNULMENT
 MORGANTOWN COMPOSITION - DISTRICT - SPRING WARD - TM 11

APPROVAL	DATE
Owner	
Surveyor	
City/County	
State	

Project No.	1100000000
Approved By	[Signature]
Date	07/21/2023
Scale	1"=30'
Project Name	UNIVERSITY PARK
Surveyor Name	ANTHONY E. GALLAGHER
Professional Seal No.	P.S. 91157

Harding Avenue Extension Annulment

Beginning at a point at the intersection of the Northern right of way of Country Club Drive, and the Western right of way of Harding Avenue Extension, and also being the Southeastern Corner of lands now or formerly owned by The West Virginia University Board of Governors (Seventh Ward, Tax Map 11, Parcel 85) (Deed Book 1474, Page 880), thence

With the lands of The West Virginia University Board of Governors, N 09° 36' 37" E 117.91 feet to a point, thence

With the lands now or formerly owned by the West Virginia University Board of Governors (Seventh Ward, Tax Map 6, Parcel 74) (Deed Book 1233, Page 165), S 78° 52' 25" E 40.02 feet to a point at the Northwestern corner of lands now or formerly owned by The West Virginia University Board of Governors (Seventh Ward, Tax Map 11, Parcel 86) (Deed Book 1474, Page 880), thence

With the lands of The West Virginia University Board of Governors, S 09° 36' 37" W 116.85 feet to a point on the Northern right of way of Country Club Drive, thence

With the Northern right of way of Country Club Drive, N 80° 23' 23" W 40.00 feet to the point of beginning, containing 4,696.34 sq. feet, or 0.11 acres, plus or minus.

Conditions and Instructions for Annulment

1. It is recommended that the applicant consult with the city engineer to review the possibility of annulment.

Some considerations for annulment are:

- a. Must not land lock any properties;
 - b. Requires Plat/s of Survey;
 - c. Requires signature of ALL adjacent property owners;
 - d. Signatures must be notarized;
 - e. \$100.00 fee for annulment;
 - f. Requires approval of the City Engineer and City Council;
 - g. Permanent Right-of-Way will be maintained;
 - h. No permanent structures can be built on the annulled area. If utilities do or do not exist within the right-of-way, the annulment ordinance retains a permanent Right-of-Way.
 - i. The city does retain the right to open the annulled right-of-way for public use at such a point in time as deemed necessary.
2. Applicant must apply for annulment at the office of the City Engineer. Forms available at the office of the city engineer.
 3. The applicant must have a survey plat showing the property lines and the area to be considered for annulment must be submitted at the time of application.
 4. A non-refundable fee of \$100.00 is required with the application.
 5. The city attorney will prepare a draft ordinance for the annulment which will go before the Committee of the Whole (meets last Tuesday of each month).
 6. Upon release from the Committee of the Whole, the ordinance must be read and approved by City Council (meets on 1st and 3rd Tuesdays of each month).
 7. The ordinance must be read and approved at two city council meetings.
 8. Once final approval by city council is granted, the ordinance must be submitted to the city clerk for recording and copied to the city engineer.
 9. The annulment must also be recorded at the court house.

Permanent Release Annulment requires all of the above plus letters from each utility company stating that they have no need and will not need the right-of-way at any point in the future. The letters need to be signed by an authorized company representative for each utility and must be submitted with the application for annulment.

THIS AGREEMENT made this _____ day of August 2013, by and between: WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS ON BEHALF OF WEST VIRGINIA UNIVERSITY, an agency and higher education institution of the State of West Virginia, party of the first part, grantor, and THE CITY OF MORGANTOWN, West Virginia, a municipal corporation, party of the second part, grantee.

Party of the first part, grantor, and THE CITY OF MORGANTOWN, West Virginia, a municipal corporation, part of the second part, grantee.

WITNESSETH

THAT WHEREAS, the grantor is the owner of the following lots and parcels of land, situate in the 7th Ward of the City of Morgantown, Monongalia County, West Virginia.

ENTER PARCELS

Map 11, Parcel 85

Map 11, Parcel 86

WHEREAS, the said grantor has petitioned the Common Council of the City of Morgantown for an annulment, has filed this agreement in duplicate, and has paid the required fees, the street to be annulled being:

Beginning at a point at the intersection of the Northern right of way of Country Club Drive, and the Western right of way of Harding Avenue Extension, and also being the Southeastern Corner of lands now or formerly owned by The West Virginia University Board of Governors (Seventh Ward, Tax Map 11, Parcel 85) (Deed Book 1474, Page 880), thence

With the lands of The West Virginia University Board of Governors, N 09° 36' 37" E

117.91 feet to a point, thence

With the lands now or formerly owned by the West Virginia University Board of Governors (Seventh Ward, Tax Map 6, Parcel 74) (Deed Book 1233, Page 165), S

78° 52' 25" E 40.02 feet to a point at the Northwestern corner of lands now or

formerly owned by The West Virginia University Board of Governors (Seventh Ward, Tax Map 11, Parcel 86) (Deed Book 1474, Page 880), thence

With the lands of The West Virginia University Board of Governors, S 09° 36' 37"

W 116.85 feet to a point on the Northern right of way of Country Club Drive, thence

With the Northern right of way of Country Club Drive, N 80° 23' 23" W 40.00 feet to

the point of beginning, containing 4,696.34 sq. feet, or 0.11 acres, plus or minus.

