



Office of the City Clerk

The City of Morgantown

Linda L. Little, CMC
389 Spruce Street, Room 10
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llittle@cityofmorgantown.org

AGENDA
MORGANTOWN CITY COUNCIL
REGULAR MEETING
September 3, 2013
7:00 p.m.

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE TO THE FLAG
4. APPROVAL OF MINUTES: Special & Regular Meetings – August 20, 2013
5. CORRESPONDENCE:
6. PUBLIC HEARING:
 - A. PUBLIC HEARING on 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.
 - B. PUBLIC HEARING on AN ORDINANCE 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.

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

7. UNFINISHED BUSINESS:

- A. Consideration of APPROVAL of SECOND READING (ADOPTION) of 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. (First Reading August 6, 2013)
- B. Consideration of APPROVAL of SECOND READING (ADOPTION) of 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. (First Reading August 6, 2013)
- C. Consideration of APPROVAL of SECOND READING (ADOPTION) of AN ORDINANCE BY THE CITY OF MORGANTOWN CREATING ARTICLE 162 WITHIN ITS ADMINISTRATIVE CODE, ESTABLISHING A WOODBURN SCHOOL REDEVELOPMENT COMMISSION. (First Reading August 20, 2013)

D. BOARDS AND COMMISSIONS

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

9. SPECIAL COMMITTEE REPORTS

10. NEW BUSINESS:

- A. Consideration of APPROVAL of FIRST READING 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.
- B. Consideration of APPROVAL of FIRST READING 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.
- C. Consideration of APPROVAL of FIRST READING of 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.
- D. Consideration of APPROVAL of FIRST READING 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.
- E. Consideration of APPROVAL of FIRST READING 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.
- F. Consideration of APPROVAL of FIRST READING 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.

- G. Consideration of APPROVAL of FIRST READING 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.
- H. Consideration of APPROVAL of FIRST READING 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.
- I. Consideration of APPROVAL of FIRST READING 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.
- J. Consideration of APPROVAL of FIRST READING 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.

K. Consideration of APPROVAL of 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.

11. CITY MANAGER'S REPORT:

INFORMATION:

1.Tree Board will plant trees in front of Library

NEW BUSINESS:

1. River Town Program update

12. REPORT FROM CITY CLERK

13. REPORT FROM CITY ATTORNEY

14. REPORT FROM COUNCIL MEMBERS

15. ADJOURNMENT

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

SPECIAL MEETING AUGUST 20, 2013:

The special meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, August 20, 2013 at 6:00 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 TWO VACANCIES ON THE LIBRARY BOARD:

Council Members interviewed each applicant: Patricia Hein, Elizabeth McConnell, Nancy Ulrich (phone interview). Questions were posed to the candidates who applied to fill vacancies for a one year and five year term.

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 Fike, second by Councilor Shamberger, 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 6:40 pm

ADJOURNMENT:

There being no further business, Council adjourned the special meeting at 6:50 pm.

City Clerk

Mayor

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

REGULAR MEETING, AUGUST 20, 2013: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, August 20, 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 Meeting of August 6, 2013 were approved as presented.

CORRESPONDENCE:

Councilor Nugent shared a resident request for speed humps in his neighborhood, and hoped that traffic calming could continue to be funded. Secondly, he noted trash left curbside and citizen concerns relayed to him about recycling totes and thanked the Manager for helping to deal with those concerns in a timely manner. Lastly, he relayed an issue of inaccurately reported crime in the downtown area by the Dominion Post.

Year of the Tree Presentation:

Sandra Fallon and her associates on behalf of the Year of the Tree activities outlined for Council how the movement began and detailed their work over the past year in celebrating trees. They thanked everyone who participated in, and helped with all of the events.

Mayor Selin then presented the Year of the Tree Committee with the All Star Community Award, given to the City of Morgantown in the Enrichment Category for the Year of the Tree, as designated by the West Virginia Municipal League. Council accepted the Award on behalf of those responsible for the Year of the Tree at the WVML Annual Conference in August. The plaque will go on proud display in City Hall, as a memento of the achievements Year of the Tree has made.

River Town Presentation: *(Note: Chronologically, this presentation took place before the City Manager's Report, in order to accommodate the schedule of the speaker, who had a prior engagement with another Municipality before the meeting. The Rules were suspended to allow the presentation when the speaker arrived.)*

Cathy McCollom, Director of the River Town Program, explained the program and gave Council handouts about River Town. The program seeks to help revitalize riverfront communities by offering economic growth through outdoor recreation based markets. The program attracts both visitors and businesses to help sustain and grow the economies of small towns. They focus on trails, navigable rivers, and other forms of outdoor recreation in order to achieve the goals of revitalization. The program operates at no cost to its participating municipalities.

PUBLIC HEARING – AN ORDINANCE BY THE CITY OF MORGANTOWN AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF MORGANTOWN AND THE MONONGALIA COUNTY BOARD OF EDUCATION, AS THE SAME APPLIES TO A PREVENTION RESOURCES OFFICER IN THE MONONGALIA COUNTY SCHOOL SYSTEM AT MORGANTOWN HIGH SCHOOL.

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

PUBLIC HEARING – AN ORDINANCE AMENDING SECTION 345.35 OF THE TRAFFIC CODE OF THE CITY OF MORGANTOWN MAKING THE OFFENSE OF FAILURE TO WEAR SAFETY BELTS A PRIMARY OFFENSE.

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

UNFINISHED BUSINESS:

AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT FOR AN OFFICER AT MHS: The above entitled Ordinance was presented for second reading.

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF MORGANTOWN AND THE MONONGALIA COUNTY BOARD OF EDUCATION, AS THE SAME APPLIES TO A PREVENTION RESOURCES OFFICER IN THE MONONGALIA COUNTY SCHOOL SYSTEM AT MORGANTOWN HIGH SCHOOL.

Motion by Bane, second by Shamberger, to adopt the above entitled ordinance. After discussion, mMotion carried 7-0.

AN ORDINANCE AMENDING THE TRAFFIC CODE, PRIMARY OFFENSE, FAILURE TO WEAR SAFETY BELTS: The below entitled Ordinance was presented for second reading:

AN ORDINANCE AMENDING SECTION 345.35 OF THE TRAFFIC CODE OF THE CITY OF MORGANTOWN MAKING THE OFFENSE OF FAILURE TO WEAR SAFETY BELTS A PRIMARY OFFENSE.

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

BOARDS AND COMMISSIONS: By acclamation, City Council appointed Patricia Hein and Elizabeth McConnell to the Library Board and Joseph Scotti to the Urban Landscape Commission.

PUBLIC PORTION:

John Sofranko, 445 Linden Street, commented about trees, and then discussed the Arts Alive Festival. He noted the Council was asked to contribute but did not, and told Council that decision was short-sighted. Lastly, he noted that while sitting in front of the Public Safety Building recently there were numerous trucks that came through. He postulated that the City “could never get rid of them”.

