

AGENDA FOR THE REGULAR CITY COUNCIL MEETING
FOR TUESDAY, SEPTEMBER 8, 2015, 7:30 PM
COUNCIL CHAMBERS, SECOND FLOOR,
MUNICIPAL BUILDING

PRAYER AND PLEDGE OF ALLEGIANCE

- I. CALL TO ORDER – Councilman JR Carpenter, President
- II. ROLL CALL
- III. MINUTES - Regular Council meeting August 25, 2015
Special Council meeting July 31, 2015
- IV. REPORTS FROM STANDING OR SPECIAL COMMITTEES
- V. MESSAGE FROM THE EXECUTIVE
- VI. PUBLIC FORUM
- VII. RESOLUTIONS
 - 1. Requesting a budget revision, general fund \$2,500.00 donation for tennis courts (Finance Committee); and a \$4,500.00 pledge for tennis courts renovations (to be discussed in Finance Committee Sept 8th)
 - 2. Requesting a budget revision, general fund for Fire Department training and recertification for \$1,075.00; and protective coats and pants \$3,792.00. (Finance Committee)
 - 3. Requesting a budget revision, coal severance, \$30,533 cash carryover. (Finance Committee)
- VIII. ORDINANCE, FINAL READING
 - 4. An ordinance authorizing the lease/purchase financing of ten (10) police department vehicles with United Bank, Inc. for 36 months, 1.61% - total \$276,907.68. (Sponsored by Councilmen Lynch, Rockhold, Carpenter, and Reynolds)

Next page

Page two

Council agenda September 8, 2015

IX. ORDINANCE, FIRST READING

5. An ordinance authorizing the lease/purchase financing of air packs for the Parkersburg Fire Department with BB&T for 36 months, 1.38%, total \$268,043.40. (Sponsored by Councilmen Rockhold, Carpenter, and Reed.)
6. An ordinance to rezone 2613 Gihon Road from R-2 to B-2. (Sponsored by the Municipal Planning Commission.)

(includes 2 page memo from Planner; includes 12 page draft minutes from MPC)
7. An ordinance to vacate a portion of Phillips Street; and an alley near 4th Avenue and Camden. (Sponsored by the Municipal Planning Commission.)

X. MISCELLANEOUS

8. Receive and file memorandum and subsequent documents from the Planning Division regarding a petition to abandon the City's right-of-way on 10th Street, and a petition to abandon the utility easement on a portion of McKinley Avenue for the purpose of building an accessory structure on the property.

XI. ADJOURNMENT

NOTE – URA to follow this meeting

RESOLUTION

Qsk's

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that the Mayor or his designee be authorized to request approval from the State Auditor's Office for the following budget revision within the General Fund for FY 2015-2016 prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists, and to make said budget revisions upon State approval:

GENERAL FUND

Fund	Dept.	Account	Description	Revenue Increase/ (Decrease)	Expenditure Increase/ (Decrease)	Fund Source / Description
001	399	000-000	Misc. Revenue Contractual Services - Bldg & Grds	\$ 2,500.00	\$ -	Tennis Court Project
001	440	230-000			\$ 2,500.00	Donation, WesBanco
				\$ 2,500.00	\$ 2,500.00	

RESOLUTION

JKS

City of Parkersburg
 FY 15/16 State Budget Revision
 Council Meeting 9/8/2015

Fund	Dept.	Account	Description	Revenue Increase/ (Decrease)	Expenditure Increase/ (Decrease)	Fund Source / Description
Fire Department						
001	699	221-000	Contingency - Training		\$ (600.00)	Firefighter live burn training
001	706	221-000	Fire - Training		\$ 600.00	Firefighter live burn training
001	699	221-000	Contingency - Training		\$ (475.00)	Firefighter EMT recertification
001	706	221-000	Fire - Training		\$ 475.00	Firefighter EMT recertification
001	699	459-000	Contingency - Capital Outlay		\$ (3,792.00)	Protective Coats & Pants
001	706	459-000	Fire - Capital Outlay		\$ 3,792.00	Protective Coats & Pants
				\$ -	\$ -	

RESOLUTION

05/15

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PARKERSBURG that the Mayor or his designee be authorized to request approval from the State Auditor's Office for the following budget revision within the Coal Severance Fund for FY 2015-2016 prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists, and to make said budget revisions upon State approval:

COAL SEVERANCE FUND

002	298	000-000	Assigned Fund Balance	\$ 30,533.07	4th Quarter 2014/2015
002	750	341-000	Street Department Supplies	<u>\$ 30,533.07</u>	Cash Carryover
				\$ 30,533.07	\$ 30,533.07

AN ORDINANCE AUTHORIZING
THE LEASE PURCHASE FINANCING OF
TEN POLICE DEPARTMENT VEHICLES

9/2/15
THE COUNCIL OF THE CITY OF PARKERSBURG HEREBY ORDAINS
that the City enter into that certain Lease Purchase Agreement with United Bank,
Inc., for financing for the lease purchase of ten (10) vehicles in the Police
Department.

The total amount financed is Two Hundred Seventy Thousand One
Hundred Fifty Dollars (\$270,150.00) at an interest rate of One Point Six One Per
Cent (1.61%) for thirty six (36) months; and the amount per month is Seven
Thousand Six Hundred Ninety One Dollars and Eighty Eight cents (\$7,691.88).
The total amount is Two Hundred Seventy Six Thousand Nine Hundred Seven
Dollars and Sixty Eight cents (\$276,907.68)

BE IT FURTHER ORDAINED that Mayor Jimmy Colombo, or his designee,
is authorized to execute said Lease Agreement and any and all accompanying
papers needed and necessary to effectuate said lease for and on behalf of the
City.

Attached hereto and made a part hereof is a copy of the price quote page of
the bid.

Sponsored by Councilmen Lynch, Rockhold, Carpenter, and Reynolds

AN ORDINANCE AUTHORIZING
THE LEASE PURCHASE FINANCING OF
AIR PACKS FOR THE FIRE DEPARTMENT

Qsk
THE COUNCIL OF THE CITY OF PARKERSBURG HEREBY ORDAINS
that the City enter into that certain Lease Purchase Agreement with Branch
Banking and Trust Company (BB&T) for financing for the lease purchase of air
packs for the Parkersburg Fire Department

The total amount financed is Two Hundred Sixty Two Thousand Four
Hundred Twenty Three Dollars and no/100 (\$262,423.00) at an interest rate of
One Point Three Eight Per Cent (1.38%) for thirty six (36) months; and the amount
per month is Seven Thousand Four Hundred Forty Five Dollars and 65/100
(\$7,445.65). The total amount is Two Hundred Sixty Eight Thousand Forty Three
Dollars and Forty Cents (\$268,043.40).

BE IT FURTHER ORDAINED that Mayor Jimmy Colombo, or his designee,
is authorized to execute said Lease Agreement and any and all accompanying
papers needed and necessary to effectuate said lease for and on behalf of the
City.

Attached hereto and made a part hereof is a copy of the price quote page of
the bid.

WE (I), THE BELOW SIGNED HEREBY PROPOSE TO FURNISH THE FOLLOWING ARTICLES(S) AND/OR SERVICE(S) AT THE PRICES AND TERMS STATED SUBJECT TO ALL INSTRUCTIONS, CONDITIONS, SPECIFICATIONS, AND ALL ATTACHMENTS HERETO, (I) HAVE READ ALL ATTACHMENTS INCLUDING THE SPECIFICATIONS AND FULLY UNDERSTAND WHAT IS REQUIRED.

PRICES ARE TO BE QUOTED F.O.B.: PARKERSBURG, WEST VIRGINIA

AMOUNT FINANCED	INTEREST RATE	LENGTH OF TIME	MONTHLY PAYMENT	TOTAL DEBT SERVICE
\$262,423.00	1.38%	3 YEARS (36 MONTHS)	\$7,445.65	\$268,043.46

I CLAIM THE 2% BID PREFERENCE FOR WEST VIRGINIA RESIDENT VENDORS:

YES NO

I IN ADDITION PAY B & O TAXES TO THE CITY OF PARKERSBURG AND THERE FORE ALSO CLAIM THIS BID PREFERENCE:

YES NO

IF YES, PLEASE GIVE ID# 56-1074313

DELIVERY: _____ CALENDAR DAYS AFTER RECEIPT OF ORDER

TERMS: _____

COMPANY NAME OR BIDDERS NAME: Branch Banking and Trust Co.

