



Planning, Streets and Traffic Committee
Monday, August 28, 2023, at 5:00 p.m.
City Service Center – 915 Quarrier Street – Conference Room

AGENDA

1. Call to Order

2. Unfinished Business

3. New Business

Bill No. 7999 - A bill providing for the annexation into the City of Charleston of territory along Presidential Drive.

Bill No. 8000 - A bill providing for the annexation into the City of Charleston of territory along Stonehenge Rd.

Bill No. 8001 - A Bill to establish a no parking zone on the southernmost side of Washington Street East from Leon Sullivan Way to a point 515 feet east of Leon Sullivan Way and amending the Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

Bill No. 8003 - A Bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, and the map made a part thereof, by rezoning from a R-10 district to a C-10 district, the parcel of land identified as 812 Indiana Ave, in the City of Charleston, Kanawha County, State of West Virginia.

Bill No. 8004 - A Bill closing, abandoning, and discontinuing as a public right of way a portion of Hayes Avenue, consisting of 0.190 acres, which is located between Tax Map 16, Parcel 1 and Tax Map 17, Parcel 3, Parcel 4, and Parcel 222, Charleston South Annex Corp. District, Kanawha County, West Virginia.

4. Discussion

5. Approval of the Minutes of the August 21, 2023, meeting

6. Adjournment

Bill No. 8000 Committee Substitute

Introduced in Council:

Adopted by Council:

August 7, 2023

Introduced by:

Referred to:

Sam Minardi

**Municipal Planning Commission
Planning, Streets and Traffic**

Bill No. 8000 - A BILL providing for the annexation and street dedication into the City of Charleston of territory along Stonehenge Road.

WHEREAS, the City of Charleston has received petitions for annexation without election pursuant to W.Va. Code § 8-6-4 from qualified voters and freeholders in territory along Stonehenge Road, all territory that is contiguous to the City of Charleston; and

WHEREAS, a description by metes and bounds of the additional territory proposed to be annexed to the corporate limits is attached hereto as Exhibit 1; and

WHEREAS, the Council of the City of Charleston has reviewed the petitions for annexations, as well as subdivision records of Stonehenge Subdivision, maps and information from the Kanawha County Assessor's Office concerning the territory to be annexed, voter registration information concerning qualified voters in the additional territory, and other relevant information; and

WHEREAS, the Council of the City of Charleston did enumerate and verify the total number of eligible petitioners, in each category, from the territory to be annexed and determined that a majority of the qualified voters and a majority of all freeholders of the additional territory filed the petitions; and

WHEREAS the Council of the City of Charleston found and does hereby certify that the requisite number of petitioners have filed the petitions, that the petitions are sufficient in all respects, and the petitions comply with W.Va. Code § 8-6-4; and

WHEREAS, the City of Charleston hereby provides for and consents to the annexation of the additional territory without ordering a vote on the questions, which changes the corporate limits of the City of Charleston.

Now, therefore, be it ordained by the Council of the City of Charleston:

The Council of the City of Charleston, in compliance with W.Va. Code § 8-6-4, having previously enumerated and verified the total number of eligible petitioners, in each category, from the additional territory to be annexed, is satisfied that the petitions for annexation are sufficient in every respect. By passage of this ordinance, as a

36 certification to such fact of the sufficiency, the City Council shall enter this annexation
37 upon its journal. A certified copy of this ordinance shall be forwarded to the Kanawha
38 County Commission for entry of an order.

39
40 The City of Charleston does hereby provide for the annexation and street dedication of
41 additional territory without ordering a vote on the questions, and hereby does consent to
42 and does annex the territory along Stonehenge Road as described in Exhibit 1
43 (attached hereto). By said annexation, and upon entry of an appropriate order by the
44 Kanawha County Commission, the corporate limits of the City of Charleston shall be set
45 forth to include this additional territory as part of Ward 15.



PETITION FOR ANNEXATION WITHOUT ELECTION

Pursuant to West Virginia Code § 8-6-4, we hereby petition the City of Charleston and its City Council for the annexation of additional territory by ordinance and without an election. The "Additional Territory" we request to be annexed into the City of Charleston is described as follows:

2155 Presidential Drive – Louden Tax District (19), Map 4, Parcel 181.7

Following this cover page are signature pages that include a majority of the qualified voters of the Additional Territory indicating their request to be annexed and signature pages that include a majority of all freeholders of the Additional Territory, whether they reside or have a place of business therein or not, indicating their request to be annexed.

We understand that qualified voters signatures include (1) any individual who is a resident of West Virginia and has been so for one year, is a resident of the Additional Territory and has been so for at least 60 days, and is duly registered to vote in Kanawha County; and (2) any firm or corporation, regardless of its status as a freeholder, that rents real property from a freeholder within the Additional Territory that signs by its manager, president, or executive officer after being duly designated in writing by the firm or corporation.

We understand that freeholder signatures include any person or entity with any ownership interest in real property, whether in fee, a life estate, mineral rights, or other interest, regardless of whether the person has a legal or equitable interest, a joint interest, that is authorized to sign on behalf of the interests of the parcel. Only one signature on the freeholder petition may be made with respect to a single parcel, therefore any freehold interest held by more than one individuals/entities is allowed to sign a petition only upon the approval by the majority of the individuals/entities that have an interest in the parcel of property. A person or entity with an easement, dower interest, right-of-way, or leasehold interest (other than minerals) has does not have a freeholder interest with respect to this petition.

We further understand that a qualified voter who is also a freeholder may only join one petition and that a freeholder is limited to one signature on a petition. Finally, if all of the eligible petitioners are qualified voters, then only a voters' petition is required.



VOTERS PETITION

We, the undersigned, a majority of qualified voters of the Additional Territory, hereby petition the City of Charleston that the Additional Territory, as set forth in the Petition for Annexation without Election, be annexed into the City of Charleston by ordinance.