WHEREAS, it appears that said street is not used nor useful as a public way within the City of Morgantown, West Virginia, and is not necessary for public uses and purposes, and that the rights of the public will not be prejudiced by such an annulment, that the property of no person will be injured by the same, and that such annulment will promote public interest; and,

NOW, THEREFORE, THIS AGREEMENT WITNESSETH: That for and in consideration of the sum of One Dollar (\$1.00) cash in hand paid by each of

the parties hereto to the other, and other good and valuable considerations, including the annulment of said street and the release and quit clam for street and utility purposes, the parties hereto mutually covenant and agree as follows:

1. A map or plat showing the part of the public way so vacated, abandoned, and annulled is attached to this agreement as a part hereof and to be recorded herewith.

2. For the considerations aforesaid the said grantee, The City of Morgantown, West Virginia, hereby releases and quit claims, unto the said grantors their heirs, personal representatives, successors and assigns, all of its easements and rights of way for street and utility purposes in said annulled public way so that the said grantors shall have that moiety or part of said public way so vacated, abandoned, and annulled which is adjacent to its/their property for its/their full use and enjoyment in fee simple.

3. The parties hereto further covenant and agree as follows: N/A

WITNESS the following signatures and seals:

West Virginia University Board of Governors on behalf of West Virginia University

By: _____(SEAL)
Narvel G. Weese, Jr.,
Vice President of Administration and Finance

THE CITY OF MORGANTOWN, WEST VIRGINIA, a municipal corporation

By: _____
City Manager

ATTEST:

City Clerk

STATE OF WEST VIRGINIA
COUNTY OF MONONGALIA, to wit:

I, _____, a Notary Public in and for the County and State aforesaid do certify that Narvel G. Weese, Jr., Vice President of Administration and Finance, who signed the foregoing writing bearing date the _____ day of August 2013, for West Virginia University Board of Governors on behalf of West Virginia University, an agency and higher education institution of the State of West Virginia, has this day in my said County before me acknowledged the said writing to be the act and deed of said institution.

Given under my hand and notarial seal this _____ day of August 2013.

My commission expires _____.

Notary Public

STATE OF WEST VIRGINIA
COUNTY OF MONONGALIA, to wit:

I, _____, a Notary Public in and for the County and State aforesaid do certify that _____, who signed the foregoing writing bearing date the _____ day of August 2013, for The City of Morgantown, a municipal corporation, has this day in my said County before me acknowledged the said writing to be the act and deed of said corporation.

Given under my hand and notarial seal this _____ day of August 2013.

My commission expires _____.

Notary Public

AN ORDINANCE BY THE CITY OF MORGANTOWN VACATING, ABANDONING, AND ANNULUNG PARTS OR PORTIONS OF COUNTRY CLUB DRIVE AND ACCEPTING THE DEDICATION OF ADDITIONS TO COUNTRY CLUB DRIVE, LOCATED AND SITUATE IN THE SEVENTH WARD OF THE CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, IN CONJUNCTION WITH THE PARTIAL REALIGNMENT AND RELOCATION OF COUNTRY CLUB DRIVE;

WHEREAS, the Common Council ("Council") of The City of Morgantown, West Virginia ("City"), finds and makes a legislative determination that Country Club Drive ("Street") is a publicly dedicated and accepted easement and right-of-way for, among other purposes, street purposes, that is shown, illustrated, and depicted on, among other maps or plats of record in the Office of the Clerk of the County Commission of Monongalia County, West Virginia ("Clerk's Office"); and

WHEREAS, the Council finds and makes a legislative determination that the Street is located and situate within the Seventh Ward of the municipal limits of the City, Monongalia County, West Virginia; and

WHEREAS, the Council finds and makes a legislative determination that a part or portion of the Street is adjoined on either side by property of West Virginia University Board of Governors on behalf of West Virginia University, an agency and higher education institution of the State of West Virginia ("WVU"); and

WHEREAS, the Council finds and makes a legislative determination that it is in the best interests of the City and the public generally that the Street be partially realigned and relocated; and

WHEREAS, the Council finds and makes a legislative determination that to effect the partial realignment and relocation of the Street, a separate and distinct part or portion of the Street must be vacated, abandoned, and annulled by the City; and

WHEREAS, the Council finds and makes a legislative determination that to effect the partial realignment and relocation of the Street, a separate and distinct part or portion of the property of WVU must be dedicated by WVU to the City and accepted by the City for, among other purposes, street purposes; and

