



# MORGANTOWN PLANNING COMMISSION

August 9, 2012  
6:30 PM  
City Council Chambers

**President:**

Peter DeMasters, 6<sup>th</sup> Ward

**Vice-President:**

Carol Pyles, 7<sup>th</sup> Ward

**Planning Commissioners:**

Sam Loretta, 1<sup>st</sup> Ward

Tim Stranko, 2<sup>nd</sup> Ward

William Wyant, 3<sup>rd</sup> Ward

Bill Petros, 4<sup>th</sup> Ward

Mike Shuman, 5<sup>th</sup> Ward

Ken Martis, Admin.

Jennifer Selin, City Council

## **STAFF REPORT**

**CASE NO:** MJS12-01/ Monongalia County Habitat for Humanity / Jersey Avenue  
FINAL PLAT

**REQUEST and LOCATION:**

Request by Monongalia County Habitat for Humanity for final major subdivision plat approval for property located along Jersey Avenue at its intersection with Jerome Street.

**TAX MAP NUMBER (s) and ZONING DESCRIPTION:**

Tax Map 24, Parcel 41; R-1A, Single-Family Residential District

**SURROUNDING ZONING:**

R-1A, Single-Family Residential District

**BACKGROUND and ANALYSIS:**

The Planning Commission approved the petitioner's preliminary plat in June 2012 to create six (6) parcels for the development of six single-family dwelling units. The petitioner now seeks final plat approval, which serves as the recording instrument. Addendum A of this report illustrates the location of the subject site.

The following list enumerates the Planning Commission's preliminary plat approval conditions and how each has been addressed by the petitioner (*in italics*).

1. That the final plat illustrate a sidewalk with a minimum width of five (5) feet along Jersey Avenue beginning at the most western frontage point of Lot 6 shown on the preliminary plat to the most eastern frontage point of Lot 1 shown on the preliminary plat. The City Engineer may, as provided in Article 1335.07(F), reduce this minimum width standard to four (4) feet based on site constraints.

*The City Engineer has not waived this provision and the petitioner has agreed to construct a five-foot wide sidewalk as required. Said five-foot is illustrated on the petitioner's final plat document and is located within the public right-of-way. Final five-foot wide sidewalk location between the existing roadway and the petitioner's property will be determined with consultation by the City Engineer during building permitting and construction.*

2. That, prior to submission of the final plat for Planning Commission approval, all engineering designs and associated bonding or similar acceptable security, where necessary, be approved by the City Engineer and/or Morgantown Utility Board for: 1.) The required sidewalk along Jersey Avenue; and, 2.) All water, sanitary sewer, and/or stormwater management systems.

*The petitioner has, to the satisfaction of the City Engineer, submitted a performance bond covering the construction costs of the sidewalks and curbs (see application exhibit).*

**Development Services**

Christopher Fletcher, AICP  
Director

**Planning Division**

389 Spruce Street  
Morgantown, WV 26505  
304.284.7431



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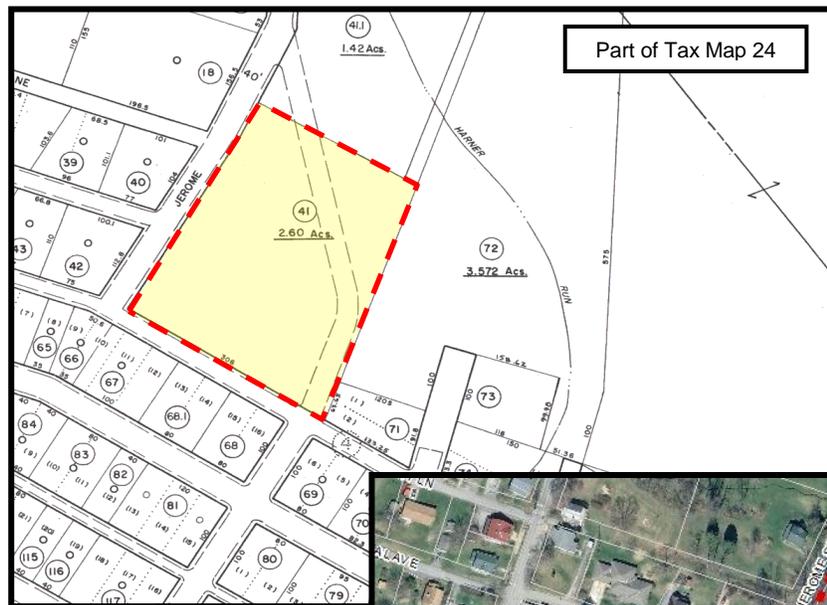
**STAFF RECOMMENDATION:**

