

ORDINANCE VACATING, ABANDONING AND ANNULLING THAT PART OF UNION STREET NOT USED FOR STREET PURPOSES IN THE TOWN OF BATH, MORGAN COUNTY, WEST VIRGINIA

WHEREAS, it has been determined by the Town Council of the Town of Bath that the west end of Union Street, which terminates at two points west by north of now County Route 9 in the Town of Bath, Morgan County, West Virginia, consisting of 1918.2 square feet, is no longer needed for street purposes or for any other public use or public purposes, and that it is proper that the same be vacated, abandoned and annulled; and

NOW THEREFORE, it is ordained by the Town Council of the Town of Bath in a regular meeting, a quorum being present and voting in favor of this Ordinance:

Section 1. That that part of Union Street described as:

A portion of Union Street in Berkeley Springs Corporation west of its intersection with Wilkes Street, more particularly described as follows:

BEGINNING at a 5/8" diameter rebar set at the base of a retaining wall; thence along the line of land now or formerly (N/F) of Diane LaVelle as recorded in W.B. 27, Pg. 372 and D.B. 83, Pg. 17, Tract 3 where it is common to the north limit of Union Street

S 53°08'33" E, 91.16' to a point; thence through Union Street the following three courses:

S 37°16'55"W, 27.03' to a flush 5/8" diameter rebar, set; thence

N 51°47'32" W, 55.14' to a flush 5/8" diameter rebar, set; thence

N 17°27'42" W, 44.12' to the POINT OF BEGINNING and containing 1918.2 square feet as surveyed on July 31, 2017 by Cynthia A. Born, West Virginia Professional Surveyor No. 2135, and shown on Berkeley Land Surveys PLLC Plat No. 2017006A.

AND BEING a portion of the public right-of-way for Union Street as first shown on the official Plat of the Town of Bath as displayed in the front of Deed Book 46 at the Morgan County Courthouse. All of the herein mentioned documents are of record in the Office of the Clerk of the County Commission of Morgan County, West Virginia.

Section 2. That said above described part of Union Street is not used for street purposes and is not needed for street purposes or any other public use or public purposes, and that therefore it is in the interest of the Town of Bath and of the public generally that the part

of Union Street described above be vacated, abandoned and annulled, and it appearing that the property of no person, firm or corporation will be damaged or injured thereby, and it further appearing the owners of the property abutting upon said portion of Union Street are in agreement with the abandonment of that portion of Union Street described above, and therefore it is ordered and ordained that the above described part of Union Street be and the same is hereby vacated, abandoned and annulled, and that 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 Town of Bath, Morgan County, West Virginia.

Section 3. That further it is hereby ordained that the owner of the property abutting Union Street, Diane LaVelle, has agreed to convey to CNB, Inc., Parcel A, as set forth on the Survey in Exchange of Parcels in the Town of Bath, attached hereto and rendered part of this Ordinance, and the Town of Bath has agreed to convey that portion of Union Street identified as Parcel B to Diane LaVelle, in exchange for the transfer by Diane LaVelle to CNB, Inc., of Parcel A, as described on the Survey of Exchange of Parcels in the Town of Bath, all for no consideration.

Section 4. That prior to the date of the adoption of this Ordinance a public hearing shall be held at a regular meeting of the Town Council of the Town of Bath as to the vacating, abandoning and annulling of the part of Union Street described in this Ordinance and hereby proposed to be vacated, abandoned and annulled and that due notice of such hearing shall be given by the Recorder of the Town of Bath by publishing in a newspaper published and of general circulation in the Town of Bath once each week for two successive weeks prior to the date of such hearing. Such notice shall state the date, time, place and purpose of such hearing.

Section 5. In accordance with the provisions of the Statutes and laws of the State of West Virginia in such cases and as provided by West Virginia Code Chapter 8-12-5(1) and the authority provided therein, and provided upon the adoption of this ordinance that the property described as Parcel B of Union Street as described in Section 1 hereof is hereby vacated, abandoned and annulled and shall and become the property of Diane LaVelle upon the completion of the exchanges of properties as described above as a condition precedent to the abandonment and the transfer by Diane LaVelle to CNB, Inc. of Parcel A and the transfer by the town of Bath to Diane LaVelle.

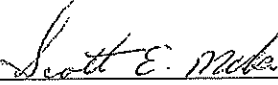
Section 6. Upon the adoption of this ordinance a duly verified copy thereof together with the plat of the Surveys of Exchange of Parcels in the Town of Bath hereby vacated, abandoned and annulled shall be recorded in the appropriate deed book in the office of the Clerk of the County Commission of Morgan County, West Virginia, as evidence of the vacating, abandoning and annulling of said part of Union Street for public uses and public purposes as a public street or way, along with the deeds exchanged the properties described herein.

Section 7. This ordinance shall be effective from the date of its adoption.

First Reading Feb. 19, 2019

Seconding Reading March 5, 2019

Passed on the 5th day of March, 2019



Scott Merki, Mayor



Susan Webster, Recorder