WHEREAS, a map or plat prepared by CTL Engineering of West Virginia, Inc., a reproduction of which is appended to this Ordinance as Exhibit No. 1 and incorporated into this Ordinance by this reference ("Exhibit Plat"), shows, illustrates, and depicts (a) the separate and distinct parts or portions of the Street that must be vacated, abandoned, and annulled by the City to effect the partial realignment and relocation of the Street ("Vacated Parcel") and (b) the separate and distinct parts or portions of the property of WVU that must be dedicated by WVU to the City and accepted by the City to effect the partial realignment and relocation of the Street ("Dedicated Parcel"); and

WHEREAS, the Council finds and makes a legislative determination that, in conjunction with the realignment and relocation of the Street, the Vacated Parcel is not presently used, useful, or needed for street purposes or any other public uses or purposes; and

WHEREAS, the Council finds and makes a legislative determination that, in conjunction with the partial realignment and relocation of the Street, the Vacated Parcel shall not subsequently be used, useful, or needed for street purposes or any other public uses or purposes; and

WHEREAS, the Council finds and makes a legislative determination that, in conjunction with the partial realignment and relocation of the Street, no party nor any property of any party will be injured or damaged by either the partial realignment and relocation of the Street or the vacation, abandonment, and annulment of the Vacated Parcel; and

WHEREAS, the Council finds and makes a legislative determination that, in conjunction with the partial realignment and relocation of the Street, it is in the best interests of the City and the public generally that the Street be partially realigned and relocated and that the Vacated Parcel be vacated, abandoned, and annulled by the City for street purposes and any and all other public uses or purposes; and

WHEREAS, the Council finds and makes a legislative determination that, in conjunction with the partial realignment and relocation of the Street, it is in the best interests of the City and the public generally that the Dedicated Parcel be dedicated by WVU to the City and accepted by the City for, among other purposes, street purposes, all as more particularly set forth in that certain Easement Dedication from WVU dated of even date herewith and to be recorded simultaneously herewith.

NOW, THEREFORE, it is ordained by the Council, in regular session, duly and properly assembled, as follows:

Section 1. The findings and legislative determinations of the Council set forth and contained in the above recitals are incorporated and integrated into this Ordinance by this reference and adopted, confirmed, and affirmed as findings and legislative determinations of the Council.

Section 2. The Exhibit Plat is incorporated and integrated into this Ordinance by this reference.

Section 3. The Vacated Parcel is described as follows:

Beginning at a 1/2" rebar found at the intersection of the Eastern right of way of Country Club Drive and the Northern right of way of St. Joseph Street, said corner also being the Southwestern corner of the lands now or formerly owned by The West Virginia University Board of Governors (Seventh Ward, Tax Map 11, Parcel 172) (Deed Book 1474, Page 875), thence

Bearing N 49° 25' 42" W 40.00 feet to a point on the Western right of way of Country Club Drive,

thence

With the Western right of way of Country Club Drive, with a curve to the right, having a radius of

300.00 feet, an arc length of 304.63 feet, and a chord bearing N 69° 36' 34" E 291.71 feet to a

point on the Northern right of way of Country Club Drive, thence

With the Northern right of way of Country Club Drive, S 80° 23' 23" E 291.22 feet to a point on the

Northern right of way of Country Club Drive, thence

Leaving the Northern right of way of Country Club Drive, S 46° 41' 45" W 108.07 feet to a point at

the intersection of the Southern right of way of Country Club Drive, and the Western right of way of Harding Avenue, and also being the Easternmost corner of the lands now or formerly owned by

The West Virginia University Board of Governors (Seventh Ward, Tax Map 11, Parcel 171) (Deed Book 1474, Page 875), thence

with the Southern right of way of Country Club Drive, N 17° 06'05" W 51.74 feet to a point, thence

N 80° 23'23" W 202.45 feet to a point, thence

With a curve to the left, having a radius of 260.00 feet, an arc length of 263.74 feet, and a chord

bearing S 69° 34' 17" W 252.58 feet to the point of beginning, containing 23,750.02 sq. feet, or

0.55 acres, plus or minus.

Section 4. Upon the Effective Date of this Ordinance, for the reasons set forth and contained in the above recitals, the easement and right-of-way of the City for street purposes and any and all other public uses or purposes in, of, and to the Vacated Parcel is and shall be vacated, abandoned, and annulled by the City, with the intent and effect that subsequent to the Effective Date of the adoption of this Ordinance, the Vacated Parcel shall cease to be a part or portion of a public easement and right-of-way or public street.

Section 5. Upon the Effective Date of this Ordinance, any and all right, title, interest, claim, and estate of the City, of any and every nature, kind, character, manner, and description, in, of, and to the Vacated Parcel is and shall be cancelled, terminated, vacated, abandoned, annulled, released, and relinquished in favor of and for the benefit of WVU and its successors and assigns.