BUSINESS ADDRESS OF BIDDER: 352 St. Rt. 34, Hurricane, WV 25524

THE FULL NAME AND RESIDENCE OF ALL PERSONS AND PARTIES INTERESTED IN THE FOREGOING BID ARE:

(IF A CORPORATION, GIVE THE NAME AND ADDRESS OF THE PRESIDENT AND SECRETARY; IF FIRM OR PARTNERSHIP, THE NAMES AND ADDRESSES OF THE MEMBERS OR PARTNERS.)

NAME	ADDRESS
<u>Bobby Blakely (Pres.)</u>	<u>300 Summers St, Charleston, WV 25301</u>
_____	_____
_____	_____

AUTHORIZED SIGNATURE: *Russell R. Owen* TITLE: Vice President
SIGNATURE MUST BE IN WRITING TITLE MUST BE GIVEN

BID TABULATIONS

INQUIRY NO. 2195

DATE: 9-2-15

TIME: 10:00AM

BANK	AMOUNT FINANCED	INTEREST	MONTHLY PAYMENT	2% WV 2% B & O
SBFT	\$262,423.00	1.58%	\$7,445.65	yes/yes
Huntington	\$262,423.00	2.65%	\$7,591.10	no/no
United Bank	\$262,423.00	1.56%	\$7,466.17	yes/yes
Wesbanco	\$262,423.00	2.19%	\$7,553.51	yes/yes

no. x. id. 0517

Memorandum

To: Mayor and City Council

From: John Whitmore, City Planner

JW

Date: September 1, 2015

Re: Municipal Planning Commission meeting held on August 28, 2015

SEE #7
The Municipal Planning Commission held four public hearings on August 28, 2015. The first public hearing regarded a public thoroughfare abandonment petition for portions of Phillips Street and an unnamed alley near 4th Avenue and Camden Avenue. The second public hearing was for the abandonment of utility right-of-way in a previously abandoned thoroughfare, being McKinley Avenue between 25th and 26th Street. The third public hearing regarded the public thoroughfare abandonment of 10th Street east of Avery Street, a portion of which includes the Quincy Hill Stairs/Steps. The fourth public hearing was a rezoning petition for 2613 Gihon Road, from an R-2 Residential Zone to B-2 Business zone.

For the first public hearing, the petitioner and neighbor were proponents of the abandonment. There were no opponents. The petitioner was seeking the closure to install stormwater management infrastructure. The Municipal Planning Commission voted to recommend approval of the public thoroughfare abandonment (9-0). This item will be forwarded to Council for action as ordinance, with the first reading scheduled for September 8th.

SEE #8
For the second public hearing, the petitioner was the only proponent of the abandonment. One opponent, Dominion Hope sent recommendation to the Planning Division prior to the meeting, against the abandonment. The petitioner was seeking the closure to build a permanent structure on the land currently affected by the Utility Right-of-Way. The Municipal Planning Commission voted to conditionally recommend approval of the abandonment (8-1). This item will be forwarded to Council for action as ordinance, pending coordination of conditions with the applicant and Dominion Hope.

SEE #8
For the third public hearing, the City of Parkersburg was the petitioner seeking the closure to enable the parcel to be consolidated into a larger parcel containing most of Quincy Park and the remainder of Quincy Hill Stairs/Steps. Consolidation of the parcels would allow for additional land covenants and potential future grant funding. Two residents spoke at the public hearing with one resident opposed to the closure due to limited access to the rear of said resident's adjacent owned property, and the other resident speaking about the process and stating their support for the property consolidation. The Municipal Planning Commission voted to against recommending approval of the public thoroughfare abandonment (4-5).

SEE #6
For the final public hearing, the petitioner was the only proponent of the rezoning. There were two opponents, though one resident noted that they were unsure if they were in favor of the rezoning or against the rezoning. Opponents were concerned with potential impacts of the

with # 6

business use (Mary B's). The petitioner was seeking the rezoning as a result of diminished onsite parking for the adjacent Mary B's restaurant. The Municipal Planning Commission voted to conditionally recommend approval of the rezoning (9-0), with conditions focused on limiting customer nuisance to nearby residential properties. This item will be forwarded to Council for action as ordinance, with the first reading scheduled for September 8th.

I have attached a copy of the MPC rezoning staff reports to this memo for your information. In addition, I have attached an draft copy of the minutes of this meeting. These minutes are for your general informational purposes only and have not been voted on, and do not necessary represent the official positions, actions, or opinion of the Municipal Planning Commission. If you have any questions related to these items, please feel free to contact me at your convenience. I can be reached at john.whitmore@parkersburgwv.gov or at 304-424-8558.

Thanks!

John Whitmore

CC: Rickie Yeager, Development Director W/O Attachments

with #6

A regular meeting of the Municipal Planning Commission was held on Friday, April 28, 2015 in the Council Chambers Room 2nd Floor, Parkersburg, West Virginia, at 12:30 with Mr. Charlie Matthews presiding.

Members Present:

Mr. Rickie Yeager
Mrs. Sherry Dugan
Mr. Jim Greene
Mr. Tom Evans
Ms. Kim Coram
Mr. Luke Peters
Mr. Eric Gumm
Mr. Sel Wigal
Mr. Charlie Matthews

Members Absent:

Mr. Harold Stockwell
Mr. Eddie Staats

Staff Present:

Mr. John Whitmore, Planning Administrator
Mrs. Tammy Bunner, Development Secretary

Others Present:

See attached list

Roll Call

Tammy Bunner noted the roll call with 9 voting members present. A quorum was present.

Minutes

Mr. Rickie Yeager made a motion to approve the minutes from June 26, 2015. Sherry Dugan seconded the motion. Motion passed (9-0-0).

President's Report

Mr. Matthews announced to everyone present that they needed to sign in when they came forward to speak that they needed to state their name and address.

Planning Administrator's Report

Mr. Whitmore mentioned that the abutting property owner sheets in the packets were wrong. Item C & D needed to be switched with one another, and that going forward the mailings will be differently.

New Business

- A. Proposed abandonment of a portion of Phillips Street lying south of Fourth Avenue, north of the portion of Phillips Street previously vacated (City Ord. #0-596); and the abandonment of an unnamed twenty (20) foot wide alley, lying west of Johnson Street and east of Phillips Street, south of Fourth Avenue, and north of Camden Avenue. Both sections proposed for abandonment are located on Parkersburg City Tax Map 152.

Applicant: William Clegg

Mr. Whitmore presented the staff report.

Mr. Matthews asked if there were any questions for the staff.

Mr. Rickie Yeager asked if any improvements included back filling.

Mr. John Whitmore stated that the area will be linked by systems already in place.

The Public Hearing began at 12:41 p.m.

In Favor

Mr. William Clegg of 412 Gladstone Street has no problems or issues with the abandonment. He stated that he put a drainage pipe in and wanted to see if any procedures needed to be done.

Mr. Larry Lemley of 1112 4th Avenue stated that he lives adjacent to the site and would like to see it cleaned up and has no problems or issues with the abandonment.

In Opposition

No one was in opposition.

Public Hearing closed at 12:43 p.m.

Mrs. Sherry Dugan made a motion to the proposed abandonment of a portion of Phillips Street lying south of Fourth Avenue, north of the portion of Phillips Street previously vacated (City Ord. #0-596); and the abandonment of an unnamed twenty (20) foot wide alley, lying west of Johnson Street and east of Phillips Street, south of Fourth Avenue, and north of Camden Avenue. Both sections proposed for abandonment are located on Parkersburg City Tax Map 152. Mr. Eric Gumm seconded the motion. Motion passed (9-0-0).

- B. Petition to abandon remaining utility Right-of-Way on McKinley Avenue between Twenty-fifth Street and Twenty-sixth Street, previously vacated (City Ord. #0-143), and located on Parkersburg City Tax Map 58.

Petitioner: Roy Conner

Mr. John Whitmore presented the staff report.

Mr. Sel Wigal asked Mr. Whitmore where 26th Street was in relation to the drawing shown. Mr. Whitmore showed Mr. Wigal on the map.

There was some discussion between the members on the location but was resolved in the end.

The Public Hearing opened at 12:54 p.m.

In Favor

Roy Connor of 2813 25th Street approached the map to help the members to see exactly where the location was for the abandonment. Mr. Connor wants to purchase 18 ft. off the 30 ft. right-of-way belonging to Mr. Lowe to build a 2 stall

garage. He has spoken to Dominion Hope and the Engineering Dept. And they need a 20 ft. right-of-away. The building he wants to build is about 13 ft. away from the gas line.