Staff recommends approval of the final plat with the following conditions:

1. That the petitioner submit four (4) original final plat documents (marked "Final Plat") signed and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President's signature;
2. That the final plat is filed at the Monongalia County Courthouse within thirty (30) days of meeting the condition set forth above.

Enclosure(s): Application, Performance Bond, Final Plat

## ADDENDUM A



**Development Services**

Christopher Fletcher, AICP  
Director

**Planning Division**

389 Spruce Street  
Morgantown, WV 26505  
304.284.7431



City of Morgantown, West Virginia

**APPLICATION FOR  
MAJOR SUBDIVISION**

OFFICE USE	
CASE NO.	MJS12-01
RECEIVED:	07/10/12
COMPLETE:	

A Major Subdivision of property includes the creation of five (5) or more parcels AND/OR the extension of off-site facilities (streets, etc.) AND/OR the dedication of a portion of the site for public use.

(PLEASE TYPE OR PRINT IN BLACK INK)

PRELIMINARY  FINAL

106.00

**I. APPLICANT**

Name:	Mon County Habitat for Humanity	Phone:	304-292-0914
Mailing Address:	251 Don Knotts Blvd	Mobile:	304-288-8083
	Street Morgantown WV 26501	Email:	tarad@moncountyhabitat.org
	City State Zip		

**II. AGENT / CONTACT INFORMATION**

Name:	Tara Dille	Phone:	304-292-0914
Mailing Address:	251 Don Knotts Blvd	Mobile:	304-288-8083
	Street Morgantown WV 26501	Email:	tarada@moncountyhabitat.org
	City State Zip		

Mailings – Send all correspondence to (check one):  Applicant OR  Agent/Contact

**III. PROPERTY**

Owner:	Mon county Habitat for Humanity	Phone:	304-292-0914
Mailing Address:	Jerome	Mobile:	
	Street Jersey Ave	Email:	
	City State Zip Morgantown WV 26505		

**IV. SITE**

Street Address (if assigned):		Tax Map #(s):	24
Zoning:	R1A Single-family Residential Dis.	Parcel #(s):	41
Subdivision Description:	2.1895 Acres Single family Dwelling units		

Proposed Land Use	Net Acreage	Number of Lots or Tracts	Minimum Lot Size (sq. ft.)	Average Lot Size (sq. ft.)	Maximum Lot Size (sq. ft.)
Single-Family		6	4,000 sq ft	4,000 sq ft	4,000 sq ft
Multi-Family					
Commercial					
Industrial					
Other (common area, parks, etc.)					