Section 6. The City shall not keep, except, reserve, or retain any utility easements or rights-of-way in, on, over, upon, under, through, or across the Vacated Parcel of any nature, kind, character, manner, or description.

Section 7. The dedication of the Dedicated Parcel to the City for, among other purposes, street purposes, is accepted by the City and no subsequent or further acts other than (1) the adoption of this Ordinance by the City, and (2) the execution, recordation, and delivery by WVU of the Easement Declaration, shall be requisite to effect such acceptance, even in the event that the Easement Declaration shall be executed, delivered, or placed of record subsequent to the adoption of this Ordinance.

Section 8. Within ten (10) days of the adoption of this Ordinance, WVU shall execute and cause to be recorded in the Clerk's Office and subsequently deliver to the City an easement declaration substantially identical in form, substance, and content to the proforma easement declaration appended to this Ordinance as Exhibit No. 2 and incorporated into this Ordinance by this reference ("Easement Declaration").

Section 9. The Dedicated Parcel is described as follows:

Beginning at a 1/2" rebar found at the intersection of the Southeastern right of way of Country Club Drive and the Northern right of way of St. Joseph Street, said corner also being the Southwestern corner of the lands now or formerly owned by The West Virginia University Board of Governors (Seventh Ward, Tax Map 11, Parcel 172) (Deed Book 1474, Page 875), thence

Bearing N 49° 25' 42" W 40.00 feet to a point on the Northernmost right of way of Country Club

Drive, thence

With the Northernmost right of way of Country Club Drive, N 37° 04' 31" E 70.46 feet to a point,

thence

N 33° 55' 45" E 43.01 feet to a point, thence

With a curve to the right, having a radius of 88.44 feet, an arc length of 150.04 feet, and a chord

bearing N 85° 09' 46" E 132.68 feet to a point, thence

S 45° 20' 44" E 284.89 feet to a point on the Northernmost right of way of Harding Avenue,

thence

With the right of way of Harding Avenue, S 46° 41' 45" W 40.03 feet to a point, thence

Leaving the right of way of Harding Avenue, N 45° 20' 44" W 281.07 feet to a point, thence

With a curve to the left, having a radius of 48.44 feet, an arc length of 83.17 feet, and a chord bearing S 86° 40' 28" W 73.32 feet to a point, thence

S 33° 55' 45" W 43.05 feet to a point, thence

S 37° 04' 31" W 74.00 feet to the point of beginning, containing 20,594 sq. feet, or 0.47 acres,

more or less.

Section 10. Upon the adoption of this Ordinance, the City Clerk shall provide a certified photocopy of this Ordinance to counsel for WVU for the purpose of such counsel admitting the same of record in the Clerk's Office as evidence of, among other matters, the vacation, abandonment, and annulment of a part or portion of the Street.

Section 11. This Ordinance shall be effective upon January 1, 2014 (the "Effective Date").

First Reading: _____, 2013

Second Reading: _____, 2013

Adopted: _____, 2013

Filed: _____, 2013

Recorded: _____, 2013

Mayor

City Clerk

Descriptions for Proposed Annulments & Relocation

Country Club Drive Annulment

Beginning at a 1/2" rebar found at the intersection of the Eastern right of way of Country Club Drive and the Northern right of way of St. Joseph Street, said corner also being the Southwestern corner of the lands now or formerly owned by The West Virginia University Board of Governors (Seventh Ward, Tax Map 11, Parcel 172) (Deed Book 1474, Page 875), thence

Bearing N 49° 25' 42" W 40.00 feet to a point on the Western right of way of Country Club Drive, thence

With the Western right of way of Country Club Drive, with a curve to the right, having a radius of 300.00 feet, an arc length of 304.63 feet, and a chord bearing N 69° 36' 34" E 291.71 feet to a point on the Northern right of way of Country Club Drive, thence

With the Northern right of way of Country Club Drive, S 80° 23' 23" E 291.22 feet to a point on the Northern right of Country Club Drive, thence

Leaving the Northern right of way of Country Club Drive, S 46° 41' 45" W 108.07 feet to a point at the intersection of the Southern right of way of Country Club Drive, and the Western right of way of Harding Avenue, and also being the Easternmost corner of the lands now or formerly owned by The West Virginia University Board of Governors (Seventh Ward, Tax Map 11, Parcel 171) (Deed Book 1474, Page 875), thence

Thence with the Southern right of way of Country Club Drive, N 17° 06' 05" W 51.74 feet to a point, thence

N 80° 23' 23" W 202.45 feet to a point, thence

With a curve to the left, having a radius of 260.00 feet, an arc length of 263.74 feet, and a chord bearing S 69° 34' 17" W 252.58 feet to the point of beginning, containing 23,750.02 sq. feet, or 0.55 acres, plus or minus.

