



# MORGANTOWN PLANNING COMMISSION

February 14, 2013  
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:** MNS13-07 / Wright / 49 Sennett Street

**REQUEST and LOCATION:**

Request by Clover Wright for minor subdivision approval of property located at 49 Sennett Street.

**PARCEL(s) and ZONING DESCRIPTION:**

Tax Map 36, Parcels 301 and 302; R-1A, Single-Family Residential District

**SURROUNDING ZONING:**

R-1A, Single-Family Residential District

**BACKGROUND and ANALYSIS:**

The petitioner seeks to adjust the side boundary line separating Parcels 301 and 302 to complete a deed and boundary line agreement between the owners of the subject realty. Staff understands that the adjustment is necessary for the ownership transfer of Parcel 301 and to reflect the location of the principal structure at 49 Sennett Street on Parcel 301. Addendum A of this report illustrates the location of the subject site.

The proposed changes to the side parcel boundary appear to be minor in terms of compliance with the R-1A District minimum lot size and minimum lot frontage standards and should therefore be considered negligible.

**STAFF RECOMMENDATION:**

Staff recommends approval with the following conditions:

1. That the petitioner submit three (3) original final plat documents, including all access/utility easements if applicable, signed and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President's signature; and,
2. That the final plat is filed at the Monongalia County Courthouse within thirty (30) days of meeting the condition set forth above.

Enclosure: Application and accompanying exhibits

**Development Services**

Christopher Fletcher, AICP  
Director

**Planning Division**

389 Spruce Street  
Morgantown, WV 26505  
304.284.7431





City of Morgantown, West Virginia

APPLICATION FOR MINOR SUBDIVISION

OFFICE USE
CASE NO. MMS13-07
RECEIVED: 1/28/2013
COMPLETE:

A Minor Subdivision of property includes the creation of up to three (3) parcels or the combination of existing parcels, but does not involve the extension of off-site facilities (streets, etc.) or the dedication of a portion of the site for public use.

(PLEASE TYPE OR PRINT IN BLACK INK)

I. APPLICANT
Name: Clover Wright
Phone: 304 276 0124
Mailing Address: 871 Shaffer Ln.
Morgantown WV 26508
Email: clover.wright@gmail.com
II. AGENT / CONTACT INFORMATION
Name: Same
III. PROPERTY
Owner: Clover + Jesse Wright
Phone: 304 276 0124
Mailing Address: 49 Sennett St.
Morgantown WV 26501
Email: clover.wright@gmail.com
IV. SITE
Street Address (if assigned): 49 Sennett St.
Tax Map #(s): 36 36
Zoning: R-1A
Parcel #(s): 301 302
Subdivision Description: Boundary line adjustment to reflect existing structure
Are there any Variances from the Subdivision Regulations anticipated: [X] No



APPLICATION FOR MINOR SUBDIVISION

OFFICE USE
CASE NO. MMS13-07
RECEIVED:
COMPLETE:

V. PLAT

Preliminary Plat submission - A Minor Subdivision Application must also include one (1) preliminary plat illustrating:

- (a) Existing and proposed property boundaries, property boundary dimensions, and square footage.
(b) A letter of service availability and approval from the Morgantown Utility Board.

Final Plat submission - Upon approval by the Planning Commission, three (3) sealed Final Plat surveys must be submitted to the Planning Office and meet the following standards:

- (a) Drawn to a scale of one inch (1") equals fifty feet (50') or larger;
(b) Date of preparation, north arrow, and scale;
(c) Legal description;
(d) Applicant/owner name and address;
(e) Existing zoning;
(f) Legend;
(g) Vicinity map;
(h) Existing and proposed utility lines and easements;
(i) Certification by a registered land surveyor, licensed in the State of West Virginia, that the dimension and bearings are accurately delineated with a seal and signature;
(j) Location, shape, exterior dimensions of each existing building on the site(s);
(k) Location and dimensions of paved surfaces including sidewalks and curb cuts, and of all abutting streets;
(l) Location of springs, streams, other water bodies, and areas subject to flooding;
(m) Floodplain designation making reference to pertinent FEMA Firm Community Panel Number;
(n) Approval signature block allowing space for President of Morgantown Planning Commission;
(o) Other items as deemed necessary by Planner Director or City Engineer.

