

Ordinance Number 2022-05

Ordinance Acquiring Rights-of-Way Across Various Tracts of Land in the City of Weston for Vehicular and Pedestrian Traffic to Travel from Fourth Street to Mid Avenue and/or North River Avenue

Whereas, the City of Weston desires rights-of-way for vehicular and pedestrian traffic to travel from Fourth Street to Mid Avenue and/or North River Avenue;

Whereas, the need for these rights-of-way stems from the "Fourth Street Bridge Over Polk Creek" being removed and rebuilt causing no vehicular access across Polk Creek via any bridge for some amount of time;

Whereas, WV Code §8-11-3(6) requires an ordinance for the purchase of private property by the municipality;

Whereas WV Code §8-11-3(7) requires an ordinance for the laying out a public street, avenue, road, alley or way (all shall collectively will be known as "road" for purposes of this ordinance);

The City of Weston now intends to purchase a right-of-way and lay out a temporary public road across the following contiguous tracts of land identified in the Lewis County Courthouse Records as:

- District 8, Map 6, PID 321.2 ("Parcel 1" for purposes of this ordinance); and
- District 8, Map 6, PID 132 ("Parcel 2" for purposes of this ordinance).

Weston is under the reasonable belief that E&P Rentals, LLC owns Parcel 1 and Parcel 2 and is willing to provide the rights-of-way and build a road that allows vehicular and pedestrian traffic to traverse from Fourth Street, across Parcel 1 and Parcel 2, and access Mid Avenue, North River Avenue, or both. Weston will provide \$20,000 of consideration for the rights-of-way.

Said rights-of-way shall be governed by the Rights-of-Way agreement entered into by E&P Rentals and the City of Weston and record in the Lewis County Courthouse Record Room.

If any portion of this ordinance be declared unconstitutional, the remaining portions shall remain in full force and effect.

First Reading: _____

Second Reading: _____

Kim Harrison-Edwards, Mayor

Judy Piercy, City Clerk