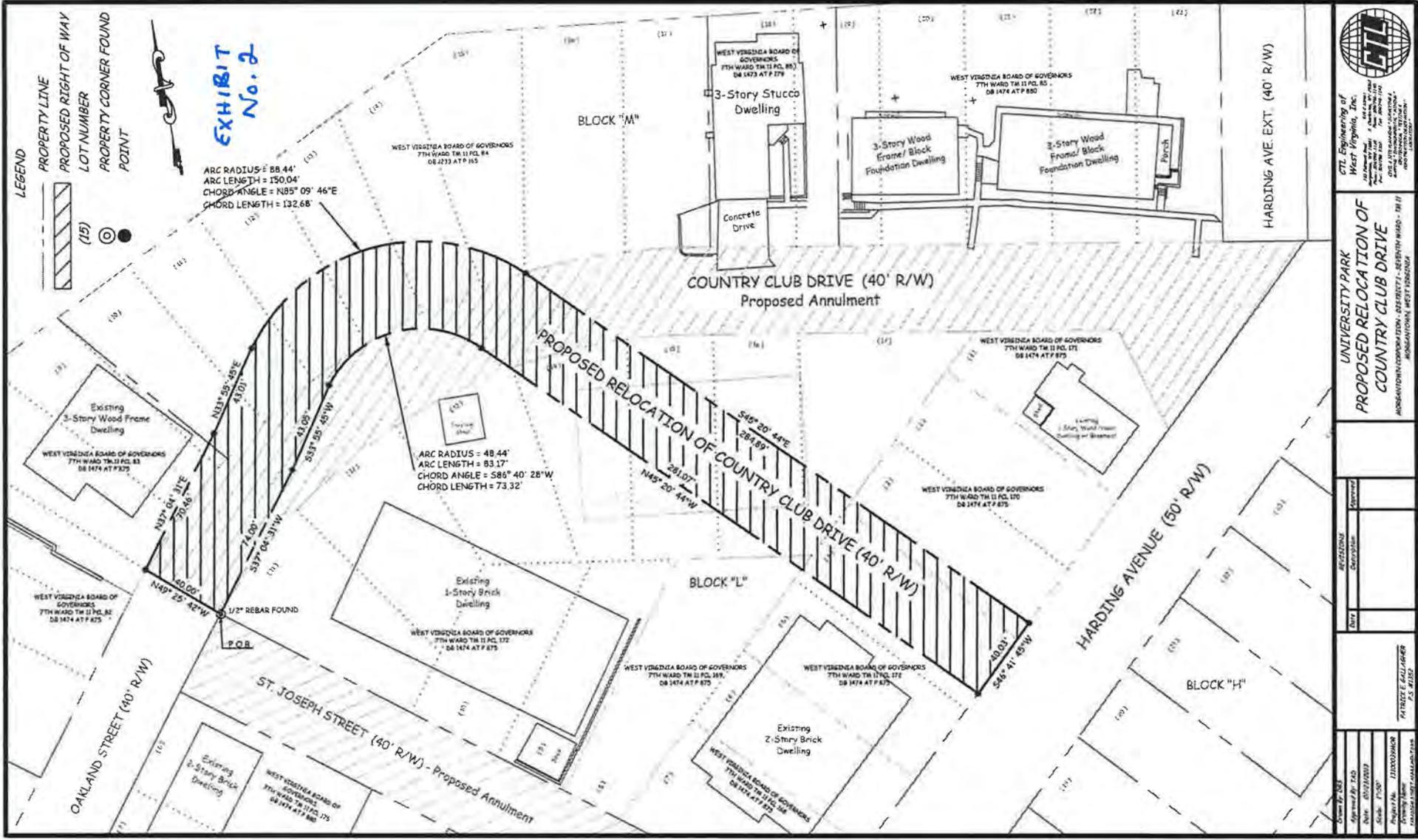


EXHIBIT
No. 2

LEGEND

PROPERTY LINE
PROPOSED RIGHT OF WAY
LOT NUMBER
PROPERTY CORNER FOUND POINT

ARC RADIUS = 88.44'
ARC LENGTH = 150.04'
CHORD ANGLE = N85° 09' 46"E
CHORD LENGTH = 132.68'

ARC RADIUS = 48.44'
ARC LENGTH = 83.17'
CHORD ANGLE = S86° 40' 28"W
CHORD LENGTH = 73.32'



CTL Engineering of West Virginia, Inc.
1000 University Park
Martinsburg, WV 26150
Phone: 304.271.1111
Fax: 304.271.1112
www.ctlva.com

**UNIVERSITY PARK
PROPOSED RELOCATION OF
COUNTRY CLUB DRIVE**

APPROXIMATE COMPASSION - SEE SHEET 7 - BERTHOLD 8850 - 28 1/2
MARTINSBURG, WEST VIRGINIA

REVISION	Date	Description

PREPARED BY: PATRICK E. GALLAGHER
P.E. #1252

Drawn By: GSE
Approved By: TAD
Date: 05/23/2013
Scale: 1"=50'
Project No.: 125003000R
Drawing Name: 125003000R
125003000R WEST VIRGINIA LAND RECORDS

