

AN ORDINANCE ANNULING A PORTION OF CAMPUS DRIVE AND PROVIDING FOR DEDICATION OF ADDITIONAL PUBLIC RIGHT-OF-WAY TO CAMPUS DRIVE

WHEREAS, It appears to the Common Council of The City of Morgantown, West Virginia, that a portion of the public right-of-way known as Campus Drive between Beechurst Avenue and Grant Avenue in 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 shown on, and with the legal description provided in, the attached **Exhibit 1**, (the “Annulment Area”) is not necessary for public purposes if annulled in accordance with the terms of this Ordinance; and

WHEREAS, It appears to the Common Council that it is in the interests of the City of Morgantown and the public generally that the Annulment Area be annulled as a public street in accordance with the terms of this Ordinance; and

WHEREAS, It appears to the Common Council that no property of any person, firm, or corporation will be injured or damaged by annulment pursuant to the conditions of this Ordinance, and that the owners of all property adjoining the Annulment Area have consented to annul the Annulment Area;

NOW, THEREFORE, the City of Morgantown hereby ordains as follows:

- Section 1. The Annulment Area is hereby vacated, abandoned and annulled and from and after the date this ordinance becomes effective 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 and any and all other public uses or purposes is hereby vacated, abandoned, and annulled, and all right, title, and interest of the City of Morgantown therein as an easement for street purposes and any and all other public uses or purposes is hereby expressly released and relinquished from and after the date this ordinance becomes effective.
- Section 2. That the City accepts the “Easement Declaration” attached hereto as **Exhibit 2** and incorporated herein by reference, providing for the dedication of additional area as a public right-of-way adjoining the existing public right-of-way designated as Campus Drive, all as shown in Exhibit 2.
- Section 3. That following the date this ordinance becomes effective the City Clerk of the City of Morgantown shall cause a duly certified copy of the ordinance 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 the Annulment Area, together with an exhibit showing the location of the public right-of-way annulled.

This Ordinance shall be effective only upon the occurrence of the following conditions:

(1) Grantor's execution and delivery of the Easement Declaration attached hereto as Exhibit 2 and incorporated in this Ordinance by reference, providing for dedication of public right-of-way adjoining the public right of way designated as Campus Drive; and

(2) The determination by the City Manager, reduced to writing and filed with the City Clerk, that all preconditions necessary to relocation of the Campus Drive right-of-way, as described in this Ordinance and the Easement Declaration, have occurred.

If the foregoing conditions are not fulfilled within three hundred sixty-five days of adoption of this Ordinance, this Ordinance shall expire.

FIRST READING:

MAYOR

ADOPTED:

FILED:

CITY CLERK

RECORDED:

This document prepared without benefit of title examination by:

Ryan P. Simonton, Esq.
KAY CASTO & CHANEY, PLLC
150 Clay Street, Suite 100
Morgantown, WV 26501

STATE OF WEST VIRGINIA
COUNTY OF MONONALIA, to wit:

I, _____, a Notary Public of said County, do hereby certify that _____, Clerk, and _____, on behalf of the City of Morgantown, whose names are signed to the foregoing document dated as of the ____ day of _____, _____, have this day acknowledged the same before me in my said County.

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

My Commission expires _____, _____.

{SEAL}

Notary Public

{01647246.DOCX 3}

EXHIBIT 1
Annulment Area

BEGINNING at a point in the southern existing city right of way line of Campus Drive, said point being 150 feet right and at right angle of proposed US Route 19 centerline at Station 128+27; Project U331-19-13.24, NHPP-0019(444)D, Monongalia County, West Virginia;

thence, westerly, with said southern existing city right of way line of Campus Drive 171 feet, more or less, to a point, said point being in the southern proposed city right of way line 38 feet right of and at right angle to centerline at Station 129+56;

thence, northeasterly, with said southern proposed city right of way line 20 feet, more or less, to a point 54 feet right of and at a right angle to centerline at Station 126+67;

thence, easterly, with said southern proposed city right of way line 16 feet, more or less, to a point 70 feet right of and at a right angle to centerline at Station 129+65;

thence, easterly, with said southern proposed city right of way line 19 feet, more or less, to a point 85 feet right of and at a right angle to centerline at Station 129+54;

thence, southeasterly, with said southern proposed city right of way line 30 feet, more or less, to a point 104 feet right of and at a right angle to centerline at Station 129+30;

thence, southeasterly, with said southern proposed city right of way line 113 feet, more or less, to the place of beginning and containing 3,656 square feet, more or less.

The tract of land hereinabove described is a portion of that same real estate conveyed unto The City of Morgantown, from The Morgantown Building and Investment Company by plat dated March 23, 1894, of record in the Office of the Clerk of the County Commission of Monongalia County, West Virginia, in Plat Cabinet 1 Envelope 233B.