PAID  
7/10/2012 11:31:24  
201211597 SITE PLAN

Finance Office  
Morgantown, WV 26505  
(304) 284-7408



City of Morgantown, West Virginia

**APPLICATION FOR  
MAJOR SUBDIVISION**

FINAL PLAT

OFFICE USE	
CASE NO.	MJS12-01
RECEIVED:	07/10/12
COMPLETE:	_____

**V. SUBMISSION CHECKLIST**

AS SET FORTH IN ARTICLES 1317 AND 1319 OF THE PLANNING AND ZONING CODE

**Preliminary Plat Submission**

- (a) **FEE – \$75 PLUS \$2.00 per lot**
- (b) Twelve (12) copies with a horizontal scale of 50 or 100 feet to the inch on standard sheet size of thirty-one by forty-one inches or sixteen by twenty-one inches.
- (c) A vicinity map at a scale of no more than 800 feet to the inch, either shown on or accompany the preliminary plat showing existing subdivisions, roads and tract lines with the names of the owners of land immediately adjoining the proposed subdivision.
- (d) A letter of service availability and approval from the Morgantown Utility Board concerning water, sanitary sewer, and stormwater services.
- (e) **CONTENTS OF PRELIMINARY PLAT:**
  - (1) The proposed name of the subdivision.
  - (2) North point, scale, and date.
  - (3) The names and addresses of the subdivider and of the site planning engineer or surveyor.
  - (4) The tract designation and other description according to the real estate records of the Monongalia County tax map office.
  - (5) The boundary line (accurate in scale) of the tract to be subdivided.
  - (6) Contours at intervals of five feet or less, referred to sea level datum, for subdivisions over ten acres, and for others when required by the City Engineer.
  - (7) The location, widths, and names of all existing or platted roads or other public ways within or adjacent to the tract, existing permanent buildings, railroad rights-of-way, and other important features, such as lot lines, political subdivisions, or corporation lines.
  - (8) The names of adjacent subdivisions or the names of record owners or adjoining parcels of unsubdivided land.
  - (9) Existing and proposed sewers, water mains, fire hydrants, culverts, or other underground structures within the tract and immediately adjacent thereto with pipe sizes, grades, and locations indicated.
  - (10) All parcels of land intended to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purpose of conditions or limitations of such reservation, if any.
  - (11) The layout, names, and widths of proposed roads and easements.
  - (12) The building line proposed for each street or road.



City of Morgantown, West Virginia

**APPLICATION FOR  
MAJOR SUBDIVISION**

FINAL PLAT

OFFICE USE

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COMPLETE: \_\_\_\_\_

**V. SUBMISSION CHECKLIST (cont.)**

- (13) The profile of each road with tentative grade. Sea level datum shall be used.
- (14) The cross section of proposed roads showing the width of roadways, ditches, locations, and width of sidewalks and the location and size of utility mains.
- (15) A plan and profile of proposed storm water drainage, with grades and pipe sizes of sewers indicated, and drainage courses, culverts, and bridges.
- (16) The layout, numbers, and approximate dimensions of proposed lots.

(f) **SUPPLEMENTARY INFORMATION**

- (1) Statement of proposed use of lots, stating type of residential buildings with number of proposed dwelling units; type of business or industry; so as to reveal the effect of the development on traffic, fire hazards, or congestion of population.
- (2) Proposed covenants and restrictions.

NOTE: CONDITIONAL APPROVAL OF A PRELIMINARY PLAT SHALL NOT CONSTITUTE APPROVAL OF THE FINAL PLAT.

**Final Plat Submission**

- (a) **FEE – \$100 PLUS \$1.00 per lot**
- (b) Twelve (12) copies with a horizontal scale of 50 or 100 feet to the inch on standard sheet size of thirty-one by forty-one inches or sixteen by twenty-one inches. The following information shall be shown:
  - (1) Name of the subdivision; location by appropriate legal description, date, north point, graphic, and numerical scale and total acreage.
  - (2) All plat boundaries with length of courses in feet and hundredths, bearing to not more than half minutes.
  - (3) Bearings and distances to the nearest established street lines or other recognized permanent monuments, which shall be accurately described on the plat.
  - (4) Lines of adjoining streets and alleys with their widths and names, plus building setback lines.
  - (5) The radii, arcs, chords and chord bearings, points of tangency and central angles for all curvilinear streets and radii for rounded corners.
  - (6) All easements and rights-of-way provided for public services or utilities, and any limitations of such rights-of-way or easement.
  - (7) All lot numbers and lines, with accurate dimensions in feet and hundredths, and with bearings. The basis of bearings shall be stated on plat. The acreage of each lot shall be indicated.
  - (8) Accurate location and description of all monuments.



