

Mayor
Scott Merki

Recorder
Susan J. Webster



Council Members
Elizabeth Skinner
Rick Weber
Chris Chapman
Rose Jackson
Greg Forney

Town of Bath

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

Ordinance 2022-06-01

**ORDINANCE VACATING, ABANDONING AND ANNULLING
THAT PART OF EAST LIBERTY 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 a portion of East Liberty Street, in the Town of Bath, Morgan County, West Virginia, consisting of a total of 0.273 acres, 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, closed, 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 as follows:

Section 1. That the part of East Liberty Street proposed to be vacated, abandoned, closed, and annulled is described as follows, to-wit:

“A portion of Liberty Street within the Town of Bath as shown on the Plat of Wright & Smith’s Addition to The Town of Bath, which plat appears of record in the office of the Clerk of the County Commission of Morgan County, West Virginia in Deed Book 18, at page 129.

The portion thereof to be vacated, abandoned, closed, and annulled is, in aggregate, 0.273 acres, and is shown more fully on Plat No. 2022015, dated March 17, 2022, made by Cynthia A. Born, West Virginia Professional Surveyor No. 2135, (hereinafter the “Born Plat”), which plat has been admitted to public record in the Office of the Clerk of the County Commission of Morgan County, West Virginia in Map Book 9, at page 97; and a copy of which plat, showing said portion of East Liberty Street being divided into five small parcels, numbered 1 through 5, is attached to this Ordinance.”

Section 2. That said above described part of East Liberty Street is not used for street purposes, has never been opened or constructed as a street, 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 East Liberty Street described above be vacated, abandoned, closed 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 East Liberty Street are in agreement with the abandonment of that portion of East Liberty Street described above, and therefore it is ordered and ordained that the above described part of East Liberty Street be and the same is hereby vacated, abandoned, closed 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 Town of Bath has agreed to convey to the five owners of the properties abutting East Liberty Street, all as shown on Plat No. 2022015, dated March 17, 2022, made by Cynthia A. Born, a copy of which is attached to this Ordinance, the portion of East Liberty Street to be vacated, abandoned, closed, and annulled pursuant to this ordinance, the five small parcels, numbered 1 through 5, into which this portion of Liberty Street has been divided, all as shown on the abovesaid plat, with said five small parcels to be merged into and become part of the adjoining properties, as shown on said plat upon payment(s) to the Town of Bath by said five adjoining property owners of the sum(s) set by the Town of Bath as the price(s) therefor.

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 East Liberty Street described in this Ordinance and hereby proposed to be vacated, abandoned, closed 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 the easternmost portion (0.273 acres) of East Liberty Street as described in Section 1 hereof is hereby vacated, abandoned, closed and annulled, and upon payment as set forth above in Section 3 of this Ordinance, the lots, as shown on the Born Plat attached hereto, shall be conveyed to the adjoining owners.

Section 6. Upon the adoption of this ordinance a duly verified copy thereof together with the plat attached hereto 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 East Liberty

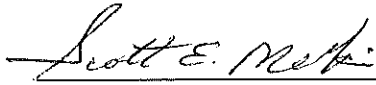
Street for public uses and public purposes as a public street or way, along with the deeds described herein.

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

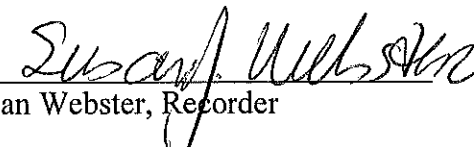
First Reading JUNE 21, 2022

Second Reading JULY 19, 2022

Passed on the 19 day of JULY, 2022.