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

SPECIAL COMMITTEE REPORTS: No Reports.

NEW BUSINESS:

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

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

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

A RESOLUTION TO OBTAIN \$10,000 FROM THE COMMUNITY PARTICIPATION GRANT PROGRAM; PROJECT NUMBER 13LEDAO188, FUNDS FOR USE FOR THE ZACKQUILL MORGAN STATUE: The above entitled Resolution was presented for approval.

Motion by Bane, second by Nugent to approve the above entitled Resolution. Motion carried 7-0.

CITY MANAGERS REPORT:

INFORMATION:

1. WVML – Home Rule Pilot Program

Mr. Mikorski stated that discussions centered around Home Rule at the WVML Conference; as such, he suggested Council hold a work shop on September 10, 2013 at 7:00 p.m. to address possible Home Rule topics.

REPORT FROM CITY CLERK: Clerk Little reminded Council of their photo before COW on August 27th. Councilor Bane stated that he would not be in attendance for that photo. Ms. Little will schedule the photo for September 3, 2013 before the Special Meeting.

REPORT FROM CITY ATTORNEY: No Report

REPORT FROM COUNCIL MEMBERS:

Councilor Bane:

Councilor Bane appreciated the River Town presentation, noting there are not many activities that take place in the waterfront area. He stated that the amphitheater is underutilized each summer, and that there is more the City could do to enhance the assets we already possess along the river. Downtown needs to be focused upon also, and the problems it has should not be generalized.

Councilor Kawecki

Councilor Kawecki inquired how Council would go about accepting the proposal from River Town to initiate the program in Morgantown.

Discussion erupted about what the best course of action would be. Mr. Mikorski then stated that since the program is free, and costs the City nothing, and the program pays the City nothing; that a formal agreement would not be necessary. He suggested that an action team should be formed to work with the group. Mr. Fanok asked that the record reflect Council's action supporting the River Town program and it's endeavors, Council then consented to direct the Manager to write a letter of intent to River Town supporting the program in Morgantown, which Council will approve at a subsequent meeting.

Councilor Kawecki continued, stating that he enjoyed attending his first Municipal League meeting. He commended the City for improvements made along Walnut Street, and thanked the employees for their hard work. He then clarified Councilor Fike's questions about the school resource officer program.

Councilor Nugent:

Councilor Nugent offered his condolences to the McClain family and the Mascioli family for their losses. He announced the Wiles Hill-Highland Park neighborhood association meeting. He praised the decision to look into the River Town Project services and noted the History Museum's efforts to re-create a flatboat. He mentioned the hiatus of this year's Arts Alive Festival is not a result of Council's actions but, a decision of its own board which is unrelated to any funding request made of the City. Mr. Mikorski confirmed that this is true.

Councilor Shamberger:

Councilor Shamberger enjoyed her time in Charleston at the Municipal League conference and garden tours. She announced the BOPARC meeting and then concurred with Councilor Bane that the amphitheater should be used more. She noted the overwhelming odor near the MUB plant and trails. Mr. Mikorski noted MUB is aware and the smell is being dealt with, some noted marked improvement although the odor can still be smelled in the area. Councilor Shamberger inquired who is responsible for making sure truck bed loads are covered. Mr. Fanok replied that City Police have the authority to enforce this. Lastly, Councilor Shamberger appreciated the trees and planters around town and their beauty.

Councilor Fike:

Councilor Fike thanked Councilor Kawecki for clarifying his question about the school resource officer. He noted that he is interested to know how effective the program is and possibly how many children are being helped by officer intervention at MHS. He praised the neighborhood associations in his ward for their ongoing summer events and the participation from the neighbors. He announced he attended the WVU Chinese Student Orientation. He then asked the City Clerk to procure a list of Council Members who are appointed to, and also unofficially monitoring the Boards and Commissions. Mayor Selin added that she has kept track of this, as many were not formal appointments.

Councilor Ganz:

Councilor Ganz also was grateful that she was able to attend the Municipal League Conference. She thanked BOPARC for all the great events they hosted this summer. She hoped that the County could come to the table with contributions for BOPARC programming and events since over 50% of the use is from county citizens. She discussed the development of the Evansdale Campus and noted that some citizens are concerned about related traffic patterns. She attended Fall Fest and thanked the

University for a safe and well run event. She announced a BOPARC dance workshop.

Mayor Selin:

Mayor Selin noted that the Arts Alive Festival is underfunded and expressed she was disappointed that the City did not step up with monetary contributions, although in-kind donations were made. She encouraged the Arts Alive organizers to re-group and the City to contribute to the festival so that it can happen again this year. She noted Fall Fest and commended the organization of the event. She welcomed the student guest citizens and encourages citizenship among them. She mentioned street lights that are burnt out and have not been taken care of by the power company. She asked that City Administration take initiative on that situation. Mayor Selin then announced several upcoming events including M.T. Pockets Theatre, a Wild Flowers Walk, the Farmer's Market, and year of the tree knitting at Arts Mon.

ADJOURNMENT: There being no further items of business or discussion, the meeting adjourned by unanimous consent at 9:03 p.m.

City Clerk

Mayor

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Office of the City Manager

The City of Morgantown

Interim City Manager
Jeff Mikorski, ICMA-CM
389 SPRUCE STREET
MORGANTOWN, WEST VIRGINIA 26505
(304) 284-7405 FAX: (304) 284-7430
www.morgantownwv.gov

City Manager's Report for City Council September 3, 2013

Information:

1. In an effort to support the Tree Board and the Arbor Day activity on October 12, 2013, which will include planting trees in front of the Public Library, the City will be working to resurface the sidewalks in front of the Library. In the coming weeks, some planters will be removed to replace the brick tree pits with new concrete tree pits that will eliminate a tripping hazard in front of the Library.

Business:

1. River Town Program

After the presentation by the River Town Program at the August 20, 2013 Council Meeting, it was decided that the City would be willing to join the river Town Program. Attached is a letter of inclusion into the River Town Program for Council's review. Although this program does not require a financial commitment, it does require the City of Morgantown to initiate a River Town Program Action Committee to interact with Director Cathy McCollom. I recommend City Council vote to participate in the River Town Program and call for volunteers to be a part of the program by joining the River Town - Morgantown Action Team.

Jeff Mikorski ICMA-CM,
Morgantown City Manager



Office of the City Manager

The City of Morgantown

Jeff Mikorski, ICMA-CM
City Manager
389 SPRUCE STREET
MORGANTOWN, WEST VIRGINIA 26505
(304) 284-7405 FAX: (304) 284-7430
www.morgantownwv.gov

Cathy McCollom, Director
River Town Program

Cathy McCollom,

Thank you for attending the Morgantown City Council meeting on August 20, 2013 and presenting the River Town Program. The City of Morgantown requests to be included in the River Town Program that will help to market the region adjacent to the Monongalia River for recreation, tourism, and economic development. We understand that there is no financial commitment, but we will commit to initiating a River Town – Morgantown Action Team to work with your organization to accomplish the River Town Program goals.