Please note that all approved minor subdivision plats must be filed with the Monongalia County Tax Office within thirty (30) days of approval. Plats not filed within thirty (30) days will be considered invalid by the City of Morgantown and will require reapproval.

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.

Claver Simms Wright
Type/Print Name of Applicant/Agent

Claver Simms Wright
Signature of Applicant/Agent

1/25/13
Date

Minor Subdivision Application Fee - \$35

NOTE: THIS SURVEY NOT VALID WITHOUT ORIGINAL BLUE SIGNATURE.  
 THIS SURVEY DECLARATION IS MADE ON THE DATE INDICATED, TO  
 THE OWNER OR BUYER LISTED BELOW. IT IS NOT TRANSFERABLE TO  
 ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS OR BUYERS.

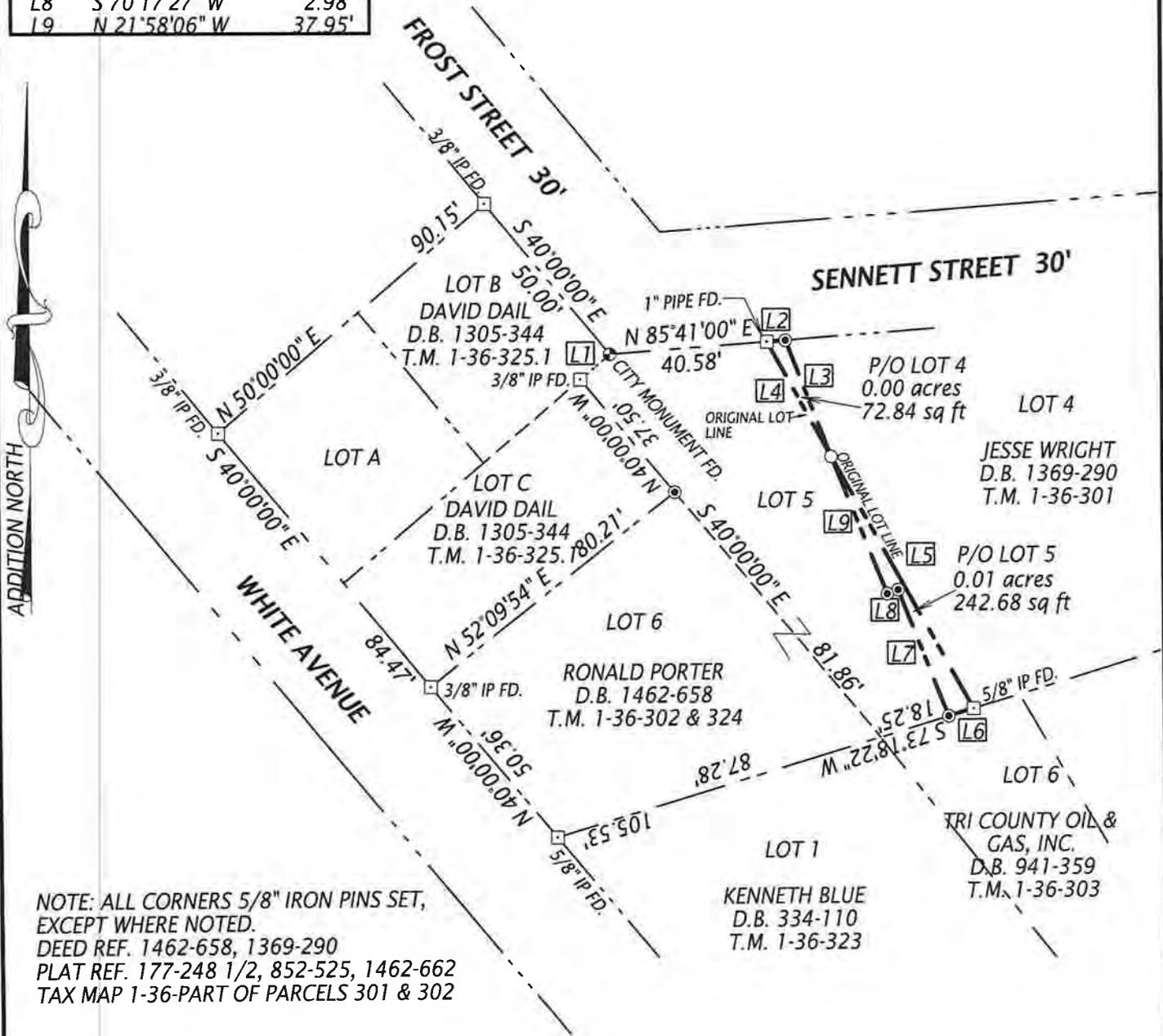
NOTE: SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF  
 LAWYER'S TITLE REPORT AND MAY NOT REFLECT ALL  
 EXCEPTIONS, RIGHTS OF WAY, EASEMENTS OR  
 RESTRICTIONS.