Signature
Printed Name: William Tiano

Address: 2155 Presidential Dr.
Charleston, WV 25314

Date: 2-27-23

Signature
Printed Name: _____

Address: _____

Date: _____

Signature
Printed Name: _____

Address: _____

Date: _____

Signature
Printed Name: _____

Address: _____

Date: _____

Signature
Printed Name: _____

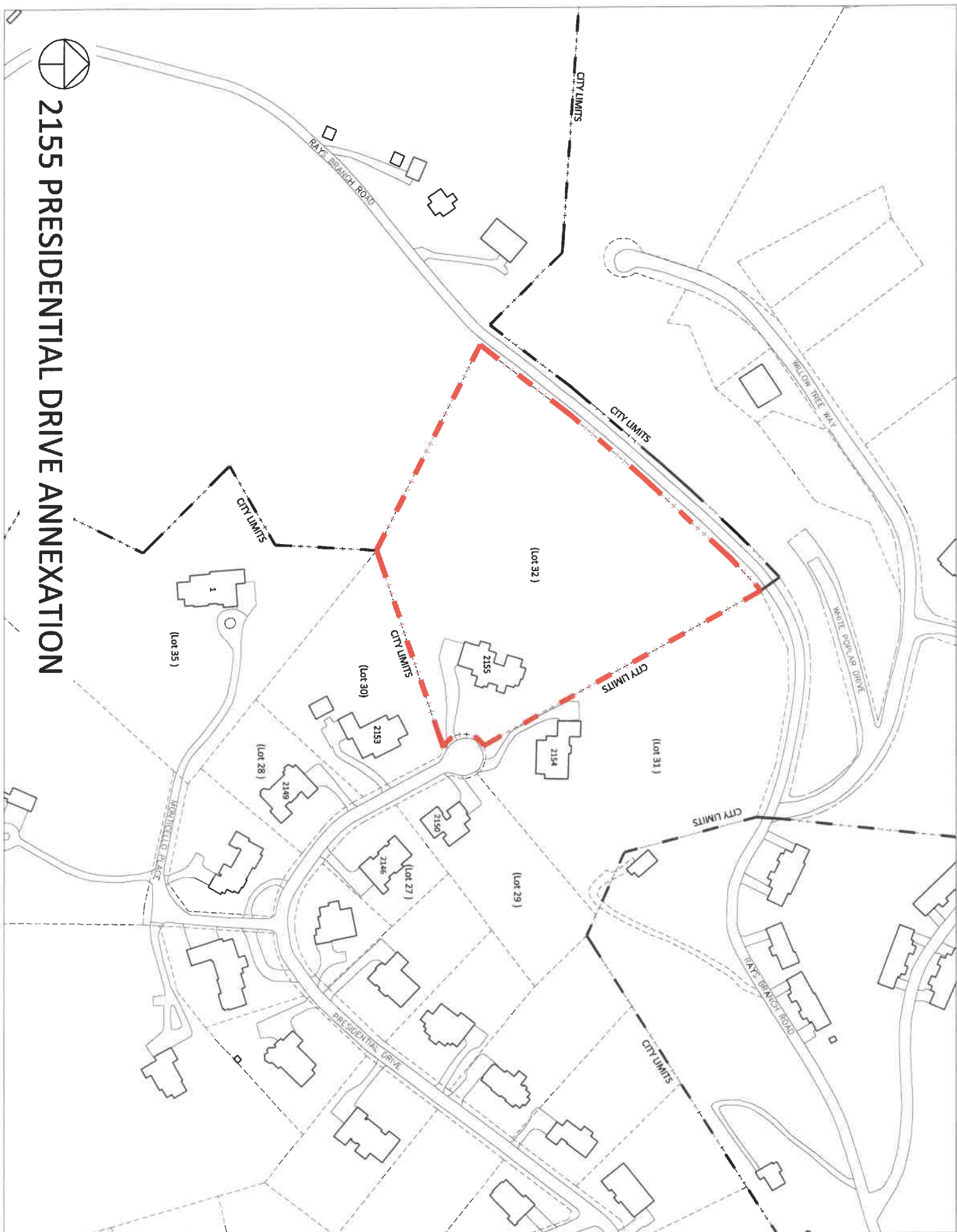
Address: _____

Date: _____

Signature
Printed Name: _____

Address: _____

Date: _____



Bill No. 8000

Introduced in Council:

August 7, 2023

Introduced by:

Sam Minardi

Adopted by Council:

Referred to:

**Municipal Planning Commission
Planning, Streets and Traffic**

Bill No. 8000 - A BILL providing for the annexation into the City of Charleston of territory along Stonehenge Road.

WHEREAS, the City of Charleston has received petitions for annexation without election pursuant to W.Va. Code § 8-6-4 from qualified voters and freeholders in territory along Stonehenge Road, all territory that is contiguous to the City of Charleston; and

WHEREAS, a description by metes and bounds of the additional territory proposed to be annexed to the corporate limits is attached hereto as Exhibit 1; and

WHEREAS, the Council of the City of Charleston has reviewed the petitions for annexations, as well as subdivision records of Stonehenge Subdivision, maps and information from the Kanawha County Assessor's Office concerning the territory to be annexed, voter registration information concerning qualified voters in the additional territory, and other relevant information; and

WHEREAS, the Council of the City of Charleston did enumerate and verify the total number of eligible petitioners, in each category, from the territory to be annexed and determined that a majority of the qualified voters and a majority of all freeholders of the additional territory filed the petitions; and

WHEREAS the Council of the City of Charleston found and does hereby certify that the requisite number of petitioners have filed the petitions, that the petitions are sufficient in all respects, and the petitions comply with W.Va. Code § 8-6-4; and