Please use me as a contact person until the City creates the Action Team that will that will partner and coordinate visits and activities.

Jeff Mikorski
City Manager

BOARDS AND COMMISSIONS - TERMS EXPIRED AND CURRENT VACANCIES

BOPARC COMMISSION:

Council still needs to decide which Councilor is going to serve on this Commission. Nancy Ganz and Marti Shambeger are both on this Commission. Frank Scafella resigned effective 8-20-13. Attached are applicants that have applied for BOPARC. Council can review and set a time to interview at a Special Meeting. Residents at large-appointed by City Council- 5 members.

BUILDING COMMISSION:

Gary Murdock's term expires on 10/4/2014. He wishes to continue to serve. Council can vote on that re-appointment on 9-3-2013 at the Regular Meeting. Qualified by experience and training, appointed by Council-5 members.

HISTORIC LANDMARKS COMMISSION:

Council still needs to appoint a Council Appointment to this Commission.

HUMAN RIGHTS COMMISSION:

John Hagen resigned and Council is interviewing Candidates at a Special Meeting on September 3, at 6pm. Council will appoint candidate during Boards and Commissions. Appt. by city Council. Terms to be staggered. Resident of the City.

METROPOLITAN THEATRE:

Councilor Shamberger will serve on this commission. Bill Kawecki was going to serve but has a scheduling conflict. Council will need to vote on this on September 3, 2013.

PERSONNEL BOARD:

Ken Fones-Wolf's term expired on August 11, 2013. Advertising for Candidates, deadline 9/20/13. Residents and qualified voters serve at large.

SISTER CITIES:

Sister City Commission has had a change on the Council Rep. Councilor Fike will be serving not Council Ganz. We need an official vote on this on September 3, 2013.

TRAFFIC COMMISSION:

Margaret Roberts First Ward representative wishes not to continue to serve. First Ward Councilor (Ron Bane) will check to see if there is a representative in their ward that is interested in serving. Residents appointed by Council, must represent specific categories.

URBAN LANDSCAPE COMMISSION:

Judy Kierig resigned (see attached e-mail from Kara Hurst) 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.

***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.8/29/13

Zimbra

llittle@cityofmorgantown.org

BOPARC Board

From : fas4@labs.net

Tue, Aug 20, 2013 06:04 AM

Subject : BOPARC Board**To :** llittle@cityofmorgantown.org

Linda,

FYI. I have submitted my resignation from the BOPARC Board as of today, 8-20-2013.

Cordially, Frank

Morgantown

Request ID: 27691

Request Form: Volunteer for City Boards and Commissions
Received: Monday, April 29, 2013
Status: Completed
Priority: Normal
Assigned To: Bethany Sypolt

Contact Details

From: STEVEN BRADY
Email: steven.g.brady@hotmail.com
Telephone: 3048418743
Address1: 70 HIGH STREET Apt. B
Address2:

City: MORGANTOWN

State: WV

Zip Code:
26505

Pref. Method of Response: E-Mail
Questions and Answers

Are you a Morgantown resident?:
Yes

In which City Ward do you live?:
Third

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

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

What type of business are, or were, you employed in?:
Army National Guard (West Virginia)

What is your job description?:

Do you have any professional certifications or licenses?:

Do you have any pertinent special interests?:

On which commission(s) are you interested in serving?:
Board of Park and Recreation Commissioners

What is your work telephone number?:

Staff Activities

The status of the request was changed from Active to Completed. on 5/8/2013 at 8:57 AM

Public Activities

Request was successfully submitted. by EXEC EXEC on 4/29/2013 at 12:17 AM
An email was sent to steven.g.brady@hotmail.com. by Bethany Sypolt on 5/8/2013 at 8:56 AM

Thank you for your interest in serving the City of Morgantown. We will notify you if vacancies exist on any of the Boards or Commissions for which you have specified interest. Your application will remain active for six months. If you have any questions you can email the City Clerk's Office at: bsypolt@cityofmorgantown.org. by Bethany Sypolt on 5/8/2013 at 8:56 AM

Morgantown

Request ID: 27927

Request Form: Volunteer for City Boards and Commissions
Received: Friday, June 28, 2013
Status: Completed
Priority: Normal
Assigned To: Bethany Sypolt

Contact Details

From: Linda Herbst
Email: leherbst@yahoo.com
Telephone: 304-599-6947
Address1: 1500 Western Avenue
Address2:
City: Morgantown **State:** WV **Zip Code:** 26505
Pref. Method of Response: E-Mail

Questions and Answers

Are you a Morgantown resident?:
Yes

In which City Ward do you live?:
Seventh

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

If Yes, how many years have you lived in the City of Morgantown?:
28

What type of business are, or were, you employed in?:
Self Employed; Mine Health and Safety; Former City Council Member

What is your job description?:

Do you have any professional certifications or licenses?:
Mine Health and Safety Training; Spec. Property Management.

Do you have any pertinent special interests?:

On which commission(s) are you interested in serving?:
Board of Park and Recreation Commissioners

What is your work telephone number?:

Staff Activities

The status of the request was changed from Active to Completed. on 6/28/2013 at 1:34 PM

Public Activities

Request was successfully submitted. by Bethany Sypolt on 6/28/2013 at 1:25 PM
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 should there be vacancies on any of the boards or commissions in which you specified interest. by Bethany Sypolt on 6/28/2013 at 1:26 PM
An email was sent to leherbst@yahoo.com. by Bethany Sypolt on 6/28/2013 at 1:34 PM

Morgantown

Request ID: 27697

Request Form: Volunteer for City Boards and Commissions
Received: Tuesday, April 30, 2013
Status: Completed
Priority: Normal
Assigned To: Bethany Sypolt

Contact Details

From: David Coombs
Email: dacombs@mix.wvu.edu
Telephone: 8623541826
Address1: 318 Wilson Ave
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?:

~~Not Sure~~ 2

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

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

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

What is your job description?:

Do you have any professional certifications or licenses?:

Do you have any pertinent special interests?:

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

Board of Park and Recreation Commissioners

What is your work telephone number?:

Staff Activities

The status of the request was changed from Active to Completed. on 5/8/2013 at 8:54 AM

Public Activities

Request was successfully submitted. by EXEC EXEC on 4/30/2013 at 2:40 PM

An email was sent to dacombs@mix.wvu.edu. by Bethany Sypolt on 5/8/2013 at 8:53 AM

