

Mayor  
Scott Merki



Council Members  
Elizabeth Skinner  
Rick Weber  
Chris Chapman  
Rose Jackson  
John Bohrer

Recorder  
Susan J. Webster

## Town of Bath

271 Wilkes Street, Berkeley Springs, WV 25411  
Phone 304-258-1102 Fax 304-258-2638

### **ORDINANCE 2021-01-01 RATIFYING THE TRANSFER OF A CERTAIN EASEMENT TO THE WEST VIRGINIA DEPARTMENT OF HIGHWAYS FOR PURPOSES OF CONSTRUCTION OF A BYPASS AROUND THE TOWN OF BATH, MORGAN COUNTY, WEST VIRGINIA**

WHEREAS, it has been determined by the Town Council of the Town of Bath that an easement granted to the West Virginia Department of Highways (herein "WVDOH") for the public purpose of constructing a bypass around the Town of Bath necessitates the transfer of the requested easement in the Town of Bath consisting of 4,400 square feet to the WVDOH for the public use and that it is proper that the same be transferred to the WVDOH; 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 that:

A Noncontrolled Access Right of Way as follows:

BEGINNING at a point in the northern existing right of way line of Morgan County Route 38/14, said point being in the proposed noncontrolled access right of way line of Morgan County Route 38/14, and 500 feet radially left of relocated US Route 522 centerline at Station 660+68, Project U333-522-11.92 00, NH-0522(018)C, Bath District, Morgan County, West Virginia;

thence, northeasterly, with said proposed noncontrolled access right of way line 83 feet, more or less, to a point 538 feet radially left of centerline at Station 661+35;

thence, southeasterly, continuing with said proposed noncontrolled access right of wayline 63 feet, more or less, to a point in the division line between Herman R. Leigh and Christine M. Leigh and Town of Bath, said point being 478 feet radially left of centerline at Station 661+55;

thence, southwesterly, with said division line 90 feet, more or less, to a point in the northern existing right of way line of Morgan County Route 38/14, said point being 462 feet radially left of centerline at Station 660+76;

thence, northwesterly, meandering with said existing right of way line 39 feet, more or less, to the point of beginning and containing 4,440 square feet, more or less.

AND BEING a portion of that same real estate conveyed unto Town of Bath, a municipal corporation, from Mary I. Dupuis and Charles Dupuis, her husband, by deed dated April 29, 1933, of record in the Office of the Clerk of the County Commission of Morgan County, West Virginia, in Deed Book 44 at Page 98.

AND THAT was formerly transferred by the Town of Bath to the West Virginia Department of Highways by Deed dated the 16<sup>th</sup> day of September, 2020.

It is therefore ORDERED that the Town of Bath hereby ratifies and affirms the action of the Council of the Town of Bath approving the transfer of the above described easement for public body purposes.

It is further ORDERED that the Mayor of the Town of Bath be and is hereby directed and authorized to execute any and all necessary legal instruments and papers necessary to effectuate the transfer of the instant property described herein and the Town of Bath Recorder is hereby authorized and directed to attest and affix the municipal seal of the Town of Bath to said instruments and papers. It is hereby further ORDERED that a certified copy of this Ordinance be duly recorded in the Office of the Clerk of the County Commission of Morgan County, West Virginia with the Deed of Transfer.

It is further ORDERED that pursuant to the provisions of Chapter 8, Article 11, Section 4 of the West Virginia Code, as amended, that this Ordinance be published, but the same shall not be adopted until read by title at not less than two (2) regular meetings of the Council, including a meeting at which the same is introduced, and in accordance with the publication of such as a Class II Legal advertisement and that said Ordinance need not be read in full at either meeting unless one or more of the members of the Council so demand.

This Ordinance shall be effective from the date of its enactment.

This Ordinance is read this 5th day of January, 2021 as the first reading thereof.

This Ordinance is read and enacted this 19th day of January, 2021 after a second reading hereof.

Passed and Approved unanimously and Entered of record by the Council of the Town of Bath this 19<sup>th</sup> day of January, 2021.

Town of Bath, Morgan County, West Virginia

*Scott E. Merki*

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Scott Merki, Mayor

(MUNICIPAL SEAL)

ATTEST:

*Susan Webster*

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Susan Webster Recorder