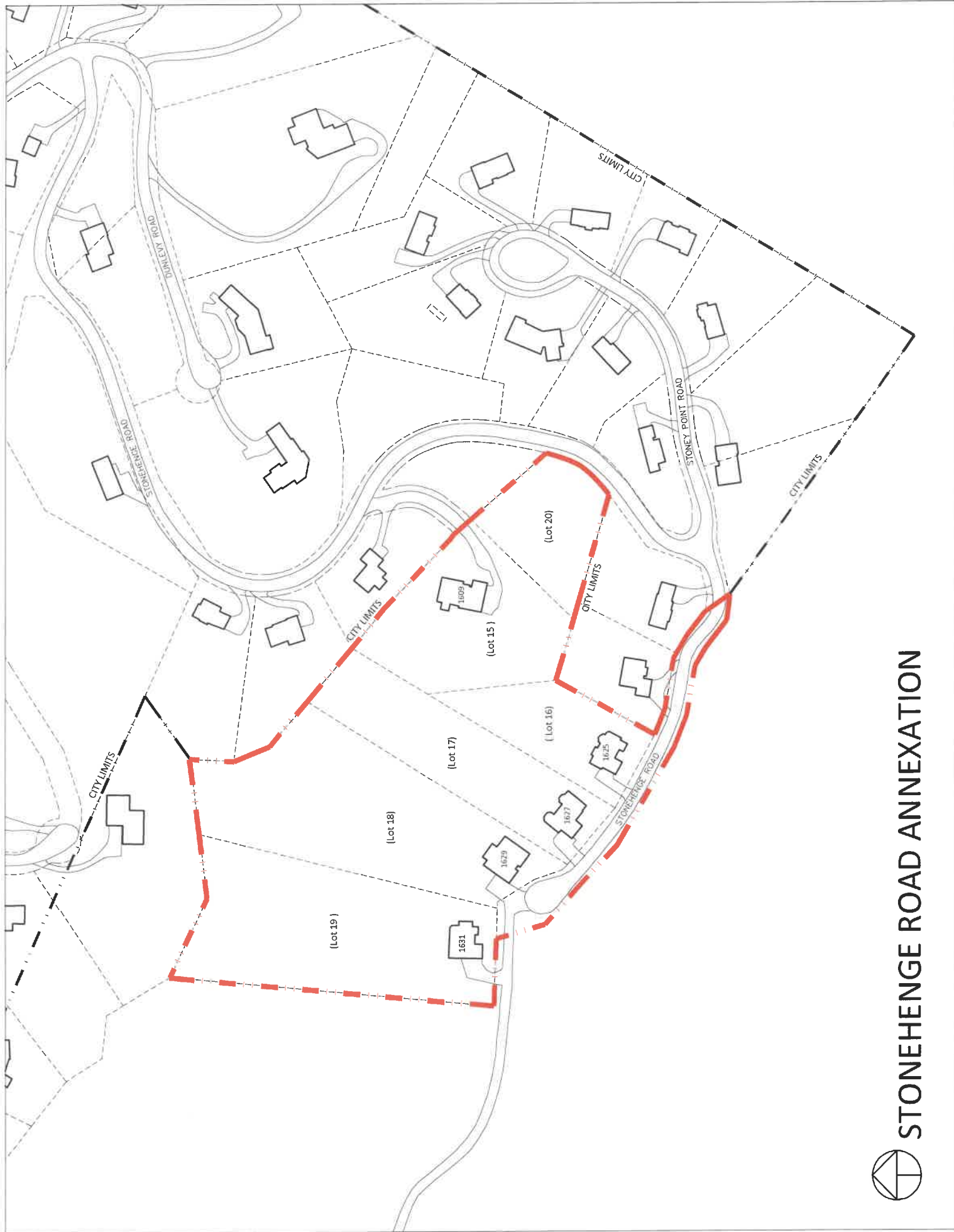
WHEREAS, the City of Charleston hereby provides for and consents to the annexation of the additional territory without ordering a vote on the questions, which changes the corporate limits of the City of Charleston.

Now, therefore, be it ordained by the Council of the City of Charleston:

The Council of the City of Charleston, in compliance with W.Va. Code § 8-6-4, having previously enumerated and verified the total number of eligible petitioners, in each category, from the additional territory to be annexed, is satisfied that the petitions for annexation are sufficient in every respect. By passage of this ordinance, as a

36 certification to such fact of the sufficiency, the City Council shall enter this annexation
37 upon its journal. A certified copy of this ordinance shall be forwarded to the Kanawha
38 County Commission for entry of an order.

39
40 The City of Charleston does hereby provide for the annexation of additional territory
41 without ordering a vote on the questions, and hereby does consent to and does annex
42 the territory along Stonehenge Road as described in Exhibit 1 (attached hereto). By said
43 annexation, and upon entry of an appropriate order by the Kanawha County
44 Commission, the corporate limits of the City of Charleston shall be set forth to include
45 this additional territory as part of Ward 15.





PETITION FOR ANNEXATION WITHOUT ELECTION

Pursuant to West Virginia Code § 8-6-4, we hereby petition the City of Charleston and its City Council for the annexation of additional territory by ordinance and without an election. The “Additional Territory” we request to be annexed into the City of Charleston is described as follows:

1609 Stonehenge Road - Loudon Tax District Map 8, Parcel 90.15;
1625 Stonehenge Road - Loudon Tax District Map 8, Parcel 90.16;
1627 Stonehenge Road - Loudon Tax District Map 8, Parcel 90.17;
1629 Stonehenge Road - Loudon Tax District Map 8, Parcel 90.18;
1631 Stonehenge Road - Loudon Tax District Map 8, Parcel 90.19;
vacant lot - Loudon Tax District Map 8, Parcel 90.20

Following this cover page are signature pages that include a majority of the qualified voters of the Additional Territory indicating their request to be annexed and signature pages that include a majority of all freeholders of the Additional Territory, whether they reside or have a place of business therein or not, indicating their request to be annexed.

We understand that qualified voters signatures include (1) any individual who is a resident of West Virginia and has been so for one year, is a resident of the Additional Territory and has been so for at least 60 days, and is duly registered to vote in Kanawha County; and (2) any firm or corporation, regardless of its status as a freeholder, that rents real property from a freeholder within the Additional Territory that signs by its manager, president, or executive officer after being duly designated in writing by the firm or corporation.

We understand that freeholder signatures include any person or entity with any ownership interest in real property, whether in fee, a life estate, mineral rights, or other interest, regardless of whether the person has a legal or equitable interest, a joint interest, that is authorized to sign on behalf of the interests of the parcel. Only one signature on the freeholder petition may be made with respect to a single parcel, therefore any freehold interest held by more than one individuals/entities is allowed to sign a petition only upon the approval by the majority of the individuals/entities that have an interest in the parcel of property. A person or entity with an easement, dower interest, right-of-way, or leasehold interest (other than minerals) has does not have a freeholder interest with respect to this petition.

We further understand that a qualified voter who is also a freeholder may only join one petition and that a freeholder is limited to one signature on a petition. Finally, if all of the eligible petitioners are qualified voters, then only a voters’ petition is required.



VOTERS PETITION

We, the undersigned, a majority of qualified voters of the Additional Territory, hereby petition the City of Charleston that the Additional Territory, as set forth in the Petition for Annexation without Election, be annexed into the City of Charleston by ordinance.

Jack Rossi
Signature
Printed Name: Jack Rossi
Address: 1627 Stonehenge Road
Charleston, WV 25314
Date: February 26, 2023

Glenn Goldfarb
Signature
Printed Name: Glenn Goldfarb
Address: 1629 Stonehenge Rd
Charleston WV 25314
Date: 2-26-23

William B. George
Signature
Printed Name: William B George
Address: 1631 Stonehenge Rd.
Charleston, WV 25314
Date: 2-26-2023

Katherine F. Leggett
Signature
Printed Name: Katherine F. Leggett
Address: 1625 Stonehenge Rd
Charleston, WV 25314
Date: 2/27/23

Tim Thistlethwaite Dora Thistlethwaite
Signature
Printed Name: Tim Thistlethwaite
Address: 1609 Stonehenge Rd
Charleston, WV 25314
Date: 2/27/23

Signature
Printed Name: _____
Address: _____

Date: _____



FREEHOLDERS PETITION

We, the undersigned, a majority of freeholders of the Additional Territory, hereby petition the City of Charleston that the Additional Territory, as set forth in the Petition for Annexation without Election, be annexed into the City of Charleston by ordinance.


