

CHAPTER 37

AN ORDINANCE PROVIDING THE ABANDONMENT OF A PART OF THAT CERTAIN FORTY FOOT UNOPENED STREET KNOWN AS SECOND STREET, SITUATE IN THE TOWN OF LUMBERPORT, EAGLE DISTRICT, HARRISON COUNTY, WEST VIRGINIA AS SHOWN IN RED ON THE PLAT ATTACHED TO THE PETITION FOR ABANDONMENT OF SAID STREET WHICH WAS FILED BY JOSEPH S. CRUTCH AND OLIVE E. EAKLE; THE TOWN COUNCIL MAKING CERTAIN FINDINGS OF FACT IN CONNECTION WITH SAID ABANDONMENT; AND AUTHORIZING THE EXECUTION OF QUITCLAIM DEEDS TO THE ABUTTING PROPERTY OWNERS.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF LUMBERPORT WEST VIRGINIA, THAT:

I. Legislative Intent and findings of Fact. The Council of the Town Of Lumberport hereby finds and declares that it has under consideration the abandonment of a part of that certain forty (40) foot unopened street, known as Second Street and situate in the Town of Lumberport, Eagle District Harrison County, West Virginia, as is shown shaded in red on the plat attached to the Petition to abandon that said part of street, a copy of which plat was filed with the duly verified petition to abandon, and that Council of the Town of Lumberport now makes the following findings of fact:

(a) That said street has never been opened and is not now and never has been used as a part of the travelled portion of any street or alley.

(b) That the abandonment sought will not affect any street or alley which now serves or is expected to serve any public purpose, nor will any property or person be landlocked or made inaccessible to any property by reason of said abandonment, nor will the abandonment unreasonably or in any way impede the flow of traffic.

(c) That all of the persons owning property abutting upon the street sought to be abandoned have, as petitioners or otherwise, requested or consented to said abandonment.

(d) That the abandonment of said street will not interfere with or impair the growth or development of the area, but, on the contrary, will advance and promote the growth and development of the area.

(e) That upon an intensive investigation by officials of the Town of Lumberport, it was determined that there are no rights-of-way or easements for storm and sanitary sewers, water lines, gas lines, electric wires, poles or related equipment, electrical distribution systems, telephone lines, poles and related equipment, telegraph and telephone poles, lines and related equipment, or any other utility lines or public service facilities of any kind or nature whatsoever within the area sought to be abandoned.

2. Abandonment of Street. The Town of Lumberport does hereby abandon its easements and rights-of-way into and over a part of that certain forty (40) foot unopened street known as Second Street, and situate in the Town of Lumberport, Eagle District, Harrison County, West Virginia, and more particularly shown in red on the plat attached to the Petition for abandonment.

3. Quitclaim Deeds Describing Property and Naming Grantees.

It is hereby directed that Quitclaim Deeds for the respective portions of the street abandoned be prepared by the City Attorney, quitclaiming the aforescribed street to the abutting property owners according to law; and that said deeds be executed by the Mayor for and on behalf of the Town of Lumberport.

PASSED by the Council of the Town Of Lumberport on FIRST READING this the 4th day of May, 1981.

PASSED by the Council of the Town Of Lumberport on SECOND and FINAL READING this 1st day of June 1981..

Attest: Betty A. Husted, Recorder R. S. Wright
Recorder Mayor

Approved As To Form: _____