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07/10/2020 02/12/2021

PARCEL NO.	PLAN SHEET NO.	TITLEHOLDER	RECORDED		TRACT NO.	AREA - Sq. Ft. (Unless noted otherwise)								REMARKS	R/W DEED RECORD		
			DEED BOOK	PAGE NO.		C/A	NON-C/A	EASEMENT		REMAINING			TOTAL TAKEN		PARCEL TOTAL	DEED BOOK	PAGE NO.
								TYPE	AREA	LEFT	RIGHT	TOTAL					
1	11	VIC'S GARAGE, INC	825	227								0	13,619 (c)	NO TAKE			
2	11	SOLOMON,VIC'S GARAGE,INC. GARY, VICTOR, & CYNTHIA	W137	698								0	17,217 (c)	NO TAKE			
3-1	11	WOODFORD OIL COMPANY	1061	492								0	15,556 (c)	NO TAKE			
3-2	11	WOODFORD OIL COMPANY	1061	492								0	16,079 (c)	NO TAKE			
4	11	MODE ROMAN LTD CO.	1286	479								0	16615 (c)	NO TAKE			
5	11	CAROLYN DEVITO	1364	712								0	10250 (c)	NO TAKE			
6	11	CITY OF MORGANTOWN	773 747	20 620								0	15825 (c)	NO TAKE			
7	11	GRANDETTO, INC.	784	424								0	0.181 Ac.	NO TAKE			
8	11	BONANZA LAND COMPANY, LLC	1465	633								0	10380 (c)	NO TAKE			
9	11	1390 UNIVERSITY, LLC	1441	734								0	6116 (c)	NO TAKE			
10	12	KTA PROPERTIES, LLC	1462	392								0	0.28 Ac.	NO TAKE			
11-1	12	WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS	1233	165								0	37,340 (c)	NO TAKE			
11-2	12	WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS	1338	135								0	10,187	NO TAKE			
11-3	12	WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS	1347	360	1		1,221				9,417	9,417	1,221	10,638 (c)			
					2			TCE	1,243								
11-4	13-15	WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS	1305 1233	35 165								0	3.85 Ac. (c)	NO TAKE			
11-5	13	WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS	1233	165								0	11,789 (c)	NO TAKE			
11-6	13-15	WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS	1233 1276	165 285	1 2		702 0.02 Ac. 6,918 0.16 Ac.				653,458 15.00 Ac.	653,458 15.00 Ac.	7,620 0.17 Ac.	661,078 (c) 15.18 Ac. (c)	ONE PROPERTY IS PART OF A LARGER PARCEL CONTAINING 20 AC AS DESCRIBED IN DB5-144.		
					3			TCE	9,989 0.23 Ac.								
11-7	15	WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS	1423 1441	306 208								0	14,226 (c)	NO TAKE			
11-8	15	WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS	1425	45								0	8,433 (c)	NO TAKE			
11-9	15	WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS	1260	321								0	12,738 (c)	TO BE OBTAINED THROUGH AGREEMENT			
11-10	15	WEST VIRGINIA UNIVERSITY BOARD OF GOVERNORS	1260	321								0	15,392 (c)	TO BE OBTAINED THROUGH AGREEMENT			
12	12	STEPHEN A. CALLEN ET AL	W160	608								0	5,641 (c)	NO TAKE			
13	12	F & P REALTY CO.	844	543								0	5,107 (c)	NO TAKE			
14	12	RT. REV. JOHN J SWINT	222	391								0	59,482 (c) 1.37 Ac. (c)	NO TAKE			

Public Roads Div.	State Dist. No.	State Project No.	Federal Project No.	Fiscal Year	County	Sheet No.	Total Sheets
W. V.	04	U331-19-13.24 00	NHPP-0019 (444)D	2020	MONONGALIA	2	26

DESIGNED ALT	DATE 02/2021
DRAWN LNR	02/2021
CHECKED JDV	02/2021
CHECKED	



THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
OWNERSHIP AND UTILITY INDEX
SHEET 1 of 3

REVISION NUMBER	SHEET NUMBER	REVISION	DATE	BY

UTILITY OWNERSHIP

E = FIRST ENERGY (ELECTRIC)
 FIB = CITYNET (FIBER OPTIC)
 FIB = COMCAST (FIBER OPTIC)
 FIB = LUMOS (FIBER OPTIC)
 G = UTILITY COMPANY
 S = MORGANTOWN UTILITY BOARD (SANITARY)
 STO = MORGANTOWN UTILITY BOARD (STORM)
 STEAM = MORGANTOWN ENERGY ASSOCIATES
 T = FRONTIER (TELEPHONE)
 TV = COMCAST (TELEVISION)
 UE = FIRST ENERGY (UNDERGROUND ELECTRIC)
 UT = FRONTIER (UNDERGROUND TELEPHONE)
 W = MORGANTOWN UTILITY BOARD (WATER)