Signature
Printed Name: IGNACIO BERNARDO

Freehold Address: NEW VIRGINIA STE
CHARLESTON WV 25311

Date: 6/30/23

Signature
Printed Name: _____

Freehold Address: _____

Date: _____

Signature
Printed Name: _____

Freehold Address: _____

Date: _____

Signature
Printed Name: _____

Freehold Address: _____

Date: _____

Signature
Printed Name: _____

Freehold Address: _____

Date: _____

Signature
Printed Name: _____

Freehold Address: _____

Date: _____

from

GLENN GOLDFARB, MD

BOARD CERTIFIED NEUROLOGY
Ste 303 2345 Chesterfield Ave.
Charleston, WV, 25304
304-343-0149 fax-2587

2.12.23

to

Mayor Amy Shuler Goodwin

RECEIVED

FEB 22 2023

MAYOR'S OFFICE

Re

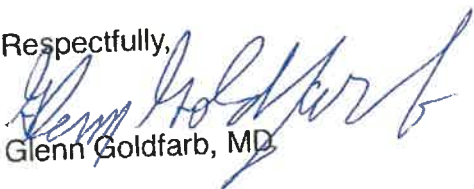
Annexation of 1629 Stonehenge Rd, Charleston, WV, 25314

Dear Mayor Goodwin,

I am requesting the City of Charleston to annex my lot and home of the address highlighted above along with my next door neighbor Jack Rossi who has already discussed this issue with you. We live on Stonehenge Rd here in Charleston and have paid city taxes faithfully and have always been included in the Holz Elementary School voting district and have always considered ourselves proud Charlestonians- until this year when it was decided we are 3 doors away from city line. We are still proud Charlestonians- I was born right downtown here and graduated from Holz School. So Jack and I were quite surprised to find we were excluded from the city. We are continuing to pay city B&O taxes and would like to be officially annexed into the City of Charleston. I hope the City will take the steps to officially put us back into city limits.

Thank you.

Respectfully,



Glenn Goldfarb, MD

Bill No. 8001

Passed by Council:

Introduced in Council

August 7, 2023

Introduced by:

Referred to:

Mary Beth Hoover

Planning, Streets and Traffic

Bill No. 8001 - A Bill to establish a no parking zone on the southernmost side of Washington Street East from Leon Sullivan Way to a point 515 feet east of Leon Sullivan Way and amending the Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

Be it Ordained by the Council of the City of Charleston, West Virginia:

Section 1. A Bill to establish a no parking zone on the southernmost side of Washington Street East from Leon Sullivan Way to a point 515 feet east of Leon Sullivan Way

Section 2. The Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, shall be and hereby are amended, to conform to this Ordinance.

Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby repealed to the extent of said inconsistency.

Checklist for Application for Rezoning

MPC Hearing Date: Aug 9, 2023Bill #: B003

Applicant Information	Property Information
Name: <u>Charleston Electrical JATC</u>	Address: <u>812 Indiana Ave Charleston WV 25302</u>
Address: <u>810 Indiana Ave. Charleston WV 25302</u>	Tax Map and Parcel:
Phone: <u>304 345 5166</u>	Zoning District:
Agents Name, Address, Phone (If other than Applicant): <u>Dustin Vaughan</u> <u>810 Indiana Ave.</u> <u>Charleston, WV 25302</u>	Property Owner and Mailing Address: (if other than applicant)

IMPORTANT: This application must be typed or legibly printed and filed by the filing deadline with the Planning Department in person or by mail to 915 Quarrier Street, Suite 1 Charleston, WV 25301. The following items must accompany this application: 1) a narrative justification to rezone including the information outlined below; 2) a Bill sponsored by a member of Charleston City Council using the format of the sample provided; 3) a map of the area proposed for rezoning, drawn to scale; 4) \$125.00 filing fee in the form of a check or money order made payable to the City of Charleston. In addition, you or your representative must be present at the scheduled public hearing in order to present your request and answer questions. THE PLANNING DEPARTMENT WILL NOT ACCEPT ANY INCOMPLETE APPLICATIONS.

JUSTIFICATION

The following shall be included in a written justification for the request for rezoning:

- ☒ Statement of petitioner's identity as contract purchaser, agent or owner.
- ☒ Property Address including Kanawha County Tax map and Parcel No.
- ☒ Description of the use for which a rezoning is being requested and specific district being requested (eg. R-6 Medium Density Residential District or C-10 General Commercial District).
- ☒ Statement of compliance with the City's Comprehensive and Neighborhood Plans, OR justification for variance from the City's Comprehensive and Neighborhood Plans.
- ☒ Statement that a map of the subject property that is attached.

BILL

A Bill must be submitted along with the above justification.

- ☒ Name of sponsoring member of City Council
- ☒ Formatting exactly as shown on the attached sample bill. Use Arial 12 pt type and line numbering. The Planning Department will acquire a bill number.

I hereby affirm that all of the statements and information contained in or filed with this application are true and correct to the best of my knowledge.


Signature

7/12/23
Date

Bill No. 8003

Introduced in Council:

August 7, 2023

Introduced by:

Michael Ferrell

Adopted by Council:

Referred to:

**Municipal Planning Commission
Planning, Streets and Traffic**

Bill No. 8003 – A bill amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, and the map made a part thereof, by rezoning from an R-10 district to a C-10 district, that certain parcel of land identified as 812 Indiana Ave, in the City of Charleston, Kanawha County, State of West Virginia.