Thank you for your interest in serving the City of Morgantown. We will notify you if vacancies exist on any of the Boards or Commissions for which you have specified interest. Your application will remain active for six months. If you have any questions you can email the City Clerk's Office at: bsypolt@cityofmorgantown.org. by Bethany Sypolt on 5/8/2013 at 8:54 AM

Morgantown

Request ID: 28079

Request Form: Volunteer for City Boards and Commissions

Received: Saturday, August 03, 2013

Status: Completed

Priority: Normal

Assigned To: Bethany Sypolt

Contact Details

From: William Rochinich

Email: bjrochinich@gmail.com

Telephone: 3046852251

Address1: 512 Arch 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"):

Rob's Fitness Factory

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

11

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

Training

What is your job description?:

Do you have any professional certifications or licenses?:

First Aid CPR/AED

Certified Personal Trainer

Do you have any pertinent special interests?:

Health, Fitness, Environmental Issues

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

Board of Park and Recreation Commissioners

Board of Park and Recreation Commissioners; Fire Civil Service; Human Rights Commission; Police Civil Service

What is your work telephone number?:

Staff Activities

The status of the request was changed from Active to Completed. on 8/5/2013 at 1:23 PM

Public Activities

Request was successfully submitted. by EXEC EXEC on 8/3/2013 at 7:41 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 8/5/2013 at 1:22 PM

An email was sent to bjrochinich@gmail.com. by Bethany Sypolt on 8/5/2013 at 1:23 PM

Morgantown

Request ID: 28002

Request Form: Volunteer for City Boards and Commissions

Received: Thursday, July 11, 2013

Status: Completed

Priority: Normal

Assigned To: Bethany Sypolt

Contact Details

From: Meghan Smith

Email: Mes19230@aol.com

Telephone:

Address1: 123 South Walnut 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?:

Not Sure 2nd

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

Unemployed

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

4

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

Recent graduate of WVU, Advertising. Have previously worked in retail

What is your job description?:

Do you have any professional certifications or licenses?:

Do you have any pertinent special interests?:

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

Board of Park and Recreation Commissioners; Historic Landmarks Commission; Human Rights Commission; Library Board; Museum Commission; Planning Commission; Urban Landscape Commission

What is your work telephone number?:

Staff Activities

The status of the request was changed from Active to Completed. on 7/15/2013 at 9:28 AM

Public Activities

Request was successfully submitted. by EXEC EXEC on 7/11/2013 at 11:02 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. by Bethany Sypolt on 7/15/2013 at 9:28 AM

An email was sent to Mes19230@aol.com. by Bethany Sypolt on 7/15/2013 at 9:30 AM

MEMO

August 23, 2013

To: Linda Little, City Clerk

From: Kara Hurst, Chair – Urban Landscape Commission

Re: Second Ward Representative

Judy Kierig, Second Ward Representative to the Urban Landscape Commission has moved out of state and will no longer be serving on the Commission.

ORDINANCE NO. _____

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 DECLARED TO BE A PART OF THIS ORDINANCE AS IF THE SAME WAS FULLY SET FORTH HEREIN.

Properties included in this consideration is identified in the Monongalia County Assessor's records as Parcels 263 and 270 of County Tax Map 26; Morgantown Corporation District.

THE CITY OF MORGANTOWN HEREBY ORDAINS:

1. That the zoning classification for Parcels 263 and 270 of County Tax Map 26 of the Monongalia County tax assessment as described herein and illustrated on the exhibit hereto attached and declared to be a part of this Ordinance to be read herewith as if the same was fully set forth herein is reclassified from R-2, Single- and Two-Family Residential District and B-2, Service Business District to B-4, General Business District.
2. That the Official Zoning Map be accordingly changed to show said zoning reclassification.

This Ordinance shall be effective from the date of adoption.

FIRST READING:

Mayor

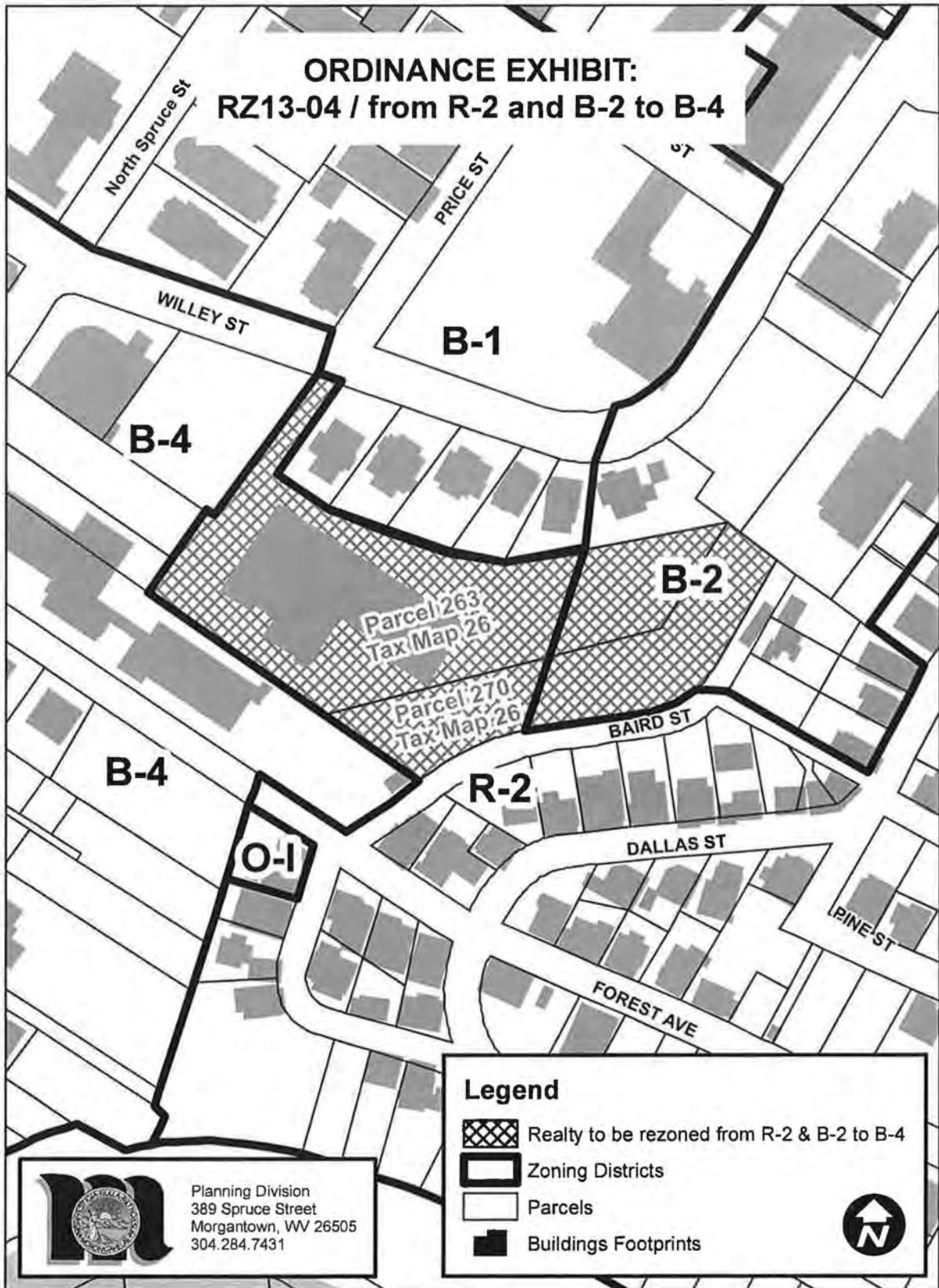
ADOPTED:

FILED:

RECORDED:

City Clerk

**ORDINANCE EXHIBIT:
RZ13-04 / from R-2 and B-2 to B-4**



 Planning Division
389 Spruce Street
Morgantown, WV 26505
304.284.7431

Legend

-  Realty to be rezoned from R-2 & B-2 to B-4
-  Zoning Districts
-  Parcels
-  Buildings Footprints



ORDINANCE NO. _____

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.

Property included in this consideration is identified in the Monongalia County Assessor's records as Parcel 260 of County Tax Map 7; Morgantown Corporation District along with a portion of the adjoining University Avenue public right-of-way.

THE CITY OF MORGANTOWN HEREBY ORDAINS:

1. That the zoning classification for Parcel 260 of County Tax Map 7 of the Monongalia County tax assessment along with a portion of the adjoining University Avenue public right-of-way as described herein and illustrated on the exhibit hereto attached and declared to be a part of this Ordinance to be read herewith as if the same was fully set forth herein is reclassified from B-1, Neighborhood Business District to B-2, Service Business District.
2. That the Official Zoning Map be accordingly changed to show said zoning reclassification.

This Ordinance shall be effective from the date of adoption.

FIRST READING:

Mayor

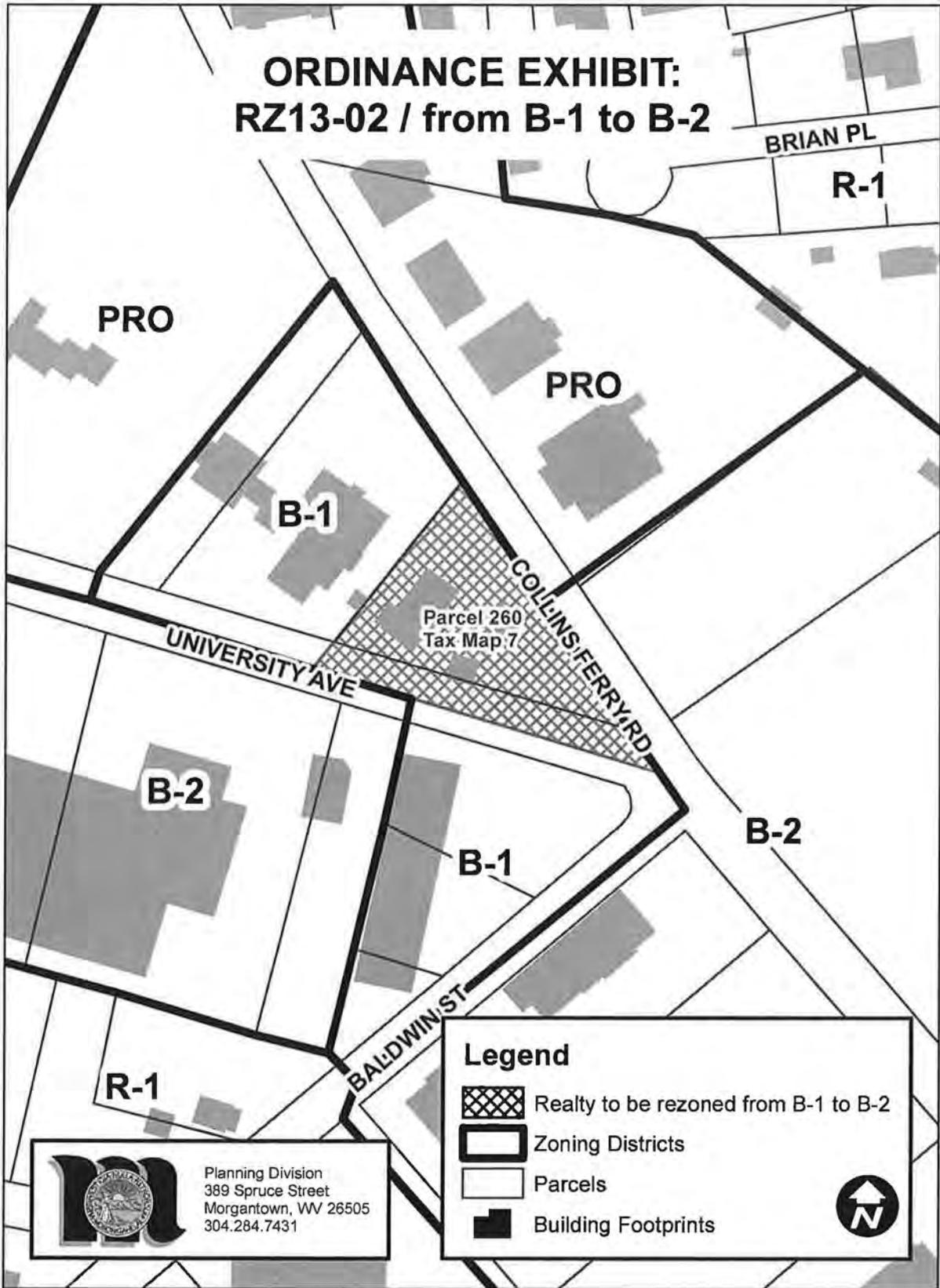
ADOPTED:

FILED:

RECORDED:

City Clerk

ORDINANCE EXHIBIT: RZ13-02 / from B-1 to B-2



**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:

MAYOR

ADOPTED:

FILED:

CITY CLERK

RECORDED:

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;~~ 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~~ 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 © 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:

ORDINANCE NO. _____

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.

Property included in this consideration is identified in the Monongalia County Assessor's records as Parcel 30, of County Tax Map 8, in the Morgan District.

THE CITY OF MORGANTOWN HEREBY ORDAINS:

1. That the zoning classification for Parcel 30, of County Tax Map 8, in the Morgan District as described herein and illustrated on the exhibit hereto attached and declared to be a part of this Ordinance to be read herewith as if the same was fully set forth herein is hereby classified as a B-2, Service Business District.
2. That the Official Zoning Map be accordingly changed to show said zoning classification.

This Ordinance shall be effective from the date of adoption.