THIS SUBDIVISION HAS BEEN APPROVED BY THE  
 MORGANTOWN PLANNING COMMISSION OR ASCERTAINED  
 TO MEET THE MORGANTOWN SUBDIVISION REGULATIONS  
 ON \_\_\_\_\_, 2012 AND IS  
 READY FOR RECORDING BY THE MONONGALIA  
 COUNTY CLERK OF THE COURT

LINE CHART		
Id	Bearing	Distance
L1	N 50°00'00" E	10.00'
L2	N 85°41'00" E	4.79'
L3	S 21°25'08" E	31.80'
L4	N 29°16'23" W	33.52'
L5	S 29°16'23" E	73.93'
L6	S 73°18'22" W	6.75'
L7	N 21°28'15" W	34.64'
L8	S 70°17'27" W	2.98'
L9	N 21°58'06" W	37.95'

AUTHORIZED AGENT \_\_\_\_\_

TITLE \_\_\_\_\_

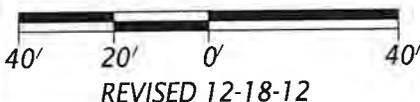


NOTE: ALL CORNERS 5/8" IRON PINS SET,  
 EXCEPT WHERE NOTED.  
 DEED REF. 1462-658, 1369-290  
 PLAT REF. 177-248 1/2, 852-525, 1462-662  
 TAX MAP 1-36-PART OF PARCELS 301 & 302

PLAT OF PART OF LOTS 4 & 5, BLOCK 3  
 MISSOURE BELLE FROST  
 PLAN OF LOTS  
 SURVEYED FOR

**RONALD PORTER  
 & JESSE WRIGHT**

2ND WARD CITY OF MORGANTOWN  
 MONONGALIA CO. WEST VIRGINIA  
 SCALE 1"=40' NOVEMBER 2012



*Paul D. Harbert* PS NO. 862  
 PAUL D. HARBERT, PS  
 McCOY LAND SURVEYING  
 MONONGAH, WV (304) 534-5562

# McCoy Land Surveying

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Harbert, Inc.  
Paul D. Harbert PS  
P. O. Box 9133  
Monongah, WV 26555-9133  
Phone: (304) 534-5562  
Fax (304) 534-5568