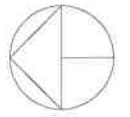
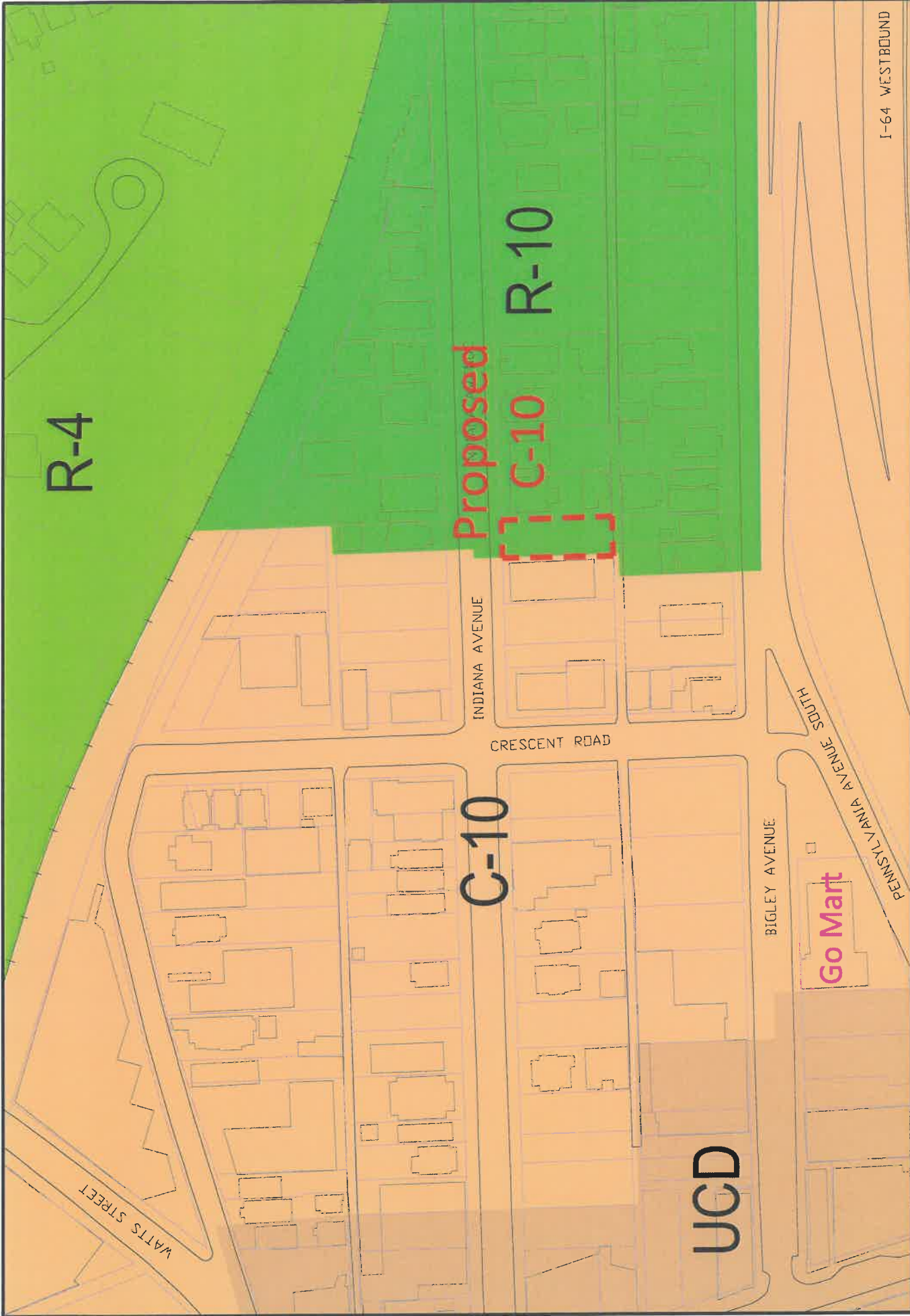
**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLESTON, WEST VIRGINIA
THAT:**

1. The Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, is hereby amended by rezoning from a R-10 district to a C-10 district the whole of the following described lot or parcel of land:

Parcel No. 324 as shown on West Charleston Tax Map No. 27. Subject parcel commonly known as "LTS 32-33 BK 7 BIGLEY-WALKER ADN 43X120" 812 Indiana Avenue, Charleston, West Virginia. Said tax map is of record on the Planning Office.

2. The Zoning Map, attached to and made a part of said Zoning Ordinance, is hereby amended in accordance with Section 1 of this Ordinance.

3. All prior ordinances, or parts of ordinances, inconsistent with this Ordinance, are hereby repealed to the extent of said inconsistency.



REZONING FROM R-10 TO C-10

STAFF
EXHIBIT

City of Charleston
Checklist for Application to Close City Streets, Alleys or Rights-of-Way

Applicant Information	Property Information
Name: H. B. Wehrle, III and Cecilia H. Wehrle	Street, Alley, or Right-of-way to be closed or abandoned:
Address: 401 Fort Hill Drive Charleston, WV 25314	Tax Map and Parcel:
Phone: 304-347-1753 - Work 304-539-2097 - Mobile	Agent's Name if Different from Applicant: Scott Barnette, Attorney Bowles Rice LLP

IMPORTANT: This application must be typed or legibly printed and filed by the filing deadline with the Planning Department in person or by mail to 915 Quarrier Street, Suite 1 Charleston, WV 25301. The following items must accompany this application: 1) a narrative justification to close the right-of-way, including the information outlined below; 2) a Bill sponsored by a member of Charleston City Council using the format of the sample provided; 3) supporting documentation; and 4) a \$125.00 filing fee in the form of a check or money order made payable to the City of Charleston. In addition, you or your representative must be present at the scheduled public hearing in order to present your request and answer questions. THE PLANNING DEPARTMENT WILL NOT ACCEPT ANY INCOMPLETE APPLICATIONS.

JUSTIFICATION

The following information must be included in a written justification for the closure:

- ☒ A statement outlining the reason for the requested closure. This statement includes the proposed benefit to the public as a result of the abandonment.
- ☒ A statement of justification for the proposed closure. This statement will include circumstances pertaining to the subject property such as topography, limited access, or other physical restraints.
- ☒ A statement regarding the current use of the street or alley or right-of-way. This statement includes information as to whether or not the property is currently a part of the City's pattern of roadways.
- ☒ A statement identifying any encroachment (buildings, fences, etc.) on the subject property.
- ☐ N/A If applicable, a request that the property be donated along with a determination of eligibility for donation.
- ☐ N/A If applicable, documentation that the petitioners are low to moderate income.

BILL

A Bill must be submitted along with the above justification.

- ☒ Name of sponsoring member of City Council.
- ☒ Formatting exactly as shown on the attached sample bill. Use Arial 12 pt type and line numbering. The Planning Department will acquire a bill number.

SUPPORTING DOCUMENTATION

The following supporting documentation must also be submitted with this application:

~~In process~~ A current certified appraisal.

- ☒ A survey map of the property requested to be closed. The survey map must provide the names and tax map and parcels numbers of all adjacent property owners.
- ☒ A metes and bounds legal description of the property requested to be closed.

Applicant Signature: Scott E Barnette, Agent Date: 7/17/23

Bill No. 8004

Introduced in Council:

August 7, 2023

Introduced by:

Brent Burton

Adopted by Council:

Referred to:

**Municipal Planning Commission
Planning, Streets and Traffic**

Bill No. 8004 - A Bill closing, abandoning and discontinuing as a public right of way a portion of Hayes Avenue, consisting of 0.190 acre, which is located between Tax Map 16, Parcel 1 and Tax Map 17, Parcel 3, Parcel 4, and Parcel 222, Charleston South Annex Corp. District, Kanawha County, West Virginia.