PROPOSED US 19

CURVE #3 DATA

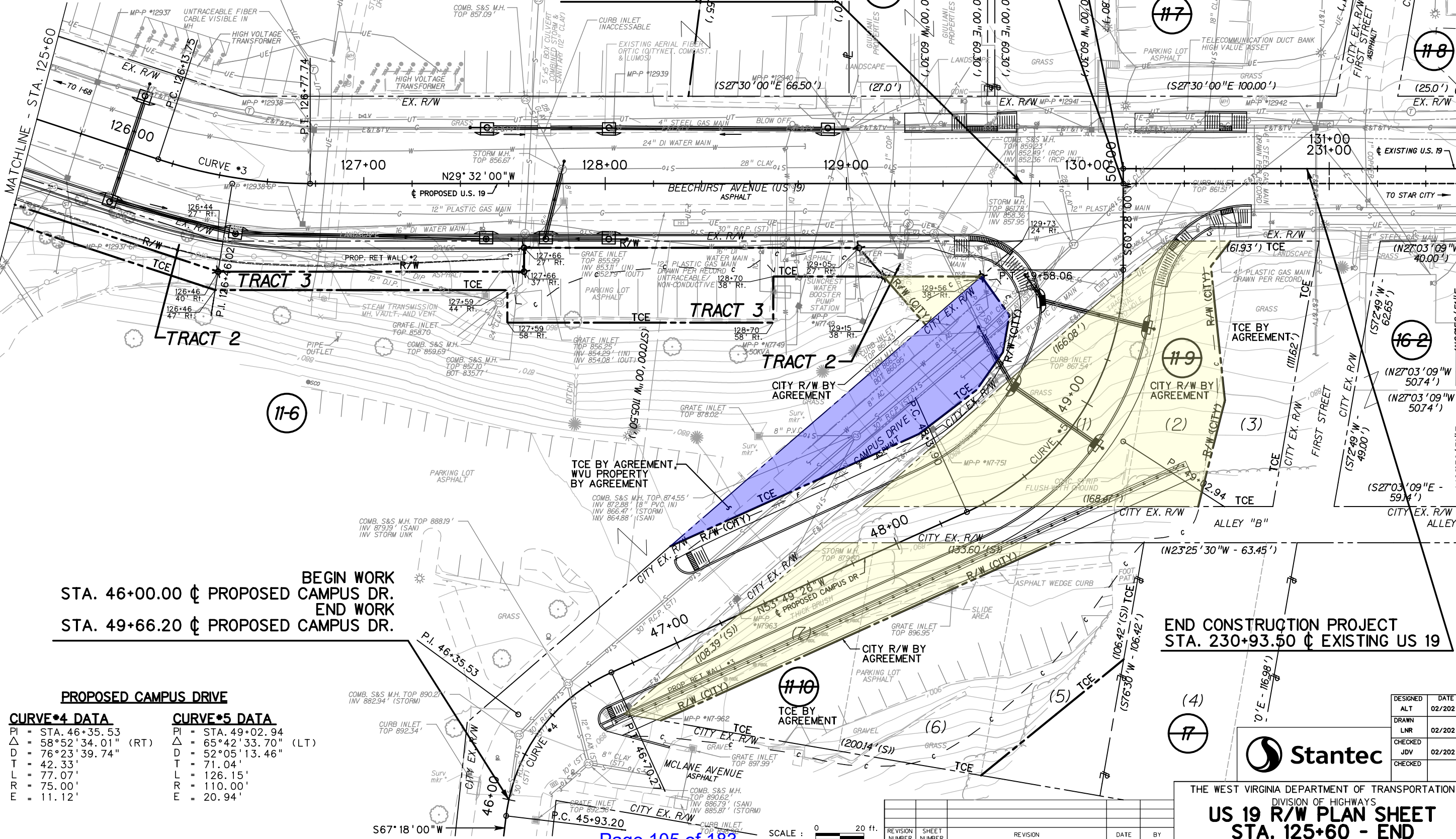
PI = STA. 126+46.02
 Δ = 18°14'32.00" (LT)
 D = 28°30'19.31"
 T = 32.27
 L = 64.00
 R = 201.00
 E = 2.57

END RIGHT-OF-WAY PROJECT
 STA. 129+73.00

STA 50+00.00 PROPOSED CAMPUS DR -
 STA 230+14.65 EXISTING US 19

STA 130+14.65 PROPOSED US 19 -
 STA 230+14.65 EXISTING US 19 (6.18' OFFSET)-
 STA 49+93.82 PROPOSED CAMPUS DR

Public Roads Div.	State Dist. No.	State Project No.	Federal Project No.	Fiscal Year	County	Sheet No.	Total Sheets
W. V.	04	U331-19-13.24.00	NHPP-0019 (444)D	2020	MONONGALIA	15	26



BEGIN WORK
 STA. 46+00.00 PROPOSED CAMPUS DR.
 END WORK
 STA. 49+66.20 PROPOSED CAMPUS DR.