APPLICATION FOR MAJOR SUBDIVISION

OFFICE USE	
CASE NO.	MJS12-01
RECEIVED:	07/10/12
COMPLETE:	

V. SUBMISSION CHECKLIST (cont.)

- (9) Names and addresses of the subdivider and the qualified surveyor licensed in the State of West Virginia who prepared the plan.
  - (10) Accurate outlines of any areas to be dedicated or temporarily reserved for public use with the purpose indicated thereon.
  - (11) Vicinity map of area within one-half mile radius.
  - (12) Restrictions of all types which will run with the land and become covenants in deeds for lots.
  - (13) Certifications for the City Engineer, the Planning Commission President, and deeds of dedication must be labeled and completed on the final plat.
- (c) OTHER EXHIBITS REQUIRED
- (1) The final locations of all storm sewer and sanitary sewer lines, including service lines to each property line. All locations shall be referenced to the property line.
  - (2) Dimensions and location of all paving, curbs, and public sidewalks.
  - (3) Final grades and profiles of all streets and sewers, when required.
  - (4) Draft of protective covenants whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed subdivision.
  - (5) Certificate of a registered professional civil engineer that all improvements have been constructed in accordance with the standard specifications of the City AND/OR a letter from the City Engineer stating that said improvements have been properly secured by performance bond or appropriate surety security ensuring that said improvements will be constructed in accordance with the standard specifications of the City.

VIII. ATTEST

I hereby certify that I have read and examined this document and know the same to be true and correct. All provisions of laws and ordinance governing this type of work will be complied with whether specified herein or not. Granting of a permit does not presume to give authority to violate or cancel the provisions of any other federal, state, or local law regulating construction or the performance of construction.

<u>Tara Dille</u>	<u>Tara Dille</u>	<u>7-10-12</u>
Type/Print Name of Applicant/Agent	Signature of Applicant/Agent	Date

MJS12-01  
FINAL PLAT

# Western Surety Company

## POWER OF ATTORNEY

### KNOW ALL MEN BY THESE PRESENTS:

That WESTERN SURETY COMPANY, a corporation organized and existing under the laws of the State of South Dakota, and authorized and licensed to do business in the States of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the United States of America, does hereby make, constitute and appoint

Dennis J Welton of Morgantown,  
State of West Virginia, with limited authority, its true and lawful Attorney-in-Fact, will full power and authority hereby conferred to sign, execute, acknowledge and deliver for and on its behalf as Surety and as its act and deed, the following bond:

One Paver (Sidewalk) City of City of Morgantown

bond with bond number 61407832

for Habitat for Humanity

as Principal in the penalty amount not to exceed: \$25,000.00.

Western Surety Company further certifies that the following is a true and exact copy of Section 7 of the by-laws of Western Surety Company duly adopted and now in force, to-wit:

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys-in-Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

In Witness Whereof, the said WESTERN SURETY COMPANY has caused these presents to be executed by its Senior Vice President with the corporate seal affixed this 10th day of July, 2012.

ATTEST  
A. Vietor  
A. Vietor, Assistant Secretary

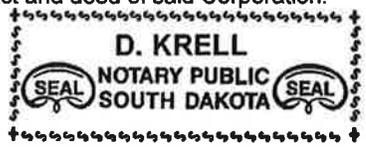
WESTERN SURETY COMPANY  
By Paul T. Bruflat  
Paul T. Bruflat, Senior Vice President



STATE OF SOUTH DAKOTA }  
COUNTY OF MINNEHAHA } ss

On this 10th day of July, 2012, before me, a Notary Public, personally appeared Paul T. Bruflat and A. Vietor

who, being by me duly sworn, acknowledged that they signed the above Power of Attorney as Senior Vice President and Assistant Secretary, respectively, of the said WESTERN SURETY COMPANY, and acknowledged said instrument to be the voluntary act and deed of said Corporation.



My Commission Expires November 30, 2012

D. Krell  
Notary Public

SECTION 00300  
PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS, that we HABITAT  
FOR HUMANITY \_\_\_\_\_

as principal, and WESTERN SURETY as  
sureties are held and firmly bound unto The City of Morgantown, its certain attorney,  
successors, or assigns (hereinafter called the Obligee), in the full and just sum of  
TWENTY FIVE THOUSAND Dollars  
(\$ 25,000.00 ) in lawful money of the United States, for the payment of which  
sum well and truly to be made, we bind ourselves, our heirs, administrators, executors,  
successors, and assigns, jointly and severally, firmly by these presents:

WHEREAS, said principal has entered into a certain contract with said Obligee,  
dated July 11th, 20    , (hereinafter called the Contract) for  
INSTALLATION OF SIDEWALKS AND CURBS  
\_\_\_\_\_ which contract and the specifications for said work  
shall be deemed a part hereof as fully as if set out herein:

NOW, therefore, THE CONDITION OF THIS OBLIGATION IS SUCH, that if  
the principal shall faithfully perform the contract on his part as of the time and in the  
manner therein provided and satisfy all claims and demands incurred in or for the same,  
or growing out of the same, or for injury or damages to persons or property in the  
performance thereof, and shall fully indemnify and save harmless the said Obligee from  
any and all cost and damage which the said Obligee may suffer by reason of the  
principal's failure to do so, and shall fully reimburse and repay the said Obligee any and  
all outlay and expense which it may incur by reason of any such default, then this  
obligation shall be null and void, otherwise it shall remain in full force and virtue.

It is further understood and agreed that the principal shall guarantee for a period  
of one (1) year from completion date of the contract against defects in workmanship or  
materials in accordance with the terms of the contract.

The said surety, for value received, hereby stipulates and agrees that no change,  
extension of time, alteration or addition to the terms of the contract or to the work to be  
performed thereunder or the Specifications accompanying the same shall in anywise  
affect its obligations on this bond, and it does hereby waive notice of any such change,  
extension of time, alteration or addition to the terms of the Contract or to the work or to  
the Specifications.

SIGNED, SEALED AND DELIVERED IN 1 ORIGINAL COUNTERPARTS

THIS JULY, 11th, 2012

(Individual Principals sign here)

\_\_\_\_\_(SEAL)

In the presence of

\_\_\_\_\_(SEAL)

\_\_\_\_\_(SEAL)

\_\_\_\_\_(SEAL)

Attest: 

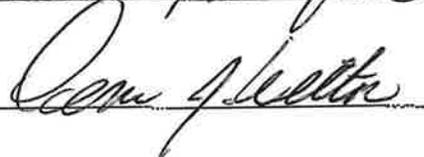
(Corporate Principal sign here)



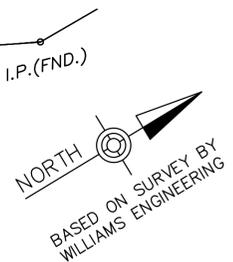
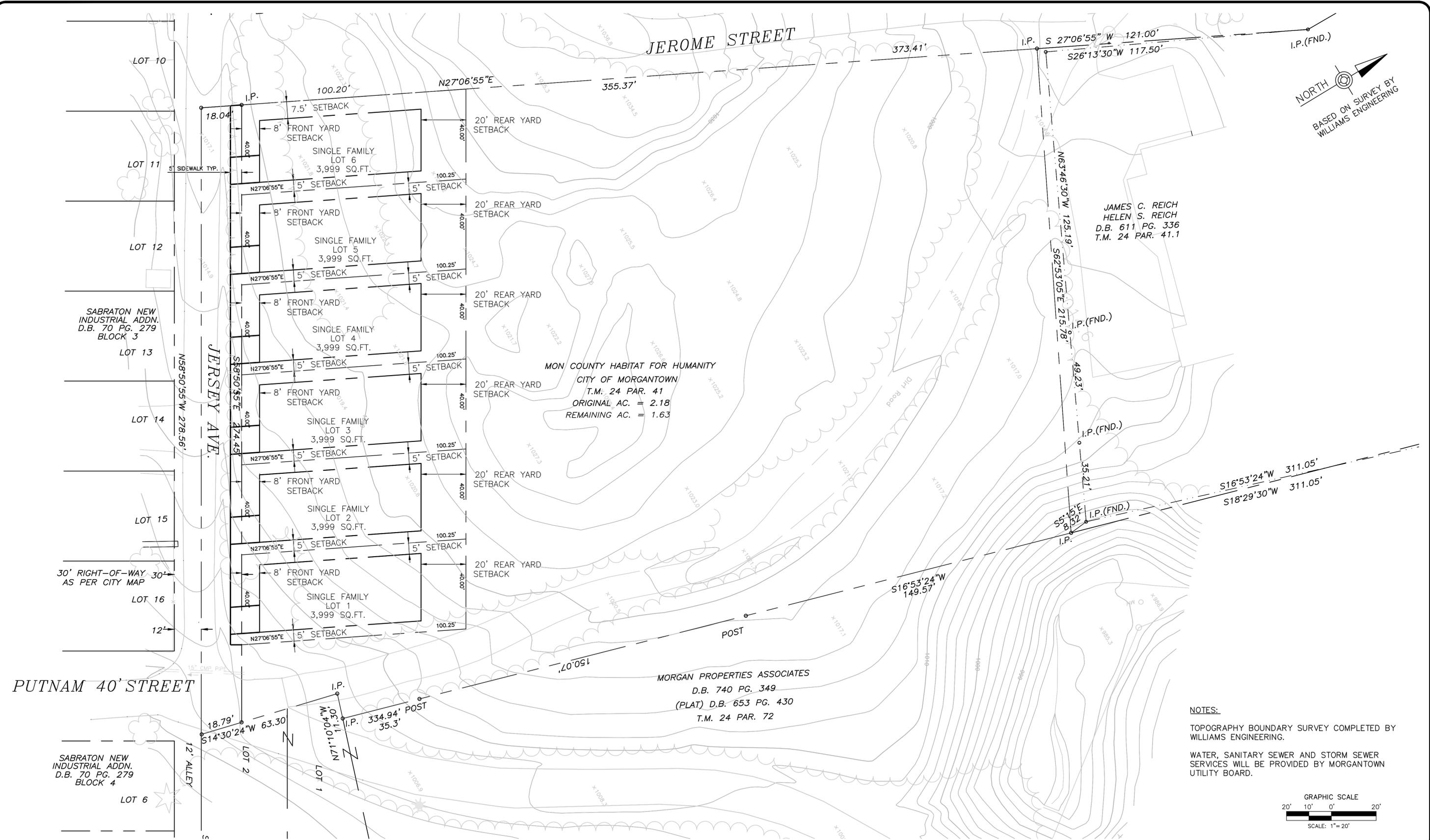
By Executive Director