BE IT ORDAINED BY THE CITY COUNCIL OF CHARLESTON, WEST VIRGINIA

1. A portion of the public right of way, known as a portion of Haynes Avenue consisting of 0.190 acre, located between Tax Map 16, Parcel 1 and Tax Map 17, Parcel 3, Parcel 4, and Parcel 222, City of Charleston South Annex Corp. District, Kanawha County, West Virginia, as shown on the that certain map entitled "Right-of-Way Abandonment Survey of a portion of: Hayes Avenue City of Charleston South Annex District (formerly Loudon), Kanawha County, WV" prepared for Henry Bernard Werhle and Cecilia H. Werhle, prepared by Robert Keith Fuller, Licensed Professional Surveyor, License No. 2256, dated July 7, 2023, and attached hereto as Exhibit A. The portion of Haynes Avenue is more particular described as follows:

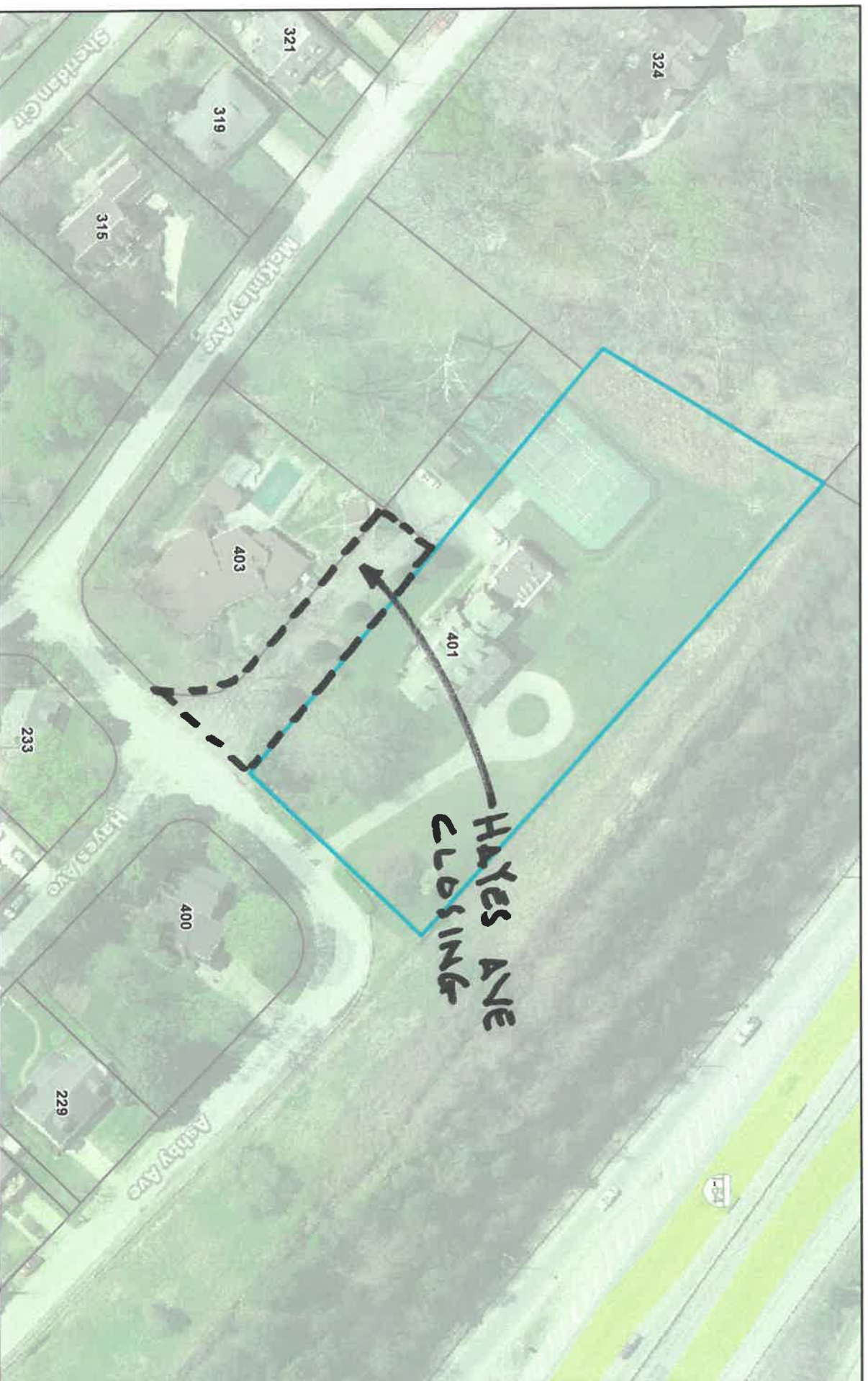
A 0.190 acre parcel of land to be abandoned by the City of Charleston, being a portion of Hayes Avenue, having a forty foot right-of-way, as shown on a map entitled "Map of Subdivision No. 2 of Fort Hill" as recorded in Plat Book 9 at page 17 of the Kanawha County Public Registry, situate in the municipality of the City of Charleston, South Annex District, Kanawha County, West Virginia, bounded to the north by the lands conveyed to Cecilia H. Werhle and H. Bernard Werhle, III as described in Deed Book 3011 at page 676, to the southeast by Ashby Avenue (Fort Hill Drive), having a forty foot right-of-way, and to the southwest by the lands conveyed to H. Bernard Werhle, III and Cecilia H. Werhle as described in Deed Book 3174 at page 283, having the perimeter surveyed by Robert K. Fuller, P.S. #2256 and more particularly described as BEGINNING on an Existing 3/4 inch Iron Pipe, a common corner of the two tracts of land conveyed to H. Bernard Werhle, III and Cecilia H. Werhle as described in Deed Book 3174 at page 283 and in Deed Book 3011 at page 676, being the westernmost end of Hayes Avenue, located S48°11'00"E 149.11 feet from an Existing 1-1/2 inch Iron Pipe; THENCE from the BEGINNING, with the line of Werhle as described in Deed Book 3011 at page 676, N41°49'00"E 40.00 feet to an Existing Mag Nail, located S48°11'00"E 161.22 feet