Mr. Yeager asked if Dominion Hope told Mr. Connor that he needed 20 ft. right-of-way and if he was approaching into their right-of-way. Mr. Connor stated that they told him they needed 10ft. on either side and he was not approaching into their right-of-way that he will be 13 ft. away.

Mr. Yeager asked Mr. Whitmore if Dominion Hope had gotten back with him on this and he stated no.

Mr. Gumm asked Mr. Connor if he had heard anything from the gas company and Mr. Connor stated that they had been out to mark it.

Mr. Matthews asked Mr. Connor about the letter received from Dominion Hope and asked if they expressed to him about the gas line being close to the construction site. Mr. Connor stated that he was aware of that.

Mr. Tom Evans asked if Mr. Connor had ever requested that the gas line be moved.

Mr. Connor stated no.

Mr. Greene asked if there was a set-back.

Mr. Evans stated yes.

Mr. Yeager if Dominion Hope could provide the MPC with a map showing exactly where it is located.

Mr. Connor stated again that they had come out and marked.

Mr. Evans stated the Mr. Connor did not want to abandon the utilities easement.

Mr. Yeager stated that he was asking to abandon the utilities easement.

Mr. Connor clarified to the members that he was asking for an abandonment of the utilities easement the alley has already been closed.

Mr. Connor wants the utility alley released.

Mr. Whitmore stated that with the closure of the alley way we still remain the utilities of that property.

In Opposition

No one was in opposition

Public Hearing closed at 1:03 p.m.

Mr. Gumm asked if it is the City's right-of-way or all of the utilities right-of-way.

Mr. Whitmore stated to think of it as an easement.

Mr. Gumm asked if the easement that was retained, pertains to all utilities.

Mr. Whitmore stated yes.

Mr. Evans stated that if the City or utility board decided to put in a water line later they can do that but that is what he is asking for us to give up. He asked if it is worth giving up the City's rights.

Mr. Yeager asked if the MPC recommended abandoning this location how would it move forward with Mr. Connor and Dominion Hope.

Mr. Whitmore stated that would be between Mr. Connor and Dominion Hope.

Mr. Matthews addressed the members stating that the MPC recommends to us approval of the petition with the finding of the right-of-way abandonment is keeping within the Comprehensive 2020 Plan and that any issues associated with Dominion Hope and Mon Power utilities are litigated to the satisfaction of the respective utilities by the property owner.

Mr. Whitmore stated that was correct.

Mr. Gumm asked what the power company requires.

Mr. Whitmore stated that it wasn't an issue.

Mrs. Sherry Dugan made a motion to abandon remaining utility right-of-way on McKinley Avenue between Twenty-Fifth Street and Twenty-Sixth Street, previously vacated (City Ord. #0-143), and located on Parkersburg City Tax Map 58. Mr. Tom Evans seconded the motion. Motion passed (9-0-0).

Mr. Yeager made a motion to amend the motion that also any issues associated with Dominion Hope and Mon Power utilities are litigated to the satisfaction of the respective utilities by the property owner and that documentation of that is submitted to the Planning Commission. Mrs. Sherry Dugan seconded the motion. Motion passed (8-1-0).

Ms. Coram asked if the name was McKinley or McKinney Avenue. It was stated that the proper name is McKinley.

C. Petition to abandon Tenth Street from the easterly right-of-way line of Avery Street to its terminus at Quincy Park and located on Parkersburg City Tax Map 76 and 80.

Petitioner: City of Parkersburg

Mr. Whitmore presented the staff report.

Mr. Matthews asked if there were any questions for the staff.

Ms. Coram mentioned that the information they also asked for was the original grant that paved the stairs and then put in the condition that they had already abandon the right-of-way in order to use the federal funds on that and we were to get this information.

Mr. Whitmore stated that with regards to that specific information, the Planning Commission has been looking into the area to identify what has been previously been determined as park land and we are looking at now with regards to east 10th Street or the portion of the steps that are in the right-of-way that have not been included.

Ms. Coram stated she understood that but it was not the question she asked. In order to pave the stairs with federal funds it was my understanding that you can't improve land and allow private citizens to take it and wanted to see if there were any conditions on the grant money we used to pave the stairs and what that would require.

Mr. Whitmore stated he did not have specific information on that.

Ms. Coram asked Mr. Yeager if that information has been received yet.

Mr. Yeager stated that he has sent that request to the appropriate person. He believes that there were discussion to build a convention center and somehow HUD funds were considered for that project and those funds were used to purchase property where now the Public Debt is located. When that property was sold for the purpose of the redevelopment, it is my understanding that it was put into a special purpose grant outside the confines of the HUD grants original intent and those are the funds to my understanding that were used to do the stairs, the lights and other projects downtown over a number of years.

Ms. Coram then stated that we are not sure then what conditions the federal funds could even abandon and let landowners use it. She asked if a letter could be received from the grantor saying it is okay to do this.

Mr. Yeager stated that it was his understanding that the proceeds from the sale of the property were put into a special purpose and used for any downtown development and there were no restrictions to my knowledge as to how those funds were used. But keep in mind the steps are within the 10th Street right-of-way so all the improvements were primary confined to the 10th Street right-of-way.

Ms. Coram stated that it was her understanding that you can't improve land and let a homeowner take that land and use public funds for that.

Mr. Yeager stated that when that street was closed, Mr. Way signed his rights; he waived his rights to claim that portion of 10th Street if it's closed and it is recorded at the court house. So if the City makes a recommendation to close it, Mr. Way has already waived his rights to any portion of the right-of-way.

Mr. Matthews made a statement to the members that he would like the planning commission to focus on what the objective is now.

Mr. Sel Wigal asked if the steps were apart of Quincy Park.

Mr. Whitmore stated that portions of the steps are a part of Quincy Park and a portion of the steps are in the 10th Street right-of-way.

Ms. Sherry Dugan asked Mr. Yeager to clarify for her that the money used for this improvement was put into a special fund which would not encumber by a federal grant.

Mr. Yeager stated that this was correct.

The Public Hearing began at 1:24 p.m.

In Favor

No one spoke at this time.

In Opposition

Mr. Clyde Way of 1006 Avery Street spoke in opposition of the petition to vacate public right-of-way. Mr. Way stated that he is the landowner of the land swap with the City. The City didn't even know that they had a 40 ft. right-of-way until I brought it to their attention.

Mr. Way wanted to discuss that he did sign off on my invested interest if they closed the 40ft. right-of-way to get the land swap, and that he gave up his 20ft. of invested interest.

Mr. Way approached the map discussing his property. The reason for the land swap is that he would like to put a 2 stall garage there per City code. Once the garage is built, there will be no way for him to access his back property. Mr. Way stated that the City is better off to leave it the way it is now. There is a 40ft. right-of-way there that the City wants to incorporate into the Quincy Park. The main reason is because of the controversy like me, you own a lot here which was donated to the City. He stated that there are lots that could be incorporated into Quincy Park but feels the right-of-way should be left as it is.

Mr. Way stated that there are 2 12inch water mains there going up from Avery to the right-of-way, one is active the other is not. He stated that with the right-of-way he can't do anything on the property. If the City allows this to be abandon, he will be denied access to his property. The 40 ft. right-of-way is not hurting anything stated Mr. Way. It has been there for numerous years and the City didn't even know about it. What it does do for Mr. Way is give him access to his back property. He suggested to leave the 40ft. right-of-way as it is. Mr. Way mentioned that he doesn't want to be landlocked. Mr. Way then proceeded to discuss a

property issue involving the relocation of an existing light fixture, off of his property, to be sited in the near proximity of the Quincy Hill Stairs.

Mr. Yeager spoke of the retaining wall to Mr. Way. He stated that as it shows on the map the retaining wall as is now goes to Tax Map 76 Parcel 233 which is the property that has been conveyed from the Urban Renewal Authority to Mr. Way. Mr. Yeager stated that it does not show this on the map. Mr. Way stated that it is covered up. Mr. Way stated that he has already dug it out about 10ft. The wall goes over to the right-of-way. It was covered up so you could never see it. He is digging it out over to the right-of-way and will be putting up a 4ft. wall there.

Mrs. Sharyn Tallman of 501 13th Street stated that she is confused with the land swap. She believes that the petitioner had given up his right to the 20ft. right-of-way, and that it was contingent upon the trade of the property.

Mr. Yeager stated in the deed that was signed, yes.

Mrs. Tallman stated that now he wants it back.

Mr. Yeager stated that he can't have it back because he had signed a deed that he can't, but that he is asking that the City does not close the right-of-way at all.

Mrs. Tallman stated that this was never put out to bid and isn't sure how an individual can get a piece of property without it going out to bid and since the property swap why is it discussed with Mr. Way to say where the pole gets moved to, should that not be discussed with the City as to the placement of the pole.