FIRST READING:

Mayor

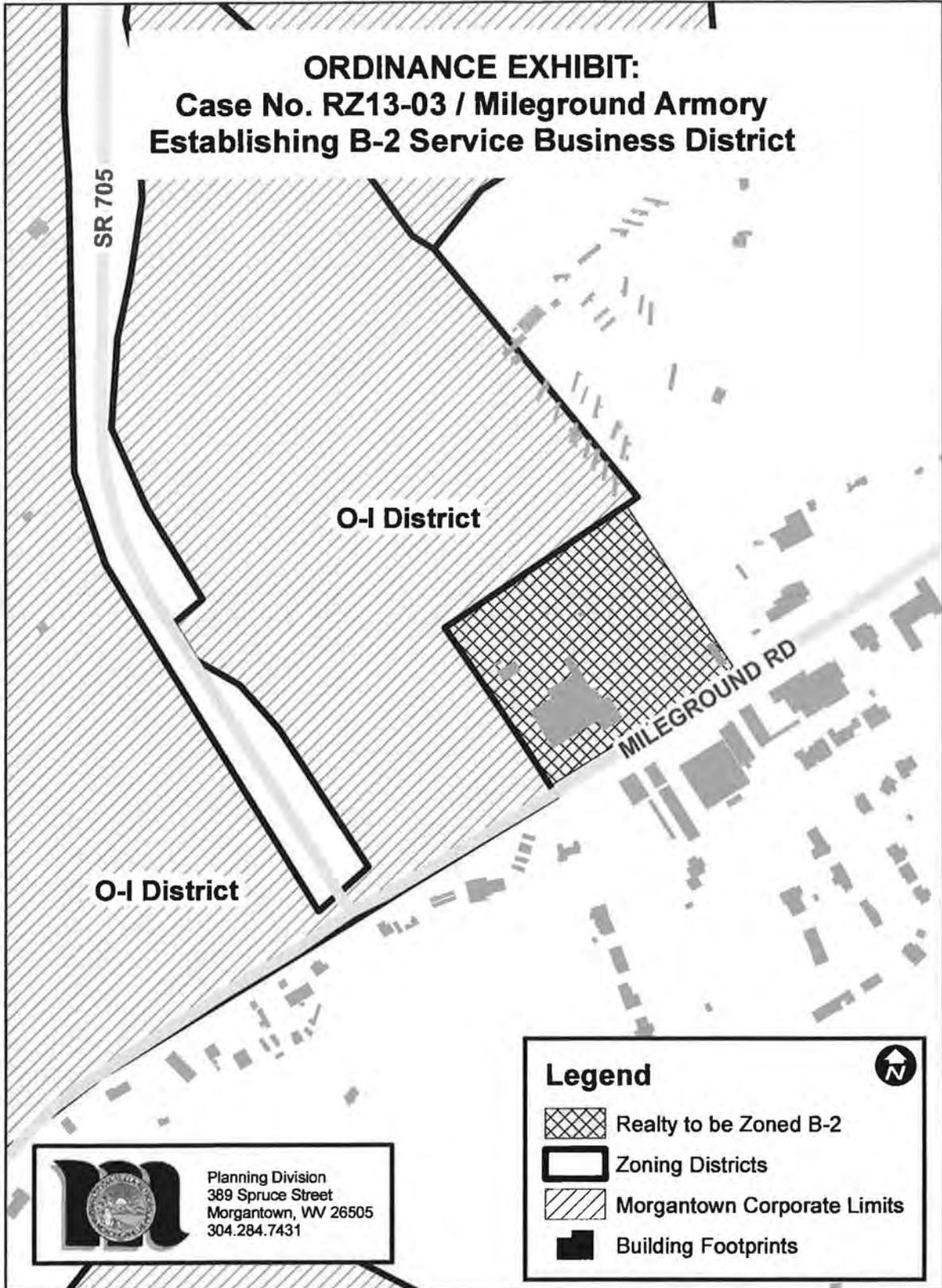
ADOPTED:

FILED:

RECORDED:

City Clerk

**ORDINANCE EXHIBIT:
Case No. RZ13-03 / Mileground Armory
Establishing B-2 Service Business District**



 Planning Division
389 Spruce Street
Morgantown, WV 26505
304.284.7431

Legend 

-  Realty to be Zoned B-2
-  Zoning Districts
-  Morgantown Corporate Limits
-  Building Footprints

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:

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 PRODUCE, FOOD, GOODS, WARES OR OTHER MERCHANDISE IN THE DOWNTOWN BUSINESS DISTRICT OF THE CITY.

The City of Morgantown hereby ordains that Section 361.09 of its Traffic Code is amended as follows (new matter underlined, deleted matter struck through):

361.09 **PARKING TO DISPLAY OR SELL PRODUCE, FOOD, GOODS, WARES OR OTHER MERCHANDISE.**

No vehicle, wagon, cart, or other similar device used for the transportation and/or sale of produce, food, goods, wares or other merchandise, shall be parked in the ~~business or congested district~~ Downtown Business District of the City, as shown on the map contained herein, for the purpose of displaying or selling therefrom any produce, food, goods, wares or other merchandise of any kind, except between the hours of 11:00 p.m. and 6:00 a.m., and only within the parking space assigned to such vendor by the City Manager, or his/her designee, which may include the Morgantown Parking Authority. The City Manager, or his/her designee, shall promulgate rules governing the assignment of parking spaces regulated by this Section, to vendors. Individual vendors shall be required to remove all litter or garbage within the public right-of-way and resulting from the vendor's sales, for a distance of fifty (50) feet of their assigned parking space. The vendor shall remove all such litter or garbage from the public right-of-way before removing its vehicle, wagon, cart, or other similar device used for the transportation and sale of produce, food, goods, wares or other merchandise from the assigned vendor parking space. Violators of this section shall be subject to a fine of five hundred dollars (\$500.00).



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 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.