## LEGAL DESCRIPTION

PART OF LOT 4 AND PART OF LOT 5, BLOCK 3, MISSORE BELLE FROST PLAN OF LOTS AS SHOWN ON PLAT RECORDED IN DEED BOOK 177 AT PAGE 248 1/2, SITUATE IN 2<sup>ND</sup> WARD, CITY OF MORGANTOWN, MONONGALIA COUNTY, WEST VIRGINIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

### PART OF LOT 4

BEGINNING AT A 1" PIPE FOUND ON THE SOUTHERN R/W LIMITS OF SENNETT STREET, CORNER TO LOTS 4 & 5;

THENCE WITH THE SOUTHERN R/W LIMITS OF SENNETT STREET N 85°41'00" E 4.79 FEET TO A 5/8" IRON PIN SET ON THE SOUTHERN R/W LIMITS OF SENNETT STREET;

THENCE WITH ONE NEW DIVISION LINE THROUGH LOT 4 S 21°25'08" E 31.80 FEET TO A 5/8" IRON PIN SET IN LINE OF LOTS 4 & 5, CORNER TO A 242.68 Sq. Ft. PARCEL;

THENCE WITH LINE OF LOTS 4 & 5 N 29°16'23" W 33.52 FEET TO THE PLACE OF BEGINNING CONTAINING 72.84 Sq. Ft.

### PART OF LOT 5

BEGINNING AT A 5/8" IRON PIN FOUND IN LINE OF TRI COUNTY OIL & GAS, INC., CORNER TO LOTS 4 & 5;

THENCE WITH LINE OF TRI COUNTY OIL & GAS, INC. (D.B. 941 PAGE 359) S 73°18'22" W 6.75 FEET TO A 5/8" IRON PIN SET IN LINE OF TRI COUNTY OIL & GAS, INC.;

THENCE WITH THREE NEW DIVISION LINES THROUGH LOT 5 N 21°28'15" W 34.64 FEET TO A 5/8" IRON PIN SET;

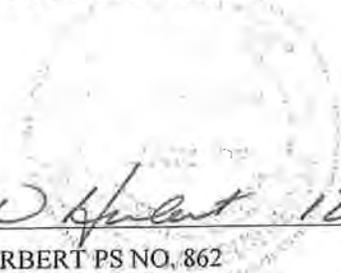
THENCE S 70°17'27" W 2.98 FEET TO A 5/8" IRON PIN SET;

THENCE N 21°58'06" W 37.95 FEET TO A 5/8" IRON PIN SET IN LINE OF LOTS 4 & 5, CORNER TO A 72.84 Sq. Ft. PARCEL

THENCE WITH LINE OF LOTS 4 & 5 S 29°16'23" E 73.93 FEET TO THE PLACE OF BEGINNING CONTAINING 242.68 Sq. Ft.

THE ABOVE DESCRIBED PARCELS ARE SHOWN ON PLAT PREPARED BY PAUL D. HARBERT PS NO. 862 OF McCOY LAND SURVEYING DATED NOVEMBER 2012 AND REVISED 12-18-12 ATTACHED HERETO AND MADE PART OF THIS DESCRIPTION.

BEING PART OF LOT 4 AS CONVEYED TO JESSE WRIGHT BY DEED RECORDED IN THE OFFICE OF THE MONONGALIA COUNTY CLERK IN DEED BOOK 1369 AT PAGE 290 AND PART OF LOT 5 AS CONVEYED TO RONALD PORTER BY DEED RECORDED IN THE OFFICE OF THE MONONGALIA COUNTY CLERK IN DEED BOOK 1462 AT PAGE 658.

  
Paul D. Harbert 12-18-12  
PAUL D. HARBERT PS NO. 862 DATE

**THIS DEED AND BOUNDARY LINE AGREEMENT**, Made and entered into this 25<sup>th</sup> day of January, 2013, by and between **Jesse H. Wright** and **Clover Simms Wright**, husband and wife, Grantor and Grantee, (hereinafter "Wright"), parties of the first part, and **Ronald D. Porter**, a single man, Grantor and Grantee, (hereinafter "Porter"), party of the second part.