Mr. Yeager stated he was not aware of anything because he was not part of the conversation.

Mrs. Tallman stated this is a mess and she is with the City on this that it should be abandoned.

Public Hearing is closed at 1:40 p.m.

Mr. Gumm stated that if the right-of-way is closed then there would be an access concern to the property owner, but what would be the consequent

If it stays the way it is, it is unimproved street. Mr. Gumm asked if anything that has happened before contingent on this division today.

Mr. Yeager stated no.

Mr. Gumm asked what be wrong if nothing was done.

Mr. Evans mentioned that Mrs. Coram had stated earlier that there is nothing in writing that says that.

Mrs. Coram mentioned that this land was swapped to make it part of the park.

Mr. Yeager stated that was his understand as well.

Mr. Matthews asked if we leave it as is, what the ability to make it a continuous park is.

Mrs. Sherry Dugan made a motion to abandon Tenth Street from the easterly right-of-way line of Avery Street to its terminus at Quincy Park and located on Parkersburg City Tax Map 76 and 80. Mrs. Coram seconded the motion. Motion fails (4-5-0).

D. Petition to rezone Parkersburg Corporation Tax Map 115, Parcel 138A, commonly known as 2613 Gihon Road, from a Residential (R-2) Zone to a Business (B-2) Zone.

Mr. Whitmore presented the staff report.

Mr. Matthews asked if there were any questions for the staff.

Mr. Gumm asked if Mr. Whitmore had any feedback from surrounding neighbors.

Mr. Whitmore stated that he had 2 but there were no real concerns.

The Public Hearing began at 1:50 p.m.

In Favor

Mr. Jeff Cowan of 17 Stonebrook Drive stated that he bought the property a few months ago, and they own the property at Mary B's and they would like to have the rezoning for parking.

In Opposition

Mr. Dave Smith of 2217 Tygart Street stated that he wasn't sure if he was for or against the rezoning. The property in question is behind him and there is a trash dumpster there and he is concerned about what will be happening in this property. The dumpsters have to be there but if the property line is pushed back then the dumpster will be right up against his property.

Mr. Gumm asked if there is a fence there now.

Mr. Smith said no and to his understanding there was a privacy fence to be placed there. The fence behind the parking lot now is full of poison ivy and growth and he maintains the alley and says it is hard to mow with the way it is.

Mr. Smith says he has a concern of what the other property will be like if it is taken.

Mr. Terry Jacobsen of 1622 Tygart Street stated his concern is that Tygart Street is not a through street and there is a lot of traffic that wants to go through there. What will happen to the residents when more traffic is allowed to enter there?

Mr. Sel Wigal asked if Tygart was a dead end street.

Mr. Jacobsen stated no.

Public Hearing closed at 1:59 p.m.

Mr. Gumm asked if the structure comes down are they making it a parking lot.

Mr. Cowan stated yes.

Mr. Gumm asked if it is rezoned could a buffer be done at such time.

Mr. Cowan stated he had no problem with that.

Mr. Yeager stated that to his knowledge it is part of the Comprehensive Plan to have a buffer put in.

Mrs. Sherry Dugan made a motion to rezone Parkersburg Corporation Tax Map 115, Parcel 138A, commonly known as 2613 Gihon Road, from a Residential (R-2) Zone to a Business (B-2) Zone with a contingent upon the property being rezoned having a six foot privacy fence and shielding from site lighting. Mr. Gumm seconded the motion. Motion passed (9-0-0).

Old Business

There was no old business to come before the Planning Commission.

Adjournment

The meeting adjourned at 2:05 p.m.

Respectfully submitted by:

Tammy Bunner
Development Secretary

DRAFT

AN ORDINANCE TO REZONE
PARKERSBURG CORPORATION TAX MAP 115 PARCEL
138A FROM EXISTING R-2 TO A B-2 ZONE

9/2/23

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG that the following parcels of real estate situated in the City of Parkersburg, Wood County, West Virginia, be designated as a Business (B-2) Zone:

Being situated in the City of Parkersburg, County of Wood, State of West Virginia, and being more particularly described as follows:

The intent of this description is to rezone the property conveyed to OSU Properties, LLC. in Deed Book 1232, Page 310, recorded in the office of the Clerk of the County Commission of Wood County, West Virginia. Also being part of Lots 95, 96 of Glenolden Addition (Plat Book 7, Page 69). The property is currently zoned R-2 and is to be Re-zoned B-2.

This description was prepared by Randy A. Sheppard, Professional Surveyor No. 860, and is based on instruments of record. Reference is being made to a plat attached hereto and made part of this description.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG that the property is rezoned with the condition that a six foot (6') tall privacy fence will be installed and maintained by OSU Properties LLC its successors and assigns along and between the said property and all abutting residential properties and that all said residential properties shall be shielded from the site's overhead lighting.

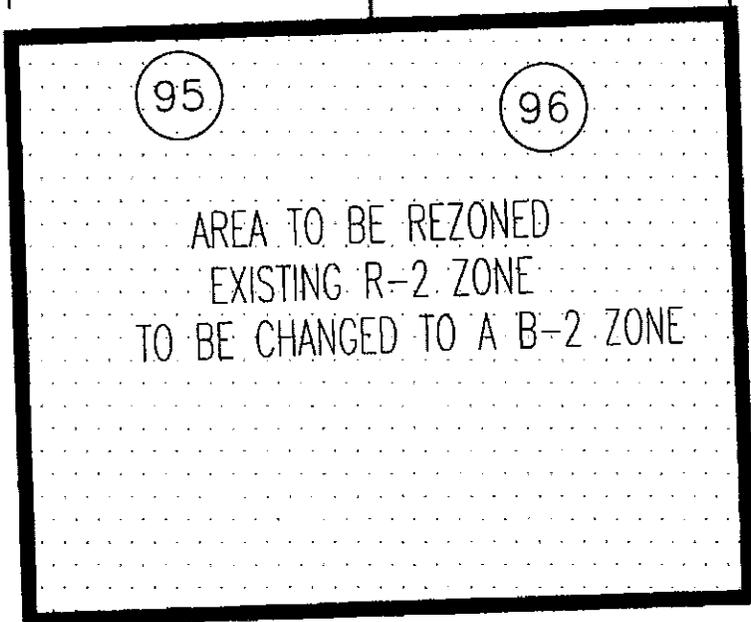
BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG that in accordance with the provisions of Article 1345 of the Codified Ordinances of the City of Parkersburg, the zoning of said parcels shall be designated as C-XXX and shall be set forth verbatim as adopted and approved by the Ordinance in the bound book entitled, "Official Zoning Map Changes" kept by the City Clerk.

SPONSORED BY: MUNICIPAL PLANNING COMMISSION

98

Glenolden Addition
Plat Book 17, Page 69

TYGART STREET



GIHON ROAD



P:\SC\WORK\REZON\115-138.dwg, 8/6/2015 4:02:37 PM, Green Printer

SCALE = 1 INCH = 20 FEET
08/06/15
DRAWN BY: R.S.
CHECKED BY:
MAP P.C. 115, PARCEL 130A DEED BOOK 1232, PAGE 310 P/O LOTS 95 & 96 OF GLENOLDEN ADDITION PLAT BOOK 7, PAGE 69

CITY OF PARKERSBURG.W.V.
 DEPARTMENT OF PUBLIC WORKS
 DIVISION OF ENGINEERING
 PLAT OF THE PROPERTY OF
 OSU PROPERTIES LLC.
 TO BE REZONED B-2



PARKERSBURG MUNICIPAL PLANNING COMMISSION

AGENDA

Date and Time: August 28, 2015 at 12:30 p.m.
Location: Council Chambers (Municipal Building, 2nd Floor)
One Government Square, Parkersburg, WV 26102

1. Call to Order
2. Salute to Flag
3. Roll Call
4. Approval of meeting minutes from June 26, 2015
5. President's Report
6. Planning Administrator's Report
7. New Business

A. Petition to vacate public Right-of-Way.

Proposed abandonment of a portion of Phillips Street lying south of Fourth Avenue, north of the portion of Phillips Street previously vacated (City Ord. #O-596); and the abandonment of an unnamed twenty (20) foot wide alley, lying west of Johnson Street, east of Phillips Street, south of Fourth Avenue, and north of Camden Avenue. Both sections proposed for abandonment are located on Parkersburg City Tax Map 152.