Proposed Relocation of Country Club Drive

Beginning at a 1/2" rebar found at the intersection of the SouthEastern right of way of Country Club Drive and the Northern right of way of St. Joseph Street, said corner also being the Southwestern corner of the lands now or formerly owned by The West Virginia University Board of Governors (Seventh Ward, Tax Map 11, Parcel 172) (Deed Book 1474, Page 875), thence

Bearing N 49° 25' 42" W 40.00 feet to a point on the Northernmost right of way of Country Club Drive, thence

With the Northernmost right of way of Country Club Drive, N 37° 04' 31" E 70.46 feet to a point, thence

N 33° 55' 45" E 43.01 feet to a point, thence

With a curve to the right, having a radius of 88.44 feet, an arc length of 150.04 feet, and a chord bearing N85° 09' 46" E 132.68 feet to a point, thence

S 45° 20' 44" E 284.89 feet to a point on the Northernmost right of way of Harding Avenue, thence

With the right of way of Harding Avenue, S 46° 41' 45" W 40.03 feet to a point, thence

Leaving the right of way of Harding Avenue, N 45° 20' 44" W 281.07 feet to a point, thence

With a curve to the left, having a radius of 48.44 feet, an arc length of 83.17 feet, and a chord bearing S86° 40' 28" W 73.32 feet to a point, thence

S 33° 55' 45" W 43.05 feet to a point, thence

S 37° 04' 31" W 74.00 feet to the point of beginning, containing 20,594 sq. feet, or 0.47 acres, more or less.

This instrument was jointly prepared by:

Stephen R. Fanok
The City of Morgantown, West Virginia
389 Spruce Street Morgantown, West Virginia 26505

Heather Gentile
Jackson Kelly PLLC
P.O. Box 619
Morgantown, West Virginia 26507-0619

EASEMENT DECLARATION

This Declaration is made and entered into this the ___ day of _____, 2013, but effective January 1, 2014, by WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS ON BEHALF OF WEST VIRGINIA UNIVERSITY, an agency and higher education institution of the State of West Virginia in favor of and for the benefit of THE CITY OF MORGANTOWN, West Virginia, a municipal corporation.

For and in consideration of the amount of Ten Dollars (\$10.00), other good and valuable consideration, the receipt, sufficiency, and adequacy of all of which are acknowledged by WVU, and with the intent of being legally bound by and obligated under, in accordance with, and pursuant to this Declaration, WVU declares, covenants, and agrees in favor of and for the benefit of City as follows:

(1) Definitions: For the purposes of this Declaration, the following defined terms shall have the following meanings and definitions:

- (a) "City" shall mean The City of Morgantown, West Virginia, a municipal corporation.
- (b) "Declaration" shall mean this easement declaration and any and all amendments, modifications, supplements, and/or restatements of and/or to the same.
- (c) "Dedicated Parcel" shall mean that lot, parcel, or tract located and situate in the Seventh Ward of the City, Morgan District, Monongalia County, West Virginia described as follows:

Beginning at a 1/2" rebar found at the intersection of the SouthEastern right of way of Country Club Drive and the Northern right of way of St. Joseph Street, said corner also being the Southwestern corner of the lands now or formerly owned by The West Virginia University Board of Governors (Seventh Ward, Tax Map 11, Parcel 172) (Deed Book 1474, Page 875), thence

Bearing N 49° 25' 42" W 40.00 feet to a point on the Northernmost right of way of Country

Club Drive, thence

With the Northernmost right of way of Country Club Drive, N 37° 04' 31" E 70.46 feet to a point, thence

N 33° 55' 45" E 43.01 feet to a point, thence

With a curve to the right, having a radius of 88.44 feet, an arc length of 150.04 feet, and a chord bearing N85° 09' 46" E 132.68 feet to a point, thence

S 45° 20' 44" E 284.89 feet to a point on the Northernmost right of way of Harding Avenue, thence

With the right of way of Harding Avenue, S 46° 41' 45" W 40.03 feet to a point, thence

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S 33° 55' 45" W 43.05 feet to a point, thence

S 37° 04' 31" W 74.00 feet to the point of beginning, containing 20,594 sq. feet, or 0.47

acres, more or less.