PROPOSED CAMPUS DRIVE

CURVE #4 DATA

PI = STA. 46+35.53
 Δ = 58°52'34.01" (RT)
 D = 76°23'39.74"
 T = 42.33'
 L = 77.07'
 R = 75.00'
 E = 11.12'

CURVE #5 DATA

PI = STA. 49+02.94
 Δ = 65°42'33.70" (LT)
 D = 52°05'13.46"
 T = 71.04'
 L = 126.15'
 R = 110.00'
 E = 20.94'

REVISION NUMBER	SHEET NUMBER	REVISION	DATE	BY



THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
 DIVISION OF HIGHWAYS
US 19 R/W PLAN SHEET
STA. 125+60 - END

DESIGNED	DATE
ALT	02/2021
DRAWN	DATE
LNR	02/2021
CHECKED	DATE
JDV	02/2021
CHECKED	DATE

EXHIBIT 2
Easement Declaration

This instrument was prepared by:

Ryan Simonton
KAY CASTO & CHANEY, PLLC
150 Clay Street, Suite 100
Morgantown, WV 26501

EASEMENT DECLARATION

This Declaration is made and entered into this the ____ day of _____, 2021, by West Virginia University Board of Governors on behalf of West Virginia University, a public higher education institution of the State of West Virginia ("Grantor"), in favor of and for the benefit of THE CITY OF MORGANTOWN, West Virginia, a municipal corporation ("City").

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 Grantor, and with the intent of being legally bound by and obligated under, in accordance with, and pursuant to this Declaration, Grantor declares, covenants, and agrees in favor of and for the benefit of City as follows:

Grantor 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 below-described parcel, perpetual 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 including utilities, and otherwise generally developing and improving the 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 parcel to (a) access the parcel by way of other easements, rights-of-way, and properties of City, (b) travel and traverse the parcel with persons, equipment, materials, and supplies, and (c) locate, set, stage, and operate equipment and machinery on and/or from the parcel while City shall be using or enjoying the parcel for the purposes set forth, contained, and provided for in this Declaration.

The parcel dedicated by this Declaration (the "Easement Area") is more specifically described as follows:

PARCEL 11-6

BEGINNING at a point in the southern existing city right of way line of Campus Drive, said point being 150 feet right and at right angle of proposed US Route 19 centerline at Station 128+27; Project U331-19-13.24, NHPP-0019(444)D, Monongalia County, West Virginia;

thence, westerly, with said southern existing city right of way line of Campus Drive 171 feet, more or less, to a point, said point being in the southern proposed city right of way line 38 feet right of and at right angle to centerline at Station 129+56;

thence, northeasterly, with said southern proposed city right of way line 20 feet, more or less, to a point 54 feet right of and at a right angle to centerline at Station 126+67;

thence, easterly, with said southern proposed city right of way line 16 feet, more or less, to a point 70 feet right of and at a right angle to centerline at Station 129+65;

thence, easterly, with said southern proposed city right of way line 19 feet, more or less, to a point 85 feet right of and at a right angle to centerline at Station 129+54;

thence, southeasterly, with said southern proposed city right of way line 30 feet, more or less, to a point 104 feet right of and at a right angle to centerline at Station 129+30;

thence, southeasterly, with said southern proposed city right of way line 113 feet, more or less, to the place of beginning and containing 3,656 square feet, more or less.

The tract of land hereinabove described is a portion of that same real estate conveyed unto The City of Morgantown, from The Morgantown Building and Investment Company by plat dated March 23, 1894, of record in the Office of the Clerk of the County Commission of Monongalia County, West Virginia, in Plat Cabinet 1 Envelope 233B.

PARCEL 11-9

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PARCEL 11-10

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The benefits, rights, burdens, obligations, covenants and restrictions set forth in this Declaration shall inure to the benefit of and be binding upon the heirs, devisees, legatees, personal representatives, agents, employees, contractors, tenants, invitees, licensees, successors and/or assigns of each party herein, and are intended to and shall run with the land.

In the event that any one 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.

Declaration of Consideration or Value

In accordance with the provisions of Article 22 of Chapter 11 of the West Virginia Code, Grantor 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.

{Signature page follows}

Witness the following signature:

West Virginia University Board of Governors
on behalf of West Virginia University
By:
Its:

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
_____ 2021, as Grantor, has this day in my said County and State before me acknowledged
the said writing to be the act and deed of said individual.

Given under my hand and notarial seal this ____ day of _____ 2021.

My commission expires _____.

Notary Public