Petitioner: William Clegg

B. Petition to vacate remaining public utility easements.

Petition to abandon remaining utility Right-of-Way on McKinley Avenue between Twenty-fifth Street and Twenty-sixth Street, previously vacated (City Ord. #O-143), and located on Parkersburg City Tax Map 58.

Petitioner: Roy Conner

C. Petition to vacate public Right-of-Way.

Petition to abandon Tenth Street from the easterly Right-of-Way line of Avery Street to its terminus at Quincy Park and located on Parkersburg City Tax Maps 76 and 80.

Petitioner: City of Parkersburg

D. Petition to rezone 2613 Gihon Road.

Petition to rezone Parkersburg Corporation Tax Map 115, Parcel 138A, commonly known as 2613 Gihon Road, from a Residential (R-2) Zone to a Business (B-2) Zone.

Petitioner: OSU Properties

8. Old Business
9. Any other business that may come before the Planning Commission
10. Adjournment



Municipal Planning Commission Staff Report

Municipal Building | Council Chambers | August 28, 2015 at 12:30pm

Planning Commission

President

Charlie Matthews

Vice-President

Eric Gumm

Council

Representative

Kim Coram

Members

Sean Andrews

Francis Angelos

Sherry Dugan

Tom Evans

James Green II

Luke Peters

Eddie Staats

Harold Stockwell

Seldon Wigal

Rickie Yeager

Vacant

Vacant

PROJECT: Petition to rezone 2613 Gihon Road.

Petition to rezone Parkersburg Corporation Tax Map 115, Parcel 138A, commonly known as 2613 Gihon Road, from a Residential (R-2) Zone to a Business (B-2) Zone.

Petitioner: OSU Properties

PROJECT DESCRIPTION

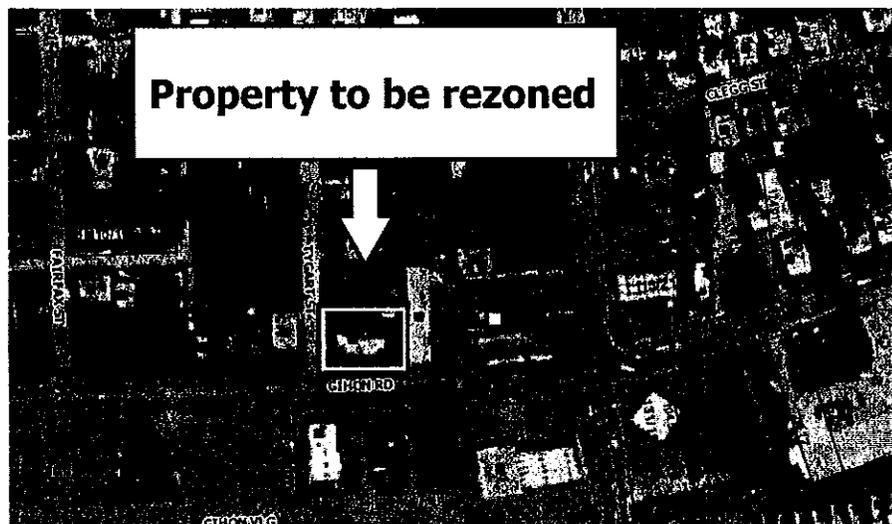
The petitioner is seeking to rezone 2613 Gihon Road from R-2 to B-2.

BACKGROUND

Mr. Kim Cowan with OSU Properties is seeking the rezoning of 2613 Gihon Road from R-2 to B-2 to allow for development of the site behind (to the west) of Mary B's Restaurant, which the petitioner also owns.

ANALYSIS

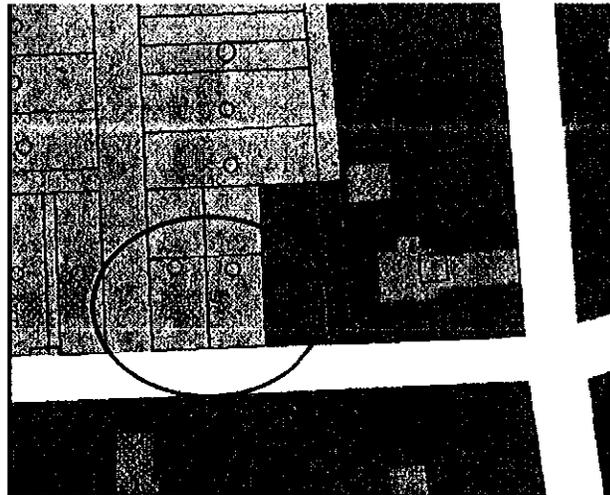
The property abuts commercial and residential uses, and currently has a house on site.



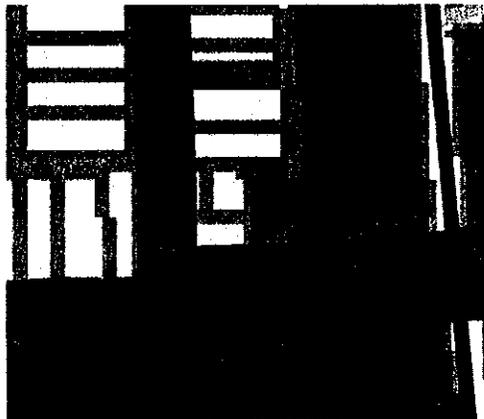
Property zoning

 B-2

 R-2



The 2020 Update to the Comprehensive Master Plan for the City of Parkersburg identifies the area shown as Tax Map 115, Parcel 138A as Medium Density Residential, directly abutting General Commercial (Mary B's), and located in an Infill/Redevelopment Area. Infill/Redevelopment as identified in this area (Gihon Village and South Parkersburg High School) is commercial redevelopment based on limited parking/more pedestrian friendly design.



PARKERSBURG UTILITY BOARD, PUBLIC WORKS, POLICE, FIRE, & UTILITIES RECCOMENDATIONS

Recommends approval

PLANNING DIVISION RECCOMENDATION

The Planning Division recommends that the Municipal Planning Commission recommends approval of the petition with the finding that the rezoning is in keeping with the 2020 Comprehensive Master Plan Update.

LAND-USE SUBCOMMITTEE

The Land-Use Subcommittee met on Wednesday, August 12, 2015. The Subcommittee unanimously recommended approval.



Municipal Planning Commission Staff Report

Municipal Building | Executive Conference Room | July 17, 2015 at 12:30pm

Planning Commission

President
Charlie Matthews

Vice-President
Eric Gumm

Council Representative
Kim Coram

Members
Sean Andrews
Francis Angelos
Sherry Dugan
Tom Evans
James Green II
Luke Peters
Eddie Staats
Harold Stockwell
Seldon Wigal
Rickie Yeager
Vacant
Vacant

PROJECT: Petition to vacate public Right-of-Way.

Proposed abandonment of remaining utility Right-of-Way on McKinney Avenue between Twenty-fifth Street and Twenty-sixth Street, previously vacated (City Ord. #O-143), and located on Parkersburg City Tax Map 58.

Petitioner: Roy Conner

PROJECT DESCRIPTION

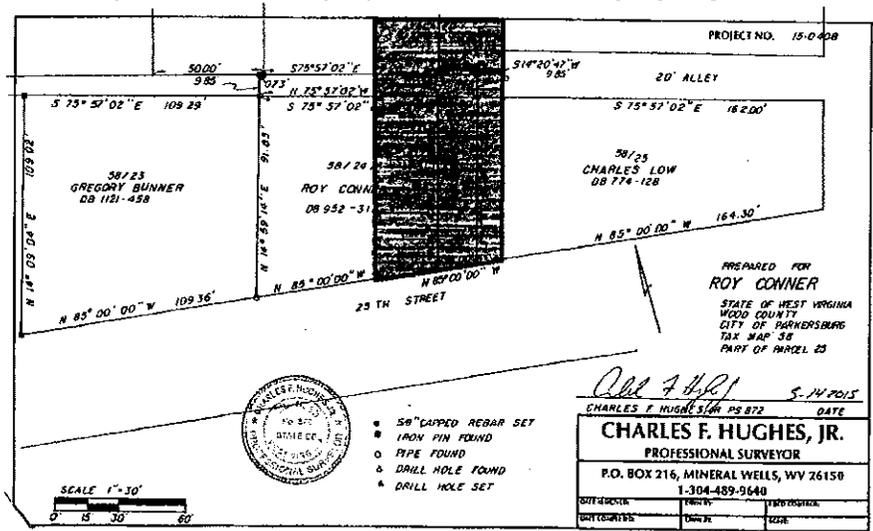
The petitioner is seeking the abandonment of the remaining utility Right-of-Way on previously vacated McKinney Avenue.