Scott Merki, Mayor



Susan Webster, Recorder

**Survey and Mergers of
Portions of Unused East Liberty Street**
Addition to Town of Bath
Deed Book 18, Page 129
Contains 0.273 Acre Total

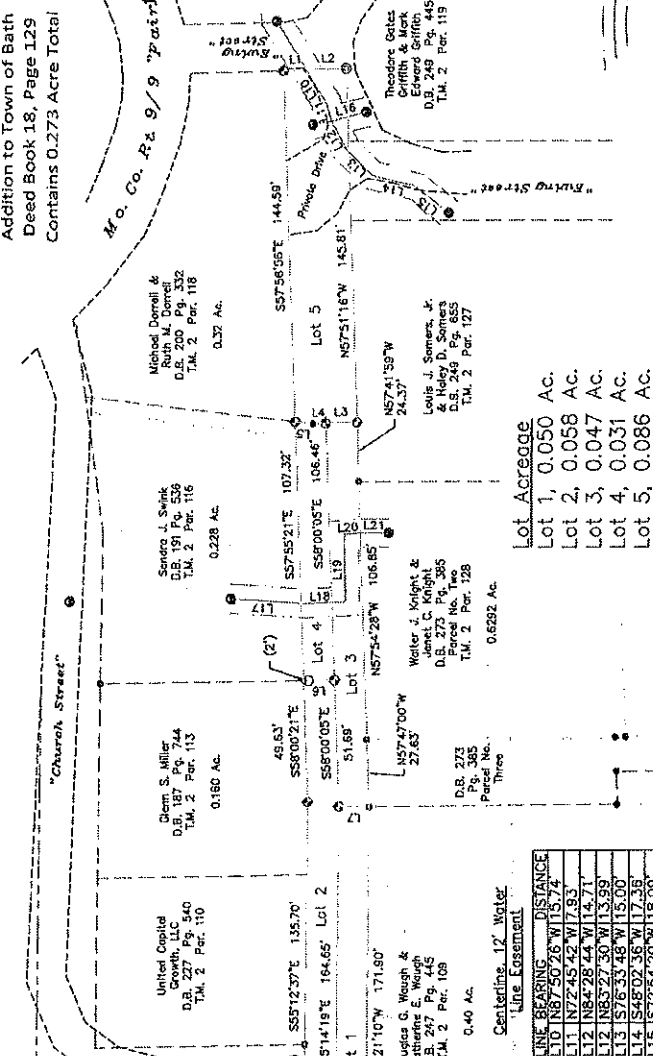
Plat North
per Survey Recorded in
Deed Book 135, Page 20

Richard M. Fenevy
& Kay Amico
I.S. 70 Pg. 481
Bath Dist. T.M. 6 Par. 22

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Lot Acreage
Lot 1, 0.050 Ac.
Lot 2, 0.058 Ac.
Lot 3, 0.047 Ac.
Lot 4, 0.031 Ac.
Lot 5, 0.086 Ac.

Lot 1 hereon described shall be merged into one property with the adjoining 0.40 acre parcel which is recorded in Deed Book 247 at Page 445;
Lot 2 hereon described shall be merged into one property with the adjoining 0.160 acre parcel which is recorded in Deed Book 187 at Page 744;
Lot 3 hereon described shall be merged into one property with the adjoining 0.0252 acre parcel which is recorded in Deed Book 273 at Page 385;
Lot 4 hereon described shall be merged into one property with the adjoining 0.228 acre parcel which is recorded in Deed Book 191 at Page 386;
and Lot 5 hereon described shall be merged into one property with the adjoining 0.32 acre parcel which is recorded in Deed Book 200 at Page 332;
all for the exclusive purpose of increasing the areas of said parcels.