34 from an Existing 5/8 inch Rebar with Cap; THENCE with the same, S48°11'00"E
35 135.34 feet to an Existing 5/8 inch Rebar with Cap; THENCE with the same, with
36 a curve to the left, a radius of 50.00 feet, an arc length of 74.55 feet and a
37 chord bearing and distance of N89°06'00"E 67.84 feet to an Existing 5/8 inch
38 Rebar with Cap in the northwesterly edge of Ashby Avenue (Fort Hill Drive),
39 located S46°23'00"W 97.44 feet from an Existing 5/8 inch Rebar with Cap;
40 THENCE with the line of Ashby Avenue (Fort Hill Drive), S46°23'00"W 61.28 feet
41 to an Existing Tack in a ¾ inch Iron Pipe; THENCE with the same, S46°23'00"W
42 79.17 feet to a 5/8 inch Rebar with Cap Set in the line of Werhle as described in
43 Deed Book 3174 at page 283, being located N46°23'00"E 19.97 feet from an
44 Existing 5/8 inch Rebar; THENCE with the line of Werhle as described in Deed
45 Book 3174 at page 283 with a curve to the left, a radius of 50.00 feet, an arc length
46 of 82.52, and a chord bearing and distance of N00°54'00"W 73.47 feet to a 5/8
47 inch Rebar with Cap Set; THENCE with the same, N48°11'00"W 124.16 feet to
48 the BEGINNING having bearings relative to Plat Book 9 at page 17, distances
49 being horizontal measurements, and having an area of 0.190 acres by coordinate
50 geometry.
51

52 3. The Mayor of the City of Charleston be, and is hereby authorized and directed to execute,
53 acknowledge and deliver a proper deed conveying from the City of Charleston, a West Virginia
54 public body, to H. Bernard Werhle, III and Cecilia H. Werhle, husband and wife, all rights, title and
55 interest in and to said real property as described in Section 1 above, for the consideration of Four
56 Thousand Dollars and no cents (\$4,000.00).
57

58 4. All prior ordinances, or parts of ordinances, inconsistent with this ordinance are hereby
59 repealed to the extent of such inconsistency.

WEHRLE



7/5/2023, 9:14:00 AM

Site Addresses - Current



Wards



Interstate Exits (Numbers)

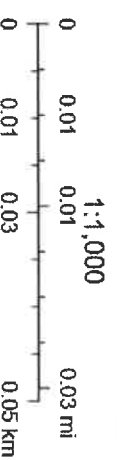


Parcels



Zoning Districts

R-2



GIS Department, Adam Cottrell, GIS Manager - GIS Department, Charleston, WV, City of Charleston, West Virginia, Esri, Inc.

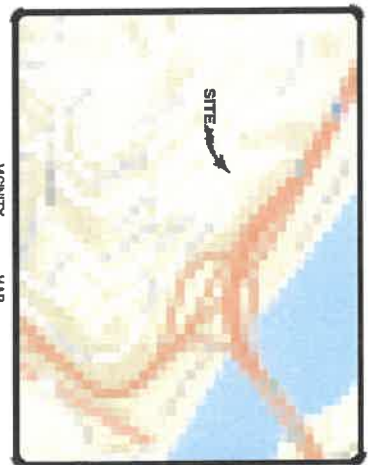
Author
For Internal Use

MARK H. SAMPLES
ADRIENNE S. L. SAMPLES
DEED BOOK 2063 AT PAGE 31
DISTRICT 9, MAP 17, PARCEL 2

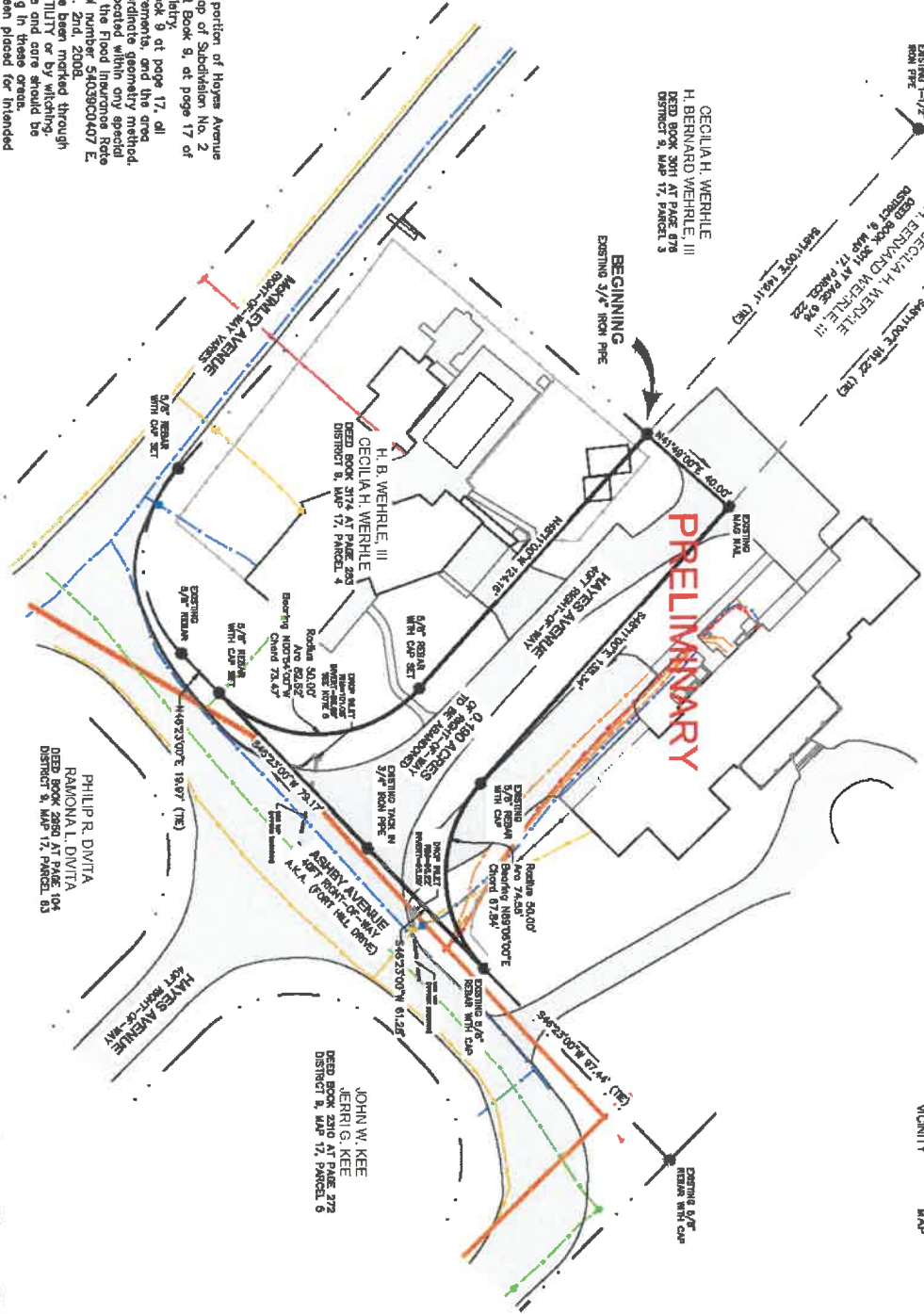
CECILIA H. WERHLE
H. BERNARD WERHLE, III
DEED BOOK 2061 AT PAGE 478
DISTRICT 9, MAP 17, PARCEL 4