- (d) "Effective Date" shall mean January 1, 2014.
 - (e) "WVU" shall mean WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS ON BEHALF OF WEST VIRGINIA UNIVERSITY, an agency and higher education institution of the State of West Virginia.
 - (f) "Plat" shall mean that plat of survey prepared by CTL Engineering of West Virginia, Inc., dated July 23, 2013, titled University Park Proposed Relocation of Country Club Drive.
- (2) Incorporation of the Plat: The Plat is incorporated and integrated into this Declaration by this reference.
 - (3) Dedication of the Dedicated Parcel: WVU grants, conveys, and transfers to City and creates, dedicates, and establishes in favor of and for the benefit of City, in, on, over, upon, under, through, and across the Dedicated Parcel, easements and rights-of-way for the purposes of building, installing, constructing, improving, extending, maintaining, operating, inspecting, repairing, removing, replacing, rebuilding, reinstalling, reconstructing, re-improving, and re-extending a public way and street, with sidewalks and related appurtenances, and otherwise generally developing and improving the Dedicated Parcel for the foregoing purposes, including, without limitation, as rights appurtenant, material, essential, and integral to such easements and rights-of-way and such purposes, the rights to use and enjoy the Dedicated Parcel to (a) access the Dedicated Parcel by way of other easements, rights-of-way, and properties of City, (b) travel and traverse the Dedicated Parcel with persons, equipment, materials, and supplies, and (c) locate, set, stage, and operate equipment and machinery on and/or from the Dedicated Parcel while City shall be using or enjoying the Dedicated Parcel for the purposes set forth, contained, and provided for in this Declaration.
 - (4) Use and Enjoyment of the Encumbered Fee Estate: WVU shall have the right, power, capacity, and authority to use and enjoy and grant or license other parties the right to use and enjoy the Dedicated Parcel for any uses or purposes that shall not unreasonably and adversely interfere with the rights of City for the purposes set forth and provided for in this Declaration and any such use, enjoyment, grant, or license by WVU shall not be deemed or construed to be, constitute, work, or effect an over-burdening or over-encumbering of the Dedicated Parcel.
 - (5) Rules of Construction: Rules of construction requiring that ambiguities are to be resolved against a particular party shall not be applicable in the construction and interpretation of this Declaration.
 - (6) Governing Law: The laws of the State of West Virginia, without resort to its conflicts of laws principles, shall govern the validity, construction, and interpretation of this Declaration.
 - (7) Singular, Plural, and Gender: Words used and employed in this Declaration, regardless of the number and gender specifically used and employed, shall be deemed, construed, and interpreted to include any other number, singular or plural, and any other gender, masculine, feminine, or neuter, as the content shall require.
 - (8) Headings and Captions: The headings, titles, and captions set forth, contained, and provided for in this Declaration are inserted only as a matter of convenience and for reference purposes only

and shall not in any way, manner, character, or nature define, limit, restrict, confine constrain, extend, or prescribe the scope or intent of any provision of this Declaration.

- (9) Modification: This Declaration shall not be amended, modified, supplemented, altered, changed, enlarged, and/or restated in any way, manner, character, or nature, by performance, acquiescence, course of conduct, or otherwise, except by a written instrument executed by City and WVU and/or their successors in interest.
- (10) Severability: In the event that anyone or more of the provisions set forth, contained, or provided for in this Declaration, or the application thereof, in any circumstance, shall be held invalid, illegal, or unenforceable in any respect, the validity, legality, and enforceability of such provision or provisions in any other circumstance shall not be affected or impaired thereby, and the remaining provisions set forth, contained, and provided for in this Declaration shall remain of full force and effect and be construed and interpreted as if such invalid, illegal, or unenforceable provision or provisions were never included. The provisions of this Declaration shall be severable.
- (11) Inclusion of Successors: A reference to a party in this Declaration shall be deemed to include the heirs, devisees, legatees, personal representatives, agents, employees, contractors, tenants, invitees, licensees, successors and/or assigns of such party.

Declaration of Consideration or Value: Under, in accordance with, and pursuant to the provisions of Article 22 of Chapter 11 of the West Virginia Code, WVU declares that the transfer made and effected by this Declaration is exempt from the applicable excise taxes on the basis that City is a political subdivision of the State of West Virginia.

Witness the following signature.

WEST VIRGINIA UNIVERSITY BOARD OF
GOVERNORS ON BEHALF OF WEST
VIRGINIA UNIVERSITY, an agency and higher
education institution of the State of West Virginia

By: _____

Name: _____

Title: _____

STATE OF WEST VIRGINIA

COUNTY OF MONONGALIA, to wit:

I, _____, a Notary Public in and for the County and State aforesaid do certify that _____, who signed the foregoing writing bearing date the ____ day of _____ 2013, for WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS ON BEHALF OF WEST VIRGINIA UNIVERSITY, an agency and higher education institution of the State of West Virginia, has this day in my said County before me acknowledged the said writing to be the act and deed of said institution.

Given under my hand and notarial seal this ____ day of _____ 2013.

My commission expires _____.

Notary Public

THIS AGREEMENT made this _____ day of August 2013, by and between: WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS ON BEHALF OF WEST VIRGINIA UNIVERSITY, an agency and higher education institution of the State of West Virginia, party of the first part, grantor, and THE CITY OF MORGANTOWN, West Virginia, a municipal corporation, party of the second part, grantee.