BACKGROUND

On May 27th, 2015 the Planning Division received a petition abandon remaining utility Right-of-Ways located on Tax Map 58, and a meeting was held with the petitioner and members of the City Engineering staff, including the City Surveyor, prior to the application submission. An additional meeting was held with the petitioner and the City Planner at the time of petition submission.

ANALYSIS

The petitioner is seeking the abandonment of the remaining utility Right-of-Way for McKinney Avenue for the purposes of constructing a garage.





The Right-of-Way was previously abandoned in 1981, with utility objections being provided by Hope Gas and Mon Power. Hope now Hope Dominion, has a six (6) inch gas main that runs on this property. In 1981 Hope recommended denial of the Right-of-Way abandonment as a result of that line being in the Right-of-Way. Mon Power recommended denial as a result of anchoring for a telephone pole that was on 25th Street was located in the Right-of-Way.

PUBLIC WORKS RECCOMENDATION

Recommends approval.

PARKERSBURG UTILITY BOARD RECCOMENDATION

Recommends approval

POLICE AND FIRE RECCOMENDATION

Recommend approval.

DOMINION GAS AND MON POWER COMMENTS ARE ATTACHED TO THIS REPORT.

PLANNING DIVISION RECCOMENDATION

The Planning Division recommends that the Municipal Planning Commission recommends approval of the petition with the finding that the Right-of-Way abandonment is in keeping with the 2020 Comprehensive Master Plan Update and that any issues associated with Mon Power and Dominion Gas utilities are mitigated to the satisfaction of the respective utility, by the property owner. If utility issues cannot be mitigated at the present time, the Planning Division recommends denial of the petition.

LAND-USE SUBCOMMITTEE

The Land-Use Subcommittee met on Wednesday, August 12, 2015 on site. During the meeting there was confusion regarding the location of the previously vacated McKinley Avenue. The location viewed at the time of the subcommittee meeting included McKinley Avenue and also portions of an unnamed alleyway. The Subcommittee unanimously recommended denial due to the presences of utilities.

jsk's

AN ORDINANCE VACATING A PORTION OF PHILLIPS STREET LYING SOUTH OF FOURTH AVENUE, NORTH OF THE PORTION OF PHILLIPS STREET PREVIOUSLY VACATED (CITY ORD. #O-596) AND A TWENTY FOOT UNNAMED ALLEY LYING WEST OF JOHNSON STREET EAST OF PHILLIPS STREET SOUTH OF FOURTH AVENUE AND NORTH OF CAMDEN AVENUE PARKERSBURG CITY TAX MAP 152 (SOUTH)

The Municipal Planning Commission of the City of Parkersburg has recommended that a portion of Phillips Street lying south of Fourth Avenue, north of the portion of Phillips Street previously vacated (City Ord. #O-596) and a twenty foot Unnamed Alley lying west of Johnson Street east of Phillips Street south of Fourth Avenue and north of Camden Avenue Parkersburg City Tax Map 152 (South) be vacated.

WHEREAS, the City believes it proper to do so, and

NOW, THEREFORE, THE COUNCIL OF THE CITY OF PARKERSBURG HEREBY ORDAINS that the following described property is hereby vacated and closed as a public thoroughfare.

Being situated in the City of Parkersburg, County of Wood, State of West Virginia, and being more particularly described as follows:

(Tract One)

Beginning at a point on the southerly line of Fourth Avenue and the easterly line of Phillips Street, said point being the northwest corner of the City of Parkersburg Corporation Tax Map 152, Parcel 57; Thence with the easterly line of Phillips Street in a southerly direction, to the northerly line of an unnamed alley, said point being the southwest corner of the aforesaid parcel 57. Thence crossing Phillips Street with the northerly line of the portion of Phillips Street previously vacated by City Ordinance #O-596, in a westerly direction to the westerly line of Phillips Street, said point being the southeast corner of the City of Parkersburg Corporation Tax Map 149, Parcel 33. Thence with the westerly line of Phillips Street in a northerly direction to the south line of Fourth Avenue, said point being the northeast corner of the aforesaid parcel 33. Thence with the southerly line of Fourth Avenue, in an easterly direction, to the place of beginning.

(Tract Two)

Beginning at a point of the westerly line of Johnson Street and the southerly line of an unnamed 20 foot Alley, said point being the northeast corner of the City of Parkersburg Corporation Tax Map 152, Parcel 96. Thence with the southerly line of said 20 foot alley, in a westerly direction to the easterly line of Phillips Street previously vacated by City Ordinance #O-596, said point being the northwest corner of the City of Parkersburg Corporation Tax Map 152, Parcel 92. Thence with the said easterly line of Phillips Street, in a northerly direction to the northerly line of the said unnamed 20 foot alley, said point being the southwest corner of the City of Parkersburg Corporation Tax Map 152, Parcel 57. Thence with the northerly line of

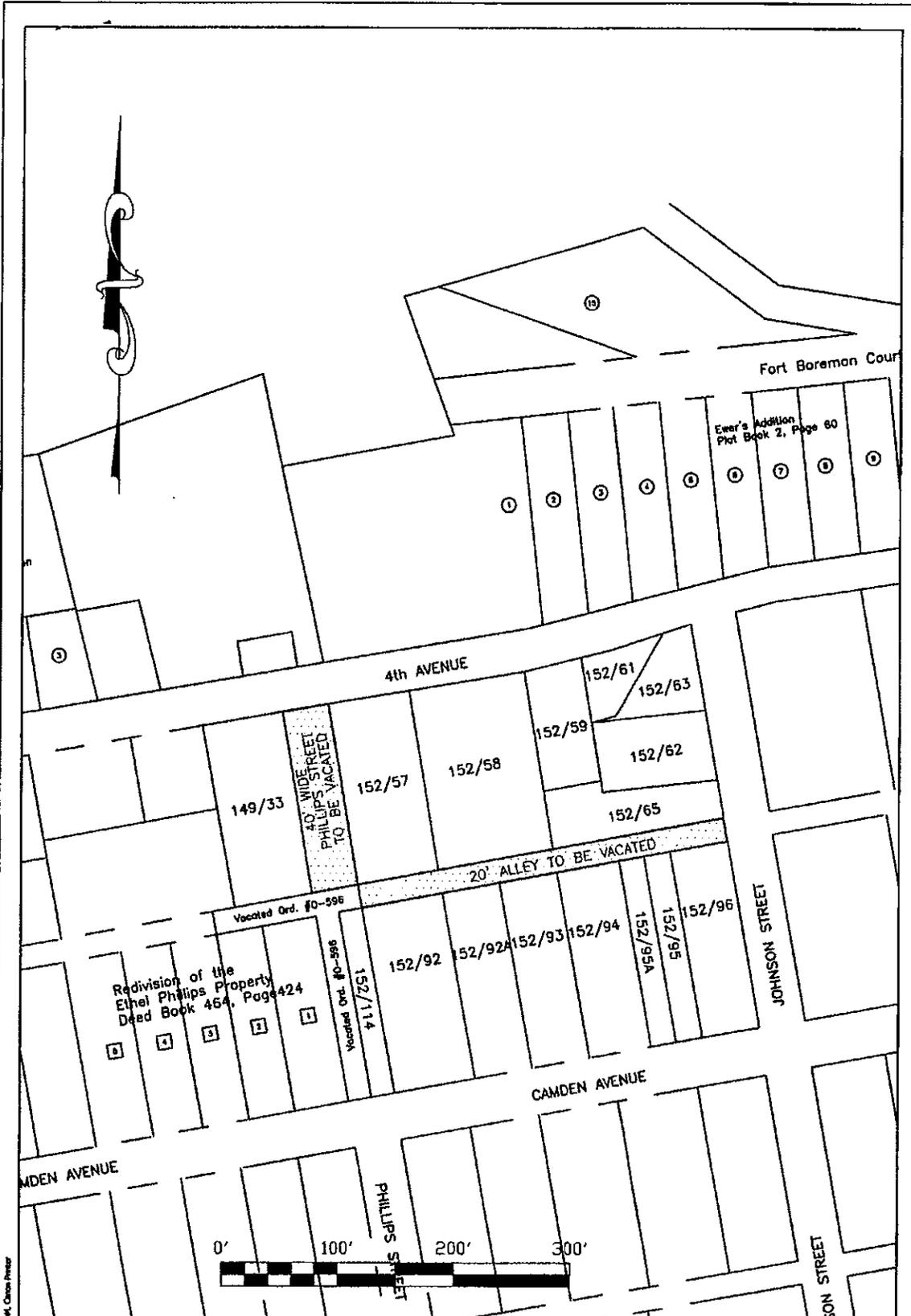
the said unnamed 20 foot alley in an easterly direction to the westerly line of Johnson Street, said point being the southeasterly corner of the City of Parkersburg Corporation Tax Map 152, Parcel 65. Thence with the westerly line of Johnson Street, in a southerly direction to the place of beginning.