**WHEREAS** Wright and Porter are adjoining property owners on Sennett Street in the City of Morgantown, Monongalia County, West Virginia; and

**WHEREAS** Wright and Porter desire to adjust the boundary line between them; **NOW, THEREFORE**,

**WITNESSETH:**

That for and in consideration of the reciprocal conveyances hereinafter set forth, and each party intending to be bound hereby and to adjust the boundary line between their respective parcels permanently, the parties agree and convey as follows:

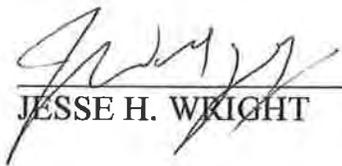
1) Wright hereby grants, conveys, and quit-claims unto Porter all of their right, title, interest, claim, and estate in and to that certain parcel of land containing 72.84 square feet, more particularly described as "Part of Lot 4" on a certain Plat of Survey and Legal Description dated December 12, 2012, prepared by Paul D. Harbert of McCoy Land Surveying, attached hereto and made a part hereof. The parcel here conveyed constitutes a portion of the real estate

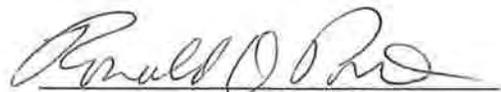
conveyed to Wright by deed of record in the Office of the County Clerk of Monongalia County in Deed Book 1369 at page 290.

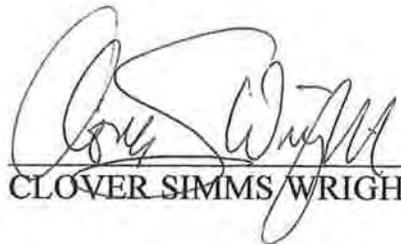
2) Porter hereby grants, conveys, and quit-claims unto Wright all of his right, title, interest, claim, and estate in and to that certain parcel of land containing 242.68 square feet, more particularly described as "Part of Lot 5" on that same Plat of Survey and Legal Description described above and attached hereto and made a part hereof. The parcel here conveyed constitutes a portion of the real estate conveyed to Porter by deed of record in the Office of the County Clerk of Monongalia County in Deed Book 1462 at page 658.

3) This agreement and these reciprocal conveyances shall be binding upon the respective heirs, personal representatives, successors and assigns of the parties, it being the intention of the parties to settle and fix permanently a new boundary line between them.

WITNESS the following signatures:

  
\_\_\_\_\_  
JESSE H. WRIGHT

  
\_\_\_\_\_  
RONALD D. PORTER

  
\_\_\_\_\_  
CLOVER SIMMS WRIGHT

STATE OF WEST VIRGINIA, COUNTY  
OF MONONGALIA, to-wit:

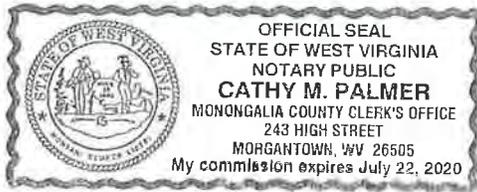
The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of  
January, 2013 by Jesse H. Wright and Clover Simms Wright, husband  
and wife.



Cathy M. Palmer  
NOTARY PUBLIC

STATE OF WEST VIRGINIA, COUNTY  
OF MONONGALIA, to-wit:

The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of  
January, 2013 by Ronald D. Porter, a single man.



Cathy M. Palmer  
NOTARY PUBLIC

**DECLARATION OF CONSIDERATION**

The undersigned hereby declares that the total consideration paid for the  
property transferred by the foregoing deed is Zero Dollars.

Ronald D. Porter

GRANTOR / GRANTEE

This instrument was prepared by:  
Alan Simms  
Attorney-at-Law  
P.O. Box 550  
Elizabeth, WV 26143  
304-275-3470