CECILIA H. WERHLE
H. BERNARD WERHLE, III
DEED BOOK 2061 AT PAGE 478
DISTRICT 9, MAP 17, PARCEL 3

PLAT BOOK 9 AT PAGE 17



WONITY MAP



- NOTES:
1. This is a boundary survey of a portion of Hayes Avenue as shown on a map entitled: Map of Subdivision No. 2 of Fort Hill, as recorded in Plat Book 9, at page 17 of the Kanawha County Clerk's Office.
 2. The proposed right-of-way is shown in red. The proposed right-of-way is shown in red. The proposed right-of-way is shown in red.
 3. The property surveyed is NOT located within any special flood hazard area according to the Flood Insurance Rate Maps for Kanawha County, panel number 54039C0407 E, having an effective date of Feb. 2nd, 2008.
 4. Underground utilities shown have been marked through coordination with WV811 MISS UTILITY or by watching.
 5. These locations are appropriate and care should be taken when drilling or excavating in these areas.
 6. The proposed right-of-way is shown in red. The proposed right-of-way is shown in red. The proposed right-of-way is shown in red.
 7. The proposed right-of-way is shown in red. The proposed right-of-way is shown in red. The proposed right-of-way is shown in red.
 8. The proposed right-of-way is shown in red. The proposed right-of-way is shown in red. The proposed right-of-way is shown in red.
 9. The proposed right-of-way is shown in red. The proposed right-of-way is shown in red. The proposed right-of-way is shown in red.
 10. The proposed right-of-way is shown in red. The proposed right-of-way is shown in red. The proposed right-of-way is shown in red.



Right-of-Way Abandonment

Survey of a portion of:
Hayes Avenue

City of Charleston
South Annex District (formerly Loudon), Kanawha County, WV

Prepared for:

Henry Bernard Wehrle
Cecilia H. Wehrle
401 Fort Hill Drive
Charleston, WV 25314



399 BOWLES DODSON ROAD
RED HOUSE, WV 25168
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robfuller.pls4753@rocketmail.com

REVISIONS

NO.	DATE	DESCRIPTION
1	07/01/23	1

APPRAISAL REPORT

WEHRLE-CITY OF CHARLESTON

Hayes Avenue Right-of-Way
Charleston, West Virginia 25314

VALUATION DATES

As-Is Market Value: July 19, 2023

Date of Report: July 24, 2023



PREPARED BY

Dean E Dawson
The RPC Group
3006 Mt. Vernon Rd, Ste 1010
Hurricane, WV 25526
File No: 23070059

PREPARED FOR

Scott Barnette
Bowles Rice LLP
600 Quarrier Street,
Charleston, West Virginia 25301
Bowles Rice LLP File No: Wehrle



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July 24, 2023

Scott Barnette

Bowles Rice LLP
600 Quarrier Street
Charleston, West Virginia 25301

RE: Appraisal Report
Wehrle-City of Charleston
Hayes Avenue, Charleston, West Virginia 25314
The RPC Group File No: 23070059
Bowles Rice LLP File No: Wehrle

Mr. Barnette:

This appraisal report satisfies the scope of work and requirements agreed upon by Bowles Rice, LLP and The RPC Group, LLC. At the request of the client, this appraisal is presented in an Appraisal Report format as defined by USPAP Standards Rule 2-2(a). My appraisal format provides a summary description of the appraisal process, subject and market data, and valuation analyses.

The subject, a 0.190-acre parcel located at Hayes Avenue in Fort Hill, Charleston, WV, is a city owned right-of-way servicing two single-family residential properties. The parcel is not independently developable given its size and shape, thus considered a remnant with limited marketability. The highest and best use for this parcel is assemblage with the adjacent site. The parcel adds to the continuity and privacy of the abutting parcels owned by Cecilia and Bernard Werhle.

The purpose of this appraisal is to develop an opinion of the As-Is Market Value (Fee Simple Interest). The following table conveys the final opinion of value that is developed in this appraisal:

MARKET VALUE CONCLUSION				
VALUATION SCENARIO	INTEREST APPRAISED	EXPOSURE TIME	EFFECTIVE DATE	VALUE
As-Is Market Value	Fee Simple Interest	12 to 18 Months	July 19, 2023	\$4,000

The analyses, opinions and conclusions communicated within this appraisal report were developed based upon the requirements and guidelines of the current Uniform Standards of Professional Appraisal Practice (USPAP), the requirements of the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute.

The report, in its entirety, including all assumptions and limiting conditions, is an integral part of, and inseparable from, this letter. USPAP defines an Extraordinary Assumption as, "an assignment specific assumption as of the effective date regarding uncertain information used in an analysis which, if found to be false, could alter the appraiser's opinions or conclusions". USPAP defines a Hypothetical Condition as, "that



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which is contrary to what is known by the appraiser to exist on the effective date of the assignment results but is used for the purpose of analysis”.

The Extraordinary Assumptions and/or Hypothetical Conditions that were made during the appraisal process to arrive at my opinion of value are fully discussed below. I advise the client to consider these issues carefully given the intended use of this appraisal, as their use might have affected the assignment results.

EXTRAORDINARY ASSUMPTIONS

No Extraordinary Assumptions were made for this assignment.

HYPOTHETICAL CONDITIONS

The use of a hypothetical condition may have impacted the results of the assignment. The client has requested a value as if the street partition exists as of the effective date of value. As this is contrary to a known fact, the value is subject to a hypothetical condition.

RELIANCE LANGUAGE

The appraiser will have no legal liability to any third party who claims to have relied upon the report, in whole or in part, for any purpose, whatsoever, unless such reliance was agreed to, in advance, by the appraiser, in writing. This reliance expectation extends only to those intended users identified and disclosed by the appraiser in the appraisal report.

My opinion of value reflects current conditions and the likely actions of market participants as of the date of value. It is based on the available information gathered and provided to us, as presented in this report, and does not predict future performance. Changing market or property conditions can and likely will influence the subject's value.

The signature below indicates my assurance to the client that the development process and extent of analysis for this assignment adhere to the scope requirements and intended use of the appraisal. If there are any specific questions or concerns regarding the attached appraisal report, or if The RPC Group can be of additional assistance, please contact the individual listed below.

Respectfully Submitted,

THE RPC GROUP

Dean E. Dawson
Certified General Real Estate Appraiser
West Virginia License No. CG402
Expiration Date 9/30/2023
(304)205-0960
dean@trpcg.com