LINE	BEARING	DISTANCE
L10	N87°50'28\"	15.74
L11	N72°45'42\"	7.93
L12	N84°28'44\"	14.71
L13	N63°27'30\"	13.99
L14	S76°33'48\"	15.00
L15	S48°02'36\"	17.38
L16	S72°54'20\"	18.09
L17	S19°48'43\"	15.10
L18	S37°42'15\"	30.73
L19	S31°29'28\"	16.86
L20	S56°54'15\"	28.08
L21	S29°57'32\"	16.32
L22	S33°11'45\"	12.20

LINE	BEARING	DISTANCE
L1	S31°50'06\"	9.50
L2	S31°50'06\"	16.50
L3	N32°08'39\"	113.00
L4	N32°08'39\"	15.34
L5	N40°24'55\"	7.50
L6	S33°09'24\"	112.91
L7	S35°17'10\"	112.61
L8	N35°24'05\"	113.00
L9	S34°52'45\"	17.22



Tax Map: 2 Parcels: 10B, 11B, 116, 118, & 12B District: Berkeley Springs Corp. Morgan County, West Virginia

Cynthia A. Bann

BERKELEY SPRINGS SURVEY FILE
1209 FINNICK STREET
BERKELEY SPRINGS, W. VA. 25411
MAY 20 10 10 30 AM '10
No. 2105
STATE OF WEST VIRGINIA
PROFESSIONAL SURVEYOR
No. 2105

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY that a legal publication

Notice of Public Hearing

NOTICE OF PUBLIC HEARING ON A PROPOSED ORDINANCE VACATING, ABANDONING AND ANNULLING THAT PART OF EAST LIBERTY STREET NOT USED FOR STREET PURPOSES IN THE TOWN OF BATH, MORGAN COUNTY, WEST VIRGINIA

Notice is hereby given that a public hearing will be held by the Town Council for the Town of Bath on a proposed ordinance vacating, abandoning, closing and annulling a portion of East Liberty Street in the Town of Bath. The ordinance was read for the first time at the meeting of the Town Council held on Tuesday, June 21, 2022.

placed by

The part of East Liberty Street proposed to be vacated, abandoned, closed and annulled is described as follows, to-wit:

Town of Bath

"A portion of Liberty Street within the Town of Bath as shown on the Plat of Wright & Smith's Addition to The Town of Bath, which plat appears of record in the office of the Clerk of the County Commission of Morgan County, West Virginia in Deed Book 18, at page 129.

appeared for 2 consecutive weeks in
THE MORGAN MESSENGER, a newspaper
published in Berkeley Springs, WV, in its issue
beginning

The portion thereof to be vacated, abandoned, closed, and annulled is, in aggregate, 0.273 acres, and is shown more fully on Plat No. 2022015, dated March 17, 2022, made by Cynthia A. Born, West Virginia Professional Surveyor No. 2135, (hereinafter the "Born Plat"), which plat has been admitted to public record in the Office of the Clerk of the County Commission of Morgan County, West Virginia in Map Book 9, at page 97; and a copy of which plat, showing said portion of East Liberty Street being divided into five small parcels, numbered 1 through 5, is attached to the Ordinance."

July 6, 2022

The Ordinance, if adopted, would find and determine that the above-described part of East Liberty Street is not used for street purposes, has never been opened or constructed as a street, and is not needed for street purposes or any other public use purpose, and that it is in the interest of the Town of Bath and of the public generally that the part of East Liberty Street described above be vacated, abandoned, closed and annulled. The ordinance, if adopted, will be effective from the date of its adoption. Copies of the proposed Ordinance may be obtained at the Town of Bath Municipal Building located at 271 Wilkes Street, Berkeley Springs, WV 25411.

and ending

The public hearing will be held on Tuesday, July 19, 2022, at 5:30 p.m. on said date at the Town Hall, on the ground floor of the Town of Bath Municipal Building located at 271 Wilkes Street, Berkeley Springs, WV 25411. The public hearing will be held in conjunction with regular meeting of the Bath Town Council held at said date and time.

July 13, 2022

Per *[Signature]*
THE MORGAN MESSENGER, INC

Following the public hearing, the Town of Bath consider adoption of the Ordinance under the second reading thereof.

Words 720

Given under my hand and seal this 28th day of June, 2022.

Charge \$ 151.20

Susan J. Webster,
Recorder for the Town of Bath
7-6-21m