This description was prepared by Randy A. Sheppard, Professional Surveyor No. 860, and is based on instruments of record. Reference is being made to a plat attached hereto and made part of this description.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF PARKERSBURG that the City shall retain a permanent easement for the benefit of the City of Parkersburg, the Parkersburg Utility board, and all other public utility companies, for ingress and egress over, along and under said parcel for the installation, maintenance, location, relocation and removal of public utilities of any kind.

Mayor James E. Colombo is accordingly authorized to execute a quitclaim deed conveying the interest of the City of Parkersburg to the property owner.

SPONSORED BY: MUNICIPAL PLANNING COMMISSION



P:\SCHWONEVAC ALBERTPHILLIPS-4TH AVE.Dwg, 6/10/2015 11:28:04 AM, Clinton Prater

SCALE = 1 INCH = 100 FEET
DATE: 6/10/15
DRAWN BY: R.S.
CHECKED BY:
MAP P.C. 152

CITY OF PARKERSBURG, W.V.
 DEPARTMENT OF PUBLIC WORKS
 DIVISION OF ENGINEERING
 PLAT OF A 20' ALLEY & A PORTION OF PHILLIPS STREET
 TO BE VACATED



Municipal Planning Commission Staff Report

Municipal Building | Executive Conference Room | July 17, 2015 at 12:30pm

Planning Commission

President

Charlie Matthews

Vice-President

Eric Gumm

Council

Representative

Kim Coram

Members

Sean Andrews

Francis Angelos

Sherry Dugan

Tom Evans

James Green II

Luke Peters

Eddie Staats

Harold Stockwell

Seldon Wigal

Rickie Yeager

Vacant

Vacant

PROJECT: Petition to vacate public Right-of-Way.

Proposed abandonment of a portion of Phillips Street lying south of Fourth Avenue, north of the portion of Phillips Street previously vacated (City Ord. #O-596); and the abandonment of an unnamed twenty (20) foot wide alley, lying west of Johnson Street, east of Phillips Street, south of Fourth Avenue, and north of Camden Avenue. Both sections proposed for abandonment are located on Parkersburg City Tax Map 152.

Petitioner: William Clegg

PROJECT DESCRIPTION

The petitioner is seeking the abandonment of the remaining section Phillips Street and an unnamed twenty (20) foot wide alley in the vicinity of Parkersburg City Tax Map 152 between Fourth Avenue and Camden Avenue. The petitioner is seeking this abandonment for the purposes of stormwater management improvements.

BACKGROUND

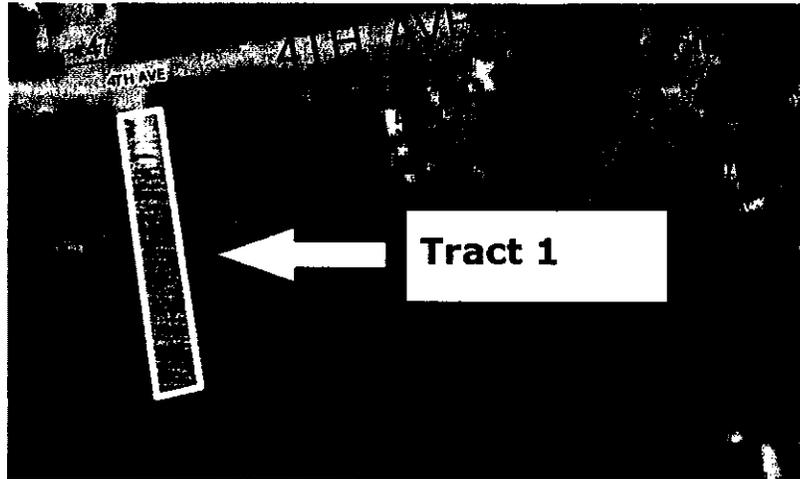
On May 27th, 2015 the Planning Division received a petition abandon Right-of-Ways located on Tax Map 152, and a meeting was held with the petitioner and members of the City Engineering staff, including the City Surveyor.

ANALYSIS

The petitioner is seeking the closure of two segments of Right-of-Way, located near 4th Avenue, Johnson Street, and Camden Avenue in South Parkersburg.



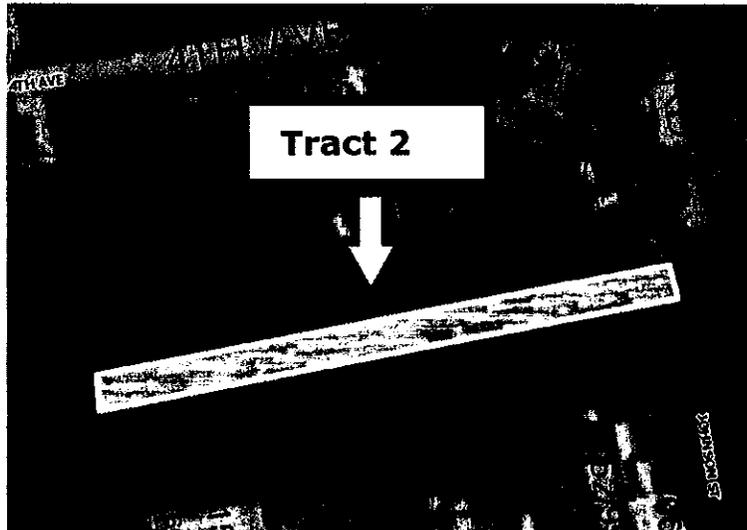
TRACT 1



The segment identified as tract one, is the remainder of Phillips Street nearest 4th Avenue. The southern portion of Phillips Street north of Camden Avenue was previously closed by Ordinance (O-596). This section of Right-of-Way is forty (40) feet wide and one hundred sixty (160) feet long. It is currently unimproved, minus a short segment currently utilized as a driveway for nearby residential areas.



Tract 2



The segment identified as tract two, is the unnamed alley. The western portion of the alley abutting Phillips Street, was previously closed by Ordinance (O-596). This section of Right-of-Way is forty (20) feet wide and three hundred twenty (320) feet +/- long. It is currently unimproved.

The 2020 Comprehensive Master Plan Update does provide a recommendation for stormwater management, found in Chapter 8 Infrastructure Plan. The plan recommends the following:

- 1. Ensure that updates to the subdivision ordinance include requirements for including site specific BMPs (best management practices) for reducing storm water run-off.**

The plan notes "Stormwater management practices aim to reduce runoff, increase infiltration, and provide settling, filtering, and biological treatment of the remaining runoff. Some of these measures are most effective on-site, providing detention and infiltration primarily through the site's landscape. Others are carefully designed bioengineering systems that mimic (n)ature." While the application does not necessarily apply to the subdivision ordinance, the petitioner is seeking to manage stormwater on site, necessitating the Right-of-Way abandonment.

PUBLIC WORKS RECCOMENDATION

Recommends approval.

PARKERSBURG UTILITY BOARD RECCOMENDATION

Recommends approval: "There are no existing water or sanitary sewer facilities located within the subject street or alley. And, the staff can see no possible need to install such facilities in the future."

POLICE, FIRE, AND UTILITIES RECCOMENDATION

Recommend approval.

PLANNING DIVISION RECCOMENDATION

The Planning Division recommends that the Municipal Planning Commission recommends approval of the petition with the finding that the Right-of-Way abandonment is in keeping with the 2020 Comprehensive Master Plan Update.

LAND-USE SUBCOMMITTEE RECCOMENDATION

The Land-Use Subcommittee met on July 7th, with members present, going to the site to view the alleys. On site, members met with the petitioner and an additional interested party regarding backfilling areas near the alleyway. The subcommittee unanimously recommended approval of the thoroughfare abandonment.



Municipal Planning Commission Staff Report

Municipal Building | Council Chambers | August 28, 2015 at 12:30pm

Planning Commission

President

Charlie Matthews

Vice-President

Eric Gumm

Council

Representative

Kim Coram

Members

Sean Andrews

Francis Angelos

Sherry Dugan

Tom Evans

James Green II

Luke Peters

Eddie Staats

Harold Stockwell

Seldon Wigal

Rickie Yeager

Vacant

Vacant

PROJECT: Petition to abandon public Right-of-Way.