Attest: 

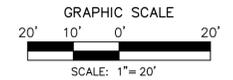
(Surety sign here)

attorney-in-fact  


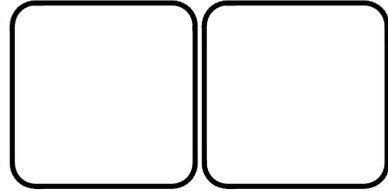
The rate of premium charges is \$ 5.00 per thousand. The total amount of premium charged is \$ 125.00 (The above must be filled in by the Corporate surety).



**NOTES:**  
 TOPOGRAPHY BOUNDARY SURVEY COMPLETED BY WILLIAMS ENGINEERING.  
 WATER, SANITARY SEWER AND STORM SEWER SERVICES WILL BE PROVIDED BY MORGANTOWN UTILITY BOARD.



NO.	REVISION	DATE	BY



**HRG**  
 Herbert, Rowland & Grubic, Inc.  
 Engineering & Related Services  
 240 Scott Avenue, Suite 1  
 Morgantown, WV 26508  
 (304) 284-9222  
 Fax (304) 284-9223  
 hrg@hrg-inc.com  
 www.hrg-inc.com

Mon County  
**Habitat for Humanity**  
 209 GREENBAG ROAD  
 MORGANTOWN, WV 26501  
 (304)-292-0914

**JEROME PARK SUBDIVISION PRELIMINARY PLAT**  
 FOR  
**HABITAT FOR HUMANITY**  
 MORGANTOWN MONONGALIA COUNTY WEST VIRGINIA

PROJ. MGR. — MAN
DESIGN— MAN
CADD— CES
CHECKED—MAN
SCALE— 1" = 50'
DATE— MAY 2012

DRAWING NO.  
**PLAT**  
 SHEET NO.  
**1 OF 1**  
 PROJECT L006459.0425

File name: C:\04\_30\_Prelim\006459\_0425\Plan\_Site\006459\_0425\_Plat.dwg Layout:PLAT Jul 10, 2012 12:28pm c:\msdcs\...