Party of the first part, grantor, and THE CITY OF MORGANTOWN, West Virginia, a municipal corporation, part of the second part, grantee.

WITNESSETH

THAT WHEREAS, the grantor is the owner of the following lots and parcels of land, situate in the 7th Ward of the City of Morgantown, Monongalia County, West Virginia.

ENTER PARCELS

Map 11, Parcel 83
Map 11, Parcel 84
Map 11, Parcel 85.1
Map 11, Parcel 85
Map 11, Parcel 86
Map 11, Parcel 171
Map 11, Parcel 172

WHEREAS, the said grantor has petitioned the Common Council of the City of Morgantown for an annulment, has filed this agreement in duplicate, and has paid the required fees, the street to be annulled being:

Beginning at a 1/2" rebar found at the intersection of the Eastern right of way of Country Club Drive and the Northern right of way of St. Joseph Street, said corner also being the Southwestern corner of the lands now or formerly owned by The West Virginia University Board of Governors (Seventh Ward, Tax Map 11, Parcel 172) (Deed Book 1474, Page 875), thence

Bearing N 49° 25' 42" W 40.00 feet to a point on the Western right of way of

Country Club Drive, thence

With the Western right of way of Country Club Drive, with a curve to the right, having a radius of 300.00 feet, an arc length of 304.63 feet, and a chord bearing N

69° 36' 34" E 291.71 feet to a point on the Northern right of way of Country Club

Drive, thence

With the Northern right of way of Country Club Drive, S 80° 23' 23" E 291.22 feet to

a point on the Northern right of Country Club Drive, thence

Leaving the Northern right of way of Country Club Drive, S 46° 41' 45" W 108.07

feet to a point at the intersection of the Southern right of way of Country Club Drive, and the Western right of way of Harding Avenue, and also being the Easternmost corner of the lands now or formerly owned by The West Virginia University Board of Governors (Seventh Ward, Tax Map 11, Parcel 171) (Deed Book 1474, Page 875), thence

Thence with the Southern right of way of Country Club Drive, N 17° 06'05" W 51.74

feet to a point, thence

N 80° 23'23" W 202.45 feet to a point, thence

With a curve to the left, having a radius of 260.00 feet, an arc length of 263.74 feet,

and a chord bearing S 69° 34' 17" W 252.58 feet to the point of beginning,

containing 23,750.02 sq. feet, or 0.55 acres, plus or minus.

WHEREAS, it appears that said street is not used nor useful as a public way within the City of Morgantown, West Virginia, and is not necessary for public uses and purposes, and that the rights of the public will not be prejudiced by such an annulment, that the property of no person will be injured by the same, and that such annulment will promote public interest; and,

NOW, THEREFORE, THIS AGREEMENT WITNESSETH: That for and in consideration of the sum of One Dollar (\$1.00) cash in hand paid by each of the parties hereto to the other, and other good and valuable considerations, including the annulment of said street and the release and quit clam for street and utility purposes, the parties hereto mutually covenant and agree as follows:

1. A map or plat showing the part of the public way so vacated, abandoned, and annulled is attached to this agreement as a part hereof and to be recorded herewith.

2. For the considerations aforesaid the said grantee, The City of Morgantown, West Virginia, hereby releases and quit claims, unto the said grantors their heirs, personal representatives, successors and assigns, all of its easements and rights of way for street and utility purposes in said annulled public way so that the said grantors shall have that moiety or part of said public way so vacated, abandoned, and annulled which is adjacent to its/their property for its/their full use and enjoyment in fee simple.

3. The parties hereto further covenant and agree as follows: N/A

West Virginia University Board of Governors on behalf of West Virginia University

By: _____(SEAL)
Narvel G. Weese, Jr.,
Vice President of Administration and Finance

THE CITY OF MORGANTOWN, WEST VIRGINIA, a municipal corporation

By: _____
City Manager

ATTEST:

City Clerk

STATE OF WEST VIRGINIA
COUNTY OF MONONGALIA, to wit:

I, _____, a Notary Public in and for the County and State aforesaid do certify that Narvel G. Weese, Jr., Vice President of Administration and Finance, who signed the foregoing writing bearing date the _____ day of August 2013, for West Virginia University Board of Governors on behalf of West Virginia University, an agency and higher education institution of the State

of West Virginia, has this day in my said County before me acknowledged the said writing to be the act and deed of said institution.

Given under my hand and notarial seal this _____ day of August 2013.

My commission expires_____.

Notary Public

STATE OF WEST VIRGINIA
COUNTY OF MONONGALIA, to wit:

I, _____, a Notary Public in and for the County and State aforesaid do certify that _____, who signed the foregoing writing bearing date the _____ day of August 2013, for The City of Morgantown, a municipal corporation, has this day in my said County before me acknowledged the said writing to be the act and deed of said corporation.

Given under my hand and notarial seal this _____ day of August 2013.

My commission expires_____.

Notary Public