Petition to abandon Tenth Street from the easterly Right-of-Way line of Avery Street to its terminus at Quincy Park and located on Parkersburg City Tax Maps 76 and 80.

Petitioner: City of Parkersburg

PROJECT DESCRIPTION

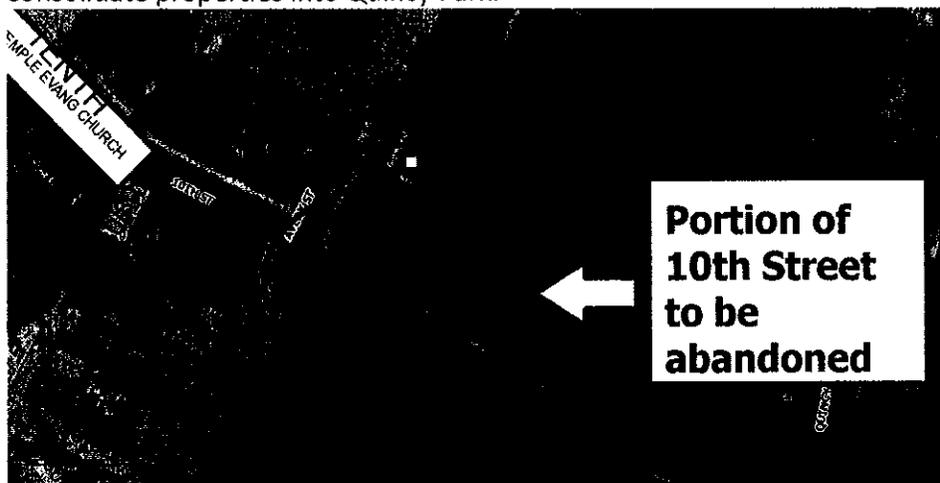
The petitioner is seeking the abandonment of 10th Street commonly known as Quincy Hill stairs/steps.

BACKGROUND

The City of Parkersburg is seeking the abandonment of 10th Street to allow for the consolidation of the Public Right-of-Way into the larger park parcel known as Quincy Park (Tax Map 80, Parcel A). This action was required for the transfer of properties owned by the Parkersburg Urban Renewal Authority.

ANALYSIS

The City of Parkersburg is seeking the abandonment of the Right-of-Way to consolidate properties into Quincy Park.



The 2020 Update to the Comprehensive Master Plan for the City of Parkersburg identifies the area shown as Tax Map 76, Parcel 33 and adjacent parcels as Greenspace, Tax Map 80, Parcel 126 and further south is identified as Neighborhood Commercial, and Tax Map 80, Parcel A is identified as High Density Residential. The applicability of development on the site is constrained by topography, limiting future roadway access. Reversion of the Right-of-Way to park land would keep the newly created parcel as public land but in a different capacity, allowing for increased access to improvement in other areas of the park.

PUBLIC WORKS RECCOMENDATION

Recommends approval.

PARKERSBURG UTILITY BOARD RECCOMENDATION

Recommends approval

POLICE, FIRE, & UTILITIES RECCOMENDATION

Recommend approval.

PLANNING DIVISION RECCOMENDATION

The Planning Division recommends that the Municipal Planning Commission recommends approval of the petition with the finding that the Right-of-Way abandonment is in keeping with the 2020 Comprehensive Master Plan Update.

LAND-USE SUBCOMMITTEE

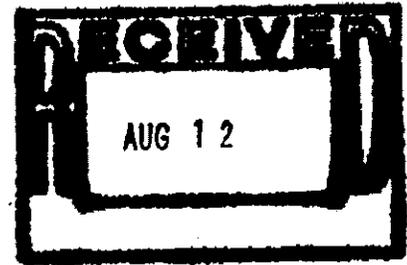
The Land-Use Subcommittee met on Wednesday, August 12, 2015 on site. During the meeting there was confusion regarding the location of 10th Street and issues related to property transactions around the Right-of-Way. The Subcommittee did not provide a recommendation, instead agreeing by consensus that more information was needed.

Planning Administrators note regarding Land-Use Subcommittee Meeting

Please find the attached survey document dated May 15, 2015 created by Waterman, Douglass and Associates PLLC, for a Minor Subdivision involving a lot consolidation, approved on June, 11th 2015. This document and the associated file are available in Development Department for additional viewing. The survey document shows the section of 10th Street Right-of-Way proposed to be abandoned, located on the easterly side of Avery Street, running in the same pathway as 10th Street on the westerly side of Avery Street. As such, portions of the Quincy Hill Stairs/Steps are within the existing Right-of-Way. The steps from the base of 10th Street (the existing retaining wall) to the end of the Right-of-Way, is one hundred twenty-six feet more or less (126' +/-). This document was reviewed by the City Surveyor and confirmed as correct on June 2, 2015.

MEMORANDUM

To: John Whitmore, Planning Administrator, City of Parkersburg
From: Denise A. Poling, Land Services Coordinator
Date: August 12, 2015
Re: Objection to Right of Way Abandonment



Dominion Hope respectfully opposes the petition for abandonment/release of the City's easement to service public utilities along and unnamed Alley near McKinley Avenue and 25th Street:

- o In 1910, The City of Parkersburg first granted to Hope Natural Gas Company (now, Dominion Hope) a franchise agreement to lay, maintain, operate, and repair pipelines on highways, streets, alleys, lanes, bridges on other public grounds within city limits for the purpose of conveyance, transportation, distribution and sale of natural gas. Since that time there have been successive extensions or renewals of the franchise agreement, with the last extension agreement noting therein that " by reason of the strict regulation by the West Virginia Public Service Commission, a Franchise Agreement with such public utilities is [sic] no longer necessary."
- o Under regulation of the West Virginia Public Service Commission, Dominion Hope provides service to citizens and customers throughout the city limits by a system of transmission and distribution lines constructed and operated on grounds of The City of Parkersburg. Under Chapter 24 of the West Virginia Code, as a regulated public utility, Dominion Hope "shall establish and maintain adequate and suitable facilities...and shall perform such service in respect thereto as shall be reasonable, safe and sufficient for the security and convenience of the public..." Once a public utility has undertaken rendition of public service, it cannot discontinue such service at will but is under duty to continue its service to the public. W.Va. Code 24-3-1; Preston County Light & Power Co. v. Renick, 145 W. Va. 115, 113 S.E. 2d 378 (1960). Moreover, as a distributor of natural gas, Dominion Hope has a duty to the public and the right of oversight and superintendence. W.Va. Code 24-3-1; Reed v. Smith Lumber Co., 165 W. Va. 415, 268 S.E. 2d 70 (1980).
- o The 6" inch pipeline in question was constructed in late 1950 and has been in continuous operation since that time. Said pipeline is a critical part of the distribution system that serves over 29,000 customers for the City of Parkersburg and Vienna.
- o Removal and relocation of the line is not feasible or advisable and would result in the unreasonable disruption of service to customers.
- o Industry standards and Company restrictions mandate that Hope maintains a twenty 20' easement, being ten feet (10') on each side of the pipe as laid. No permanent structure may be placed within ten feet (10)' of said pipeline. Construction at or near a natural gas distribution line creates a risk of injury and must be strictly and safely regulated.

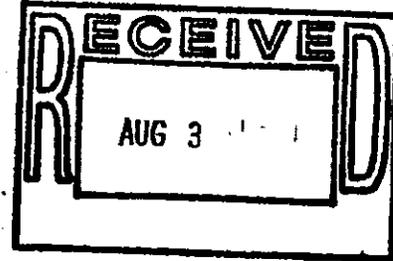
Thank you for your consideration and assistance in this matter and please let me know if you require anything further.



August 3, 2015

VIA FACSIMILE- 304-424-8464

Mr. John Whitmore, Planning Administrator
City of Parkersburg
Municipal Planning Commission-Development Dept.
One Government Square
Parkersburg, WV 26102



Re: Right-of-Way Abandonment Petition- Roy Conner

Mr. Whitmore,

Per my voicemail earlier today, Monongahela Power Company does not object to the abandonment of utility right of way that may run north/south along and within the boundary of the vacated McKinley Ave., specifically the portion which is subject to the application of Mr. Roy Conner and is outlined on the survey provided by Charles F. Hughes, Jr.

However, Monongahela Power Company reserves all its utility rights of way outside the boundary specified in the application, including but not limited to those that parallel 25th Street and run along the intersection with the vacated McKinley Ave.

If you have questions or need additional information, please contact me at 724-830-5174.

Sincerely,

Tracey J. Janis
Manager, Right of Way Services for
FirstEnergy Service Company on behalf of
Monongahela Power Company