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:

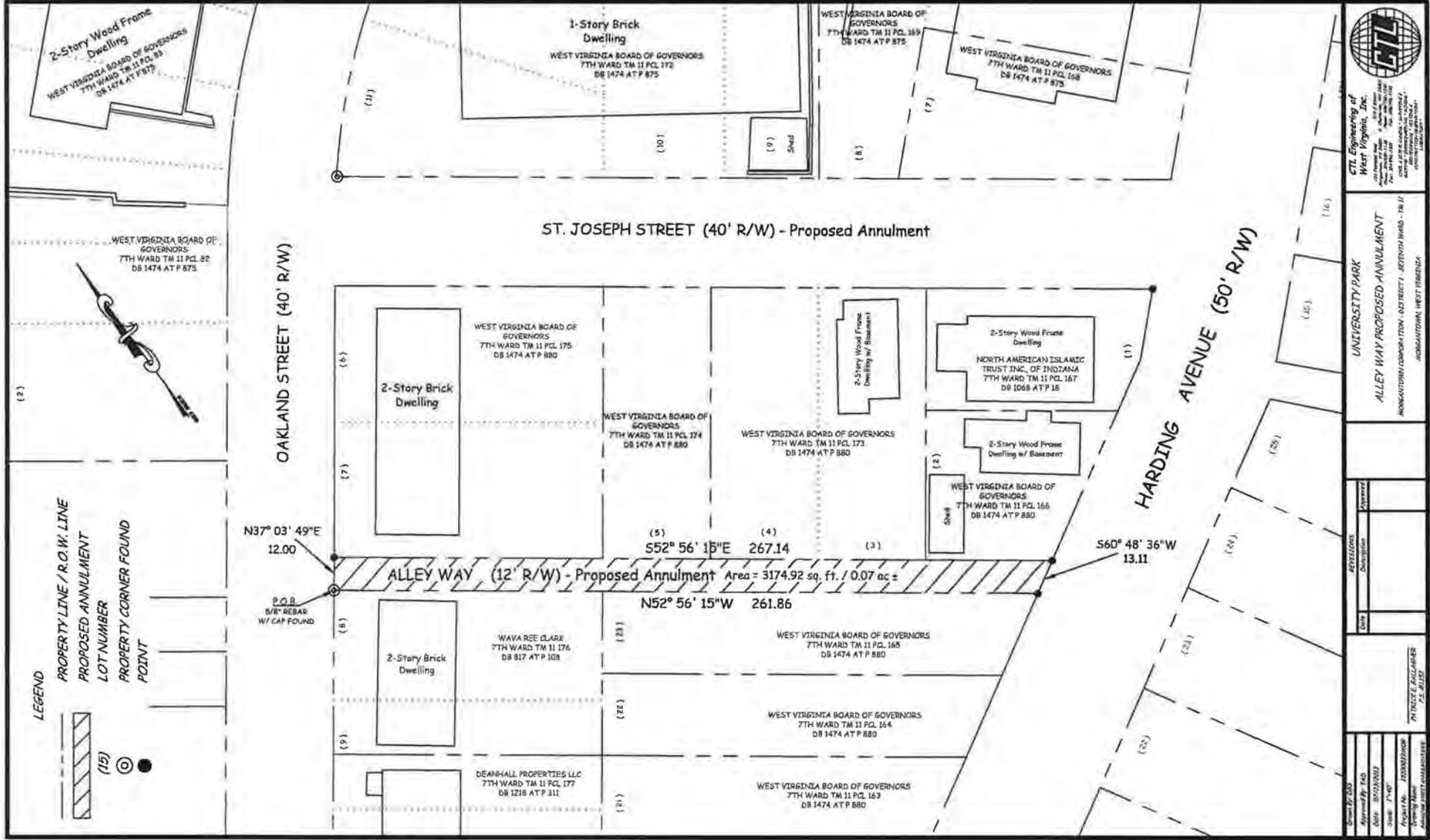
MAYOR

ADOPTED:

FILED:

CITY CLERK

RECORDED:



ST. JOSEPH STREET (40' R/W) - Proposed Annulment

OAKLAND STREET (40' R/W)

HARDING AVENUE (50' R/W)

ALLEY WAY (12' R/W) - Proposed Annulment Area = 3174.92 sq. ft. / 0.07 ac ±

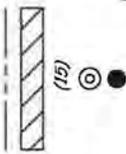
N37° 03' 49"E
12.00
P.O.B.
5/8" REBAR
W/ CAP FOUND

(5) S52° 56' 15"E 267.14

(4) N52° 56' 15"W 261.86

(3) S60° 48' 36"W 13.11

- LEGEND**
- PROPERTY LINE / R.O.W. LINE
 - PROPOSED ANNULMENT
 - LOT NUMBER
 - PROPERTY CORNER FOUND
 - POINT



CTL Engineering of West Virginia, Inc.
 1000 11th Street, N.E.
 Charleston, WV 25301
 Phone: 304.762.1111
 Fax: 304.762.1112
 www.ctlva.com

UNIVERSITY PARK
ALLEY WAY PROPOSED ANNULMENT
 MONKATOWN CORPORATION - DISTRICT 1 - SEVENTH WARD - 7TH / 11TH AVENUES, WEST VIRGINIA

DATE	DESCRIPTION	APPROVED

TRACEE BULLHEAR
 P.E. 01201

Drawn By: DGP	Reviewed By: TGS
Date: 07/22/2012	Scale: 1"=40'
Project No.: 1233333333	Drawing Name: ALLEWAY ANNULMENT

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:

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 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.

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 ANNULING 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:

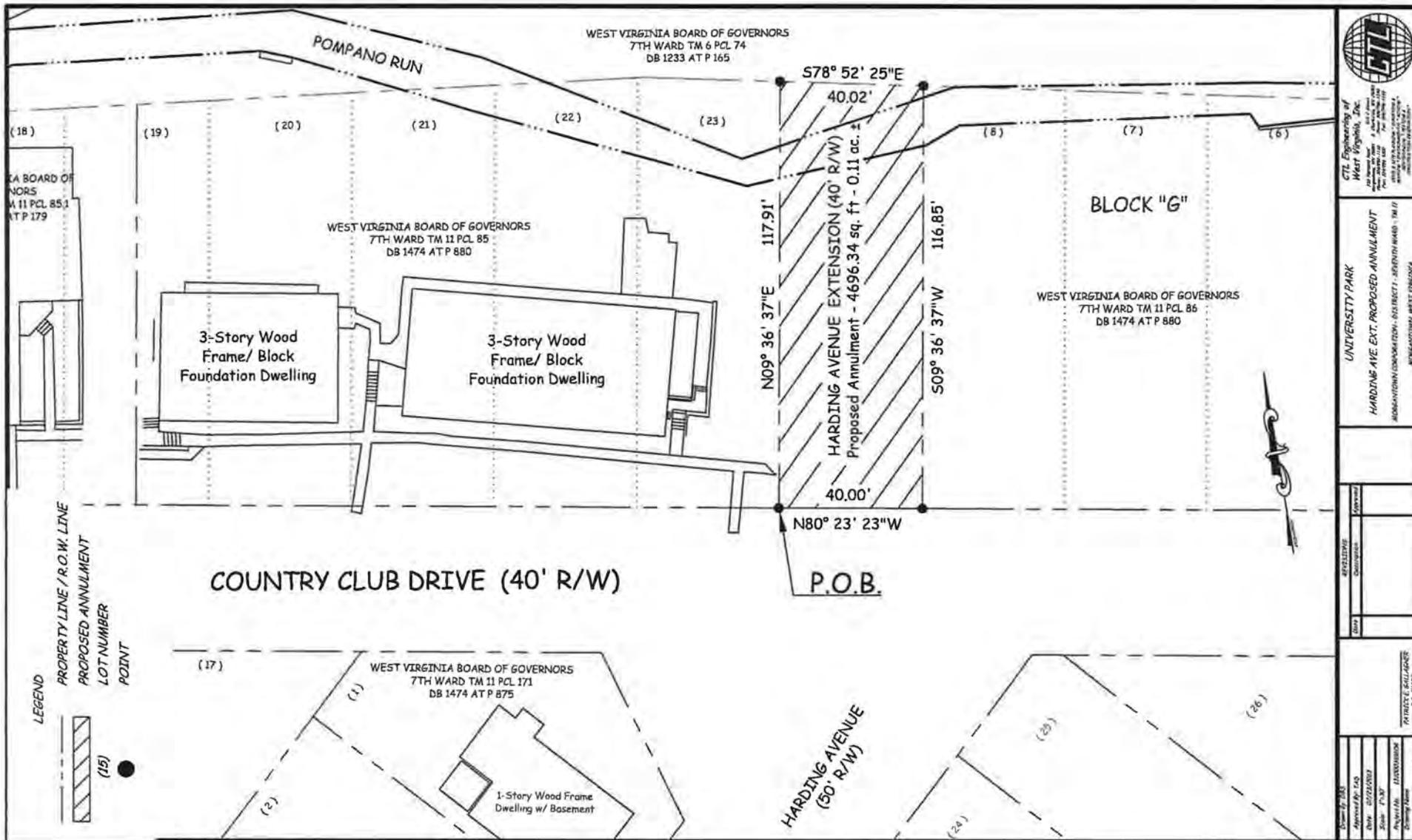
MAYOR

ADOPTED:

FILED:

CITY CLERK

RECORDED:



CTL Engineering of West Virginia, Inc.
1000 1st Street, Suite 100
Martinsburg, WV 26150
Phone: 304.263.1111
Fax: 304.263.1112
www.ctleng.com

UNIVERSITY PARK
HARDING AVE. EXT. PROPOSED ANNULMENT
MARTINSBURG (CONRAD) - 651 STREET - 7TH WARD - TM 11

DATE	DESCRIPTION

Drawn by: EAS	Reviewed by: EAS
Approved by: EAS	Date: 07/20/2012
Scale: FULL	Project No: 1208000000

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^o 06'05" W 51.74 feet to a point, thence

N 80^o 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^o 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.

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

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.

- (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

Reimbursement Resolution

**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**

WHEREAS, The City of Morgantown, a municipal corporation and political subdivision of the State of West Virginia (the "City") hereby determines or has heretofore determined to undertake, in conjunction with the Campus Neighborhoods Revitalization Corporation (the "Developer") the planning, design, acquisition, construction and equipping of certain public improvements in the Sunnyside area of the City within or benefitting the property tax increment financing district known as The City of Morgantown Redevelopment District No. 3 (the "TIF District") consisting generally of some or all of the following: water lines, storm water management culverts and facilities, sewer lines, road improvements, streetscape systems, traffic control, pedestrian ways and systems, utility relocations, lighting and related infrastructure, land and right-of-way acquisition, demolition and site preparation necessary in connection with the foregoing (the "Project");

WHEREAS, the City Council of the City reasonably expects that the City will reimburse itself and the Developer for a portion of the cost of the Project from the proceeds of the sale of its Tax Increment Revenue Bonds (the "Bonds") in a maximum principal amount not to exceed \$8,000,000;

WHEREAS, the City has previously issued its Tax Increment Revenue Bonds, Series 2010 (Sunnyside Up Project Plan No. 1), dated June 16, 2010, issued in the original aggregate principal amount of \$1,700,000 (the "Prior Bonds") for the purposes of paying a portion of the costs of the Project, funding a reserve fund for the Bonds and paying costs of issuance of the Bonds and related costs;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MORGANTOWN AS FOLLOWS:

Section 1. The City Council of the City reasonably expects that the City will reimburse itself and the Developer for certain capital expenditures made not more than 60 days prior to the date of adoption of this resolution, in connection with the planning, design, acquisition, construction and equipping of the various items constituting the Project, to be undertaken or incurred prior to the execution and delivery of the Bonds, from the proceeds of such Bonds, which are reasonably expected to be executed and delivered within 18 months from the later of (i) the expenditure for payment of said costs or (ii) the placing of the Project in service.

Section 2. The Bonds are planned to be issued for the purposes of currently refunding and redeeming in full the Prior Bonds, paying costs of the design, acquisition, construction and equipping of the Project, funding a reserve fund for the Bonds if funded from bond proceeds and paying costs of issuance of the Bonds.

Section 3. This Resolution is intended to constitute a “declaration of official intent” pursuant to Section 1.150-2 of the Treasury Regulations promulgated under Section 103 of the Internal Revenue Code of 1986, as amended (the “Reimbursement Regulations”).

Section 4. The source of payment for such capital expenditures will be the City of Morgantown’s General Revenue Account at United Bank, the City of Morgantown’s TIF Sunnyside Account at United Bank and the Developer’s Campus Neighborhoods Revitalization Corporation United Bank Business Checking Plus Account, and upon issuance of the Bonds, proceeds thereof not to exceed the amount of such capital expenditures will be applied to reimbursement of such City of Morgantown’s General Revenue Account at United Bank, the City of Morgantown’s TIF Sunnyside Account at United Bank and the Developer’s Campus Neighborhoods Revitalization Corporation United Bank Business Checking Plus Account.

Section 5. The maximum principal amount of Bonds to be issued for the Project (including costs of issuance of the Bonds and related costs) is \$8,000,000.

Section 6. The City shall make all reimbursement allocations and shall provide written evidence of such allocations. The Mayor and City Manager of the City are hereby authorized, empowered and directed to take any additional action necessary to comply with the requirements of the Reimbursement Regulations so that Bond proceeds used to reimburse expenditures which are the subject of this Declaration of Official Intent will be deemed spent, including making an allocation in writing evidencing the use of proceeds of the Bonds to reimburse an Original Expenditure within eighteen (18) months after the later of the date the Original Expenditure is paid or the date the Project is placed in service or abandoned, but in no event later than three (3) years after the Original Expenditure is paid.

Section 7. This Resolution shall become effective upon the date of its adoption.

Adopted this ____ day of _____, 2013.

Mayor

City Manager

CERTIFICATION

The undersigned, being the duly qualified, elected and acting City Clerk of The City of Morgantown, does hereby certify that the foregoing Resolution was duly adopted by the City Council of The City of Morgantown at a regular meeting duly held, pursuant to proper notice thereof, on _____, 2013, a quorum being present and acting throughout, and which Resolution has not been modified, amended or revoked and is a true, correct and complete copy thereof as of this _____, 2013.

By: _____
City Clerk